NEW JERSEY COURT OF ERRORS AND APPEALS.

WILLIAM FARROW, JR.,
Complainant and Appellant,
vs.
ETHEL FARROW,
Defendant and Respondent.

BRIEF OF HOWARD CARROW,
Counsel for Appellant.

The learned Vice Chancellor misconstrued the evidence. He also improperly refused to hear legal and competent evidence.

William Farrow, Jr., the complainant, is thirty-one years of age and a pilot on the Delaware Bay and river. He pilots ships between the Delaware Breakwater and Philadelphia. His employment took him from home about one-half of the time. While he was thus at work on the sea his wife was consorting with men.

In October, eighteen hundred and ninety-nine, complainant was married to the defendant. She was then

a widow with one child, a little girl named Octavine, who figures as a witness for the defendant (page 348).

Complainant's marriage with defendant resulted in no issue. Defendant's daughter was greatly beloved by complainant and treated like his own child. Complainant's income was two thousand three hundred dollars per year, which he generously used on his wife and her child. In 1901, complainant purchased a handsome home on Hughes street, in Cape May City, which was comfortably if not luxuriously furnished. He kept a horse and carriage for defendant's use. He also bought diamonds and other valuable jewelry, running into large sums of money, for the adornment of defendant's person. Complainant's confidence in his wife was so great that on pay-day he turned his check over to her and allowed her to run the bank account in her own name.

On page 519 the defendant testified in chief as follows:

"Ques. Was anything withheld from you that you needed for your comfort and support?

Ans. Not the least.

Ques. In other words, Mr. Farrow provided for you liberally and generously?

Ans. Too generously, perhaps."

The complainant was all that could be desired as a husband. He was sober, faithful and trusting. His nature was so true that neither jealousy nor deceit found any avenue to his heart. He never manifested any dissatisfaction with his wife except once when he gently reproved her for entertaining Charles Doak. The fact is, he was beguiled by defendant's fine appearance and

tactful manners. A more suspecting person might readily have discovered the facts with reference to defendant's relations with Doak and Oliver, but complainant was an innocent-minded, home-loving man, whose mind was oblivious to the general criticism regarding his wife's adulterous conduct. Hence, no motive can be found in the case to explain the cause for the breaking up of this happy home, unless it is to be discovered in the charges of adultery set forth in the bill of complaint. A happy state of affairs existed between these parties from the time of their marriage until the night of April sixth, 1904. This brings us to the very crux of the cause. The painful occurrences of this night are best explained by the complainant himself, who (page 249) said:

"Ans. The night I left home the youngster had a little party. I guess it was a prearranged thing. Had about seven or eight little girls around. They ran, I suppose, from about fourteen down.

Ques. Your little stepdaughter?

Ans. Yes, sir. They all got into the house and were making quite a little racket, and I said, "As long as these children will be here, I will go to the engine-house; won't stay long," and as I started she followed me to the door and she said, "If you are going down you need not be in any hurry about coming back. I am going around to Mrs. Wales' and stay somewhere around ten o'clock, until it is time to make some lemonade and stuff for them and then I will come home." I kind of thought, by her saying that, something was funny. Instead of going to the engine-house, I walked around the block. I came right back to the house and she was gone. Then I walked over to Mrs. Wales'; went up and knocked. Mrs. Wales came to the door. I asked if Mrs. Farrow was there, and she said no, hadn't been there. Three differ-

ent times that evening I went to Mrs. Wales' to find out if she had been there. She hadn't been there. The last time I said to Mrs. Wales: "I don't hardly believe you; I think you are telling me an untruth." She said, "Come in the house and look." She showed me through, and she was not there.

Ques. That your wife was not there?

Ans. Yes, sir; I went around home. She hadn't got home yet. I came back onto Washington street. I stood there a few minutes and walked to Perry street corner. Didn't know which way she would come and had no idea. By and by I seen a woman come up the street; turned out to be my wife; came from West Cape May.

By the Vice Chancellor:

Ques. What direction is that with relation to Mrs. Wales'?

Ans. Opposite way altogether; down below it. She was not within—well, it was a block and a half from where I stood from Mrs. Wales', and she had come from down there, and off of Perry street, off of that way somewhere.

Ques. She was alone?

Ans. Yes, sir; she got up there—the light, I stood underneath the bulk window back of the light so she could not see me; she went by me, got up a little bit further, stopped there to fix her hat up, brush herself up, and went around toward home. As she got to Hogan's candy store, she stopped, and I waited for her to come out. I said, "Are you going home?" and she said yes. When I got around home I said, "I want you to explain, if you have been with Mrs. Wales, what are you doing with all this dead grass over your clothes?" Her clothes were full.

Ques. What part of her clothing?

Ans. Her skirt and black hat.

Ques. Whereabouts on her coat?

Ans. On the back of it, and in her hair. And I said, "It is funny Mrs. Wales has that kind of stuff; go out and spend the evening with a lady and come home in this kind of condition," and then is when I left her; that very night.

Ques. What did she say in reply to your inquiries?

Ans. Nothing; would not admit where she had been.

Ques. Did she say that she had been to Mrs. Wales?

Ans. I told her she hadn't.

Ques. Did she say to you that she had been to Mrs. Wales'?

Ans. No, she did not; but I told her that I was provoked, and I told her I had been there three times.

Ques. Been to Mrs. Wales' three times?

Ans. Yes, sir."

ARGUMENT.

Defendant's effort, on pages 526 and 540, to overcome the incidents associated with the night of April sixth, 1904, was a flat failure. An examination of the two narratives will leave no doubt in the mind of the Court as to the actual truth of the matter. Farrow's story was straightforward and motiveless, for at that time (that is, on the night of April sixth, when he first accused his wife) the subject of a divorce had not entered into his mind. Defendant admitted that she was confronted by complainant on this occasion with the charge of adultery in all of its details, just as it was narrated by the complainant on the witness stand, but she does not satisfactorily explain her movements for the two hours and a

half intervening between seven-thirty and ten o'clock, nor does she satisfactorily dispose of the *grass incident.* She did, however, say that she visited Mrs. Wales that night, but it is significant that she failed to call Mrs. Wales as a witness in this important matter. Defendant's story bears the impress of fabrication, and it is no wonder that it failed to satisfy the complainant. He left the defendant that night, absolutely convinced of her guilt.

The question *arises right here,* could an innocent-minded man, so much in love with his wife as to make her the custodian of his purse, &c., suddenly turn upon her in the manner indicated without some very substantial grounds? Is it, therefore, not safe to assume that defendant's conduct *that night betrayed her adulterous conduct?*

After the occurrence of April sixth, the complainant began to make inquiry among his neighbors in regard to his wife's conduct, and the following evidence was revealed.

Carrie B. Hughes, a woman of good character, a music teacher and life-long resident of Cape May, testified (page 14) that she resided in a twin house, at number six hundred and three Lafayette street, with her mother; that in number six hundred and five, the other part of the house, a woman named Linda Eldridge resided; that (page 14) in May, nineteen hundred and three, Mrs. Farrow and a man, since discovered to be Charles Doak, met at the Eldridge house, between two and three o'clock in the afternoon, and went up-stairs into the front bed-chamber of the second story and remained together in this bed-room for about two hours;

that while the defendant was at the Eldridge house, Mr. Farrow drove up and asked his wife (who came to the front door) to go out riding. She declined the invitation, saying that she was going to stay with Mrs. Eldridge; that as the defendant and her paramour were separating, after being together for two hours in the aforesaid bed-room, the defendant asked Mrs. Eldridge if everything was all right (meaning by this, was the way clear for Doak to get out).

While the defendant was up-stairs with Doak at the Eldridge house, her daughter Octavine called and asked Mrs. Eldridge for her and Mrs. Eldridge told her that her mother was not there. Miss Hughes did not see the man nor identify his voice, but the defendant testified (page 569) that she was at Linda Eldridge's home with Charles Doak on the occasion mentioned by Miss Hughes, and between the hours of three and five o'clock in the afternoon of that day, and that complainant did call to take her out riding and that she did decline to go. Doak was in the house. Defendant was up-stairs in the very room Carrie Hughes places her. She said, however, she was helping to make *beds* and that nothing wrong was *done*. Charles Doak (page 478) admitted being at the Eldridge house at the time stated by Miss Hughes. The testimony of Miss Hughes was substantially corroborated in every detail by the defendant and Doak.

Linda Eldridge, the very woman at whose home the adultery was committed and who was *particeps criminis*, sat in the court room (page 642) throughout the whole trial but was not called to the witness stand. This is too significant a fact to warrant any other construction than that of guilt on the part of the defendant. The defend-

ant and Doak met at the home of Linda Eldridge because the complainant had previously objected to Charles Doak visiting his home.

On page 471, Charles Doak testified *that in the winter of 1903,* Mr. and Mrs. Farrow met him at the Reading Station and Mr. Farrow said "On account of my (Doak's) going out of the back door of his (Farrow's) home about a week before that, he would rather that I would not come there while he (Farrow) was not at home," and Mrs. Farrow testified (page 582) that she and Mr. Farrow met Doak and that Mr. Farrow told him, "I think the best thing for you to do, if there is any talk going on, why, when I am away from home, don't come around."

This communication made it plain that Doak's visits were objectionable to complainant, that his attention to Mrs. Farrow had created gossip, but that no denial or explanation was offered by either Mrs. Farrow or Doak. Doak continued to visit Mrs. Farrow when her husband was away, but when he was home they met clandestinely at other places.

Mrs. Sallie Williams, a respectable middle-aged lady, who has resided for the past twenty years at number five hundred and nine Hughes street, Cape May, next door to the complainant's home, testified (page 50) that one night in October, nineteen hundred and three, during the absence of the complainant, she was sitting at her sitting-room window without a light. It was eight thirty. She heard some one whistle, she looked out and saw two *strange men* jumping over the back fence into Mrs. Farrow's yard; Mrs. Farrow open-

ed the back door and came out while *Mrs. Linda Eldridge* stood in the back door. After a little conversation between the men and Mrs. Farrow the two men and Mrs. Farrow walked into the house and the door was closed. Witness did not know the men nor did she know how long they stayed in the house, for she did not see them go away.

Mrs. William also testified (page 54), that on another occasion during October, nineteen hundred and three, during the absence of complainant, she saw a man leave Mrs. Farrow's home by the back door about three o'clock in the morning.

Mrs. Williams also testified (page 51), that she frequently saw Doak at the Farrow home in the winter of nineteen hundred and four, during complainant's absence.

Mr. Elwood Rowland, who has resided in Cape May for the past twenty years, testified (page 207), that in the winter of 1904 he saw Mrs. Farrow talking to Mr. Doak upon the sidewalk, next to the cigar store where Doak was employed; that he saw them there together possibly four or five times; that he has seen Mrs. Farrow walk past the cigar store, and if Mr. Doak did not come out, she would walk back, and then he would come out.

Walter Church, a bright sixteen-year-old boy, the son of the proprietor of the The Colonial at Cape May, testified (page 211), that in the fall of 1903, about eight P. M., he and Leroy Wilson were standing on Washing street when Mrs. Farrow passed; they followed her;

she went into the Camden Bottling Company establishment and stayed there about five minutes, and came out and went into an alley alongside of the Bottling Company; that the two boys went to the next square so they could see what was going on; that they saw her talking to Charles Doak in the alley and that Mrs. Farrow and Doak came out into the street together and walked across Congress Hall lawn, *she having hold of his arm,* and walk up Windsor avenue; that was the last the boys saw of them because they had to go home; that he saw Doak and Mrs. Farrow together a good many nights.

From the testimony of this witness it is quite obvious that the relations between Mrs. Farrow and Doak were the subject of common talk, else why should these lads have been prompted to follow the defendant. Certainly if in addition to being the organist of the Presbyterian Church, defendant's behavior had been free from any taint upon her virtue, her reputation would have been too well established in Cape May, where she had always lived, for any curiosity to have been raised about her movements.

Miss Mary C. Farrow testified (page 297) that about one year prior to November, 1904, she called at Mrs. Farrow's home and found Doak there, and that he stayed after she left; she had often seen them leave the skating pond and go into the woods together.

Miss Bessie Mecray, aged fourteen years, testified (page 656), that she and Octavine Farrow were friends; that on many occasions she stayed at Mrs. Farrow's house

over night, and that she saw Charles Doak there "lots of times" in 1903, in the absence of Mr. Farrow.

Mrs. Annie Turner testified (page 71) that she worked at housework for the defendant; that when Mr. Farrow was at home she stayed at the Farrow house at night, but when Mr. Farrow was away, she did not sleep there because Mrs. Farrow told her that she was not afraid to stay alone.

Mrs. Turner also testified (page 302), that she saw Doak meet Mrs. Farrow at Jefferson and Lafayette streets at about half-past eight o'clock at night in the winter of 1903-1904, and Mrs. Farrow said, "For God's sake, don't tell Will," and I said, "Where is he?" she said "He is at home," and that the place where they met was inhabited solely by colored people.

And the defendant did not deny (page 593) that she met Doak, as testified to by this witness.

Mrs. Sarah Lovell testified (pages 37 and 38) that she had been a resident of Cape May for the past thirty-five years and that for five years prior to the summer of 1904 she resided at 510 Hughes street, Cape May, immediately opposite defendant's home, and that she saw Charles Doak go into Mr. Farrow's house five or six times during the fall of 1903 and winter of 1904 while Mr. Farrow was away.

Sarah Jefferson testified (page 64) that in August and September, 1903 she worked for Mrs. Farrow twice a week washing and ironing; that (page 67) at least a dozen times she saw Mrs. Farrow meet Charles Doak, between seven and nine o'clock in the evening, at Corgie

and Jefferson streets, a sparsely settled and out of the way part of the city; that she had seen Mrs. Farrow standing at the corner and waiting for him.

William Farrow, Sr., the father of the complainant, who for twenty-two years last past has been the Chief of Police of Cape May City and one of the honored citizens, testified (page 82) that he saw Mrs. Farrow and Charles Doak together frequently and saw Charles Doak go into the complainant's house a number of times in 1903 and 1904; that (page 198) on July twenty-eighth, 1903, about nine-fifteen P. M., he saw Charles Doak standing at Lafayette and Queen streets; he watched him; presently Mrs. Farrow came up and Charles Doak and Mrs. Farrow walked toward a barn owned by Doak's brother, and the witness lost sight of them because of the darkness.

Mrs. Sayre was called (page 673) to corroborate the incidents of July twenty-eighth, 1904, but the Vice Chancellor declined to receive her testimony.

John Bennett testified (pages 79 and 80) that in December, 1903, he had occasion to go to Dr. Marcy (who lived next door to the complainant); that about one o'clock in the morning, he saw a man come out of Farrow's yard, who mumbled something to him about not giving him away.

Mr. Charles Wagner, a reputable detective, attached to one of the most responsible and reliable detective agencies in the city of Philadelphia, testified (page 89) that on the night of August 17th, 1904, at about ten-

fifty, he saw the defendant and Doak in the act of adultery in a tent along the beach at Cape May.

Mrs. Farrow meets the charge with a general denial and states that she is unable (page 614) to state where she was that evening.

Mrs. Wiley, a witness called by the defendant, and who resided with her from August thirteenth to September seventeenth, while asked with much detail to relate the defendant's movements on August twenty-fourth, was not asked as to the defendant's whereabouts on August seventeenth.

Charles Doak attempts to set up an alibi. He testified (page 370) that he worked in the cigar store of his employer from eight P. M. to eleven P. M., and in his effort to corroborate his statement called two witnesses, one his employer, Mr. Hebenthal, *who was not asked about Doak's whereabouts on August seventeenth,* and the other Mr. Stiles, a cousin of the defendant, who testified that he saw Doak in the cigar store until nearly nine-thirty on the night of August seventeenth.

It should be borne in mind that the act of adultery was not committed until nearly eleven o'clock. Neither Mrs. Farrow nor Doak made any effort to explain their whereabouts between ten and eleven o'clock. Had Mr. Doak been in the cigar store it would have been easy for Doak to have had his employer to so testify, and Mr. Hebenthal's neglect to so testify was because he could not truthfully do so.

Why the learned Vice Chancellor should have disregarded this proof as being incredible, it is impossible to understand, because the attachment between Mrs. Farrow

and Doak was so pronounced that it was observed by everyone and became the current gossip of Cape May. They met clandestinely at Farrow's house and elsewhere, and they needed but a slight opportunity to gratify their passion, which was afforded by the summer tents along the unfrequented beach of Cape May.

Besides, William Farrow, Sr., (page 195) corroborated Wagner to the extent of seeing both Doak and the defendant on the beach at about the time claimed by Wagner. Witness Farrow also saw Wagner watching the parties.

MR. SAGUE testified (page 227) that on the evening of August 24th, 1904, Mrs. Farrow left her home, about nine P. M., walked down to the boardwalk and sat down on a bench; in a little while she was joined by another woman and about fifteen minutes after the two women took a trolley car for Cape May Point, where they arrived about nine forty-five; that he and Mr. Wagner were following her; that at Cape May Point the defendant met a man and they went into a cafe and had some drinks, after which the defendant and her companion left the cafe by the rear door, and walked two hundred or three hundred yards up the beach, and were there discovered by Mr. Wagner and witness in the act of adultery; that he and Mr. Wagner walked up to them and Mrs. Farrow, while lying on the ground, drew her skirt over her face so that it could not be seen, and that he (Mr. Sague) pulled the covering off her face, and she then said that she would shoot him.

MR. WAGNER testified that on the night of August twenty-fourth, 1904, he and Mr. Sague followed the de-

fendant to Cape May Point; that (page 89) "Mrs. Farrow left the house at nine o'clock, walking to the boardwalk, going up toward Jackson street; she met a young lady opposite the Pennsylvania Railroad Station; there they boarded the car going to Cape May Point. I took the next car about twenty or fifteen minutes afterwards; got down to Cape May Point; I saw her and the lady that she was with, the girl that she was with, sitting at a table. They got up after this car got past that I was on, got up from the table, going into the pavilion there; had some drinks there, I don't know what it was."

(Page 90.)
"Ques. Where did they go?
Ans. Her friend and her fellow went on the right hand side, and Mrs. Farrow and her friend went to the left; they made a circle to the beach; when they found a place at about twenty-five feet from the water, Mrs. Farrow laid down on the sand with her friend; I was in the shadow and in about five minutes, I could see over the bushes, when her clothes went up; this fellow put his hand up her clothes; had his pants open and in the act of getting on top of her when I came out; she saw me; she put her clothes over her face so I could not see who she was. I told her I know who you are; she said go away from me, or I will shoot you, but she did not shoot."

The testimony of Mr. Wagner is consistent throughout. On direct examination he said that on the evening of August twenty-fourth Mrs. Farrow left her home at nine o'clock and walked to the boardwalk and got on a trolley car for Cape May Point. His cross-examination did not change this testimony; he testified (pages 169 and 172) that Mrs. Farrow had previously left her

home at seven-forty on that evening and that "She first went to Decatur street—I believe 221 Decatur street; from there she went to Dr. Wales' house, that is on Washington street; from there she returned to her home." It was nine o'clock when she left the house for her trip to Cape May Point.

When this witness testified in chief he took up the main incidents of that night only and commenced his recital with her departure from the house at nine o'clock, when she went to Cape May Point.

But on cross-examination he was asked to testify as to when he *first* saw Mrs. Farrow on that evening, and hence began at seven-forty P. M., and told about her visits to Decatur street and Dr. Wales and her return home again. The incidents during this period are unimportant, because defendant was only going errands around the neighborhood and attending to her household affairs, preparatory to going to Cape May Point at nine o'clock.

The defendant undertakes to meet this charge with an alibi for the night of the twenty-fourth of August, and she says that she had been engaged on the twenty-second of August to play the piano on the twenty-fourth at the Ebbit House, in Cape May, where a musical concert was being arranged. She was to be the accompanist of a celebrated singer, who was to be the chief attraction of the concert. But it is a significant fact that defendant did not keep her engagement, and she alleges as an excuse for not doing so that she had a rheumatic hand that disqualified her from piano-playing; but, strange to say, she never discloses the condition of her hand to anybody connected with the musical engage-

ment. She, in fact, kept the people at the Ebbit House waiting for her until 8.45 P. M. without sending any word of her intention not to play, and then it is not until she is called up on the telephone by the proprietor of the Ebbit House that she says she cannot keep the appointment because of the unexpected presence of some company. She said not one word about a lame hand. Now, this excuse about the company was either the truth or it was a falsehood, for it is undisputed that the only company defendant had that night was the Cape May Point party. If this be not so, then defendant shows an unusual aptitude for falsehood. It would have been just as easy for defendant to have said to Mr. McConnell, "I cannot play to-night because I have a sore hand."

Mr. McConnell said (page 366) that he called Mrs. Farrow on the 'phone *at a quarter to nine o'clock,* and Mrs. Farrow told him (page 368) that "she was sorry to say that she had some company come in on her unexpectedly and she could not keep the engagement."

Does not this telephone conversation (page 368) between witness McConnell and the defendant show that Mrs. Farrow's true reason for not keeping her musical engagement was the trip to Cape May Point, and were not the parties that she went to Cape May Point with the unexpected company which she referred to, on page 368, as deterring her from going to the Ebbit House and keeping an engagement which had been standing for two days? In this telephone conversation, it will be observed that defendant excused herself, not on account of any lame hand, for that is not referred to, but because of the presence of company. Another strange thing.

The defendanat kept the people at the Ebbit House waiting until eight forty-five P. M. without sending any word of her inability to keep the engagement, and it is not until Mr. McConnell calls her up on the 'phone that it is discovered that she will not play. Now, if the defendant had had a lame hand, as she claims, for several days prior to that date, which rendered her hand useless for piano-playing, is it not probable that she would have disclosed that fact before? NOW, DOES NOT THE EXPLANATION OF THIS SITUATION LIE IN THE FACT THAT THE CAPE MAY POINT ENGAGEMENT WAS THE REAL DETERRING CAUSE?

The alleged alibi is attempted to be fortified by the following witnesses:

MRS. OLIVE WILEY, the first witness, was a married woman, who was also accused of adultery by her husband (page). *This witness* was a close *sympathizer* with defendant, but her testimony is rendered valueless for two main reasons: First, she places the defendant in the house, on the night of August twenty-fourth, at or after eleven o'clock, writing a letter with the very crippled hand that she could not play the piano with at the Ebbit House. This bit of testimony, of itself, disqualifies the witness. *Then again,* how could this witness distinguish the *occurrences* of this night from all the other nights during the summer of 1904?

The testimony of Miss Wiley, a girl of seventeen years, is subject to much doubt. She has no recollection of what occurred on August 21, 22, 23, or 26, and she admitted that her memory was refreshed during the actual trial of this case, months after the night of

August twenty-fourth, and, I fear, to bolster up the defense. What she heard testified to in court she reiterated under oath, without any exact knowledge as to its truth.

OCTAVINE FARROW, defendant's daughter, is a mere child of only eleven years, and little credence can be placed in her testimony. Her recollection is necessarily governed by the subtle influence of her mother. This little girl could not recollect without prompting from the examiner in chief that only her mother, Mrs. Wiley and Miss Wiley were present at the Farrow house on the night in question.

It is upon the testimony of these witnesses that the defendant rests the alleged alibi. It will be observed right here that these witnesses agree that the defendant left her home on the night of August twenty-fourth some time between eight forty-five and nine o'clock and thus corroborate the detectives, the only point in difference being the hour of her return.

PROOF OF ADULTERY WITH HARRY OLIVER.

The bill of complaint was amended (page 323) by charging the defendant with having committed adultery with Harry Oliver in April or May, nineteen hundred and four.

MRS. SARAH E. LOVELL (page 36) testified that she resided at five hundred and ten Hughes street (opposite the Farrow house).

That in April or May, nineteen hundred and four, (page 40) she saw the defendant come out on the porch of her home between five and six o'clock in the morning, look up and down the street, and then go in again, and Harry Oliver came out.

Edward Lovell, the son of Mrs. Lovell, testified (page 218) that in the spring of nineteen hundred and four he saw Mrs. Farrow come out upon the porch of her house about five o'clock in the morning, look up and down the street; that she went back into the house and Harry Oliver came out.

Neither of these witnesses told the complainant of this occurrence until after he began his suit for divorce. They have no interest in the outcome of this suit and their testimony is direct, positive and convincing.

How has this Testimony been Met?

Harry Oliver, the co-respondent, was called by the defence and denied that he was at the Farrow house in nineteen hundred and four.

His conduct in standing mute and uttering no denial when the defendant (page 447), in his presence and in the presence of the complainant and his father (Mr. Farrow), admitted that she had confessed to her husband that she had been out with him (Oliver) was not the conduct of a guiltless man, and his flippant reply (page 447) that the complainant did not say much "after Ethel had given him her little tale about the pis-

tol part;" and his answer on cross-examination (page 454), "you are leading me up some other alley," stamps indubitably the character of this man and his testimony. He also admits (page 449) that he always knew that the complainant objected to his visits to the Farrow home and that (page 461) he continued his visits two or three times a week.

Mrs. Farrow testified (page 513) that her husband "was jealous of Harry Oliver because he saw that I was friendly with Harry."

Now, in view of complainant's opposition to Oliver, what inducement was there for Oliver to call upon the defendant two or three times a week during the complainant's absence if not to gratify his passion for Mrs. Farrow? The learned Vice Chancellor disregarded the testimony of Mrs. Lovell and her son upon the ground chiefly that evidence tending to show an amorous disposition was lacking. *What do these frequent visits signify?* Besides, Witness Wagner (pages 91 and 105) testified that he saw Oliver with his arm around defendant's neck at Excursion House at Sewell's Point. The degree of amorous disposition to be shown should, I think, have some reference to the character and habits of the person accused.

Legal Evidence Improperly Overruled.

The learned Vice Chancellor improperly refused to receive legal and competent evidence. On cross-examination the defendant was asked (page 628) whether she had sent enclosed notes to Doak through her daughter,

Octavine, and Bessie Mecray. She replied that she had not. Bessie Mecray was called to the stand in rebuttal (pages 648 to 659), but her testimony was rejected.

The defendant was also asked on cross-examination (pages 628-629) whether she had not entertained Doak at night during her husband's absence, after she had put her daughter and Bessie Mecray to bed and after Doak had been requested to keep away during his absence. She also denied this occurrence altogether. Bessie Mecray appeared to prove the contrary, but her testimony was rejected. Defendant was also asked, on cross-examination (page 635), whether she had met Doak in the alley of the Camden Bottling Company, the occurrence narrated by Walter Church. This she also denied. Leroy Wilson (page 661) was called to prove that she was with Doak at the time and under the circumstances detailed by Walter Church, but the Vice Chancellor overruled the offer. On page 637, defendant was asked whether she had not met Doak after Doak had been forbidden the house during the complainant's absence. She said she had not. Mrs. Maria L. Sayre (page 673) was called in rebuttal to prove that defendant and Doak, about eight-thirty P. M., on July twenty-eighth, 1904, walked across a lot near her home on the outskirts of Cape May, together. This testimony was also rejected.

The refusal of the learned Vice Chancellor to receive the testimony was manifestly improper. The arbitrary rules attending common law trials would not warrant the exclusion of this proof, but here is an equity judge, sitting without a jury, advancing technicalities that are calculated to destroy the usefulness of this peculiar branch of our jurisprudence. We maintain that it was the plain duty of

the Court of Chancery to hear all testimony that could, by any reasonable interpretation, throw any light on the case. All of this rejected proof was relevant and important.

Complainant (page 306) closed his case, reserving the right to call two witnesses whom the complainant had been unable to procure, and it is to be observed that when the defense had called but one witness counsel for the complainant (page 335) asked leave to call Leroy Wilson, one of the witnesses whom complainant could not procure before, which most reasonable request the Vice Chancellor denied.

Opinion Below.

The opinion below fails to deal with the essential features of the case. Too much attention has been given to unimportant details. The alleged discrepancies in the testimony will be found upon a close inspection of the case, either to have no existence at all, or else to be so utterly insignificant as to be unworthy of judicial consideration.

No testimony that is not perjured can be made so perfect as to exclude the presence of isolated discrepancies upon non-essential matters. Witnesses usually try to remember the important occurrences about which they are called to testify, and when it is found that they can describe with absolute accuracy every little detail and circumstance, wholly from memory, four months after the event, such testimony would have all the ear marks of fabrication. The more natural testimony is far more reliable.

But the testimony of Wagner and Sague was as uniform and consistent as two honest minds could make it. The learned Vice Chancellor says that Wagner's testimony shows that the act of adultery was not consummated on August twenty-fourth, but in this he is obviously in error. What more evidence of adultery was needed? Without repeating the salient features of the scene, how much further can honest testimony be expected to extend.

Had Wagner been a perjurer, why did he not go still further and clinch the matter? The learned Vice Chancellor says Wagner changed his testimony to suit pressing exigencies, but this is also a mistake. The witness merely testified to other occurrences about which his attention had not been drawn. It is also urged inferentially that complainant should not have had detective testimony at all; that in its place he should have employed his neighbors and friends and had them pursue his wife for testimony. A mere glance at this suggestion reveals its impracticability. It is not so easy to get one's friends and neighbors to engage in such business; besides, they would be too liable to betray domestic secrets.

Under these circumstances complainant did the only thing that was left open for him to do. He went to Philadelphia and employed a respectable and reliable detective agency to investigate his wife's conduct, and two operators, Wagner and Sague, were sent to Cape May on the sixteenth of August and remained there until the twenty-fifth of August, stopping at the Glenwood Hotel, which is located next door to the Farrow cottage, where defendant was living. These detectives were paid by the agency which they represented. They shadowed

defendant night and day. No one pretends to deny that the detectives were in Cape May watching the movements of the defendant during this time, but there is a general objection to this kind of testimony. It is unnecessary to say that some of the most important cases have been decided on this class of testimony. Our National government relies almost wholly on the work of detectives in ferreting out violations of the Federal laws and so does our State government, for the prosecution of murderers and other criminals.

The testimony of the average citizen is more apt to be influenced by the side he is on, his feelings and interests, than is a detective, who merely relates what he has found.

The learned Vice Chancellor also claimed to be influenced by the manners of the detectives without disclosing the peculiarities which caused him to doubt their veracity. This is also too questionable a ground on which to reject evidence. It might be said with equal properiety that the witnesses were straightforward and honest and carried the conviction of truth telling.

Those matters which merely relate to the personality of a witness must depend too much on the point of observation and vision of the particular judge to be of any value in the judicial consideration of a case, for the judge might be averse to detective testimony altogether; which fact of itself might in all probability create an unfavorable opinion of any detective that might be placed on the stand.

Then, again, it is suggested that defendant, by virtue of her position of organist in the Presbyterian Church, as well as her high social standing in the community,

would not be likely to debase herself in the manner and under the circumstances set up by the complainant and his witnesses, but the overwhelming proof shows that she was *already debased*. Had she not been found, on the night of April sixth, 1904, with the grass on her back, fresh from the lots (page 249)? Had she not been found in the shelter of a barn in a dark and unfrequented place on the night of July twenty-eighth, 1904 (page 198)? Had she not been found on twelve different occasions meeting Doak in out of the way places under cover of the night (page 67)? Had she not been seen by Annie Turner, her maid, in the colored settlement of Cape May walking with Doak in the darkness (page 302), when she said to Annie Turner, "For God's sake don't tell Will?" Had she not sent Annie Turner away from the house at night when the complainant was away (page 71) in order that she might entertain these men? Had she not been with Charles Doak at Linda Eldridge's in the month of May, 1903? Had she not been followed by Walter Church and Leroy Wilson into the dark alley of the Camden Bottling Company (page 212) and then go from out the alley across to Congress Hall lawn with Charles Doak, their arms being locked together? Had not Mrs. Williams seen her let a man out of her house at three o'clock in the morning (page 54)? Had not Captain Bennett seen a man go out of the yard at two o'clock in the morning and say not give him away (page 79)? Had not Mrs. Williams seen the defendant let two men into her house during the night, in the absence of the complainant (pages 53 and 54)? Had Mrs. Lovell and her son not seen her come out of the house at five o'clock in the morning to see if the way

was clear so that she could let Harry Oliver out (page 40), and did not Harry Oliver come out of the front door in full observation of Mrs. Lovell and her son, who had known him for years?

Do these acts, thus testified to by disinterested witnesses, justify the Vice Chancellor's conclusion upon the score of probabilities? The weight of the evidence is against the decree.

Respectfully submitted,

HOWARD CARROW,

Counsel for Appellant.

ARGUMENT.

The able and exhaustive opinion filed in this case by Vice-Chancellor Grey, printed in full on pages 685 *et seq.* of the state of the case, giving a full review of the evidence, and a convincing reason for each conclusion of law and fact, leaves little to be said in support of the decree advised by the Vice-Chancellor, and made by the Chancellor. That decree appears on page 680 of the state of the case, was entered on February 14th, 1905, finds that the complainant is not entitled to the relief prayed for in the Bill of Complaint, and directs that the Bill be dismissed with costs.

The Vice-Chancellor, on pages 687 and 688 refers to the numerous charges of adultery preferred against the respondent and of the several amendents asked for by the complainant and allowed by the Court, "in order (says the Vice-Chancellor, page 687) that every accusation which the complainant makes against his wife might be disposed of at one hearing." Many of the amendments were asked for during the trial. To all of these charges answers were promptly filed. "The answers of the defendant (quoting again from the opinion filed, page 685) explicitly deny all the charges, and assert the entire innocence of the defendant." * * * * (p. 691).

> "These charges of manifold adulteries could only be true because the defendant is a woman of the most degraded type. Yet it is understood that during all this period she was the organist in a church and gave music lessons to little girls, and during the earlier portion of the time, up to March, 1903, she was in happy association with her husband."

Referring again to the defendant, the Vice-Chancellor says (p. 685):

> "His wife, the defendant, taught music, and was

the organist in the Presbyterian Church in Cape May. She had lived for so long a time in that city that her personality was familiar to almost every permanent resident."

And this is the introduction given by the Court to the respondent, and is based upon testimony concerning which there is not the slightest dispute. The Vice-Chancellor further finds (p. 685) that their marriage relations were uninterruptedly happy until about the opening of the year 1904 (p. 686).

"The complainant and defendant continued their married life apparently with all confidence in each other until the month of March 1904."

Again, (p. 690):

"Another peculiarity of the testimony submitted against this woman is, that during the time that the alleged acts of adultery (except those narrated by the detectives) are claimed to have been happening, the defendant was living happily with her husband, looking after the business of the family, he contented with her, and she with him."

The defendant's influence over the complainant was for his betterment. From his own admission, the Vice-Chancellor finds, (p. 685):

"Before his marriage he had shown a tendency to drunkenness, and since his separation he acknowledges that he has shown the same weakness."

Counsel for the respondent might safely rest upon these findings of the trial Court, but zeal for a client's cause impels further observations taken from the undisputed evidence.

The parties were married in the fall of 1898, and continued to live happily together until the violent action of the complainant on the 6th of April, 1904. (See the testimony of respondent, pages 529 *et seq.*) They lived together at their residence, 505 Hughes Street, during nearly all of the

period of their co-habitation. Nothing appears in the testimony from which it can be found that the home over whose domestic affairs the defendant presided was in any way neglected. No charge is made against her that she neglected the complainant, either in the hours of his illness or in the hours of his health. (See pages 520 *et seq.*).

The defendant lived and moved in the confidence of her friends and the reputable people of Cape May City. Her time was busily engaged not only in the care of her home, but in the discharge of religious duties, playing the organ of the Presbyterian Church; her services always ready for every public entertainment. While she was generously and abundantly supported from the liberal earnings of her husband, she was not content to play the role of an idler, but all through her marriage relations with the complainant, continued to assist in increasing the income by giving private instruction in the common branches of learning and in music (page 520). It must be evident that the defendant lived in the esteem of her neighbors; otherwise if there had been any improper conduct on her part it is quite safe to assume that the conservative officers and members of the Presbyterian Church of her home city would have requested her resignation as the musical head of the church. The evidence shows, and it is not contradicted, that she has reared her child in the home provided by the complainant in a way that reflects the highest honor upon an American fireside. Her child has been taught to attend upon the several services of the church and Sunday School, sent to the public schools, and received all the care that a mother's love can command. It is submitted to the Court that with this basis upon which to build the defendant's averments of innocence, the starting point is an exceedingly hopeful one. While the books are filled with the stories of matrimonial difficulties, culminating in charges of adultery, yet a fruitless search will be to find a case where the perfidy of the wife was not associated with the neglect of the home.

The name of the defendant is associated with two individuals well-known at Cape May; two men who have never had any other place of residence than that city. Both of them were born and raised there, and all of their lives spent there. There is nothing in the evidence to impeach the moral integrity of either of them. They have passed beyond the years of boyhood and lived sufficiently long to establish their real characters. Both are engaged in honorable employment, Charles Doak having been in his present employment for upwards of eight years, and in the hour of this charge having the assistance of his employer, who, by his presence in court and his willingness to offer testimony upon behalf of his employee, coupled with having trusted his employee with his confidence for so many years, vouches for his integrity. The other, Harry Oliver, has been, during the past two or three years, and is now, in the employ of one of the great corporations engaged in the carrying of passengers to the city of Cape May. Both of these men have been before the Court, explicitly denying every charge. Oliver has known the defendant from his birth. Their homes connected, separated only by a garden fence. As children they played together, went to school together, and grew up with that respect for each other which is the necessary result of the associations of child life. As to Charles Doak, he was an accepted caller at the residence of the parties to this controversy by the complainant himself.

The Court will also have in mind the charge against the defendant of adultery committed at 603 Lafayette Street. This is the home of Mrs. Linda Eldridge. It is located in a respectable and public part of Cape May City. It is averred that in May, 1903, the defendant violated her obligation and threw aside her chastity. The place selected for such a wanton act is indeed a surprising one. The hour is daylight, only a short time after the noon hour. The place is the home of one whose character has in no way

been impeached, and in which there lived with Mrs. Eldridge her large family of children.

Concerning John Lucas, or William Lewis, it is not within the power of the defendant to speak, excepting to say that he is a myth. So far as she is concerned, she never heard of nor saw him (see page 620 *et seq*). Every effort made to locate John Lucas made by the defendant has failed, and the defendant thinks there was wisdom on the part of the complainant in withdrawing a fictitious name, representing a fictitious individual, from the attention of the Court. She feels, however, that the one error is not atoned for by the commission of another in raising up another manufactured name standing for a mythical character.

We will first consider the alleged relations of the defendant with Charles Doak. First, was adultery committed at 603 Lafayette Street in May, 1903, either with Charles Doak, or with an "unknown person?" This charge is considered by the Vice-Chancellor on pages 691 *et seq*.

There is absolutely no evidence of any such act. Carrie Hughes, the eaves-dropper, the busy-body, the uncorroborated witness, the woman with the wonderful ear and the penetrating eye, stands uncorroborated and alone, and she tells a story so remarkable that even a thousand witnesses could not give it life. The presence of Doak at 603 Lafayette Street on the day in question is admitted, and he has stated to the Court frankly, fully and openly the circumstances which led him to enter that residence. (See pages 478 *et seq*.). He had never been there before, nor has he ever been there since. He had no appointment to meet the defendant there, nor did he know of her presence until the presence of the dog on the porch advised him of it. He was acting upon a lawful errand upon a lawful highway, and he has nothing to excuse, nothing to explain. His presence for a very brief period in the parlor of Mrs. Eldridge's residence was while the defendant was surrounded continuously with both Mrs. Eldridge and with her daugh-

ter Bessie. The defendant herself made no secret of her presence. Before leaving her home that day for the residence of Mrs. Eldridge, she advised her husband just exactly where she was going, and this the complainant himself admits. Certainly, if the unexpected meeting at 603 Lafayette Street was for the selling of honor and character, the market-place was poorly selected. The story is absurd and not worthy of serious consideration.

The Vice-Chancellor disposes of this charge on pages 691 *et seq.* He says:

> "This charge depends entirely upon the testimony of a single witness, a Miss Hughes, who lived next door to Mrs. Eldridge." * * * * (page 692, line 11). She bases her whole narrative upon what she says she heard, and this includes nothing but inarticulate mumbling, which had to come through two doors and across a hallway and through the house wall to reach her ears, and she says what she heard was so indistinct that she could not even distinguish the character of the conversation. The testimony of a witness who was under such disadvantage in receiving her impressions, which are, in themselves, so uncertain and indefinite, must be quite unreliable. She saw nothing at all. She heard nothing that was inculpatory. Her characterization of mumbling does not indicate that the parties whom she overheard were either disposed to or did commit an act of adultery.
>
> "It appears by other witnesses that the defendant called on Mrs. Eldridge on the afternoon of the day when Miss Hughes, from the next house, heard the sounds which attracted her attention. That the complainant called for the defendant at Mrs. Eldridge's residence, asking if she wanted to go driving, which she declined. That Doak also stopped there that afternoon and sat chatting with the defendant and other persons in the parlor. Nothing in the evidence indicates that there was any wrongful purpose in the defendant's call upon Mrs. Eldridge that afternoon. It was made in broad daylight, at about the time when the children were coming from school. Her husband, the complainant, knew or readily discovered that the de-

fendant was at Mrs. Eldridge's residence. The defendant did not try to hide her presence there from him, but frankly met him at the door. Her little child, Octavine, nine years old, was with her. Mrs. Eldridge's little girl, somewhat older, was there. Mr. Doak stopped casually, leaving his dog (well-known to be his) on the front door step, while he went into the parlor. Both the defendant and Doak deny under oath that any improper action was intended or performed; both deny they left the parlor or went upstairs that afternoon, and they are corroborated by the testimony of both the children. All the other testimony touching the incidents of that day supports their denials of the defendant's misconduct.

"The testimony offered on the part of the complainant as to this charge of adultery in May, 1903, at No. 603 Lafayette Street, Cape May, is quite insufficient to sustain it, either as an allegation of the defendant's adultery with Mr. Doak, or with an unknown man. If it suggests a suspicion against the defendant, it is wholly dispelled by the testimony above referred to, presented on the part of the defendant."

It is also charged, although not as a basis for a decree, that adultery was committed on the 28th day of July, 1904, between Doak and the defendant, on Lafayette Street, in a barn near the residence of one Charles Foster. But one witness advanced this cruel charge, and that the father of the complainant, William Farrow, Sr., (pages 196 *et seq.*). The Court will notice that it required this witness to be away from the witness stand two full weeks before he could summon the nerve to advance so malevolent a statement. He had previously been upon the witness stand, and told his whole story in response to his promise to tell the whole truth and nothing but the truth (pages 82 *et seq.*). But his evidence stands uncorroborated. His interest in this case is manifest. He seems to be a partner with the complainant in this conspiracy to wreck character and home, and the Court will notice his testimony, offered on his second entrance upon the witness stand, when he said "we employed

detectives" (page 194). He is the only one who seems to have profited in this miserable attempt to wrong an innocent wife. He unblushingly admits having in his wrongful possession the diamonds and jewels belonging to the respondent (pages 676 *et seq.*). Remarkable indeed that this officer of the law, this chief of police with the experience of twenty-two years of continuous service, this man upon whom the oath of office still rested, charging him with the duty of apprehending evil-doers, this father of a son in whose cause he has taken such an active interest, should permit this alleged adultery to occur without facing the evil-doers with the power of the law. He was within a stone's throw of his own headquarters; he believed that his presence was not detected by the alleged miscreants. How easy for him, if he was afraid that Doak was too strong in his person for him to encounter alone, to have sought assistance and witnesses. His story belongs with that of Wagner and Sague, the hired detectives. Surely the Court will attach no credence to this testimony, nor will the Court be influenced by it as bearing upon the subject of any alleged adulterous disposition on the part of the defendant.

This remarkable after-production of the Chief of all Cape May's Police is fittingly covered by the Vice-Chancellor on pages 695 *et seq.*, as follows:

> "It is true that there is some testimony, notably that given by Chief of Police Farrow (father of the complainant), which is claimed to show that the defendant misconducted herself with Mr. Doak in July, 1904.
>
> The story of Chief of Police Farrow that he saw Mr. Doak and the defendant on the night of July 28, 1904, talking together, and then walk under the shade of a tree across lots, where they disappeared, is supported by no other testimony. As narrated by Chief Farrow, it did not carry a conviction of its truth. He came back to tell it, after he had been once examined and dismissed from the witness stand. If it were true, it offered no proof

leading to an inference that an act of adultery was then committed. It is alleged to have taken place on July 28, 1904, long after this suit had been commenced, and after the time when Chief Farrow is shown to have manifested active hostility to the defendant. Yet this supposed offense was not named or included in any pleading, although a supplemental bill was filed after July 28, 1904, which might have charged it as a breach of the marriage vow. Of course, this incident could not be made the basis of a decree, but it might be evidence to support the other charges, if the circumstances narrated were true and showed an adulterous disposition.

"Chief Farrow narrated the story that he saw his daughter-in-law and Mr. Doak (who were by his son then being prosecuted for adultery) meet and walk off together into the shade of a tree, within a block or two of the police station. He neither pursued them or called anyone else to do so."

And Charles Doak and the defendant are charged with having hidden themselves in the woods around Lake Lily, at Cape May Point, and to have done this repeatedly; that they would march away while the eyes of the skaters were upon them, and go into their dark retreat for dark purposes. This testimony (pages 296 *et seq.*) rests upon the slender thread woven by Minnie Farrow, the complainant's sister. But it is so contrary to our experience in the world that to entertain it is a waste of thought. The defendant has not been shown to be an ignorant, unintelligent or vicious individual. Nothing disclosed from the witness stand indicates any lack of respect upon her part for public opinion. Where are the rest of the skaters, who with Minnie Farrow observed this thing? Of course, the Court will recall how emphatic was the denial of both the defendant and Doak to the charges of Farrow, senior, and the daughter.

The Vice-Chancellor considers this absurdity on page 696, and says, line 25:

"The only witness who testifies to the skating

pond occurrence is Miss Farrow. She says others saw it, but no others are called, in this hard-fought trial, to corroborate Miss Farrow's testimony. Both the defendant and Mr. Doak deny this incident."

Can it be necessary to argue the innocence of the defendant as against the vile and barbarous story of Detective Wagner? Is it too much to say that the attack was brutal? What a wretch is required to fill the picture painted by this inartistic hand! Imagine this defendant, with her home training, her well-known position before the public of Cape May, doing the horrible things this uncorroborated hireling charges. And this, too, during the period of the defendant's agonizing trial. Since April, 1904, she had observed the efforts of the complainant to place upon her breast the scarlet letter. She knew that she was dogged by day and hunted by night. She knew that the hour of her trial was rapidly approaching, when she would be required to appear before the Court and answer these terrible and cruel assertions. And yet, in the face of all this, this detective, without a diploma, this stranger from a strange place, makes this charge. How does the defendant meet this? By summoning no less than three witnesses. First appears Fletcher W. Stites, Esq., (page 387) a member of the Bar of the Supreme Court of Pennsylvania, a graduate of the University of Pennsylvania, and who frankly admits his relationship to the defendant by saying, "I am her cousin." He tells the Court of his errand on the night of the 17th of August, 1904, at the place of business where Doak spent the evening from eight until after eleven o'clock. He is corroborated by Doak's employer, Frank Hebenthal (page 369), who testified as to Doak's presence at the store on the night in question, and by Doak himself. But Wagner's story needs no denial. Upon its face is the stamp of untruthfulness. Witness his humiliation when in cross-examination he admitted that several days after this thing, as he had alleged, had occurred, he went to the counsel of the complainant "to see if he was on the right track" (pages

154-155). Why, if the thing was taking place in plain sight, within a comparatively short distance of hundreds of people, did he not face the wrongdoers, or summon to his side the moving throngs along the beach? He admits that he stands uncorroborated and unconfirmed.

How appropriate in this connection is the decision of the Court in Sheffling *v.* Sheffling, 17 Stewart, 438 (1888), where it was said: "The evidence of a single witness, uncorroborated and unsupported, and improbable in its details, is not sufficient to establish a charge of adultery against the evidence of the defendant and his alleged paramour, fully and explicitly denying the truth of the charge."

The Vice-Chancellor disposes of Wagner's manufactured story on pages 698 *et seq.*

It is evident that Wagner's story does not seem to have been trusted by his employer, for there is sent to his side another man without a credential, namely, Sague And then comes the story of the occurrences at the Delaware Bay House, Cape May Point, within twenty-five feet of the waters. They say that it occurred on a clear night, that the moon was full, and that the place selected could be seen by Sague when one hundred yards distant. But why dwell upon the details of a mythical occurrence and one malevolently contrived. It is submitted to the Court that the whole occurrence is suggestive of a degree of recklessness and abandonment utterly inconsistent with the training and the character and habits of the defendant, as established in this case. The evidence does not show how much these men were paid for their efforts to break down innocent character. If it was very much, surely the complainant has been very profligate with his funds.

The defendant meets these charges by showing her presence elsewhere (pages 606 *et seq.*). She says that not once, either by day or by night, during the summer of 1904, was she at the Delaware Bay House, or anywhere near there. On the night in question she was at her home, where were

also Mrs. Wiley, her daughter Helen, and Octavine, the daughter of the defendant. These witnesses are corroborated by Mr. John McConnell, (pages 365 *et seq.*) proprietor of the Ebbitt House. See the testimony of Mrs. O. O. Wiley (308), Helen Wiley (337) and Octavine Ware (348).

The Court will notice the wavering testimony of the detectives. Wagner names the man seen at Cape May Point as John Lewis, and on being corrected by the counsel for the complainant, calls him John Lucas. Under cross-examination the name changes again to John Lewis, and finally to William Lewis.

The Vice-Chancellor considers *in extenso* the stories of the detectives. No argument of counsel can emphasize the accuracy of his conclusions. He says, page 705, line 7:

> "Not one witness in any degree supports the improbable narrations of these detectives, and I am unable to accept them as credible testimony. This result I have reached without considering the rebutting evidence presented on the part of the defendant. When that testimony is examined it conclusively shows that the detective story is a fabrication."

Page 706, line 17:

> "The defendant's witnesses are entirely disinterested; they testify without hesitation and with entire frankness. They show, I think, that the detective testimony, which cannot have been given under mistake, is a fabrication, and without foundation in truth."

There is only left for consideration the charge presented against the defendant bearing upon the subject of her alleged relations with Harry Oliver. Both deny the presence of Oliver at 505 Hughes Street at any time during the year 1904. Says Oliver, in substance (443 *et seq.*), I was twice at the defendant's home during the year 1903; once on the 17th of December, when I called to acquaint the defendant with the tragic death of my father, who had been killed in an accident, and asked her to go to my

mother's home and assist her in her grief." This request the defendant readily granted. "The other occasion was in the spring of 1903, when I called there for some music, and on this occasion my ring at the door was responded to by the complainant himself." Both of these visits occurred in broad daylight. But it is averred by two witnesses introduced by the complainant (Sarah Lovett, pages 36 *et seq.;* Edward Lovett, 218 *et seq.*), that one morning in the early spring of 1904 Oliver was seen to leave the house of the defendant between the hours of five and six o'clock. There was an alarm clock that went off out of time, and it was just in time to enable Mrs. Lovett and her son to witness a remarkable sight. It was not the rising hour of either. The mother usually got up at some time after six o'clock. This morning she was one hour ahead of time. The son usually left his bed at eight, but this morning he was three hours ahead of time. And they both, together with a daughter whose testimony is not before the Court, rushed to the same window, and observed the same thing. And upon this hangs the charge that the defendant committed adultery with Oliver. A side-light to this testimony is the admission of the complainant that since he has withdrawn from the home of the defendant, he and another son of this same Mrs. Lovett have revelled together in their cups.

The Vice-Chancellor has considered this charge along with the others and his views concerning it are clearly set forth on pages 693 *et seq.*

It would be an intrusion upon the time of the Court to consider in detail the testimony of the several witnesses. The defendant has thrown herself open to the widest investigation, reserving nothing material to the controversy. Strange appearances on the witness stand come from the complainant's side. There are the colored servants (Annie Turner, 71 *et seq.*, and 301 *et seq.*; and Sarah C. Jefferson, 64, *et seq.*), who had many times assisted the defendant in her domestic duties. Neither of them undertakes to say

that when the complainant was at home, or when absent from it, the defendant ever did anything to bring shame to his name. It is not a new thing for a servant no longer employed to withhold words of commendation concerning the mistress at whose hands she was fed. But Annie Turner, from whose mouth come the words of profanity which she seeks to disgrace the defendant with, is another latter-day witness after the pattern of the Chief of Police. It took her two weeks to think of those words, even after she had been upon the witness stand. And this brings to the minds of counsel the fact that, apart from this Annie Turner and these hired witnesses from Philadelphia, there was no one who undertook to say that Mrs. Farrow ever used a profane word, a vulgar word, or committed any act of indecency in the presence of a living soul. The Vice-Chancellor does not overlook Annie Turner's evidence, but gives it his particular consideration, (pages 696 *et seq.*)

It is not necessary to suggest to the Court principles of law which must control in cases of this character. The Court, however, will pardon a few citations. It must be conceded that the burden of proof is upon the complainant, for the proof of adultery must be sustained by him who asserts it. He must not leave his issue in doubt, and the complainant here must overcome convincingly the weight to be attached to a character acquired after years of life.

In the case of Hurtzig *v.* Hurtzig, 17 Stew., 329 (1888), the court said:

> "It must be borne in mind that the burden of proof is upon him who asserts the adultery, and that burden must be clearly sustained * * * to establish adultery the circumstances must be such as to lead the guarded discretion of a reasonable and just man to the conclusion of guilt. The judgment must not be rash and intemperate, moving upon appearances that are equally of two interpretations If the circumstances, taken both singly and together, reasonably admit of two interpretations, that interpretation which favors innocence should be adopted."

It is submitted to the Court that the complainant has utterly failed to show that in her bearing toward him, or in her conduct with others, there was anything to indicate that the defendant was possessed of an adulterous disposition or likely to have committed the acts charged against her.

In Hurtzig *v.* Hurtzig, *supra*, the court refers to the indications usually pointing to adultery, as follows:

> "Familiar indicia of it are: loss of affection that was due to and was bestowed upon its legitimate object, and the bestowal of affection upon an unlawful object; stolen interviews; private correspondence; amorous and passionate utterance; personal freedom; indecent familiarity; compromising situations, and the like."

The Court will notice how barren of anything of this nature is the testimony in this case.

The complainant's case falls very far short of the proof necessary to support a decree. In *Bishop on Marriage, Divorce and Separation,* Vol. 2, sec. 1370, the following is said:

> "Every act of adultery implies three things,—the disposition in each of the two minds of the two participants, and the opportunity. And whenever these three occur, the criminal fact is committed. So that to prove the three is to prove the fact itself. *But one alone amounts to nothing, and two together without the third are entirely inadequate* * * * *
>
> Sec. 1371, "Care should be taken to avoid even this plain formula being misapplied. Thus, if when the three things seemed to combine, the parties were ignorant of each other's inclinations, or if they were restrained by fear, or were under some temporary incapacity, or temporary absence of desire, adultery would not be inevitable. On the other hand, in no case where these three things do not exist together is there adultery; there may be rape, which is not adultery, with two of them. The proof of their concurrence may lie in detached testimony, no witness being

able to establish more than one or a part of one of them, or it may assume any other form. The three elements have sometimes been expressed as two; thus where the opportunity and the will concur the offence is committed, and both being established guilt will be inferred. *But if, for example, the mere opportunity is shown, there being no evidence of the will, the inference of guilt does not arise.*"

Mere proof of opportunity will not justify an inference that the suspected parties are guilty, where there is no evidence of their disposition and desire to commit adultery (American and English Enc. of Law, 2d. Ed., Vol. 9, p. 755).

In Pollock *v.* Pollock, 71 N. Y., 137, there was proof of frequent opportunities but not of acts of familiarity, and the Court held the evidence insufficient. For, it was reasoned,

"it is contrary to the usual experience of mankind, not only as gathered in one's own observation, but as disclosed by the reports of such cases, that if such relations existed between these two persons as are charged, they should not at some time during the period have incautiously or recklessly betrayed the fact."

"Suppose," said the Court" * * * "a married woman had been shown, by undoubted proof, to have been in an equivocal situation with a man not her husband, leading to a suspicion of the fact. If it were proved that she had previously shown an unwarrantable predilection for that man; if they had been detected in clandestine correspondence, had sought stolen interviews, made passionate declarations; if her affection for her husband had been alienated; if it were shown that the mind and heart were already depraved, and nothing remained wanting but an opportunity to consummate the guilty purpose,—then proof that such opportunity had occurred would lead to the satisfactory conclusion that the act had been committed. But when these circumstances are wanting, when there has been no previous unwarrantable or indecent intimacy between the parties; no clandestine correspondence or

stolen and secret interviews, the fact of opportunity and equivocal appearances would hardly raise a passing cloud of suspicion over the fair fame of such a woman."

It is submitted that these citations are very pertinent to the facts of the case at issue.

It is submitted respectfully on behalf of the defendant that the decree advised by the Vice-Chancellor and made by the Chancellor should be affirmed with costs.

JAMES M. E. HILDRETH,
CHARLES H. EDMUNDS,
For the Defendant and Respondent.

BILL OF COMPLAINT.

To His Honor, William J. Magie, Chancellor of the State of New Jersey:

Complaining, shows unto your Honor your orator, William Farrow, Jr., of Cape May City, in the county of Cape May, and State of New Jersey, that your orator was lawfully joined in the bonds of matrimony to his present wife, Ethel Farrow, on the twenty-fifth day of October, A. D. eighteen hundred and ninety-nine, from which time forward until the time of the filing of this bill your orator and his wife, Ethel Farrow, have been inhabitants of Cape May City aforesaid.

And your orator further shows, that the said Ethel Farrow, since her said marriage with your orator, and on different days of the month of May, A. D. nineteen hundred and three, wickedly disregarding the solemnity of her vows and the sanctity of her marriage state, committed adultery with one Charles Doak, at No. 603 Lafayette street, in the City of Cape May, in the State of New Jersey, and on different days of January, February, March, April, May, June, July, August, September and October, 1903, committed adultery with said Charles Doak, at No. 505 Hughes street, Cape May.

And your orator further shows, that, by means of the premises, his domestic peace and happiness have been entirely destroyed. In tender consideration whereof, and to the end that the said Ethel Farrow may answer this bill, but without oath; and that the marriage between your orator and the said Ethel Farrow may be dissolved, ac-

cording to the statute in such case made and provided; and that your orator may have such other or further relief in the premises as may be agreeable to equity and good conscience.

May it please your Honor, the premises considered, to grant to your orator the State's writ of subpoena, issuing out of and under the seal of this honorable court, to be directed to the said Ethel Farrow, commanding her, on a certain day and under a certain penalty therein to be expressed, personally to be and appear before your Honor in this Honorable Court, then and there to answer the premises, and to stand to, abide by and perform such order, direction and decree as to your Honor shall seem meet and as shall be according to the statute in such case made and provided.

HOWARD CARROW,
Solicitor for and of Counsel with Complt.

State of New Jersey,
County of Cape May, ss.

William Farrow, Jr., the complainant in the foregoing bill, being duly sworn, says—that this complaint in said bill is not made by any collusion between him and the defendant in said bill for the purpose of dissolving their marriage, but in truth and good faith, for the causes set forth in the bill of complaint.

Sworn and subscribed before
me this 22 of April, A. D. nineteen hundred and four.

WM. FARROW, JR.

SAMUEL F. ELDRIDGE,
Master in Chancery of N. J.

(Filed Apr. 26, 1904.)

ANSWER.

Between
WILLIAM FARROW, JR.,
Complainant,
and
ETHEL FARROW,
Defendant.

ON BILL
FOR DIVORCE,

ANSWER.

The answer of Ethel Farrow, defendant to the bill of complaint of William Farrow, Jr., complainant:

This defendant, now and at all times hereafter, reserving to herself all manner of benefit and advantage of exception to the many uncertainties and defects in the complainant's said bill of complaint contained, for answer thereto, or unto so much and such parts thereof as she is advised is material and necessary for her to make answer unto, answers and says, that it is true, as stated in the said bill of complaint, that she was lawfully married to the said complainant on the twenty-fifth day of October, eighteen hundred and ninety-nine; and that she and the said complainant continued to reside at Cape May City, New Jersey, from that time, or shortly thereafter, until the seventh day of April, nineteen hundred and four.

And this defendant further answering, denies that she ever did on different days or on any day or time in the month of May, nineteen hundred and three or in either of the months of January, February, March, April, May, June, July, August, September and October, nineteen hundred and three, April 25, 1904, or any other month or time, commit adultery with the said Charles Doak, in the

said bill mentioned, or with any person or persons whomsoever, either in the City of Cape May or elsewhere; and she says that the charge of adultery made in the said complainant's bill against her is wholly untrue, and a most unfounded and cruel imputation; and, on the contrary thereof, this defendant avers the truth to be, that she has always, since her marriage with the said complainant faithfully regarded towards him her marriage vows and has been true and faithful to his bed and her obligation as his wife.

All which matters and things this defendant is ready to aver, maintain and prove, as this honorable court shall direct, and humbly prays to be hence dismissed, with her reaso nable costs and charges in this behalf most wrongfully sustained.

(Signed) ETHEL FARROW,
Defendant.

(Signed) JAMES M. E. HILDRETH,
Solicitor for and of Counsel with the Defendant.

(Filed May 11, 1904.)

ORDER OF REFERENCE.

WILLIAM FARROW, JR.,
Complainant,

and

ETHEL FARROW,
Defendant.

ON BILL, &C.,
DIVORCE.

It is on this sixteenth day of June, A. D. nineteen hundred and four, on motion of Howard Carrow, Solicitor for and of Counsel with the complainant, ordered that this cause be and the same is hereby referred to the Honorable Martin P. Grey, one of the Vice Chancellors of this court to hear the same for the Chancellor and report thereon to him and report to him what decree and order should be made herein.

W. J. MAGIE,
C.

I consent to the above order.

JAMES M. E. HILDRETH,
Solicitor of Answering Defendant.

A true copy.
E. C. STOKES,
Clerk.

ORDER FOR SUPPLEMENTARY BILL.

Between

WILLIAM FARROW, JR.,

Complainant,

and

ETHEL FARROW,

Defendant.

ON BILL, &c.

ORDER.

This matter being opened to the court by Howard Carrow of counsel for the complainant and it appearing that the complainant desires to file a supplemental bill in this cause, charging the defendant with adultery with Charles Doak, on August 17th, 1904, on the beach between the Iron Pier and Music Pavilion in Cape May City, New Jersey, and on August 24th, 1904, with John Lucas on the beach at the steamboat landing, Cape May City, both of which acts of alleged adultery have occurred since the filing of the bill in this cause; it is on this 17th day of October, 1904, ordered that the said complainant have the leave to file his supplemental bill in this suit; and be it further ordered that the hearing in this cause be continued to the 23rd day of November next, at the Chancery chambers, Camden.

And it is further ordered, that the complainant serve a copy of such supplemental bill upon the defendant, or upon her solicitor of record, within ten days from the date hereof, and that the defendant plead, answer or demur thereto within twenty days after such service.

M. P. GREY, V. C.

(Copy.)

SUPPLEMENTARY BILL,

Between

WILLIAM FARROW, JR.,
Complainant,

and

ETHEL FARROW,
Defendant.

SUPPLEMENTAL BILL
FOR DIVORCE.

To His Honor, William J. Magie, Chancellor of the State of New Jersey:

Complaining, shows unto your Honor your orator, William Farrow, Jr., of Cape May City, in the county of Cape May, and State of New Jersey, that your orator was lawfully joined in the bonds of matrimony to his present wife, Ethel Farrow, on the twenty-fifth day of October, A. D. eighteen hundred and ninety-nine, from which time forward until the time of filing of this bill your orator and his wife, Ethel Farrow, have been inhabitants of Cape May City aforesaid.

And your orator further shows, that the said Ethel Farrow, since her said marriage with your orator, and on different days of the month of May, A. D. nineteen hundred and three wickedly disregarding the solemnity of her vows and the sanctity of her marriage state, committed adultery with one, Charles Doak, at No. 603 Lafayette street, in the City of Cape May, in the State of New Jersey; and on different days in the months of January, February, March, April, May, June, July, August, September and October, 1903, committed adultery with

New Jersey State Library

the said Charles Doak, at No. 505 Hughes street, Cape May City.

And your orator further shows, that the said Ethel Farrow, on the 17th day of August, 1904, wickedly disregarding the solemnity of her vows and the sancitity of her marriage state, committed adultery with one, Charles Doak on the beach between the Iron Pier and the Music Pavilion at Cape May City.

And your orator further shows, that the said Ethel Farrow, on the twenty-fourth day of August, 1904, wickedly disregarding the solemnity of her vows and the sanctity of her marriage state, committed adultery with a person named John Lucas on the beach near the steamboat landing in Cape May City, aforesaid.

And your orator further shows, that, by means of the premises, his domestic peace and happiness have been entirely destroyed. In tender consideration whereof, and to the end that the said Ethel Farrow may answer this bill but without oath; and that the marriage between your orator and the said Ethel Farrow may be dissolved, according to the statute in such case made and provided; and that your orator may have such other or further relief in the premises as may be agreeable to equity and good conscience.

May it please your Honor, the premises considered, to grant to your orator the state's writ of subpoena, issuing out of and under the seal of this honorable court, to be directed to the said Ethel Farrow, commanding her, on a certain day and under a certain penalty therein to be expressed, personally to be and appear before your Honor in said Honorable Court, then and there to answer the premises, and to stand to, abide by and perform such order, direction and decree as to your Honor shall seem meet

and as shall be according to the statute in such case made and provided.

HOWARD CARROW,
Solicitor for and of Counsel with Complt.

State of New Jersey,
County of Cape May, ss.

William Farrow, Jr., the complainant in the foregoing bill, being duly sworn, says—that this complaint in said bill is not made by any collusion between him and the defendant in said bill for the purpose of dissolving their marriage, but in truth and good faith, for the causes set forth in the bill of complaint.

Sworn and subscribed before me this 20th day of October, A. D. nineteen hundred and four. } WILLIAM FARROW, JR.

JOSEPH H. HUGHES,
Notary Public, N. J.

ANSWER TO SUPPLEMENTARY BILL.

Between WILLIAM FARROW, JR., Complainant, and ETHEL FARROW, Defendant.	ON BILL FOR DIVORCE, ANSWER TO SUPPLEMENTAL BILL.

The answer of Ethel Farrow, defendant to the Supplemental Bill for Divorce of William Farrow, Jr., complainant.

This defendant now and at all times hereafter, reserving to herself all manner of benefit and advantages of exception to the many uncertainties and defects in the complaintant's supplemental bill contained, for answer thereto or unto so much and such parts thereof as she is advised is material and necessary for her to make answer unto, answers and says that it is true as stated in the said supplemental bill that she was lawfully married to the said complainant on the twenty-fifth day of October, eighteen hundred and ninety-nine, from which time forward until the time of the filing of said bill this defendant and her husband, William Farrow, Jr., have been inhabitants of Cape May City.

And this defendant further answering, denies that she ever did since her said marriage with the said complainant and on different days of the month of May, A. D. nineteen hundred and three, wickedly disregarding the solemnity of her vows and the sanctity of her marriage state commit adultery with one Charles Doak, at No. 603

Lafayette street, in the City of Cape May, in the State of New Jersey, and on different days in the months of January, February, March, April, May, June, July, August, September and October, 1903, commit adultery with the said Charles Doak, at No. 505 Hughes street, Cape May City, New Jersey, and on the seventeenth day of August, nineteen hundred and four, on the beach between the Iron Pier and the Music Pavilion at Cape May City.

And this defendant further answering, denies that she did on the twenty-fourth day of August, 1904, wickedly disregarding the solemnity of her vows and the sancitity of her marriage state commit adultery with a person named John Lucas on the beach near the steamboat landing in Cape May City aforesaid nor that she ever did commit adultery on the days, times, places or with the persons specifically mentioned in said bill nor at any other days, times, places or persons either in the City of Cape May or elsewhere and that she says that the charges of adultery made in the said complainant's supplemental bill against her are wholly untrue and a most unfounded and cruel imputation; and on the contrary thereof this defendant avers the truth to be, that she has always since her marriage with the said complainant faithfully regarded towards him her marriage vows and has been true and faithful to his bed and her obligations as his wife.

All which matters and things this defendant is ready to aver, maintain and prove as this honorable court shall direct and humbly prays to be hence dismissed with her reasonable costs and charges in this behalf most wrongfully sustained.

ETHEL FARROW,
Defendant.

JAMES M. E. HILDRETH,
Solicitor for and of Counsel with the Defendant.

IN CHANCERY OF NEW JERSEY.

WILLIAM FARROW, JR.,
Complainant,
and
ETHEL FARROW,
Defendant.

ON BILL FOR DIVORCE.

CAMDEN, N. J., November 23, 1904.

Transcript of testimony taken at the final hearing of the above cause at the Chancery chambers in the city of Camden, before his Honor, Martin P. Grey, one of the Vice Chancellors of this State, at the time above stated.

Mr. Howard Carrow and Mr. Samuel F. Eldridge appeared for the complainant.

Mr. James M. E. Hildreth and Mr. Charles H. Edmunds (of the Philadelphia Bar) appeared for the defendant.

CARRIE B. HUGHES, sworn for the complainant.

Direct-examination.

By Judge Carrow:

Q. Where do you reside?
A. Cape May.
Q. How long have you resided there?
A. All my life.
Q. You are above 21 years of age?
A. Yes, sir.
Q. Are you married or single?
A. Single.
Q. Where do you live in Cape May?
A. Lafayette street.
Q. Whereabouts?
A. 506 Lafayette street.
Q. Are you acquainted with the complainant and defendant in this suit?
A. Yes, sir.
Q. How long have you known them?
A. Ever since I knew anybody I guess.
Q. Where did they live, where was their home when they lived together?
A. On Hughes street.
Q. Cape May?
A. Yes, sir.
Q. Near you?
A. No, sir.
Q. Can you remember the number?
A. No I don't remember the number of their house.
Q. Whereabouts on Hughes street?
A. I don't know the number, it is the second house from Decatur.
Q. Between Decatur and what?
A. Ocean.
Q. Do you live next door?
A. Not to them.
Q. You lived on Lafayette street?
A. On Lafayette street.

Q. What did you see, if anything, in the month of May, 1903, at 603 Lafayette street; do you know where 603 Lafayette street is?

A. Next door to us, it is a double house.

Q. Who lived there?

A. Mrs. Eldridge.

Q. What was her first name?

A. Linda Eldridge.

Q. Now as I understand you resided at 605 Lafayette street, and Mrs. Eldridge resided in the month of May, 1903, at 603, next to your home on Lafayette street?

A. Yes, sir.

Q. Is that a double or single house?

A. A double house.

Q. What do you mean by a double house, two houses or one broad house?

A. One broad house.

By the Vice Chancellor.

Q. Was there a family living in each side of the broad house?

A. Yes, sir, we lived in one side and there was another.

Further direct.

Q. Do you mean to say there were two families living in this one house?

A. No, sir, two houses together, we lived in one side and Mrs. Eldridge in the other.

Q. Now what did you see in the month of May, 1903?

A. I heard more than I saw.

Q. Did you see anybody go into the Eldridge house?

A. No.

Q. What is the first thing you observed?

A. I observed a conversation going on in there, I could hear it through the partition.

Q. Who was the conversation between?

A. The fellow that was in there and Mrs. Farrow and Mrs. Eldridge, they were all conversing.

Q. Did you recognize the voice of the man?

A. Not the man.

Q. Did you recognize a man's voice in that conversation?

A. Yes, sir.

Q. Could you distinguish what they were talking about?

A. Some things.

Q. What did you hear them say?

Mr. Edmunds:—I suppose the line of examination goes to one of the libels which avers an adulterous act by the respondent with one Charles Doak at this particular place. This witness has stated that she saw no one enter the place, and she says she did not distinguish the voice, and therefore as the inquiry is as to whether or not on the day in question there was an adulterous act committed by the respondent with Charles Doak, whom the witness says she cannot recognize as having been present, we object to any attempt on the part of the witness to give a conversation between the parties who, it is averred, were in the premises of Mrs. Eldridge on the day in question.

The Vice Chancellor:—The complainant cannot be expected to prove the whole charge by a single witness. This proof may be subsequently supplemented by other evidence which may make that now offered applicable to this charge. At present there is no identification of the man who it is claimed was there but this may be supplied by

some other witness, proving some other circumstances. There is an identification of the defendant as in the party. I think I ought to receive the testimony notwithstanding it may not identify the man named in the charge as the paramour, because it is possible that subsequently the complainant may produce this supplemental proof. The witness has referred to the defendant as one of the speakers in the conversation she overheard.

Judge Carrow:—Yes, but she did not recognize the male voices.

The Vice Chancellor:—She stated that the female voices were those of Mrs. Farrow and Mrs. Eldridge.

Judge Carrow:—I haven't followed that up.

Q. You say you distinguished the female voices, whose voices were they?

A. Mrs. Farrow and Mrs. Eldridge.

Q. Now you say you heard, you could make out some of the conversation, something that was said?

A. Yes.

Q. Will you tell us what it was?

Mr. Edmunds:—Do I understand that the court admits the testimony upon the assumption that it is to be followed up by other testimony offered by the libellant, identifying the man who is said was in the party? Do I correctly understand the court's ruling?

The Vice Chancellor:—As at present situated, that is my holding.

Mr. Edmunds:—I have no objection then.

A. Some of the conversation?

Q. Yes.

A. Well just snatches of the conversation you know. I heard them tell—shall I tell you what it was?

Q. Yes.

A. Mrs. Edmunds, Mrs. Farrow's grandmother, came up the street, and Mrs. Farrow went to the door and talked to her. Of course I don't know what they were saying, I didn't pay any attention, and they told this fellow that if grandmother came in to go up stairs, and then little snatches that way I heard, and when Mr. Farrow came to the door he did go up stairs, but he came down again.

Q. Mr. Farrow?

A. No, Mr. Farrow didn't enter the house at all.

Q. Did you see him come to the door?

A. Yes, sir, and talk to Mrs. Farrow.

Q. The complainant in this case?

A. Yes, sir, he talked to Mrs. Farrow but didn't enter.

Q. What became of the man?

A. He was in the back, dining room or sitting room.

Q. Did the man go up stairs?

A. Yes.

Q. How do you know that?

A. Because I heard him go up stairs.

Q. Who went up stairs with him?

A. When Mr. Farrow came to the door?

Q. Yes.

A. I think he went up alone, I guess, I could not say.

Q. But afterwards do you say they were up stairs?

A. Yes, sir, they all went up stairs.

Q. Who were they all?

A. Mrs. Eldridge, Mrs. Farrow and this fellow, I won't say who it was.

Q. Where did they go?

A. Mrs. Farrow and this fellow went into the front bed room.

Q. Of whose house?

A. Mrs. Eldridge's house.

Q. Did you hear them in there?

A. Yes, sir, I could hear them mumbling a conversation.

Q. How long were they there?

A. Well I don't know exactly how long they were there, I suppose from 2 o'clock until 5 probably.

Q. Did you see the man when he left?

A. No, sir.

Q. Did you see Mrs. Farrow?

A. I seen Mrs. Farrow when she left.

Q. What time did she leave?

A. About 6 o'clock, probably it was not that late.

Q. Had you ever seen Mrs. Farrow there before?

A. Yes.

Q. Had you ever seen any man there with her before?

A. No.

Q. Or since?

A. No.

Q. Do you know how the front bed room was furnished, of Mrs. Eldridge's house?

A. No, sir.

Q. How long has she lived there?

A. I don't know how long she has lived there.

Q. Is she married?

A. Yes, sir.

Q. Did you on the occasion mentioned see William Farrow, the complainant in this case, drive up to the house with a horse and wagon?

Objected to as leading.

The Vice Chancellor:—The introduction of a new subject always has to be to some extent leading. The first question may properly direct the attention of the witness to the subject matter upon which she is about to be examined, whether the witness saw Farrow drive up to the house. This is simply introducing the subject matter. It does not suggest the answer, and therefore I do not think it is objectionably leading. I think the question is admissible as framed.

A. I didn't see him drive up.

Q. Did you hear him say anything to his wife about going out driving?

A. Yes.

Q. What did you hear him say?

A. He asked her to go out driving, and she said she would not, she was going to stay with Mrs. Eldridge.

Q. (By the Vice Chancellor). At the time you heard Mrs. Farrow make this answer to her husband, had you heard the man that you spoke of?

A. He was in the other room of Mrs. Eldridge.

Q. Was he present when Mr. and Mrs. Farrow were talking, at the time Mrs. Farrow said she would not go driving?

A. Yes he was there, they were in the front door.

Q. They you say were then at the front door?

A. Yes, sir, and he was in the front room with Mrs. Eldridge at the time.

Q. (Further direct). The man was not present at any of the conversation with Mr. Farrow?

A. No.

Q. Did you hear Mrs. Farrow make any remark before she left the house; did you hear her call out to Linda and make any remark?

A. Yes she asked Linda if everything was all right.

Q. Who is Linda?

A. Mrs. Eldridge.

Q. Where was Linda Eldridge at the time Mrs. Farrow made that remark?

A. She was in the back of the house up stairs.

Q. Who?

A. Mrs. Eldridge and Mrs. Farrow was in the front of the house standing in the hall, and she asked Linda if everything was all right.

10

By the Vice Chancellor.

Q. At what stage was that inquiry made of Mrs. Farrow as to the arrival or departure?

A. It was at the departure, she was about going away, they were going down stairs.

Q. Mrs. Farrow was about going?

A. Yes.

Q. What did Linda Eldridge say?

20 A. She said she didn't know, she would see, then she went down stairs and called out that everything was all right.

Q. What did Mrs. Farrow say?

A. She said that they could not come then for he was sick.

Q. What happened then?

A. They went down stairs after awhile, they stood there awhile and then went down.

Q. That is all you know about it?

30 A. Yes, sir, that is all I know.

Q. When did you communicate this information to Mr. Farrow?

A. I don't know when it was, I told Mr. Farrow about it after he had left his wife.

Q. That was after the separation?

A. Yes, sir.
Q. This year?
A. Yes, sir.

The Vice Chancellor:—I notice that the original bill in this case charges offenses with Charles Doak, at different time, in 1904, and April 25, 1904. There is an answer to that, a denial. There is also an amendment to the original bill which charges offenses with one Henry Oliver, during the months of the year 1903; to which an amended answer is filed, denying these charges. Then there is a supplemental bill, alleging as new matter that on August 17th, 1904, between the Iron Pier and Music Pavilion in Cape May, there was an offence with Charles Doak, and also that on the 24th of that month on the beach at the steamboat landing in Cape May, there was another offence with one John Lucas. All these charges are denied by the answer to the supplemental bill. To what date, Mr. Carrow, do you relate the incident that you have now proved? Has the date been given with any certainty?

Mr. Carrow: In the month of May is the charge and that is the proof. I don't know whether this lady can fix the date, can you?

A. (The witness). No.

By the Vice Chancellor.

Q. Can you fix this date with relation to the period of the year, what year?

Mr. Carrow:—She said it was in May, 1903.

The Vice Chancellor:—If that is in the testimony, I did not notice it.

Mr. Carrow:—Yes that is the testimony.

Further direct.

Q. Is there any way by which you can fix the date or come near it?

A. I don't know the date.

Cross-examination.

By Mr. Edmunds:

Q. How long have you lived at 505 Hughes street, Cape May City?

A. I never lived there.

Q. I mean to say 605 Lafayette street?

A. I have lived there going on six years.

Q. Are you engaged in any service of any character?

A. Engaged in service?

Q. Is your time usually spent during the day at home?

A. Yes, sir.

Q. And also evenings?

A. Yes, sir.

Q. Do you assist in the domestic cares of your home?

A. I do.

Q. Of whom does the family consist?

A. My two brothers, mother and father and myself.

Q. You are practically the active housekeeper there, are you not?

A. Yes.

Q. And I suppose as such you are kept quite busily engaged during the day and during the evening are you not?

A. Oh no.

Q. You are not kept busily engaged?

A. No.

Q. What proportion of your time is probably occupied with domestic matters?

A. In the morning.

Q. Then you have nothing to do in the afternoon?

A. Sometimes.

Q. But in the afternoon in question you had nothing to do?

A. No I was at leisure.

Q. How do you fix the month of May, 1903, as the date of this occurrence?

A. I know it was that month.

Q. How do you know it?

A. How do I know it?

Q. Yes.

A. I know Mr. Eldridge was away at that time.

Q. And Mr. Eldridge had been away for a number of months prior to that time, had he not?

A. Yes.

Q. He had been away all winter?

A. No I don't think so.

Q. He is a carpenter?

A. Yes, sir.

Q. You knew he had been engaged in carpenter work up in New Jersey?

A. Yes, sir.

Q. He had been away more than one month?

A. I don't know.

Q. Is that the only way you are able to fix the time of May, 1903?

A. That is one.

Q. Did you make any memorandum concerning this occurrence?

A. No.

Q. Who was the first person to whom you mentioned it?

A. I don't know.

Q. Now, Miss Hughes, try to think and tell us who the first person was?

A. I think my mother.

Q. When did you tell your mother?

A. That very afternoon.

Q. Is she in court?

A. No, sir.

Q. Was she in the house that day?

A. Yes, sir.

Q. Who else was in the house that afternoon?

A. Not anyone.

Q. Is your mother's hearing good?

A. Yes.

Q. How old is your mother?

A. Fifty-four years.

Q. You and she occupy I suppose entirely confidential relations with each other?

A. Yes, sir.

Q. When did these sounds which you have been speaking of first come to your ear that afternoon?

A. It was about 2 o'clock I should imagine.

Q. And they continued until about how long?

A. I should think 4, after probably.

Q. How much after?

A. I don't know.

Q. Did you speak to your mother while you were hearing these sounds and ask her to listen with you so as to corroborate your statement?

A. Mother knew about it, she was not in there all the time, she was not in the house all the time, she went out in the yard several times.

Q. Haven't you just said she was in the house during that afternoon?

A. Yes.

Q. How much of her time was she in the yard and you were in the house?

A. She just went out and in.

Q. As a matter of fact did you go to your mother when you were hearing these remarkable things, and say, mother, I want you to listen or something like that. Did you say anything like that to your mother?

A. No, sir.

Q. Why didn't you do it?

A. I was hearing enough myself.

Q. You were very much interested Miss Hughes?

A. Yes I was.

Q. You did all that you could to inquire into the business of other people?

A. Yes.

Q. You have had more or less interest in Mr. Farrow for some time?

A. No not particularly.

Q. But rather friendly relations?

A. We always have been friendly.

Q. Quite friendly?

A. Always have been friendly.

Q. What means had you of seeing into Mrs. Eldridge's home?

A. I had no means.

Q. You could not see?

A. No.

Q. In other words you depended entirely upon sound rather than sight?

A. I had to.

Q. Now, Miss Hughes, what separates your house from the house of Mrs. Eldridge?

A. Just the partition.

Q. There is a solid partition?

A. I guess there is.

Q. Have you ever been in Mrs. Eldridge's home?

A. Yes, sir.

Q. What is there immediately adjoining the partition wall inside of Mrs. Eldridge's home? There is a hallway?

A. In the front part of the house.

Q. Which room did you say Mrs. Farrow and this man were in?

A. Up stairs you mean?

Q. Yes.

A. They were in the front bed room.

Q. In other words before you could hear anything occurring in the front bed room of Mrs. Eldridge's house, the sound had not only to pass from the room in which they were, but through the hallway and through the partition wall and then to your ear, is not that right?

A. No, I was out in the little room, I don't know what you call it, it is not a room, but you can go from the other side, on Eldridge's side, or from our side into this little place, and I was out there.

Q. When did you go out there?

A. When I went up stairs.

Q. If you got into this little room on the outside of the house, or whatever you call it, that didn't give you any chance to see into Mrs. Eldridge's?

A. No I could not see, I could hear.

Q. The door which led from Mrs. Eldridge's home to this little room was closed?

A. Yes, sir.

Q. And it was always the custom of Mrs. Eldridge to keep that closed?

A. I suppose so.

Q. And it was the custom to keep your door closed leading there?

A. Yes.

Q. So you didn't draw any unfavorable conclusions merely from the fact that that door was closed, because it was the usual condition of affairs?

A. That is right?

Q. Will you describe how that sound which you allege you heard in the front room, had to travel before it reached your ears?

A. This door that I was to, and then there was another door that went into the front bed room.

Q. So it had to break through two doors and the hallway?

A. Yes, sir.

By the Vice Chancellor.

Q. Is there a hallway in the second story front?

A. Yes, sir.

Further cross.

Q. They must have been talking very loud?

A. I could not hear the conversation, just a mumble.

Q. How did it sound?

A. As it always sounds.

Q. How long did you hear the mumble?

A. For about two hours.

Q. Who were in this mumble?

A. Mrs. Farrow and the fellow.

Q. Was anybody else in the mumble?

A. No, Mrs. Eldridge was in the bath room.

Q. Do you mean to say that in this mumble—I suppose you mean by mumbling it is like the mingling of a number of voices?

A. No it was just two voices.

Q. Could you distinguish the voices in the mumble?

A. Why certainly I knew the voices.

Q. Miss Hughes down stairs you clearly distinguished voices?

A. Yes, sir.

Q. And when the parties got up stairs then you could not distinguish what the character of the conversation was could you?

A. No.

Q. All that you heard was mumbling?

A. Yes, sir.

Q. And the mumbling commenced as soon as they got up stairs?

A. Yes, sir.

Q. And it was continuous for two hours was it?

A. Yes, sir, off and on.

Q. Who else were in the house beside Mrs. Eldridge and Mrs. Farrow and this man?

A. Not anyone that I know of.

Q. Don't you know that the daughter was in the house all the time, Bessie?

A. I don't think she was.

Q. The daughter of Mrs. Eldridge I mean?

A. No I don't think she was.

Q. Will you swear that she was not there Miss Hughes?

A. No I won't swear.

Q. For aught you know she may have been in the house?

A. Yes.

Q. And Bessie Eldridge is a girl of considerable size, quite a large girl?

A. Yes.

Q. You know her very well?

A. I know her.

Q. You didn't say anything to Mr. Farrow of this until after the trouble arose between himself and the respondent?

A. No.

Q. And then when did you first mention it to him?

A. I told him about it right after he left Mrs. Farrow?

Q. And you made the same statement to him that you made now, is that correct?

A. Yes, sir.

Q. I want to ask you the question direct, and I want you to answer it the best you can: Do you mean to say here that on the afternoon of May, 1903, at 603 Hughes street, the home of Mrs. Eldridge, this respondent, Mrs. Farrow, committed adultery with any living man?

A. I don't say so for I don't know.

The Vice Chancellor:—She has not stated so. Why should questions be framed in that way when it is quite obvious she has not given any such testimony; she only states facts, which with other facts may lead the court to that conclusion.

Q. Do you say that the grandmother of Mrs. Farrow came to the house that afternoon?

A. Yes, sir.

Q. And of that you are quite certain?

A. Yes, sir.

Q. About what was the hour that Mrs. Farrow's grandmother came to the house?

A. I don't know the hour.

Q. Was it during the mumbling or before the mumbling?

A. It was before they went up stairs.

Q. Did the grandmother go into the house?

A. No.

Q. Who went to the door when the grandmother called?

A. Mrs. Farrow.

Q. Did you see Mrs. Farrow or did you simply depend upon the sense of hearing?

A. I heard her voice, I know her voice.

Q. How long was the grandmother at the house?

A. Just a few minutes, she didn't come in.

By the Vice Chancellor.

Q. Didn't you say you saw Mrs. Farrow when she went away?

A. Yes, sir.

Q. But you didn't see her during the period of time the conversation was going on?

A. No.

Further cross.

Q. Can you give the conversation which occurred between the grandmother and Mrs. Farrow?

A. No, I didn't listen to them.

Q. You can't say that Mrs. Farrow undertook to have her grandmother go away from the house?

A. No I don't know anything about that.

Q. I haven't asked you yet and haven't heard you say just at what hour of the afternoon it was that Mrs. Farrow entered, if you know?

A. I don't know, I didn't see her go there, I saw her go away.

Q. You did know she was a frequent visitor at the home of Mrs. Eldridge?

A. Yes, sir.

Q. You have stated that you never say any man at Mrs. Eldridge's home at any time before or after this occurrence, when Mrs. Farrow was there, as far as you can recall?

A. Yes, sir.

Q. In other words this was the only occasion during your long residence by the side of the home of Mrs. Eldridge that you had ever observed any man there at the time Mrs. Farrow was there?

A. The only time that I know of.

Q. You can't fix the time accurately that Mrs. Farrow went to the house

A. No I didn't see her go.

Q. Can you say how long Mrs. Farrow was engaged in this conversation with this man before they went up stairs?

A. I suppose about half an hour.

Q. Is that an accurate answer or just a casual guess at it?

A. I don't know the exact time.

Q. You said in answer to Judge Carrow's question that they were there until after 5 o'clock, is that correct?

A. After 4 o'clock.

Q. You said until after 5 o'clock I understood, was that a correct answer or do you want to amend it?

A. I suppose it was after 4 o'clock, Mrs. Farrow left, I should imagine about half past 5 or 6 o'clock.

Q. You didn't see any man leave at all?

A. No, sir.

Q. You don't know whether any man left or not?

A. No.

Q. Didn't you continue to look, you were watching to see who would go from the house?

A. Yes, but I didn't see him go.

Q. Why not?

A. I don't know why, because I didn't.

Q. How many ways were there for the man to get out of that house?

A. He could have gone over the side fence and the back fence.

Q. And then you could not have seen him?

A. No.

Q. How did Mrs. Farrow go out of the house?

A. Out of the front way.

Q. You say before Mrs. Farrow started away from the house you heard her call out something to Linda; what was that, before she undertook to go away?

A. She called out if everything was all right.

Q. You heard that very plain?

A. I heard that distinctly.

Q. Where was Mrs. Farrow at the time?

A. In the back of the house up stairs.

Q. Where were you?

A. I was in the front, in that little room.

Q. On the outside?

A. No it is not outside.

Q. I mean to say you were in that little room in the front of your house?

A. Yes, sir.

Q. You have to pass through the door from the front of your room to get into that little space?

A. Yes, sir.

Q. And that is where you were standing?
A. Yes, sir.
Q. Mrs. Farrow was where, in the back of the house, and her voice had to travel from the rear of the house, and pass through how many walls?
A. Just the door, Mrs. Farrow stood right alongside of the door where I stood.
Q. You said a moment ago that Mrs. Farrow was standing in the rear of the house?
A. I said Mrs. Eldridge was standing in the back of the house, Mrs. Farrow stood right alongside of the door, she came out of the bed room and was standing right alongside of the door where I stood.
Q. When Mrs. Farrow left the house you observed her as she left?
A. Yes, sir.
Q. How long could you see her when she went away?
A. If I had watched her I could have seen her all the way down.
Q. You were not interested?
A. No.
Q. None of your business. Is it your custom to listen when anyone enters Mrs. Eldridge's home?
A. No.
Q. This was a new experience?
A. Yes, sir.
Q. Never did it before?
A. I don't think it is necessary to ask that.
Q. You wanted to know?
A. Yes I have listened before.
Q. And that is the way you usually employ your spare time?
A. No I do not, it ain't worth listening to.
Q. I understood you on the afternoon in question, not only did the grandmother of the respondent call at this

house, but you have also said that Mr. Farrow himself called?

A. I did.

Q. How long was Mr. Farrow in the front of the house?

A. Just a few minutes.

Q. If the party had jumped over the fence, if this man that you have referred to had jumped over the fence, of course then he would, in order to get away from the premises, he would either have to get out through the front or through the rear?

A. I suppose so.

Q. And in either instance you could have seen him?

A. Yes, I think he stayed until after dark.

Q. Why do you say that?

A. I don't know, I didn't see him go out.

Q. Why do you say that?

A. I watched to see who it was.

Q. Who watched with you?

A. I watched alone.

Q. How many children has Mrs. Eldridge?

A. Five.

Q. What time did the public schools of Cape May dismiss?

A. Four o'clock.

Q. What time did Mrs. Eldridge's children usually reach their home?

A. A little after four.

Q. And on the day in question the public schools were in session?

A. Yes, sir.

Q. How many children has she attending the public school?

A. All of them.

Q. Then this affair up stairs, this mumbling was going on long after the dismissal of the public school?

A. Yes, sir.

Q. Did you hear any of the children come home that afternoon?

A. Yes, sir.

Q. And the children were around the house while this mumbling was going on up stairs?

A. Yes, sir.

Q. And while Mrs. Farrow was calling to Linda, is everything all right, yes, and then Mrs. Farrow said he can't go he is awfully sick, and the children were around the house during all this occurrence?

A. Yes.

Q. That is all?

A. They were out doors, they could not get in.

Q. Why not?

A. The doors were locked I suppose.

Q. Did you see any child trying to enter that house that afternoon and refused admittance?

A. I heard Mrs. Farrow's little girl come and ask if Mamma was there and she said no she was not there.

Q. Who said no?

A. Mrs. Eldridge called out of the bath room window.

Further cross.

Q. I ask you whether you saw any child of Mrs. Eldridge trying to get into that house that afternoon and was refused admittance?

A. No, sir.

SARAH E. LOVELL, sworn for the complainant.

Direct-examination.

By Judge Carrow:

Q. Where do you reside?
A. Cape May City.
Q. You have recently moved haven't you?
A. Yes, sir.
Q. Where did you live before you moved lately?
A. We lived 510 Hughes street.
Q. How near was that to Farrow's house, the complainant's house?
A. I could not tell how near it was, but it is not quite opposite.
Q. He lived on the opposite side of the street, almost opposite your house?
A. Yes, sir, not quite opposite.
Q. How long did you live there?
A. Five years.
Q. How long did the complainant and the defendant live across the street?
A. I don't know sir, they were living there when we moved on Hughes street.
Q. That is during the whole period of five years they lived across the street from you?
A. Yes, sir.
Q. You are of course acquainted with the defendant, Ethel Farrow?
A. Yes sir, I am acquainted with her, to speak to her on the street.
Q. You are also acquainted with the complainant, William Farrow?
A. Yes, sir.

Q. Are you also acquainted with a man named Doak, Charles Doak?

A. No, sir, I am not acquainted with him, only know him by sight.

Q. You know who he is?

A. Yes, sir.

Q. You have seen him often?

A. Yes, sir, on the street.

Q. While you were residing in Cape May?

A. No, sir.

Q. How long have you lived there altogether?

A. I guess I have lived there about thirty-five years.

Q. How long have you known Doak by sight, all that time?

A. No, sir, only while we lived on Hughes street.

Q. For five years you have known him by sight?

A. Yes, sir.

Q. Now during the fall of 1903 and winter of 1904, this present year, did you ever see Charles Doak at the home of William Farrow, the complainant in this case?

A. Yes, sir, I saw him going in and out there.

Q. When?

A. During the winter.

Q. This last winter?

A. Yes, sir.

Q. Last fall?

Objected to as leading.

The Vice Chancellor:—All other methods should be exhausted before leading questions are put, to test the witness' memory.

Q. When was it you saw Doak there?

A. I saw him there last fall.
Q. And when else?
A. During the winter.
Q. How often did you see him there?
A. I could not tell how often.
Q. Can you approximate?
A. Yes, sir, I saw him go in there five or six times.
Q. When; what time in the day?
A. I could not just exactly tell what time of the day.
Q. I didn't ask you the specific time of the day, but generally?
A. I saw him go in in the afternoon.
Q. What time in the afternoon?
A. I judge between 2 and 5 o'clock in the afternoon.
Q. Any other time?
A. Yes, sir, I saw him go in the morning.
Q. What time?
A. Between 9 and 12.
Q. Was Mr. Farrow home?
A. I could not say whether he was home or not.
Q. Did you ever see him about the place when Mr. Doak was there?
A. I could not answer that.
Q. Do you know Mr. Farrow's business?
A. Yes, sir.
Q. What is it?
A. He is a pilot.
Q. Do you know whether he is away from home much?
A. I could not answer that either but I know he is away from home frequently.
Q. Do you know that his business as pilot there on the bay requires him to be away from home a great deal of the time?
A. Yes, sir.

Q. You know that?
A. Yes, sir.
Q. Did you ever see Mr. Doak at Mr. Farrow's house on any of these occasions when Mr. Farrow was away from home working, or don't you know?
A. Yes, sir, I saw him go in last spring.

By the Vice Chancellor.

Q. The question is whether you saw him go in at times when you knew Mr. Farrow was away?
A. Yes, sir, I knew Mr. Farrow was away.

Further direct.

Q. When was it last spring?
A. I can't tell you.
Q. How long did he stay in the house?
A. I could not say how long.

Mr. Edmunds:—There is no averment in the libel that Charles Doak had any improper relations with Mrs. Farrow in the spring time, referring to January, February, March, April, May, June, July and August, 1903.

The Vice Chancellor:—There is also added April 25, 1904. The original bill states the same periods as are cited by Mr. Edmunds, and then there is an interpolation and change. In the answer it shows that the interpolation is made and that it is answered. The defendant seems to have noted the change on the face of the bill and to have answered it.

Mr. Edmunds:—We won't object to the testimony.

Q. Do you recollect when it was last spring?

A. No, sir, I don't.

Q. Do you recollect the month?

A. It was in the spring.

Q. Do you know what spring month it was?

A. I think in April, April or May.

Q. Do you recollect about the time in the month of April?

A. No, sir, I could not.

Q. What did you see Mrs. Farrow do, the defendant in this case on this occasion?

A. I saw her one morning between 5 and 6, she came out on the front porch and she looked up and down Hughes street, she looked to Decatur street and toward Ocean street and then she went in and then Mr. Harry Oliver, he came out.

Q. Do you recollect what time this was, Mrs. Lovell?

A. No, sir, I don't, but it was before I heard of their troubles.

Q. Harry Oliver, you say, came out of the house after you saw Mrs. Farrow look up and down the street?

A. Yes, sir.

Q. Do you know Harry Oliver?

A. Yes, sir.

Q. How long have you known him?

Mr. Edmunds:—I think we ought to have the time of this fixed. The witness is referring now to an occasion when it is alleged that somebody else was in the house. There have been dates fixed in the libel and the question becomes relevant whether the witness is testifying to a time which is in any of the bills filed.

Q. I ask you Mrs. Lovell if you will fix as near as you can the time?

A. I judge it was last March or the first of April.
Q. Of what year?
A. 1904.
Q. The present year?
A. Yes, sir.
Q. Do you know whether the complainant saw him?
A. No, sir, I know he was not home.
Q. Did you see that in the morning or afternoon?
A. It was in the morning.
Q. Do you recollect the day in April when you saw Doak there in the afternoon during the absence of the complainant?
A. No, sir, I could not tell the date, but I saw him there several mornings.

Cross-examination.

By Mr. Edmunds:

Q. Of course you don't undertake to be accurate insofar as the matter of dates is concerned?
A. No, sir.
Q. Insofar as Charlie Doak's visits to the house were concerned, they never made any particular impression upon your mind; they were made in the day time just as other friends of Mrs. Farrow's called?
A. Well yes, it did make an impression on my mind.

By the Vice Chancellor.

Q. The question is did they make an impression on your mind, when they were made in the day time just as Mrs. Farrow's friends might call?
A. They were there.

Further cross.

Q. Mrs. Farrow had other friends to call?
A. Yes, sir.
Q. She kept an open house for all her friends?
A. Yes, sir.
Q. And as far as you know anybody that went there was perfectly welcome to the conveniences of her home?
A. I suppose so.
Q. You live right across?
A. Not right across, diagonally across.
Q. Your relations with Mr. Farrow have always been pleasant?
A. Yes, sir.
Q. And he is one of the good chums of one of your sons, don't they travel together?
A. I don't know, they often go together.
Q. And that intimacy began after the disturbance between Mrs. Farrow and her husband?
A. With Mr. Oliver?
Q. Between Mr. Farrow and your son?
A. I don't know whether it did or not; if my son is out I don't know who he is with.
Q. Are you sure it was in the spring of 1904 you saw Harry Oliver come out of the house?
A. Yes, sir.
Q. That was the spring of what year?
A. 1904.
Q. You mean last spring?
A. I mean this spring.
Q. If I told you that Harry Oliver was not in that house in 1904, would that assist you in correcting your recollection?
A. No, because I know he was there.
Q. And you are positive of that?

A. Yes, sir, I am.

By the Vice Chancellor.

Q. The question is whether he was there at that time?
A. He was there that morning.
Q. No the time, the spring of 1904, that is this last spring?
A. It was this last spring, yes, sir.
Q. Not whether he was in the house, but whether he was this last spring?
A. Yes, sir.

Further cross.

Q. Are you positive he was in the house in the spring of 1904?
A. Yes, sir.
Q. You are positive that he was?
A. Yes, sir.
Q. Now you say that on the morning in question Mr. Oliver came out of the front gate?
A. Yes, sir.
Q. Which way did he go when he came out?
A. Toward Decatur street.
Q. In the spring at Cape May, is it not true there is quite a little activity at even so early an hour as 6 o'clock; things commence to be rather busy at Cape May?
A. Yes, this happened between 5 and 6 in the morning.
Q. What time was it, nearer 5 than 6 or nearer 6 than 5?
A. Nearer 5.
Q. Where were you?
A. Up stairs.

Q. In what room?

A. The front room.

Q. Were you up; were you dressed at the time?

A. No, sir, I was not.

Q. You had just gotten up?

A. Yes, sir.

Q. What time do you usually get up?

A. I generally get up about half past 6, but my daughter gets up about half past 6, and she set her alarm clock that morning wrong, and when her alarm went off she called me and I got up, and then she came to the door and said she had made a mistake, she had set her alarm 5 o'clock and for to go back to bed, she would not get up until half past 6; so she called me to the window, she said I wonder what is the matter over at Mrs. Farrow's—

Q. Never mind the conversation.

The Vice Chancellor:—That attracted your attention to the other side of the street?

A. Yes, sir, it did.

Q. On this particular morning you got up about an hour in advance of the usual rising time?

A. I got up at 5 o'clock.

Q. When did you first mention this to Mr. Farrow?

A. I can't just exactly tell when it was.

Q. Before or after this disturbance arose between him and his wife?

A. After.

Q. How long after?

A. I can't just exactly tell, I was on the way to church one night and he came up to me.

Q. What occurred?

A. He walked to church with me and asked me.

Q. What church?

A. The Methodist Church.

Q. Give the conversation?

A. He asked me if I knew anything and I first said no. He said, I guess you do, and then I said yes I do, I knew of that.

Q. Why did you say no if you did know of things; why did you tell him that which you knew to be untrue?

A. I didn't want to come to court.

Q. Your first answer was a story?

A. Well yes it was a little story for he asked me if I knew anything and I said no at first, and then he walked along, and then I just up and told him.

Q. What did you tell him?

A. I told him about Mr. Oliver coming that morning.

Q. About his having left the house that morning?

A. Yes, sir.

Q. You have never said anything to Mrs. Farrow on the subject?

A. No, sir.

Q. What had been your relations with Mrs. Farrow; friendly or otherwise?

A. Just friendly.

Q. You didn't visit the house?

A. No, sir.

Q. What do you mean by just friendly, simply speak to each other?

A. When she came out on the porch or when she was at the door.

Q. You never went over to ask her why—you never intimated in any conversation with her that you thought there was anything peculiar about this man having left the house at that early hour in the morning?

A. No.

Q. You never said a word to her?

A. Of course I did not, because I was never in her house nor at the door.

Q. You never called her attention to it?

A. No.

Q. Did you make any memorandum of this after it occurred, did you write down the date or make any entry anywhere?

A. No, sir, I did not.

Q. How long was Mrs. Farrow out there looking up and down Hughes street, before she gave the signal to Mr. Oliver?

A. She just came down to the edge of the porch and looked up and down.

Q. Was she dressed?

A. Yes, sir.

Q. What did she have on?

A. A black skirt and a light dressing sacque.

Q. Fully dressed?

A. Yes, sir.

Q. What sort of a morning was it; what kind of weather did we have that day?

A. Clear.

Q. And it was full daylight?

A. Yes, sir.

Q. And the sun was up?

A. I think it was.

Q. And that neighborhood is very populous, is it not?

A. It is not very populous until about half past 6.

Q. You don't understand my question, I mean to say that neighborhood is completely occupied with residences?

A. Yes, sir.

Q. And they are all built up close together?

A. Yes, sir.

Q. And Hughes street is covered with buildings on both sides?

A. Yes, sir.

Q. Both to the right and to the left of Mrs. Farrow's?

A. Yes, sir.

Q. And Decatur street is completely covered with cottages on both sides, is not that true?

A. Yes, sir.

Q. You did answer the question, but I have forgotten what your answer was. Which way did you say Mr. Oliver went after he left the house?

A. Toward Decatur, or went out into Decatur.

Q. Then when he got to Decatur which way did he go?

A. Out toward Washington.

Q. You had no difficulty in recognizing Mr. Oliver?

A. No, sir.

Q. He was dressed as usual?

A. Yes, sir.

Q. Did he undertake to disguise his appearance?

A. He came out very sheepish.

Q. What do you mean by very sheepish?

A. He held his head down.

Q. What else did he do?

A. He looked as if he was guilty.

Q. What was there about his looks that indicated that he was guilty of robbing a hen roost or anything else?

A. If he hadn't been guilty I don't think Mrs. Farrow would have come out first and looked up and down.

Q. Then your judgment is that the guilt was not so much manifested by the appearance of Mr. Oliver as by the fact that Mrs. Farrow came out first?

A. He came out on his tip-toes.

By the Vice Chancellor.

Q. When you say Mrs. Farrow came out first, how far out did she come?

A. She came out of the front door at the edge of the porch.

Q. Came down on the street?

A. No, sir.

Q. But standing on the edge of the porch?

A. Yes, sir.

Q. What did she do when she got out?

A. She looked toward Decatur street and toward Ocean street.

Q. What then?

A. She went back.

Further cross.

Q. Are you sufficiently acquainted with the construction of this home of Mrs. Farrow's, and the entrance, front and rear, as to be able to say that there could have been—Mr. Oliver if he had been in the house could have gone out the back way if he desired?

A. Yes, sir.

Q. You know he could?

A. Yes, sir.

Q. He could have gone out of the back way and attracted very much less notice?

A. He could have gone out over the back fence of the alley.

Q. And that would have attracted very much less attention, insofar as persons living on the street are concerned?

A. I think it would have attracted more attention.

Q. You say that William Farrow was away on the day Harry Oliver left the house?

A. Yes, sir.

Q. How do you know that?

A. My little boy went over the day before, and the afternoon, which he often goes over.

Q. You know because the little boy went over?

A. Yes, sir, he came home, he wanted to borrow something of Mr. Farrow I think, his bicycle pump, and he came back and said Mr. Farrow was not home.

Q. That was the day before?

A. The afternoon before.

Q. You don't know whether he had come home that night or not do you?

A. No, I don't know whether he came home or not.

Q. So you don't know whether Mr. Farrow was home that night or not?

A. He was not home that morning.

Q. You said you know your boy went over in the morning and learned he was not home. You do know that when Mr. Farrow is away on the boat he is apt to come home any time, he is apt to be landed at the pier opposite Cape May at any hour of the night, and he is also apt to come down on the train from Camden. whatever the time for the arrival of the train is, isn't that true?

A. Yes, sir, I suppose it is true.

Q. But as a matter of fact your knowledge relative to Mr. Farrow's absence from home—

A. He was not home that morning.

Q. How do you know?

A. I know he was not.

Q. Have you any other facts to base your opinion upon?

A. Yes, sir, I have because when Mr. Farrow is home, when he comes home it is always his business next morning to be out there sweeping, cleaning the front off.

Q. He sweeps?

A. Yes, sir, I saw him clean it off lots of times.

Q. And because he was not sweeping that morning therefore you think he was not at home?

A. Yes, sir.

Q. How often have you seen him sweep?

A. Lots of times.

Q. Do you mean to say that he sweeps the front porch off every morning?

A. I don't know that he did every morning but he always swept it.

Q. You don't mean to say that although you did live across the street, when Mr. Farrow was at home, you didn't see him every morning?

A. Yes, I saw him every morning.

Q. That is all.

SALLIE WILLIAMS, sworn for the complainant.

Direct-examination.

By Judge Carrow:

Q. Where do you reside?

A. Cape May City.

Q. Whereabouts?

A. 509 Hughes street.

Q. How long have you lived there?

A. More than 20 years.

Q. Have you always lived in Cape May?

A. Always.

Q. Are you acquainted with the complainant, William Farrow?

A. Very well.

Q. And his wife, Ethel Farrow?

A. Slightly.

Q. How long have you known them?

A. I have known Mr. Farrow from a little boy, and his wife since their marriage.

Q. How near do you live to them on Hughes street?

A. Our properties adjoin.

Q. How long did you live as neighbors to them?

A. Ever since Mr. Farrow has been married; I could not say; his father lived there before that time.

A. Are qou acquainted with Charles Doak?

A. Only by sight.

Q. How long have you known him by sight?

A. From a little boy I have seen him, when he used to go to Sunday-school; later I haven't seen him so often.

Q. Did you ever see him at Mr. Farrow's house, the complainant's house?

A. I did.

Q. When?

A. Last winter.

Q. What time during the winter?

A. I have seen him there on several occasions.

Q. How many?

A. I would not undertake to say; several times I have seen him go there.

Q. What time in the day?

A. I have seen him go in the morning and in the afternoon.

Q. What time in the morning?

A. Between 10 and 12 o'clock; about skating time I used to see him go oftener, when they used to skate over on the lake, I used to see him go.

Q. Did you ever see him there at night?

A. No. I could not say it was him; I have seen others there.

Q. How many times did you see Doak there?

A. Well, I would not undertake to say, but I have seen him several times.

Q. Do you recollect what months?

A. It was after the cold weather came last winter.

Q. How long did he stay?

A. Really, I could not tell, I was engaged about my work at my window overlooking their back door, and I have seen him come in and out.

Q. Which way?

A. I have seen him go in the front door and in the back door.

Q. Did you ever see him go out?

A. Yes, sir; I have seen him go in and out, but not the same day.

Q. How have you seen him go out?

A. Out the back door; I have seen him go around the side yard as though he was going toward the front.

Q. Night time or day time?

A. Day time.

Q. Do you know whether Mr. Farrow was home on those occasions?

A. I have every reason to think he was not at home.

Q. Why?

A. Like one of the other witnesses said, when Mr. Farrow was home we always knew it. He was a great man to be around the yard, and in and out, and when he was home we would see him every time he went to the window, see him around the yard.

Q. Did you see Mr. Farrow around the yard or house on any of those occasions when Doak was there?

A. No, sir; I think not.

Q. Did you observe anything else during the absence of Mr. Farrow from home?

A. Well, we always knew when Mr. Farrow was home, because in the evening the curtains would always be

up and the light would be in the house, and everything would look cheerful. When Mr. Farrow was away the curtains were lowered.

Q. What did you observe when he was away beyond that? Did you see anything else? You have spoken about Doak, did you see any other men, any strange men whom you didn't know?

A. When?

Q. In the fall of 1903.

Mr. Edmunds:—Our position is the same as far as this other man is concerned, unless he is subsequently identified.

The Vice Chancellor:

I cannot limit the testimony. Of course, I think the Court may be safely trusted, if the testimony is not addressed to any of the charges; it is not likely to base conclusions upon it. I will have to take it until it appears that it is disconnected entirely.

Q. Do you recollect what month it was in 1903?

A. I think October, I am quite sure it was in October.

Q. Do you recollect what time in October?

A. The latter part of October, because I know my son and his wife had been at my house all summer.

Q. What did you observe then?

A. I was in my little sitting-room, without any light —I had been suffering with headache—and I heard some one whistle and I very naturally looked up, and there were two men in my yard jumping over the back fence into Mrs. Farrow's yard. Mrs. Farrow opened the back door and came out, she was as close to me as that parti-

tion. Of course I didn't hear any conversation; my window was up and the back door of Mrs. Farrow's opened, and Mrs. Eldridge stood in the back door; they stood and talked a few minutes, Mrs. Farrow and the two men, and went into the house and the door was closed. After awhile I went to the front door and waited for the children to come back; I seen a third man come there, and he knocked but didn't get in.

Q. Do you know who these men were?

A. No, sir.

Q. What time in the day was this?

A. Evening.

Q. What time?

A. It was earlier than half-past eight, because the girl had gone to the post-office; at what time they came away I don't know.

Q. What Eldridge was that?

A. Mrs. Linda Eldridge.

Q. Where did she live?

A. I think she lived at that time on Lafayette street, where she is still living.

Q. How long did these men stay in the house?

A. I could not tell you; I had a headache, and ten o'clock I went to bed.

Q. Were they in there yet?

A. As far as I know, they were.

Q. Was Mr. Farrow home?

A. He was not.

Q. Do you know that he was not?

A. He hadn't been for a couple of days. I have every reason to think he was not.

Q. Did you ever see any other men—have you in mind any other occurrence?

A. I seen a man go away from there at three o'clock in the morning, that same fall, 1903.

Q. Do you recollect the month?

A. It was in the early fall; I think the same month, or perhaps a little later; I think October.

Q. Three o'clock in the morning?

A. Yes, sir.

Q. How did he go out?

A. The back door.

Q. Did you see him go out?

A. Yes, sir.

Q. Who was the man?

A. I could not tell you.

Q. Who let him out?

A. I could not tell you that.

Q. Was Mr. Farrow home then?

A. I don't think so; the light of their room reflected on my bed—always in summer I had to sleep downstairs. I keep a boarding house, and the light reflected on my bed, and I got up and I seen a man come out of the back door, and he walked out of the yard, and I naturally turned up my light, and it was three o'clock.

Q. When did you tell Mr. Farrow about this?

A. I didn't never say anything to Mr. Farrow until after the separation. Mr. Farrow called me and asked me what I knew, and I told him I didn't want to get into any such scrape at this; I preferred not to say anything; and I talked with my children, and they thought it was only just to Mr. Farrow to tell.

Q. Do you recall when the separation occurred?

A. It was in April, sometime.

Q. This year?

A. Yes, sir.

Cross-examination.

By Mr. Edmunds:

Q. About when was it that you made this statement to Mr. Farrow?

A. That was after the separation.

Q. About how long after?

A. I judge two weeks; I don't know any particular time.

Q. Was it before or after I called to see you?

A. Before.

Q. You remember your conversation with me?

A. I told you I would not commit myself.

Q. Do you remember your conversation with me?

A. Yes, sir; I do.

Q. About how long after the separation was it that I called to see you?

A. I don't know; it was in the early summer.

Q. It was several weeks after?

A. Yes, sir.

Q. It was on what day of the week?

A. Sunday.

Q. In the afternoon?

A. Yes, sir.

Q. You were sitting on the front porch?

A. Yes, sir.

Q. Who accompanied me when I came?

A. Mrs. Farrow.

Q. What was our conversation?

A. You asked me what I could tell you about the trouble next door.

Q. I told you I wanted to know the truth.

A. Yes, sir.

Q. And said that you were at perfect liberty to reveal any facts that was in your knowledge?

A. If you had come along I should have told you the same as I told the Court.

Q. I acted in a gentlemanly way?

A. Yes, sir.

Q. When I asked you to state any facts in your knowledge do you recall my saying this: that I expected to participate in the defence of Mrs. Farrow's case, and that I was curious to know what the neighbors knew of any improper relation with Mrs. Farrow and any living man, at this Hughes street home; do you remember that?

A. Yes, sir.

Q. When I asked you for information, what did you say?

A. I told you I didn't care to commit myself in any way. I didn't tell you that Mr. Farrow had already been to see me.

Q. Do you remember having stated this: that you would not have anything to say for either side?

A. No.

Q. You don't remember that?

A. No; I said I would not have anything to do with it.

Q. And that you didn't propose to say anything to either side.

A. I did not.

Q. Do you remember that Mrs. Farrow in the conversation said to you, "Mrs. Williams, if you know anything you have my permission to speak of it;" do you remember that?

A. I do.

Q. And that she requested you, along with me, to tell the whole truth about anything you observed; do you remember that?

A. Yes, sir; if you had been alone—if Mrs. Farrow hadn't been with you; I didn't care to hurt her feelings any worse than she was feeling.

Q. You never communicated with me privately, that if I would call you would tell me?

A. No, I did not.

Q. You knew where you could reach me easily enough?

A. I did.

Q. Did you ever see Charlie Doak in the house when Mr. Farrow was at home?

A. I don't think I ever did.

Q. Did you ever see Charlie Doak and Mr. Farrow together?

A. No.

Q. You don't know that they were quite close, intimate friends?

A. I do not.

Q. You would not say that Charlie Doak was never at the house when Will Farrow was there?

A. No.

Q. Mrs. Farrow entertained a good deal of company?

A. Yes, sir; she did.

Q. And she always had quite a little company when Mr. Farrow was at home?

A. She seemed to have a good deal of company all the time.

Q. They used to have music there?

A. Yes, sir.

Q. And the music there was quite the ordinary thing of an evening?

A. It used to be a very common occurrence.

Q. How long have you known Mrs. Farrow?

A. Since her marriage to Mr. Farrow.

Q. Since they lived next door to you?

A. Yes, sir.

Q. The windows of your home on the side of Mrs. Williams overlooked the residence of Mr. Farrow, do they not?

A. Yes, sir.

Q. In other words, you have a complete view of the house?

A. Yes, sir; the entire length of the house.

Q. Did you ever make any complaint to Mrs. Farrow after these men had whistled from your yard and jumped over your fence, did you ever go to her, and didn't want any such thing to occur again?

A. No; I did not; and it happened here very recently again.

Q. You never made any complaint?

A. No, I did not; we used to talk about it in the home, and it was very unpleasant.

Q. This occurred about what hour of the night in October?

A. It was in the early evening.

Q. Did you speak to the chief of police about this, and tell him to watch for these trespassers on your property?

A. No.

Q. You knew who the chief of police of Cape May is now and has been for a great many years, and he is the father of William Farrow?

A. Yes, sir.

Q. And you knew that the city of Cape May was policed night and day?

A. Yes, sir.

Q. Did you speak to any officer and ask them to keep intruders off your property?

A. I did not.

Q. Mrs. Williams, there is an alley leading from Decatur street into Ocean street, is there not, which is oftentimes used by persons who want to make a direct cut?

A. It don't get through to Ocean street.

Q. Those who use the alley, how do they get through?

A. Lots come through my yard.

Q. In order that the Court may understand, your home fronts on Hughes street?

A. Yes, sir.

Q. And below is Decatur street, and to the left is Ocean street. Now the block, Mrs. Williams, from Ocean to Decatur street, is probably about 300 feet, would you not say that would be a pretty fair measurement?

A. I should judge it was fully that much.

Q. Not very much more than that; that is probably a fair measurement?

A. I think so.

Q. And the whole neighborhood, as one of the witnesses has already described, is thoroughly built up?

A. Yes, sir.

Q. And that is a section of Cape May which is occupied by people all year round?

A. Yes, sir.

Q. In other words, there are some parts of Cape May which are given over wholly to summer residences and abandoned in the winter, but this is the most thickly populated winter residence portion of Cape May?

A. Yes, sir.

Q. And there is a great deal going on there?

A. Yes, sir.

Q. And it was in the fall of 1903 that these men you say jumped over the fence and went into Mrs. Farrow's

home and remained there, you say, until after 10.30; is it not true that months after that you went to Mrs. Farrow and asked her to play in the Methodist Church?

A. Mercy, no.

Q. Well, your daughter?

A. My daughter don't go to the Methodist Church.

Q. The Presbyterian Church, I should say?

A. I think she did play an accompaniment for my daughter when she sang at some kind of an entertainment.

Q. Did you know that she was going to play when your daughter sang an accompaniment?

A. I haven't anything to do with my daughter; she is a married woman.

Q. Did you know she was going to do it?

A. Yes; I think Helen was going to play the accompaniment at that time. Mrs. Farrow was playing in the Presbyterian Church.

Q. Had you forbidden her to do that?

A. She had a right to do as she pleases; she is a married woman.

Q. Or had you forbidden any of your family to do it?

A. We never were on friendly relations.

Q. Which daughter was it that asked Mrs. Farrow to play.

A. Mrs. Helen Marcy.

Q. You have stated that you and your daughter talked over the occurrence October, 1903, and agreed together that Mr. Farrow ought to know of these things?

A. Yes, sir; lots of times.

Q. Which daughter did you talk it over with?

A. Helen, the one I referred to.

Q. And after she had talked over with you and decided that Mr. Farrow ought to know of these alleged

improper relations with Mrs. Farrow with other men, this same daughter goes to Mrs. Farrow and asked her to play while she sang in a Christian church.

A. The only reason she did—

Q. Answer the question; is that correct; was it afterwards that the young lady asked her to play for her to sing?

A. It was before the separation.

Q. Was it after this occurrence in October, 1903?

A. Yes, sir.

Re-direct.

Q. Is your daughter ill now?

A. No.

Re-cross.

Q. Speaking of this alley which runs from Decatur to Ocean streets, used by persons for short cuts, when they come to the part of the alley that is obstructed, they jump over the fence?

A. No; not necessarily; we have two back gates.

Q. Have you ever seen anybody jump over your fence?

A. I have seen them jump over my side fence into Mrs. Farrow's yard; my back yard runs further back than any of the other lots.

Q. Who have you seen jump over?

A. It has always been at night; I could not say who they were.

Q. When they jumped to get into Mrs. Farrow's yard, where would they go?

A. To her back door.

Q. Didn't they go any further?

A. Went into the house.

Q. But I want to know this: I want to know whether or not any person not stopping at Mrs. Farrow's using this back alley, whether or not you ever saw any person jump over the fence and come into your yard?

A. Not on that side; the other side we have an alley that goes into Hughes street.

Q. And you have seen them there?

A. On the other side it is a very common thing for people to use that for a short cut; but they didn't have to jump the fence.

Re-direct.

Q. The two men you say you saw going up to the back kitchen door, with Mrs. Eldridge standing there with a light in her hand, did they jump the fence?

A. They did; I heard them whistle, I looked up and they were coming in, and just as they whistled, Mrs. Farrow opened her back door, the men jumped over my back fence into Mrs. Farrow's, and by this time Mrs. Eldridge stood in the back door with a bright light.

Re-cross.

Q. You have stated that the bright light was in Mrs. Eldridge's hand?

A. No; it was in the house; the house was brightly lighted.

Q. Mrs. Eldridge made no effort to conceal the fact that she was there?

A. No.

Q. What sort of a night was that?

A. Bright, beautiful evening.

Q. Was it a moonlight night?

A. I don't know anything about that; it was early in the evening and I waited for the girls to come back from the post-office.

SARAH C. JEFFERSON, sworn for complainant.

Direct examination.

By Judge Carrow.

Q. Where do you reside?
A. Cape May city.
Q. How long have you lived there?
A. Four years.
Q. Did you ever live there before?
A. No.
Q. Do you know Charles Doak?
A. By sight.
Q. Do you know Ethel Farrow, the defendant in this case?
A. Yes, sir.
Q. Do you know William Farrow, the complainant in this case?
A. I do.
Q. In the months of August and September of last year—I don't mean this year that we are in, but 1903—did you have any occasion to visit Mrs. Farrow?
A. I did.
Q. How often; for what purpose?
A. Twice a week; washing and ironing.
Q. Did you ever see anybody at the defendant's house when you went there?
A. I did not.

Q. What did you see, in whose company did you see the defendant, Ethel Farrow?

A. At her home?

Q. Yes.

A. No one at all only her husband.

Q. Did you ever see her in the company of any other man outside of her home?

Q. Where?

A. On Corgie street.

Q. Where is that?

Mr. Edmund:—Objected to; there is no allegation on record in reference to a offence on Corgie street.

The Vice Chancellor:—The testimony is not limited to the proof of incidents happening at the places where the acts of adultery are alleged to have been committed. There may have been conduct happening elsewhere, which tends to prove the offences charged. Many incidents may be submitted in testimony which go to prove what is alleged in the pleadings, but which are not limited to the particular place and time where the events took place which are made the cause of complaint. The defendant might have acted improperly towards or with the alleged paramour in any place. The proof of this tends to show the existence of a disposition to commit with him the crime charged.

In cases of adulery, the complainant may prove the crime charged in the bill by the testimony of witnesses who saw the parties in *flagranti delicto*. This sort of proof is not unusual. The charge may also be proved by showing that the defendant was adulterously disposed toward the person with whom it is alleged she has offended, and that at the time and place charged in the bill, she had an opportunity to gratify her adulterous in-

clination. If the facts proven lead to a reasonable and just inference that the opportunity was accepted and that the crime charged was committed, a decree should be made.

It is quite evident that many incidents showing the conduct of the defendant with the alleged paramour must be admissible in evidence in proving that she was amorously inclined toward him. It is no matter where or when this conduct took place if it indicates an adulterous disposition. No decree can in cases of this sort be based upon proof of disposition alone, nor can any be founded upon proof of opportunity alone. Testimony tending to prove either incident is admissible in evidence; but no decree can be based on any other acts of adultery than those alleged in the bill. I think the testimony offered is admissible.

Mr. Edmunds:—I think we ought to have a formal offer from counsel when it is not connected with the pleadings. If that is the purpose, which has reference to the charge against the respondent, then I think the Court is entirely with me in saying that the pleadings are not sufficiently broad, because we are entitled to notice that at the trial of the case, which so closely concerns the character of the respondent—we are entitled to notice as to when and where the wrongful act occurred. If the purpose of this offer bears upon the point to show an adulterous disposition, I entirely agree with your Honor, and I ask counsel now what he proposed to prove by this witness.

The Vice Chancellor:—I cannot require each witness to be confined to a particular incident, nor can time be taken to open the proof sought from each witness. Any testimony is admissible which goes to show the associ-

ations of the defendant with the persons named in the pleadings as paramour with her, at any time or place reasonably pertinent to the acts charged against her.

We shall never finish this cause if I require counsel to state as each witness is examined what is intended to be proved. The pleadings themselves are a fair opening of the intended proofs. I will afford the defendant the most abundant opportunity for cross-examination on rebuttal.

Q. Now I will ask you whether you ever saw Mrs. Ethel Farrow on the street, or at any other place, with any other man than her husband, the complainant in this case?

A. Yes, sir.

Q. Who was that man?

A. Charles Doak.

Q. Now, will you tell us how many times you saw them together?

A. Well, I should say at least a dozen times.

Q. And where did you see them?

A. At the corner of Corgie and Jefferson street.

Q. Were they at the same place these twelve times?

A. Every time I saw them, there is where I saw them.

Q. At what time?

A. Different times in the evening, sometimes a little earlier and sometimes a little later.

Q. When was the earliest?

A. I should say about 8 o'clock, between 7 and 8.

Q. And when was the latest?

A. Between 8 and 9, as near as I can remember.

Q. Any later than that?

A. Not to my remembrance.

Q. What were they doing?

A. Standing talking.

Q. Is it a light or dark place?

A. It is a light place.

Q. Were they doing anything else on any of these occasions than talking?

A. Nothing.

Q. When was it, what time of the year?

A. The fall of the year.

Q. What year?

A. 1904.

Q. Do you mean this present fall or last year?

A. This present year—I mean last fall, 1903.

Q. Was any one with her when you saw her talking to Doak?

A. I have seen her there with him and I have seen her when she was waiting for him, I suppose; she was on that corner.

Q. Did you see her afterwards on any occasion when you saw her standing alone; was she doing anything?

A. Leaning on the fence.

Q. Did you afterwards see Doak on those occasions come up?

A. No, I never saw him come.

Q. Where is that street located?

A. I don't know whether I can tell you; it is between Franklin and Jefferson—no, it is not; it is on the corner of Jefferson and Corgie.

Q. Is it dark or light?

A. There is an electric light right up over their heads.

Q. Now, with reference to the neighborhood, what character of buildings are around that neighborhood?

A. Houses on one side, gas tank on the other side. There is not a house all the way on the right-hand side.

Q. The gas tank, you mean that is where the gas plant of the city is?

A. No; they don't use it.

Q. It is the supply tank?

A. They don't use it at all.

Q. Are their stables there also?

A. Yes, sir.

Q. How many houses in that neighborhood?

A. I don't know that I can tell you; Corgie street runs from Jefferson up to Madison avenue.

Q. Are there any vacant lots right there?

A. Three.

Q. And there is this gas tank and the stable, and you say there are some houses along there?

A. Above that.

Q. But at this particular place where they stood, were there any houses?

A. Yes, sir; Mr. Robert Hand lives in the first house.

Q. (By the Vice Chancellor). Do you say you saw these people, Mr. Doak and Mrs. Farrow, meet at this place a dozen times, or more times?

A. Yes, sir.

Q. Can you recall any particular occasion in which Mr. Doak or Mrs. Farrow arrived at the place first?

A. I always saw her first, when she was there alone.

Q. Then when Mr. Doak arrived how did Mrs. Farrow greet him?

A. I never saw him come. I passed them when the two stood there and when she stood alone.

Q. Did you ever see him or her arrive?

A. No.

Q. Did you ever see any greeting?

A. I did not.

Q. Did you ever see any parting between them?

A. I did not, because I had my own—I only saw them as I was passing, I didn't watch to see them.

Cross-examination.

By Mr. Edmunds:

Q. When you saw them together they were under the bright electric light?

A. Yes, sir; over head.

Q. And the residence of Mr. Hand was right at the corner.

A. There is a small house and then his house?

Q. And there are a number of residences right in that immediate neighborhood?

A. Yes, sir.

Q. And the stable is occupied all year round and under the care of men by day and night?

A. Not all of them.

Q. That statement applies to Joe Brooks' stable?

A. Yes, sir.

Q. That is open all year round?

A. Yes, sir.

Q. And is it not true that Mrs. Farrow is probably one of the most widely known ladies in Cape May?

A. I suppose so.

Q. Every one knows her?

A. I suppose so.

Q. Don't you know so?

A. No, I don't know so.

Q. You know lots of people in Cape May that know her?

A. Yes, sir.

Q. And she is known around Corgie and Jefferson streets and all around Cape May?

A. Yes, sir.

Q. That is all.

ANNIE TURNER, sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you live?

A. I don't exactly know the name of the street; when I live at home with my mother it is Lafayette street, Cape May.

Q. How long have you resided there?

A. Four years and two months.

Q. Do you know Mr. Farrow, the complainant in this case?

A. I do.

Q. Do you know Mrs. Farrow, the defendant?

A. I do.

Q. Did you ever work for them?

A. Yes, sir; I did.

Q. When?

A. I don't know exactly; I think it was in 1903 when I worked there, I am not positive; I don't know the date.

Q. Do you know what Mr. Farrow's business was when you were there and worked with them?

A. Yes, sir.

Q. What did he do?

A. Pilot.

Q. Was he away from home very much?

A. He was away from home for a week or ten days at a time.

Q. When he was home, how long would he be home at times?

A. No more than two weeks.

Q. Did you observe when he was home whether Mrs. Farrow would he home?

A. She would be home sometimes and sometimes she would be out.

Q. When he was home?

A. Yes, sir

Q. When he was away what were her habits?

A. I could not tell you, because I was not there at nights.

Q. You don't know whether she was away or at home?

A. No; I didn't stay there at nights.

Q. You didn't stay at Mrs. Farrow's at night?

A. Not when he was away.

Q. You did stay there when he was home?

A. I did.

Q. Was that an arrangement that you made with her?

A. She said she was not afraid to stay at home, so I felt better out.

Q. I understand, then, when he was home you stayed there at nights?

A. I most generally did.

Q. But when he was away you stayed home?

A. Yes, sir.

Q. What time would you leave?

A. About half-past six or seven, a little after seven, never later than half-past.

Cross-examination.

By Mr. Edmunds:

Q. Are you married or single?

A. Married.

Q. Where are you living now?
A. Cape May.
Q. How long did you do domestic service in Mrs. Farrow's home?
A. Off and on, as far as I can judge, for two years.
Q. When did you quit there?
A. I don't know exactly.
Q. You don't know whether it was 1903 or 1902, do you?
A. No, I do not.
Q. As a matter of fact, is it not true that you have done no work in Mrs. Farrow's home since 1902?
A. I was there for a week in 1903, when she was sick.
Q. What part of 1903 was it that she was sick?
A. It was in the winter.
Q. Of 1903?
A. Yes, sir.
Q. And that was the only work you did in Mrs. Farrow's home during 1903?
A. Yes, sir; that was the last.
Q. You say when Mr. Farrow was on the pilot boat you didn't stay at Mrs. Farrow's?
A. I did not.
Q. When he was at home, then, you stayed there?
A. Yes, I did; very seldom I stayed away.
Q. Are you quite sure about that?
A. Certainly I am.
Q. Are you prepared to testify that you ever spent one whole night in Mrs. Farrow's home?
A. Certainly I did.
Q. How many nights did you spend in her home?
A. I was there off and on for two years.
Q. How many nights did you spend in her home?
A. I don't know.

Q. Did you ever say to Mr. Farrow when he came home from the pilot boat, "Mr. Farrow, while you are away I don't stay at home." Did you ever say anything like that?

A. No.

Q. When did you meet Mr. Farrow after the troubles between his wife and himself arose?

A. I guess they had been parted a month when I heard it.

Q. Did he come to see you?

A. He was talking to me; he met me at the alley one day.

Q. What offer has he made to you?

A. Has offered me nothing.

Q. Has not offered you some of his wife's jewelry?

A. No.

Q. Has not threatened you with a pistol if you didn't testify?

A. Ain't threatened me with anything.

Q. Do I understand that when Mr. Farrow was away you never stayed in that house?

A. Very seldom, unless it was Sunday or Monday night, it was then I stayed, and if not, I didn't.

Q. You would leave the house at what hour in the afternoon?

A. I don't know; sometimes it would be about half-past one, sometimes two.

Q. In the afternoon?

A. Yes, sir.

Q. You came back when?

A. Five o'clock.

Q. Then you would stay how long?

A. Until I got my supper work done, then I was gone again.

Q. And then you would go for the night about what time?

A. Whenever I got through.

Q. What time would that generally be?

A. Half-past six or seven, not later than half-past.

Q. In other words, as soon as you got through with your work you left?

A. Yes, sir.

Q. You wanted to go?

A. Certainly.

Q. What time would you get there the next morning?

A. Half-past six and seven.

Q. Did Mr. Farrow ever let you in the house when you came there?

A. Yes, sir; always let me in.

Q. Now you say that Mr. Farrow always let you in; is that correct?

A. Most generally.

Q. That is all.

Re-direct.

Q. You said Mr. Farrow let you in?

A. He most generally in the morning when the key was not under the mat.

Q. Did Mr. Farrow or Mrs. Farrow?

A. Mr. Farrow used to come down and let me in.

Q. Now with reference to the time when you say Mr. Farrow was away, you say Mrs. Farrow let you in; who let you in?

A. She let me in.

By the Vice Chancellor:

Q. Whose arrangement was this, who arranged that you should stay in or go out?

A. Nobody.

Q. You got no directions with respect to that?

A. No, sir; if I wanted to stay I stayed, and if I wanted to go out I went out?

Q. Without any special order on the subject?

A. No.

Further direct.

Q. Didn't you say that Mrs. Farrow said something to you?

A. She said she was not afraid to stay alone and I went out.

Q. But you didn't go out when Mr. Farrow was out?

A. Not often, not all night; I went out for the night but not to stay all night.

Re-cross.

Q. I want to understand your testimony. You say, as I understand, that Mr. Farrow always let you in when you came there mornings; that is right?

A. Yes, sir.

Q. If he was off on the pilot boat will you tell me how he let you in?

A. What I mean when I stayed away, when he was home; when he was away Mrs. Farrow let me in herself.

Q. Mrs. Farrow never requested you to remain away from the house any time?

A. No.

Q. Whatever you did, insofar as staying at the house was concerned, was done of your own free will?

Q. She treated you kindly?

A. Yes, sir.

Q. If you wanted to stay there you could, and if you didn't you did not; is not that right?

A. Yes, sir.

Q. You are a married woman?

A. I am.

Q. Have you any children?

A. No.

Q. Where was your husband living at this time?

A. In Atlantic City.

Q. At that time?

A. Yes, sir.

Q. And you were not living with your husband while you were in Mrs. Farrow's employ?

A. When I first went there I was with him and then he went to Atlantic City.

Q. While your husband was living at Cape May you spent every night with him?

A. Yes, sir.

Q. Whether Mr. Farrow was home or not?

A. Yes, sir.

Q. When did your husband go to Atlantic City?

A. In September.

Q. In what year?

A. I don't know.

By the Vice Chancellor:

Q. It was not this present month of September just past?

A. No; it has been four years ago, three years ago.

Further cross.

Q. Am I not right in quoting your testimony in this way, that you state that during the year 1903 the only

time that you were in Mrs. Farrow's house was one week while she was sick?

A. Yes, sir.

Re-direct.

Q. Do you know Mrs. Linda Eldridge?
A. I do.
Q. Is she in the Court room?
A. Yes, sir.
Q. Sitting here to-day?
A. Yes, sir.
Q. That is all.

JOHN BENNETT, sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?
A. Cape May.
Q. What is your business?
A. On the water.
Q. Pilot?
A. Yes, sir.
Q. Is William Farrow employed with you?
A. He is in the same business, yes, sir; same corporation or association.
Q. How long have you known him?
A. Ever since he was a baby.
Q. Do you know Ethel Farrow?

A. Yes, sir.

Q. How long have you known her?

A. Ever since they have been married.

Q. Did Dr. Marcy live next door to Mr. Farrow?

A. Yes, sir; I think he did.

Q. Did you have occasion one time late at night, or early in the morning to go for Dr. Marcy?

A. No, sir.

Q. Or anybody else there at Dr. Marcy's house; that is to say, did you have occasion to?

A. No, sir; I did not.

Q. Did you have occasion to be at Marcy's?

A. Yes, I was with a party to go for the doctor.

Q. What did you observe, if anything, at that time at Mr. Farrow's house. Now be kind enough to open up and tell what it was and what you saw?

A. I saw a man in Mr. Farrow's yard.

Q. Do you know who the man was?

A. Not positively, no, sir; I could not swear positively who he was; I can't tell.

Q. What time was it?

A. I could not fix the time. Somewhere I suppose after one o'clock, probably two o'clock.

Q. In the morning or afternoon?

A. In the morning.

Q. Was it dark or light?

A. It was not very dark, starlight, if I remember right.

Q. What was he doing?

A. Standing at the gate, came out of the yard; I don't know whether he came out of that yard or where Mr. Creswell is, next door.

Q. Was he talking with anybody?

A. No, sir.

Q. Did you see anybody else there?
A. No, sir; not a living soul.
Q. Do you recollect when that was?
A. About December.
Q. Of what year?
A. Last December.
Q. What did the man look like?
A. Looked like a man, that is all I can tell you.
Q. What size man?
A. He was behind the screen, I was about five feet off; I could not tell.
Q. Behind what?
A. Behind the lattice work in the yard.
Q. What time was this?
A. Two o'clock in the morning.
Q. Was Farrow home at that time?
A. That I could not tell you.
Q. What did the man say to you?
A. That I could not say; he mumbled over something. I could not say what he said, whether he said not to give him away, or kept mumbling, I could not tell the exact words. I told Mr. Farrow and his father; I could not tell who it was. They came down to the house to see me.

Cross-examination.

By Mr. Edmunds:

Q. You say you have known Mrs. Farrow since she was married to the libellant?
A. I might know her a little longer.
Q. Is it not true that you have known her since she was a small child?

A. Yes, sir.

Q. You never mentioned anything to her relative to this incident?

A. No, sir.

Q. Do you know from your journeys around Cape May, and by reason of the fact that oftentimes the pilot boat landing at a very late hour at night—it is not an unusual thing for you to be on the street at almost any hour of the night; is not that true?

A. Yes, sir.

Q. Don't you know that the rear of the premises of Mrs. Farrow's is oftentimes used by persons who want to make short cuts from Decatur street into Ocean street?

A. I have seen people in there.

Q. What relationship, if any, exists between you and Mr. Farrow?

A. There is not any; used to be.

Q. What was the relationship formally?

A. He was a nephew of mine.

Q. Of your former wife?

A. Yes, sir; but death cuts that off, I believe.

Re-direct.

Q. Is it customary for a boat to land at the pier there in Cape May to let the pilots off?

A. They land most any time. Mr. Farrow, Mr. Bennett, and Mr. come over the other night.

WILLIAM FARROW, SR., sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?
A. Cape May City.
Q. You are chief of police there?
A. Yes, sir.
Q. How long have you been chief of police?
A. 22 years.
Q. The complainant is your son?
A. Yes, sir.
Q. The defendant of course you know?
A. Yes, sir.
Q. Do you know Charles Doak?
A. I do.
Q. How long have you been acquainted with him?
A. I have known him ever since he has been in existence.
Q. Did you ever see the defendant and Charlie Doak together?
A. Frequently.
Q. Where?
A. I have seen them standing together and seen him going in and out of the house?
Q. What house?
A. My son's house on lots of occasions.
Q. When?
A. I could not begin to name the number of times, I have seen him in there so often.
Q. Do you recollect what year it was?

A. 1893 and and 1894; even since this case has been going on I have seen him.

Q. 1893 and 1894, or 1903 and 1904?

A. 1903 and 1904, I mean.

Q. What house did you see him go into?

A. My son's house.

Cross-examination.

By Mr. Edmunds:

Q. When did you first observe Mr. Doak go in the home of your son, on Hughes street?

A. I think the first time I saw him going around there was while he owned a bull dog, and the dog used to spend a great portion of the time at my son's house, his wife used to have him, and I saw him go in and out there with that dog, or sometimes he would go in and get the dog and bring it away; that is the first.

Q. Did you ever speak to your son about Charlie Doak having visited his home?

A. No.

Q. You didn't attach any importance to it?

A. I did very much.

Q. While Charlie Doak was going to your son's home you were seeing your son every day when he was at Cape May?

A. Well, no; I can't say that I was.

Q. But you would see him from time to time?

A. Yes; probably two or three times a week.

Q. And you never said anything to your son about it?

A. No, sir.

Q. You knew that Charlie Doak and your son were quite intimate friends?

A. Never knew they were, because he told me he forbid him coming to the house.

Q. You knew at one time they were quite intimate?

A. Never knew that they were; I knew they were on speaking terms.

Q. You say you have been chief of police for a period of 22 years?

A. Yes, sir.

Q. How many men have you under you at Cape May?

A. Twelve in the summer.

Q. How many in winter?

A. Four.

Q. How many men are there on the force at night?

A. Four.

Q. And on the force at daytime?

A. None in the daytime, except myself, in winter.

Q. Is there any hour in the day or night when the district where Mrs. Farrow lives is not patrolled?

A. No; the town is divided up into four districts; you know what Cape May is for four men to look after. There are a great many streets they don't get into.

Q. You say you saw Charlie Doak frequently visit the residence of Mrs. Farrow?

A. Yes, sir.

Q. Do I understand you to say that he never went there when your son was at home?

A. I could not say about that; I think he has been there when he was at home.

Q. Don't you know he has been there lots of times when your son was at home?

A. I don't know.

Q. You do know as a matter of fact that your son knew that Charlie Doak visited his home?

A. I suppose he did.

Q. When you saw Charlie Doak going in the home there, would he go the front way or the back way?

A. I believe whenever I saw him he went the front way; I don't believe I ever saw him go at night, because I didn't watch him.

Q. When you saw him go in it was broad daylight, and probably hundreds of others might have seen the same thing?

A. I suppose so.

Q. What you saw of the public entrance of Mr. Doak into this house anybody else could have seen?

A. They could if they had been looking.

Q. Do you know how long he would stay when he went in?

A. That I could not tell; I would be walking by, either going by that street, or coming down the other, and I probably would notice him going in the house or coming out. He came out, had a string around his dog, and would bring him out, and I saw him going in the house.

Q. Do you know that the dog was there with your son's consent?

A. I could not say.

Q. You won't say that the dog was not there against your son's consent?

A. I could not say; I don't know who took him there.

Q. You have taken quite an active interest in this case since it arose?

A. Not very; if I had I would have known more.

Q. You called one night at Mrs. Farrow's with Mr. Eldridge, the counsel in this case?

A. I was at the front door.

Q. It was after dark?

A. About eight o'clock.

Q. You were in your uniform as chief of police of Cape May City?

A. No, sir, I was not; I was off duty.

Q. You went around with Mr. Eldridge, one of the counsel for the libelant.

A. Yes, sir.

Q. Who did you see?

A. Mrs. Farrow came to the door when Mr. Eldridge rang the bell.

Q. Mrs. Farrow was absolutely alone except the presence of her little child?

A. I could not tell you; I heard some parties, who they were I don't know; I didn't go inside.

Q. What conversation did you hear?

A. I heard conversation in the house.

Q. Did you have any conversation with Mrs. Farrow?

A. Not a word.

Q. Did you hear the conversation that Mr. Eldridge had with her?

A. I don't know what that was, Mr. Eldridge asked me to walk around with him, and I did so. I never exchanged a word with them.

Q. You say that you could very plainly see Mr. Doak go in the house?

A. Yes, sir.

Q. Could Mr. Doak very plainly see you also?

A. I don't know why he could not.

CHARLES WAGNER, sworn for complainant.

Direct-examination.

By Judge Carrow:

Q. Where do you reside?
A. 3017 Euclid avenue, Philadelphia.
Q. What is your business?
A. Operator.
Q. What kind of an operator?
A. Detective operator.
Q. Are you in any firm or agency?
A. Yes, sir.
Q. What do you call it?
A. George Tates, 29 North Thirteenth street, Philadelphia.
Q. How long have you been in the business?
A. I have been in it about fifteen years.
Q. Did you have any business for the complainant, William Farrow?
A. Yes, sir.
Q. What was that business?
A. Shadowing his wife.
Q. Where?
A. Cape May.
Q. When?
A. August 17.
Q. What did you do; how long were you in Cape May?
A. Ten days.
Q. In this case?
A. Yes, sir.
Q. What year?

A. 1894.

Q. This year?

A. Yes, sir, 1904.

Q. What information did you receive on August 17, 1904?

Mr. Edmunds:—That is clearly objectionable.

The Vice Chancellor:—Yes, I do not know whether you mean information or observation.

Q. I want to know what you saw with your own eyes, if you saw anything, in refereice to the defendant, Ethel Farrow's conduct, on August 17, 1904?

A. She left the house 8 o'clock in the evening, walked down to the board walk; at the boarwalk she took a car going to Ocean street, got off at Ocean street, walked back going to Jackson street, going to Jackson street she there met on the boardwalk Doak, had a little conversation, short conversation, Doak got off the boardwalk walking to the shore; Mrs. Farrow walking on the boardwalk toward Ocean avenue, got off Ocean avenue, went into the tents—I suppose the gentleman knows what tents are.

Q. Tents?

A. Yes, sir. Canvass covered over them.

Q. Where was this tent.

A. The tent is right facing Ocean avenue between the pavilion and the pier, small pier, they got there.

Q. Did you see them go in this tent?

A. I saw Doak coming up at the water front, along the beach and going to the tent where Mrs. Farrow had gone into.

Q. Where was she?

A. I said she was in the tent, already; when he came in there I was about twenty-five feet away from them under a tent too, both of them sat down under this tent, kissing, laughing and hugging, about 10.50 I saw—

By the Vice Chancellor.

Q. You mean 10.50 o'clock?

A. Yes, sir, same night, 6 or 8 o'clock when they met, at 10.50 Mrs. Farrow put up her clothes, Doak had his pants open, and they came together.

Further direct.

Q. What time did they separate?

A. About five minutes afterwards. When they got through they sat down hugging awhile and kissing, left there, it was about 11.15; about 11.15 Doak went toward the shore up toward Jackson street; Mrs. Farrow went to the Lafayette Hotel and sat on the porch. Left the porch in the neighborhood of 11.50 and got home 12 o'clock and I left.

Q. Now on August 24, what did you observe?

A. On August 24, same year, Mrs. Farrow left the house at 9 o'clock, walking to the boardwalk, going up toward Jackson street, she met a young lady opposite the Pennsylvania Railroad Station; there they boarded the car going to Cape May Point. I took the next car about twenty or fifteen minutes afterwards; got down to Cape May Point, I saw her and the lady that she was with, the girl that she was with sitting at the table. They got up after this car got passed that I was on, got up from the table, going into the pavilion there, had some drinks there, I don't know what it was.

Q. You mean at the landing, Cape May Point?

A. There is a pavilion where they serve like a restaurant drinks there. They got rooms partitioned off, there, small rooms. They left by the back way going about two squares I judge from this pavilion.

By the Vice Chancellor.

Q. This is the young lady and Mrs. Farrow.

A. Yes, sir.

Q. Only?

A. No, with two young men.

Further direct.

Q. Who were the men?

A. I found out that one of these young fellows' name was Lewis or Lucas from Wilmington, Del.

Q. Lewis or Lucas?

A. Lucas or Lewis.

Q. Where did they go?

A. Her friend and her fellow went on the right hand side, and Mrs. Farrow and her friend turned to the left; they made a circle to the beach; when they found a place at about twenty-five feet from the water, Mrs. Farrow laid down on the sand with her friend; I was in the shadow and in about five minutes, I could see over the bushes, when her clothes went up, this fellow put his hand up her clothes, had his pants open, and in the act of getting on top of her, when I came out; she saw me; she put her clothes over her face so I could not see who she was. I told her I know who you are; she said go away from me, or I will shoot you, but she did not shoot.

Q. Is that all the information you have?

A. That is all, sir.

Q. Did you ever see the defendant on any other occasion, with any other men than the two you have mentioned?

A. I have saw her at Sewell's Point with the starter for the Reading Railroad, but there was nothing in that at all.

Q. What did you see them doing?

A. They were standing at the cars on the dock, where the small, little bridge is, they were talking together; he had his hand around her.

Q. Hand around her?

A. Around her neck.

Q. What was that man's name?

A. I can't think of his name now, it is right on the end of my tongue.

Q. What is his occupation?

A. He is starter for the trolley cars.

Q. Was his name Oliver?

A. Oliver, that is the party.

Q. What is his first name?

A. I could not say his first name.

Cross-examination.

By Mr. Edmunds:

Q. How old are you?

A. About 33; yes, going on 35.

Q. Where have you lived during the past ten years?

A. I have been Jersey City pretty nearly all my life.

Q. How long have you lived in Philadelphia?

A. Going on two years.

Q. What has been your business during the past ten years?

A. I have been with the New Jersey Central for twenty years.

Q. When did you leave them?

A. I left them there about three years ago accepting a government position in Washington.

Q. When you were with the New Jersey Central Railroad where was their office in which you was employed?

A. Jersey City?

Q. Where abouts in Jersey City?

A. That is the Central Railroad Depot, what they call Communipaw.

Q. What was your duty with the New Jersey Central Railroad?

A. First I was when I started, a small boy, sweeping up the shop, raised myself to brakeman, then to conductor, then from conductor I raised myself to special officer.

Q. Who was your superior officer?

A. John K. Large.

Q. His address is what?

A. Central Railroad of New Jersey.

Q. Is he still living?

A. Yes, sir, he is what they call now Chief Special Claim Agent. When I left there a fellow named Doughtery took his position and his office is in the same place.

Q. When you left there what did you do?

A. Went to Washington.

Q. What did you do then?

A. I went to work there for the Washington Steamboat Company, runs between Norfolk and Washington.

Q. How long did you work there?

A. I just worked there one round trip.

Q. And their dock is on the Potomac river?

A. Yes, sir, the Washington steamboat line.
Q. Then what did you do after you left them?
A. Then I came back to Philadelphia.
Q. You reached Philadelphia when?
A. No from there I wrote a letter to Charlie Beach, superintendent of the New York Division of the Reading Railroad.
Q. What did you do then?
A. Then he referred me to Luder, he was then General Superintendent of the coal and iron, that was at the time of the strike, and I went up to the strike.
Q. As a detective?
A. As a detective to do private work there.

By the Vice Chancellor:

Q. Where is there?"
A. That is in Shamokin, Shenandoah.

Further cross.

Q. The Pennsylvania coal region?
A. Yes, sir.
Q. The anthracite region?
A. Yes, sir.
Q. Who were you under?
A. Braster.
Q. Of the Reading Railroad?
A. Yes, sir, he is at the Reading Railroad still.
Q. You didn't go under the authority of the State of Pennsylvania, you went there at the private employment of the railroad company?
A. Yes, sir.
Q. How long were you there.

A. I guess about eight weeks.

Q. When did you leave there; what month and what year?

A. That was after the strike was over.

Q. What month and what year?

A. That will be a year ago, it was two years ago that was settled.

Q. 1902?

A. Yes, sir.

Q. What month?

A. During the summer, I could not exactly tell you what month.

Q. The strike was settled the summer of that year?

A. Yes, sir.

Q. Don't you know it was not settled until November of that year?

A. What I mean, it was settled from my work.

Q. You settled it?

A. No I did not, they were through with me, to speak plain.

Q. Then what did you do?

A. Then I came to Mr. George Tates—no, first I went to Charlie Miller on Filbert street, Juniper.

Q. Whereabouts?

A. Near Filbert, he has moved in Filbert near Juniper.

Q. How long were you with Charlie Miller?

A. About two months.

Q. Doing detective work.

A. Yes, sir.

Q. Then what did you do after you left Charlie Miller, after he was through with you?

A. Then I went with Mr. George Tates—I was through with him, he was not through with me.

Q. You have done detective work ever since?

A. Yes, sir.

Q. Are you a licensed detective?

A. No, sir.

Q. Don't you know it is a crime for you to act as a detective without a license; that you are amenable to a fine?

A. I am not a detective.

Q. Didn't you say you were a detective?

A. No, I told you I was doing detective work for the road out there and I was operating for Mr. Tates.

Q. You are an operator?

A. Yes, sir.

Q. Let me see if you answered Judge Carrow's question properly, when you were called to testify in this cause you said your residence was 3017 Euclid avenue, and you were an operator?

A. Yes, sir.

Q. And you were asked what was meant by an operator, and you said a detective, is that right, you are a detective?

A. Do detective work.

Q. And that is what in detective work—he does detective work?

A. Yes, sir, but he is not a licensed detective, an operator is not licensed.

Q. You are familiar with the Pennsylvania law bearing on the subject of detectives, which requires any one who pursues the business of detective to take out a license, the license to run for a period of three years, and that in the event of a man doing detective work without a license, that he is amenable to fine and imprisonment.

Objected to as irrelevant and immaterial.

The Vice Chancellor:—The question objected to does not appear to relate to anything under inquiry here; nor do I think that the grounds on which counsel may cross-examine a witness in order to test or challenge his credibility, are without limitation. The present question is wholly unrelated to any fact in this case. If it be true that the witness knew that the law of Pennsylvania prohibited the doing of detective work without a previous license it could have no application to detective work done in this state. Nor would the breach of such a law indicate moral turpitude or a disposition to falsify testimony.

The question introduces on cross-examination a wholly immaterial fact which has no pertinence in this case. I do not think it can have any significance as to the credibility of the witness, and I overrule it.

Q. Did you make application for a license in Pennsylvania?

A. I did not.

Q. You know that in making application for a license you are required to show that you are a man of good moral character?

A. I don't know anything about that, I never made any application, I don't know anything about it.

Q. You say that you are employed by Mr. Farrow to shadow Mrs. Farrow?

A. No I was not employed by Mr. Farrow to shadow Mrs. Farrow.

Q. By whom were you employed?

A. By George Tates, Detective Agency, he sent me.

Q. You were employed by George Tates to shadow Mrs. Farrow, is that correct?

A. I got orders from him.

Q. I think you used the word in your direct-examination?

A. I told you I was hired by him, I got orders from him to go to Cape May.

Q. When did you get to Cape May?

A. The 16th of August.

Q. Where did you register?

A. At the Glenwood.

Q. Where is the Glenwood Hotel?

A. Right next door to Mrs. Farrow's house.

Q. You got there in the evening did you?

A. I got there in the middle of the day.

Q. Did you meet Mr. Farrow?

A. No, sir, I did not.

Q. Who pointed out Mrs. Farrow to you so that you might be able to identify her?

A. By her description.

Q. What description did you have of Mrs. Farrow?

A. It said she was not dark, or she was not blonde, she was a middle-aged woman, dark complexion, had a roman nose, dressed very pretty, and that is the lady sitting right there now.

By Mr. Carrow:

Q. The defendant in this case?

A. Yes, sir.

Further cross.

Q. That was the description given you?

A. Yes, sir.

Q. There was no photograph given you?

A. No.

Q. She was not pointed out to you?

A. No, sir.

Q. You were told she was neither light nor dark, that she was a middle-aged lady, and that she dressed very prettily and had a roman nose?

A. Yes, sir.

Q. And that is the full description that was given to you of Mrs. Farrow?

A. Yes, sir.

Q. And from that you were able to recognize this young lady as Mrs. Farrow.

A. Yes, sir.

Q. Who gave you this description of Mrs. Farrow?

A. Her counsel.

Q. Who was it?

A. That gentleman sitting there.

Q. Mr. Eldridge?

A. Yes, sir.

Q. And Mr. Eldridge didn't point her out?

A. No, sir.

Q. What was your bargain in this matter, how much money have you received in this case?

A. Only my salary.

Q. How much have you received?

A. I haven't received a cent.

Q. Have you received your expenses?

A. My expenses were paid by the office.

Q. And you are paid by your office?

A. Yes, sir.

Q. You were paid by your office?

A. Yes, sir.

Q. You reached there on the afternoon of August 16; how soon did you see Mrs. Farrow after reaching Cape May.

A. I think it was about, I judge about half an hour, right afterwards?

Q. Where did you see her?

A. On the porch.

Q. What was she doing.

A. Sitting on the rocking chair.

Q. She had the house full of guests?

A. She did not.

Q. Who was in the house?

A. I don't know.

Q. You carefully noticed Mrs. Farrow's premises while you were at Cape May.

A. Yes, sir.

Q. And you registered at the Glenwood right next door, in order that you might see anything which might occur around the premises.

A. Yes, sir.

Q. And I suppose you were up all night on the 16th of August watching around?

A. No, sir, to 1 o'clock—not on the 16th, I was up probably till 12.

Q. Where did Mrs. Farrow go on the night of the 16th?

A. Now I don't remember that, I haven't got the reports, she went around, I think the 16th, she went to Sewell's Point, if I ain't mistaken, I am not sure. If she did there was not anything that I—

Q. I want to know all about this, Mr. Wagner; about what was the hour of the day when you first observed Mrs. Farrow on the porch?

A. On the 16th?

Q. Yes.

A. I could not tell you exactly; it was after 12 o'clock I think.

Q. In the day time?

A. Yes, sir.

Q. What time did you reach Cape May?

A. I could not say.

Q. You said it was in the afternoon?

A. It was in the afternoon sometime.

Q. You got there about 6 o'clock in the afternoon.

A. No, this was right after noon; I think it was the first train that we took out of Philadelphia.

Q. When you got to Cape May you went and got your dinner?

A. No we went to see the lawyer first.

Q. How long were you there?

A. Ten or fifteen minutes.

Q. Then you went around to the Glenwood and registered?

A. Yes, sir.

Q. Then as soon as you got there did you see Mrs. Farrow?

A. Yes, sir, I saw her there on the stoop, there was nobody there with her.

Q. Then you watched her from that time on?

A. Yes, sir.

Q. Where did you watch her from?

A. Sometimes I watched her from the porch when she left the house.

Q. Your eyes were over her constantly that afternoon and night?

A. Yes, sir.

Q. Until you retired at 11 or 12 o'clock?

A. Yes, sir.

Q. Are you sure she went to Sewell's Point that night?

A. No, I won't say.

Q. Are you sure she went out of the house?

A. I could not say because I didn't look over the report of the 16th.

Mr. Edmunds:—I call for the report of the 16th of August referred to by the witness.

A. It is pretty hard to remember.
Q. What is your memory generally?
A. Pretty good, I have got to look over the report, same as counsel or anybody else, to refresh my memory.

(The report was then handed to counsel.)

Q. When you saw Mrs. Farrow at Sewell's Point, who was with her?
A. A little child.
Q. And I understand you to say that during that afternoon you just kept your eyes right on Mrs. Farrow, that is right?
A. Not all the time, I would go to work and take her up more at night, day times I would not bother with, mostly at night is the time I would take her up. I would not bother with her day times.
Q. Let me read from your report of August 16, 1904, "Tates' Detective Bureau. Gentlemen: According to instructions took up the shadow at 3 p. m." What do you mean by shadow?
A. Shadow is that you sit down and watch a certain person.
Q. "My party left house at 3.40 p. m. and went to store, returned home 4 p. m." Who was your party?
A. That would be Mrs. Farrow.
Q. "Left house at 4.30 for a walk and returned at 5.40 p. m.; left house at 7.40 p. m. and walked to Washington street. Returned home at 7.50 p. m., left house at

9 p. m. with her child, boarded a car and went to Sewell's Point, and there met a young man who is the starter of the Sewell's Point Railroad." That is the young man you referred to a little while ago on Judge Carrow's examination?

A. Yes, sir.

Q. "Left Sewell's Point at 10 p. m. and went to the Lafayette Hotel, child left her at 11 p. m. At 11.30 she went in the cafe and met three young men, one of them the starter." What cafe did you refer to?

A. That is the entrance, when you go in from the main room, I think the main room, when you go in to register. There is a side door on the side.

Q. Is this the cafe at Sewell's Point or Cape May City?

A. Cape May City, Lafayette Hotel.

Q. The cafe of the Lafayette Hotel?

A. Yes, sir.

Q. Connected with the Lafayette Hotel?

A. Yes, sir.

Q. Don't you know that the only place where drinks are served in the Lafayette Hotel is a little bit of a side board, a small cabinet room?

A. No, sir.

Q. Do you mean to say that there is a large drinking room connected with the Lafayette Hotel at Cape May?

A. I believe so.

Q. You believe so?

A. I don't believe so, I say so.

Q. Tell us how you get into that big drinking room?

A. You can get into that two ways, you can get in from the end, that is easy; you go in there and also from the east end. There is a long alley, and you will see a couple of lines there, it says bar room or cafe.

By the Vice Chancellor.

Q. You mean cafe?

A. Yes, sir, and from the main entrance, take it from the boardwalk, from their main entrance, you go right inside and turn to your right, there is a big large room in there, and there are chairs and tables there. Now when Mrs. Farrow went in there they were in, but they went right out, but I didn't see Mrs. Farrow drink in there?

Further cross.

Q. You didn't see her drink?

A. No.

Q. Or the person she was with drink?

A. I saw the starter in there getting his drink at the bar with the other two.

Q. How long was she in there with those young men?

A. She was not in there I don't believe, about three minutes.

Q. What did you hear anyone say there?

A. Didn't hear anything.

Q. Here is your report in which you say "At 11.30 she went in the cafe and met three young men, one of them the starter. I heard one of the men say she was all right."

A. That may be.

Q. Which is true, what you say now or what you said in the report?

A. I don't remember everything, if it is on that report it is so. I have been on other work. What is on that report is so.

Q. You put on the report everything that you saw?

A. Everything is on there.

Q. You look at the report and tell me where you say this young woman was hugged down at Sewell's Point by the starter of this car?

A. If it was not on the 16th, you will find it on the others. I don't say it was necessarily on the 16th that she was hugged down there, but you will find it on the other reports. When you say she was down there and hugged there, I thought it was in there, but you will find it in the other reports.

Q. You can't find it in that report.

A. No, I can't remember everything.

The Vice Chancellor:—What do you mean by that report?

Mr. Edmunds:—I mean this report of the operation of the witness on the 16th of August, 1904.

The Vice Chancellor:—Which is dated Cape May, N. J., August 16, 1904.

Mr. Edmunds:—Yes, sir, that is right.

The Vice Chancellor:—I think these papers should be identified in some way. I will mark this so-called report dated Cape May, N. J., August 16, 1904, addressed "Tates' Detective Bureau, respectively submitted C. W." as Exhibit 1 without charging it to anybody.

Judge Carrow:—He asked me to produce it and I turned it over.

Mr. Edmunds:—Now I call for the production of the report of the witness in which any reference whatever is made to this girl having been hugged at Sewell Point.

Judge Carrow:—I don't know of any practice that requires me to produce.

The Vice Chancellor:—None, if you choose to refuse, and he may put in secondary proof.

Judge Carrow:—I don't know that I will refuse; I will examine the papers.

Q. But, Mr. Wagner, you did see her hugged at Sewell's Point?

A. I did.

Q. When you were down at Sewell's Point how many people were down there?

A. I judge probably four or five hundred.

Q. When she was hugged at Sewell's Point was it close to the pavilion or distant from the pavilion?

A. First after she got off the car she would go inside of the pavilion and see the show, when all the people would be all seated and the show started, she would go to work and come out and go back to the little bridge there, and there she would find this starter, and they would walk out on that little bridge, I would say about ten or fifteen feet.

Q. When she would go in the pavilion at Sewell's Point where would she sit in this pavilion, front, back or where?

A. She would sit on the last row in the back.

Q. The last row in the back was still pretty far front in the pavilion?

A. Yes, sir.

Q. And there were a lot of people back of the last row?

A. No, they would be all sitting down.

Q. Would not people be standing up?

A. There would be people standing back of the rail, not permitted to go in.

Q. Was her child with her the night of this hugging exhibition?

A. Yes, sir.

Q. Where was her child?

A. The child was inside.

Q. And she went out while the performance was in progress; she went out boldly in the presence of these spectators?

A. Yes, sir.

Q. And you shadowed her?

A. Yes, sir.

Q. Who shadowed her with you?

A. Nobody.

Q. You have no body to corroborate your statement?

A. You will have.

Q. There was no one at Sewell's Point?

A. Not on this occasion.

Q. You say in this report of August 16, 1904, which the court has marked Exhibit 1, referring to what occurred after the parties returned to Sewell's Point, "I heard one of the men say she was all right." Where was Mrs. Farrow when you heard that?

A. She was inside of this room. The way I had an idea she was going in there to do something for herself, what I mean, probably something she needed; after she went in there these fellows went right through. I went in there afterwards and examined it and I could see from that door they could get into the bar room and probably into the ladies' toilet room.

(At this point a recess was taken of one hour.)

Mr. Edmunds:—My cross-examination of this witness will take quite a little time; will the court permit me to recall Mr. Bennett for a question.

The Vice Chancellor:—Certainly.

JOHN T. BENNETT, recalled for further cross-examination.

By Mr. Edmunds:

Q. When you were on the witness stand this morning you said you had known the respondent here even before she was married?

A. Yes, sir.

Q. How long have you known her?

A. Well I guess ten or fifteen years or so.

Q. Is she well known in Cape May City?

A. Yes, sir, as far as I know.

Q. Have you frequently seen her in Cape May City at her residence and on the streets of Cape May?

A. Yes, sir.

Q. Have you visited her home on Hughes street?

A. Yes, sir.

Q. Will you state to the court whether or not at any time you observed anything in the conduct of Mrs. Farrow, which indicated in any way that she was not altogether a correct lady?

A. I did not, never saw anything out of the way.

Q. Did you ever see her on the street with any men under circumstances which would excite the slightest suspicion?

A. No, sir.

Q. Never at any time?

A. No, sir.

Q. How long have you lived in Cape May City?

A. All my life, sixty years.

Q. Did you ever see her on the street with Charles Doak or Harry Oliver that you know?

A. No, sir.

Q. That is all.

Charles Wagner, cross-examination continued by Mr. Edmunds.

Q. How many men did you say were in that room that were with the respondent?

A. There were two others besides the starter.

Q. At which place?

A. The Lafayette Hotel.

Q. You saw the respondent there did you?

A. Yes, sir, she went right in after them.

Q. You saw this lady there, (indicating the defendant here in court.)

A. Yes, sir.

Q. There is no doubt in your mind that she was there at that time?

A. Yes, sir.

Q. At what hour of the night did she reach this drinking place in the Hotel Lafayette?

A. About 11.30, somewhere around there. I would say if it is anything different on that report, I may possibly be mistaken about the time, it may probably be a little later.

Q. What time did she leave Sewell's Point that evening?

A. Right after the show.

Q. And the show ended at what time?

A. I think the show ended at ten o'clock.
Q. And she took the first car for Cape May?
A. No, it was about the fourth or fifth car.
Q. How long after the show was over before she took the car?
A. I think it was about five minutes.
Q. Then she left Sewell's Point five minutes after ten?
A. Yes, sir.
Q. Did you come on the same car she did?
A. Yes, sir.
Q. Where was she sitting?
A. She was sitting in the third seat.
Q. From which end?
A. I would say from the west end.
Q. From the back or front of the car?
A. Back of the car, she was in the fourth, and I was in the third so far as I can recollect.
Q. Were you in front or back of her?
A. Back.
Q. Who was with you?
A. I was all alone.
Q. Who was with her?
A. She had the child with her.
Q. How old was the child?
A. I judge about ten or twelve years old.
Q. Any one else with her in the car?
A. Yes, sir, the car was full.
Q. Anybody with Mrs. Farrow?
A. No, sir.
Q. Did the car make any stops between Sewell's Point and Cape May City?
A. No, sir, I don't believe it did.
Q. How long did it take the car to reach Cape May City?
A. I judge about ten minutes.

Q. Then the car reached Cape May City at 10.15?
A. Yes, sir.
Q. Then what did she do?
A. I believe she walked down, I can't remember what she did there, but it will show on that report what she has done.
Q. Can't you remember?
A. It is quite a while ago.
Q. You were there on a specific errand—

The Vice Chancellor:—Can you remember without the aid of the report?

A. No, I could not say, and I don't want to make any misstatement on it.
Q. Is it your recollection that she went directly from the car to the Lafayette Hotel?
A. That I would not say for sure.
Q. You really don't know what she did after you reached Cape May?
A. No, sir; I would not say positive this time; I don't recollect.
Q. Did you lose sight of her?
A. No, sir, I did not.
Q. Where did you get off the car?
A. When she got off.
Q. You don't know what she did?
A. No, I don't recollect what she did.
Q. How did she get to the Lafayette Hotel?
A. She walked there.
Q. Did she walk in front of you?
A. No, sir, I was behind her.
Q. Who was with her?
A. If it is the same time, as I can recollect, if it was on the 16th, I ain't saying whether this was the 16th when

the child was with her, and she went on the porch and sat down on the porch of the Lafayette and she sent the child home, it was about, it was getting very late, half past eleven, somewhere in that neighborhood and the child went home herself.

Q. You got us in Cape May City, Ocean avenue, at 10.15 and you have Mrs. Farrow and the child at the Lafayette at 11.30, that is an hour and fifteen minutes. What was she doing with her child on the street at that late hour of the night?

A. God can tell you that, I can't tell you.

Q. Haven't you already stated that you didn't lose sight of her?

A. Yes, sir, she would sit sometime on that porch of the Lafayette Hotel for a couple of hours?

Q. She would?

A. Yes, sir, she would walk around and then sit on that porch, that is the first time she had the child out so late at night.

Q. Did she go in the cafe before or after the three young men?

A. They went in there first.

Q. Who were those three young men?

A. One was Oliver, I don't know who the others were.

Q. Didn't you make any effort to find out who the other two were?

A. No.

Q. You didn't inquire on the sly?

A. No.

Q. You were not interested in knowing who the alleged associates of this girl were?

A. No, sir.

Q. What kind of looking men were they?

Q. One fellow was a tall fellow and another Oliver and the third fellow was a short man.

Q. That is the best description you can give?

A. Yes, sir.

Q. Have you ever seen either of those two young men before?

A. No.

Q. Did you ever see them afterwards?

A. No, sir.

Q. Were they in the cafe before Mrs. Farrow went in?

A. About a minute apart.

By the Vice Chancellor.

Q. Had they joined company before they went in the cafe?

A. No, sir, when Mrs. Farrow saw—she was sitting near the main entrance of the Lafayette Hotel—when Mrs. Farrow saw this Oliver and these other two, it indicated to me, when they went in, that it was a sign for her to go in? They went in and she followed them about a minute apart. I went in after that about a minute afterwards, but they must have went through, and as I say—Mrs. Farrow probably went into the toilet room, I went into the bar room and saw the three men in the bar room.

Q. But not Mrs. Farrow?

A. No, sir.

Q. Had her little girl gone home previous to her going into the cafe?

A. Yes, sir.

Further cross.

Q. How many people were sitting on the porch of the Lafayette Hotel at half past eleven on that night?

A. Well I could not hardly say, probably about four or five.

Q. Then two others besides Mrs. Farrow and her daughter?

A. No that would be including her.

Q. Two others besides Mrs. Farrow and her daughter?

A. Yes, sir.

Q. What sort of a night was it, clear of cloudy?

A. I think clear.

Q. How was Mrs. Farrow dressed?

A. In white.

Q. Did she have on a hat?

A. No, sir.

Q. Why didn't you put those particulars in this report?

A. I didn't think it was necessary.

Q. Now you stated in your direct-examination that when they went into this cafe they were drinking, who participated in the drinking?

A. That would be the three, Mr. Oliver and the two men.

Q. What did they drink.

A. That I could not say.

Q. You didn't see Mrs. Farrow drink anything?

A. No.

By the Vice Chancellor.

Q. Did you see her at all in the cafe?

A. In company with the three men, no, sir.

Further cross.

Q. You heard one of the men say she was all right?

A. Yes, sir.

Q. What did you understand the meaning of that to be, that she was all right?

A. That I can't say.

Q. Did it make any impression upon your mind as a matter of any consequence?

A. Well I would go to work and think that she was all right, there is a good many meanings that you could make out of it.

Q. What did you make out of it?

A. I thought probably that some had some connection and that she was all right, and was making a date for somebody else.

Q. You watched her very carefully from the time she reached the Lafayette porch until she left?

A. Yes, sir.

Q. What if anything was there in her manner, which indicated that she was not a lady, what did she do to indicate to you that she was not a lady?

A. There was nothing particular.

Q. There was nothing to excite your suspicions that night?

A. No, sir.

Q. And that whole evening, so far as your report is concerned, all that you saw of Mrs. Farrow that first night, indicated that she was a lady?

A. Yes, sir.

Q. And yet it was on that night that you saw Harry Oliver hug her?

A. Not on that night. You put that to me and I thought it was in that report, and that is why I said yes, but you will find in one it says—she was up there oftener than once.

Q. You remember when you were under examination this morning what time you fixed as the ending of your first night's watch?

A. I think 12 o'clock.

Q. Do you remember having stated it was 11 o'clock when you stopped watching her the first night?

Judge Carrow:—He didn't say that.

A. I don't recollect.

Q. You say in your report here "she came out alone," what time did she come out of the hotel that first night?

A. That was the 16th, I can't recall, as I say she was only in there a short time. I think she got home somewhere around 12 o'clock, I would not be sure about that.

Q. You say in your report, "I heard one of the men say she was all right." They had several drinks. The men left her and she came out alone at 11.50 p. m. and arrived at her home at 12 o'clock. I want to know this, you have stated to the court that on that first night at the Lafayette Hotel you didn't see this lady with those three men?

A. I did not.

Q. I want to know this then, why did you make this report: "I heard one of the men say she was all right, they had several drinks, the men left her and she came out alone." Why did you say that if it was not so?

A. I didn't say that the men had the drink, had the drink with her.

Q. But you say that the men left her. And you have told the court that the men were not with her?

A. That is what I mean by left her, is when she went in after them, and they went through, after they had their drink then they left her, that is what I mean.

Q. How long did the men stay after Mrs. Farrow left?

A. They left before Mrs. Farrow left.

Q. How long did they leave before Mrs. Farrow left?

A. They left, they were only in there I judge about ten minutes, I guess.

Q. When Mrs. Farrow left the Lafayette Hotel, then you immediately went around to the Glenwood, I suppose?

A. She left for the house, if she left for the house I would see that she got in, and if she got in the house all right and didn't sit out on the porch, why, of course—

Q. Did she sit on the porch that night?

A. Sometimes she would and sometimes she would not.

Q. Did she that night?

A. She might have, I don't recollect.

Q. You were careful to keep your eyes on her until she got under the cover of her own home?

A. Yes, sir.

Q. When you selected your room at the Glenwood, did you have a room selected that enabled you to command a view of Mrs. Farrow's home?

A. No.

Q. What room did you have?

A. On the opposite side, I think.

Q. Did you have anyone to assist you at Cape May at any time in this case?

A. Yes, sir.

Q. Who was it?

A. I had one man.

Q. Who was he?

A. Sague.

Q. Will you point out the man? Will Mr. Sague stand up. When did he commence to assist you in this case?

A. I think on the 22d day of August.

Q. And then until that date you were entirely alone?

A. Yes, sir.

Q. Can't you fix some time when you saw Mrs. Farrow hugged down at Sewell's Point; are you sure you saw her hugged?

A. Yes, sir.

Q. Why didn't you make a report of that to your employer?

A. I have made that report, and you will find it, as I say, Mrs. Farrow has been to Sewell's Point more than once.

Q. How many times did she go to Sewell's Point?

A. You will find that she has been down there three or four times.

Q. I suppose while you were in Cape May in this case you had no other business?

A. No, sir.

Q. And your whole time was engaged in covering the respondent?

A. Yes, sir.

Q. What time would you get up in the morning?

A. I would get up sometimes half past seven, sometimes eight o'clock.

Q. Now we will go to the 17th day of August, the day when you aver you saw this respondent in the actual adulterous act with Charles Doak; what time did you get up that day?

A. I think some time about eight o'clock.

Q. Tell us what you did that day when you first saw the respondent that day?

A. Set out and take a walk around Cape May.

Q. When did you first see the respondent on that day?

A. I saw her the first time it was seven o'clock.

Q. In the morning or evening?

A. Evening.

Q. Had you made an effort to see her prior to seven o'clock of that evening,

A. Yes, sir, I saw her sitting on the porch, and see whether she came out or go out, I never took her up until after supper.

Q. You say you never took her up till after supper; let's see if you never took her up until after supper.

A. On the first day I went and got acquainted.

Q. The first report says, "Took up shadow at 3 P. M." You did take her up?

A. Yes, sir, I did; I wanted to get the location, and a view of her, but I say I always took her up—after I got knowing her good—there was nothing doing in the daytime, it was all at night.

Q. Then you didn't follow the case at all during the day?

A. No.

Q. Then you were wrong a moment ago when you said you gave up the whole time to this case?

A. Certainly I did; I told you I let her go during the day, now then I might probably want to see where she would go; I know she could not do anything in the daytime; it was night that she was doing all her—going around.

Q. Hadn't there been given to you a very full history of this case before you took it up; hadn't you been told by the chief of police or counsel at Cape May, that men were coming to her house during the daytime, that Charles Doak was coming around there in the afternoon and morning?

A. Yes.

Q. Now you mean to say that notwithstanding that information, during the first day after the first night, you made no effort to watch this girl's movements during the day?

A. Because they told me not to watch it in the daytime.

Q. And as a matter of fact you didn't see her until seven o'clock that night of the 17th?

A. The night of the 17th she didn't come out of the house at all until she came out at seven o'clock, and she went to 215 Decatur street.

Judge Carrow:—Decatur street.

Q. 215; where is Dactor street?

A. Decatur.

Q. Whose residence is that?

A. I don't know.

Q. Did she turn to the right or left to get to 215?

A. She turned to the right from her house to go out toward Washington street.

Q. How long was she gone from the house?

A. She came out and returned to the house at 7.40, and left there again at 8 o'clock.

Mr. Edmunds:—May I have the report for August 17?

Judge Carrow:—No, I am under no obligation to let you have it.

Q. Did you submit a written report to your employer, of August 17, covering the night of the 17th of August?

A. Yes, sir.

Q. To whom did you hand the report?

A. I sent it by mail to the office.

Q. Before sending the report did you submit it to the local counsel, Mr. Eldridge?

A. No, sir.

Q. Before sending the report did you confer with the local counsel, Mr. Eldridge?

A. No, sir.

Q. That was sent to your headquarters at Philadelphia without any conference with Mr. Eldridge or anybody else?

A. Yes, sir.

Mr. Edmunds:—I make a formal call for that report. Of course we have the answer of counsel that he will not produce it but I should like that to appear on record.

Q. Everything of vital importance connected with this case was put by you in that report as of the date of the 17th day of August, 1904, and is correct?

A. Yes, sir.

Q. That is the original report?

A. Yes, sir.

Q. When was it made up?

A. It was made up after I got through with my work.

Q. Which was what hour?

A. That would be sometimes twelve, one o'clock, according to what time I got through.

Q. By the original report you mean one of those typewritten reports, such as I show you now, Exhibit 1, is not that correct?

A. Yes, sir.

Q. Was this report prepared at Cape May or at Philadelphia?

A. That was prepared at Philadelphia.

Q. When did you reach Philadelphia?

A. I reached there on the 25th of August.

Q. Haven't you just stated that with the end of each day's work you at once made up your report?

A. Yes.

Q. Then as a matter of fact, these reports were not made up until you got back to Philadelphia?

A. No, I am telling you that each day's work is sent direct to them.

Q. Then this report, Exhibit 1, as of the 16th of August, was made up by you immediately after your work on the 16th of August had been finished?

A. Yes, sir.

Q. And these reports were made up without any conference with Mr. Eldridge or anybody else?

A. Yes, sir.

Q. And this report Exhibit 1, was prepared at Cape May?

A. Yes, sir.

Q. This is the original report?

A. That is a copy of the report. If I get through at one o'clock I make out my report and mail it.

By the Vice Chancellor.

Q. How do you make it out?

A. In the hotel.

Q. How?

A. Write it out.

Q. Did you write it out yourself?

A. Yes, sir.

Q. Write it with your own hand?

A. Yes, sir.

Q. The report here shown you is not written in your own hand, it is in typewriting.

A. That is a copy.

Further cross.

Q. Where was this copy made?

A. In Philadelphia, at the office.

Q. When did you first recognize this lady from the description that had been given to you?

A. On the porch.

The Vice Chancellor:—What do you mean by "this lady?" the lady here in court?

Mr. Edmunds:—Yes, sir.

Q. That was on the afternoon of the 16th when she was sitting on the porch?

A. Yes, sir.

Q. Now, going to the 17th of August, you have stated that she came back from 215 Decatur street, reached her home about 7.40 o'clock that evening, is that right?

A. Yes, sir.

Q. What did she do then?

A. She left there at 8 o'clock.

Q. Did you follow her when she went from her home to 215 Decatur street?

A. Yes, sir.

Q. Was it a private residence or not?

A. I don't know whether it was a private residence or boarding house or what.

Q. It was a dwelling house?

A. Yes, sir.

Q. She went in?

A. Yes, sir.

Q. You remained outside until she came out?

A. Yes, sir, I remained outside on Washington street.

Q. When she got back to her house again, did she go in the house before coming out again?

A. She could not come out without going in.

Q. Did she go back to the house?

A. Yes, sir, she went in the house.

Q. Remained there how long?

A. That would be about twenty minutes.

Q. Did you see anything of her little girl that night?

A. I think I did, seen her in and out.

Q. Having been at Cape May for more than twenty-four hours, and having been up on the case until 1 o'clock that morning, as per your report, you began to get a pretty liberal idea of the make-up of that house, didn't you?

A. That is outside?

Q. Yes, how many people were living in the house with Mrs. Farrow at that time?

A. I judge there were four or five girls.

Mr. Edmunds asked if Mrs. Wiley was in court, and asked her to stand up.

Q. Did you see that lady at any time around the premises of Mrs. Farrow, while you were engaged in your shadow work?

A. Yes, that is the mother of this lady.

Q. You have said in answer to my question if you had seen Mrs. Wiley about the residence of Mrs. Farrow while you were engaged in working up the case, you have said that you did see Mrs. Wiley about Mrs. Farrow's premises; that is correct?

A. Yes, sir.

Q. And you have stated that Mrs. Wiley, the lady whom you say was the mother of Mrs. Farrow, is here present in court?

A. Yes, sir, the lady looks like her.

Q. Who told you that the mother of Mrs. Farrow was living?

New Jersey State Library

A. I asked the manager of the Glenwood Hotel; I said, "Who is that old lady," and he said, "That is the mother of Mrs. Farrow."

Q. Who was the manager of the Glenwood Hotel?

A. He is a young fellow, I don't know his name.

Q. You didn't know evidently, that the mother of the defendant, Mrs. Farrow, has been dead for twenty-five years, did you?

A. No, sir, I did not, only I took his word what he said, that is all.

Q. Now we will start at 8 o'clock of the 17th of August, 1904, you say Mrs. Farrow left her residence alone?

A. Yes, sir.

Q. When she left her residence, which way did she go?

A. When she left her residence she went down the boardwalk toward Ocean avenue.

Q. Did she go to the right or left on leaving her residence?

A. To the left, that is going to the left, to the boardwalk.

Q. But her house is between two blocks?

A. Yes, sir.

Q. What two streets?

A. That would be Decatur.

Q. And what other street?

A. And Hughes.

Q. And you say she turned to the left?

A. Turned to the left going down the boardwalk.

Q. When she left for her home, did she turn to the left or right?

A. Turned to the right going to Decatur street. That is, she goes down to the boardwalk, from the boardwalk she gets on the car, she goes to Ocean avenue, she gets off the car at Ocean avenue and walks back to Jackson.

Q. How long was she on the car?
A. I believe it was half a minute.
Q. How far is Ocean avenue from where the car started?
A. It is only a square.
Q. Did you get on the car?
A. Yes, sir.
Q. Where did Mrs. Farrow sit?
A. I think she was about the middle of the car.
Q. Do you remember how she was dressed that night?
A. I think she was all dressed in white.
Q. The same dress she had on the night before?
A. It looked to me as though it was.
Q. Did she wear a hat?
A. No, sir, she did not.
Q. She was all alone?
A. All alone.
Q. And so were you?
A. Yes, sir.
Q. How many people were on the car?
A. I judge there might be ten or twelve, probably more, I could not say exactly.
Q. When she left the car at Ocean avenue, where did she go?
A. She came back.
Q. And walked to where?
A. To Jackson street.
Q. To where, to Jackson street?
A. Yes, sir.
Q. Many people on the boardwalk that night?
A. Yes, sir, quite a few.
Q. You followed her?
A. Yes, sir.
Q. How far back were you walking?
A. I was twenty-five feet away from her.

Q. Did she speak to anybody before she reached Jackson street?

A. Yes, sir, she bowed to the car starter.

Q. Who is the car starter?

A. I can't recollect the fellow's name.

By the Vice Chancellor.

Q. Has he been previously mentioned here by name?

A. Yes, sir.

Q. Is it the man you spoke of as named Oliver this morning?

A. Yes, sir.

Further cross.

Q. She bowed to him?

A. Yes, sir.

Q. Anything more than a bow?

A. That is all.

Q. Did he bow to her?

A. Yes, sir.

Q. Did she speak to anybody else on the boardwalk before she reached Jackson street?

A. No, sir.

Q. Can you give any idea how many people you passed between Ocean avenue and Jackson street?

A. No, sir, I could not.

Q. Five hundred?

A. Might be and might not.

Q. What sort of a night was it?

A. Nice clear night.

Q. What occurred at Jackson street?

A. She met there a fellow named Doak.

Q. What time was it she met Doak?

A. I think it was about 8.30.

Q. Am I right in this that when she left the car at Ocean avenue, she continued to walk right down the boardwalk to Jackson?

A. No, she could not, because Ocean avenue is going east and Jackson street would be going west.

Q. But she left the car at the boardwalk and Ocean avenue?

A. Yes, sir.

Q. And as soon as she left the car then she walked down the boardwalk toward Jackson?

A. Yes, sir.

Q. Was she walking fast or slow?

A. Not very fast or not very slow, taking her time.

Q. How many blocks is that from Ocean avenue to Jackson street?

A. I guess—

Q. Don't guess?

A. I could not say how many squares there are.

Q. Give your best judgment?

A. I can't, you can judge from Ocean avenue to Jackson street how far it is.

Q. How far is it?

A. I could not say.

Q. A mile?

A. I don't believe it is a mile.

Q. Half a mile?

A. It ain't a half a mile, I would judge, probably is about three good squares.

Q. And walking slowly how long would it take to go three good squares?

Objected to.

Q. How long did it take her to walk those three good squares?

A. When she met Doak at 8.30, you can judge how long it would take her.

Q. Do you think it was 8.30 or before or after 8.30?

A. Yes, sir.

Q. Did you look at your watch?

A. Yes, sir.

Q. And you put that in your report?

A. Yes, sir.

Q. How did you recognize Charles Doak?

A. I saw the man.

Q. When had you first seen him?

A. I first saw him, it was on the 17th in a cigar store on Washington street.

Q. Whose cigar store?

A. I don't recollect that fellow's name, that tends cigars.

Q. What was Doak doing in the cigar store?

A. Tending store.

Q. Did you go in and buy a cigar?

A. Yes, sir.

Q. Did you ask him his name?

A. No, sir.

Q. How do you know that he was the man?

A. I got a description, smooth, fair fellow, curly hair.

Q. Was the age given?

A. No, but he said there was only one man there beside himself and he was bald-headed, he said you can't miss him.

Q. Do you remember how Doak was dressed that night?

A. Black suit of clothes on.

Q. What time in the afternoon was it that you saw Charles Doak in the cigar store?

A. I saw him some time in the afternoon, I can't recall the exact time.

Q. You don't remember the hour of the afternoon?

A. No.

Q. They met at Jackson on the boardwalk?

A. Yes, sir.

Q. Which way was Doak going when they met; was he walking toward the north or toward Cape May Point?

A. He just came across the street.

Q. You hadn't seen him that night until just that moment?

A. Yes, sir.

Q. You had seen him before?

A. Yes, sir.

Q. Had you seen him that night before?

A. No, sir.

Q. You saw him come across what street?

A. Coming across, that is main street that runs along the boardwalk.

Q. What is that street; Beach avenue, is it not?

A. I suppose it is Beach avenue.

Q. It is pretty light along there?

A. Yes, sir.

Q. The avenue is lighted up with a number of electric lights?

A. Yes, sir.

Q. And it is almost as light as day on Beach avenue at that hour of the night?

A. This is a little in the dark the place where they met was a little in the dark, but I recognized Doak.

Q. But they were on the boardwalk?

A. Yes, sir.

Q. Don't you know that the entire front of Cape May City, from the Stockton Hotel, even down below the Sea Breeze, or where the old Pennsylvania Railroad station

was is lighted up just exactly at one point as at another?

A. Yes, sir, but you understand this, that the lamps always—the lights may show plain for five minutes, and then they flicker and off she goes.

Q. When Doak and Mrs. Farrow met at that moment the light flickered?

A. The light gave poor light, it gave a poor light.

Q. The light was strong enough to enable you to clearly recognize two persons, concerning whom you never heard and had never seen until about an hour before, there is no doubt about that?

A. No.

Q. You met them right at the foot of Jackson street?

A. Yes, sir.

Q. There is an electric light right at that point?

A. At the corner.

Q. Which side of the street is the electric light; on the boardwalk or on the land side?

A. I think on the land side.

Q. Don't you know it is on the boarwalk?

A. It may be on the boardwalk, I ain't sure.

Q. And if you had taken a newspaper could you not at the foot of Jackson street, sitting on the boardwalk, have read your newspaper?

A. I don't know about that.

Q. Which way did they go?

A. They talked there a very few minutes; I should say two or three minutes.

Q. How close were you to them?

A. About twenty-five feet away.

Q. Could you hear anything that was said?

A. No, sir.

Q. Not a word?

A. Not a word.

Q. How do you know they were talking?

A. They were both together.

Q. You simply judged they were talking because they were together?

A. No, I don't judge, I said they were talking.

Q. Could you see their lips moving?

A. Yes, sir.

Q. How do you know they were talking?

A. I got off the boardwalk and I stood on the other side of the street.

Q. When they stopped at the foot of Jackson street and the boardwalk, what part of the boardwalk were they talking on, toward the sea or Beach avenue?

A. Toward the sea.

Q. And people were passing constantly in front of them and you?

A. Yes, sir.

Q. In other words that part of the boardwalk at Cape May and Jackson street, is just as much occupied with passers-by, as up toward Ocean avenue, is not that true?

A. No, they are not, there was more going toward Ocean avenue than the other way.

Q. But there is a great deal of publicity along by Jackson street?

A. Yes, sir.

Q. Driving, walking?

A. Not driving, very few I saw driving.

Q. Go on, tell us where they went after this meeting, and after this three or four minute conversation?

A. They stood at the rail there, and after they got through talking Doak went toward the beach.

By the Vice Chancellor.

Q. You mean he left the boardwalk and walked down toward the Ocean?

A. Yes, sir, and walked along the Ocean to the tents, they got down between the pavilion, where they play, they have a band playing there every afternoon, and the iron pier, a small pier there, and Mrs. Farrow started on the boardwalk toward Ocean avenue.

Further cross.

Q. Did they seem to walk about abreast of each other?

A. They seemed to be going very slowly.

Q. In other words Mrs. Farrow didn't get ahead of Doak, nor did Doak get ahead of Mrs. Farrow, they walked about opposite, one on the strand and the other on the boardwalk?

A. Doak got there a little quicker.

Q. Do you remember whether it was high water?

A. I didn't take notice.

Q. What is your best recollection?

A. My best recollection is that it was low tide.

Q. At half past eight at Cape May?

A. Yes, sir.

Q. Do you mean that the tide was way down?

A. Yes, sir.

Q. About how far from the boardwalk was Doak walking?

A. He was right near the water, I would say near the water, right in the dark where you could hardly see him.

Q. How many people were walking down on the strand that night?

A. I could not tell you, I tell you I don't believe I saw anybody walking along there.

Q. While you were at Cape May, didn't you notice it was a very ordinary thing for persons to walk along the strand even at night?

A. Yes, sir, I have seen that.
Q. An ordinary thing?
A. Yes, sir.
Q. You saw Mrs. Farrow walk along slowly?
A. Yes, sir.
Q. Doak got there first?
A. Yes, sir.
Q. How much time had he been there before Mrs. Farrow arrived?
A. I don't believe there was half a minute difference.
Q. Then they practically got there together?
A. Yes, sir.
Q. But when they got there Doak was already in the tent?
A. Yes, sir.
Q. Where was this tent?
A. Opposite Ocean avenue, I think the fourth one toward the sea.
Q. Was it beyond the pavilion at Ocean avenue or toward Denizot's Pier?
A. No right at the foot of Ocean avenue.
Q. You say it was about the fourth tent?
A. Yes, sir.
Q. You observed the tent very carefully?
A. Yes, sir.
Q. What kind of a cover did it have over it; white, green, blue or what?
A. I think a white canvass cover.
Q. What name was on the tent?
A. That I don't know, I didn't notice the name.
Q. Did you look at the tent the next day?
A. No.
Q. Don't you know they are private tents on the beach there?
A. Yes, sir.

Q. And you could have gone next day and gone to the tent?

A. Yes, sir.

Q. And you didn't do it?

A. No.

Q. You didn't observe the name?

A. No, sir.

Q. Didn't you observe that almost all those tents had private names marked on them?

A. Yes, sir.

Q. Just describe that tent, how was it covered, what kind of a covering was there over it?

A. As far as I could see it was a white canvas cover.

Q. Over the top?

A. Yes, sir, and came down on the sides.

Q. What was on the back?

A. Nothing on the back.

Q. To what point did the canvas come on the sides?

A. Well about half way down.

Q. How high was the fence?

A. Well I would just say about five or six feet.

Q. When you saw them in the act you spoke of, was Mrs. Farrow lying on the sand?

A. No, she was standing up.

Q. You saw it very plain?

A. Yes, sir.

Q. Where were you?

A. I was lying down about the fifth tent from where Mrs. Farrow was.

Q. That was how far away?

A. I judge about twenty-five feet.

Q. What was there between you and this tent?

A. I guess there were four or five other tents.

Q. How high were those tents?

A. About the same height.

Q. How did you see around them or over them?

A. I could see on the side, through the side.

Q. Were you toward Cape May Point, or on the Stockton avenue side?

A. On the Stockton avenue side.

Q. Then you were up toward the next pavilion?

A. Yes, sir.

Q. You were lying down?

A. I was lying down on one of the seats.

Q. And that seat was how high from the ground?

A. I guess about three or four feet, perhaps only two feet.

Q. When you looked toward the tent in which they were, was the side of the tent toward you or the back of the tent toward you?

A. The side.

Q. And all that you saw, which you have called to the attention of the court you saw from that position, did you?

A. Yes, sir.

Q. You lay motionless?

A. Yes, sir.

Q. Now will you tell us how you could see Mr. Doak with his arms around Mrs. Farrow, bearing in mind that you have stated that this side which was toward you was covered with canvas, and that the canvas was within two feet of the ground; how could you see any of this hugging and kissing business?

A. I didn't say anything of the kind, I said it was about half way.

Q. You say it was five feet high?

A. Yes, sir.

Q. One-half of that would be two and a half feet?

A. You are not counting from the roof of the tent, you bear that in mind. When you have the measure of this house inside, you are not taking the measure of the roof are you?

Q. I am not on the witness stand. Do I understand you to say that the side of this tent came to within about two and a half feet from the ground?

A. Take it inside, right from where the awning comes down, it would be about five or six feet, probably a little more, I could not say exactly.

Q. You haven't answered my question, my question is this: Do you mean to say that the canvas side of this tent toward you reached a point about two and a half feet from the ground?

A. No, sir.

Q. How high was the canvas from the ground?

A. The canvas from the ground probably, maybe four feet I guess.

Q. Is this a quite accurate estimate on your part or a guess?

A. I didn't measure, and I am only giving you as near as I can give you.

Q. Then practically from your description of the tent the only thing that the tent had in the way of secluding Mrs. Farrow and Mr. Doak, was simply that it had a top?

A. Yes, sir.

Q. In other words the tent didn't hide Mrs. Farrow and Doak?

A. No, sir.

Q. They might just as well have gone out on the sand sand without any covering?

A. Yes, sir.

Q. When did they begin to hug and kiss each other?

A. They were close together for about, I judge about

half an hour probably a little more, talking, and then after talking he put his hand around her neck and then they kissed.

Q. Who kissed?

A. Doak and Mrs. Farrow.

Q. How many times did they kiss?

A. They kissed a number of times.

Q. You didn't make note of the number?

A. No.

Q. Did you hear the conversation?

A. No, sir, it was very low.

Q. How far was this tent from the boardwalk?

A. I would judge a hundred or a little over a hundred feet.

Q. Don't you know that these tents are put away from the reach of high tide, were put on the beach right near the boardwalk?

A. You must understand some are close by the boardwalk and some ten or fifteen feet away from the boardwalk.

Q. This was the fourth tent?

A. No, there were probably 200 tents there maybe. And this tent they were in was opposite Ocean avenue, and from the water front, from the high tide, I don't believe the high tide would touch them.

Q. About to what point would the high tide come with reference to this tent, how near?

A. As far as I can see how the water was there, I would say twenty-five feet.

Q. In other words this tent was twenty-five feet away from high water mark?

A. Yes, sir.

By the Vice Chancellor.

Q. Was it on the first row of tents next to the water?

A. Yes, sir.

Q. Then between this tent and the water there was no other tent that you saw?

A. Yes, sir.

Q. You referred to this tent as the fourth, the fourth from what?

A. Ocean avenue.

Q. Going in what direction?

A. Going toward the sea. This Ocean avenue comes down here to the sea, now I say it is the fourth tent toward the ocean.

Further cross.

Q. Did you use while you were at Cape May the music pavilion just above Ocean avenue; you sat in that pavilion?

A. Yes, sir.

Q. And you noticed in that music pavilion, under that, when it was high water, that the water came where, under that pavilion?

A. Not since I have been there.

Q. Do you mean to say that while you were there the high water didn't come under that?

A. No, sir.

Q. How near to the pavilion did it come?

A. What I could see of it by the running of the sand I would say about twenty-five feet.

By the Vice Chancellor.

Q. Do you mean it came twenty-five feet under the pavilion or didn't reach the pavilion by twenty-five feet?

A. Didn't reach the pavilion from this place.

Q. At what stage of the tide are you referring to; at high water of course it comes nearer than at low water; at what stage of the tide do you mean, when it didn't come within twenty-five feet of the pavilion?

A. I looked by the sand.

Q. Then you didn't actually see the water with relation to the pavilion?

A. No, sir.

Further cross.

Q. Were you ever down to the pavilion at night?

A. No.

Q. You didn't know it was one of the ordinary things at Cape May when it was high water, for the visitors at Cape May to go down and see high water from this pavilion, and see the breakers come against the pavilion and wash away; you don't know that?

A. No, sir.

Q. Let me have again your best estimate of the distance of this tent that you have mentioned from the boardwalk?

A. I say that tent is in the neighborhood of about one hundred or one hundred and fifty feet from the boardwalk.

Q. Was it as far from the boardwalk as the end of this room?

A. Oh, yes.

Q. How many times further?

A. I would say about from here across the street or a little further. That would touch between one hundred and fifty—about one hundred and fifty feet and maybe more.

Q. This you can say definitely that that tent was at least twenty-five feet away from high water mark?

Judge Carrow:—Does he know where high water mark is?

The Vice Chancellor:—He can answer that he does not know.

A. I don't know.

Q. Were there many people around Ocean avenue and the boardwalk that night, between the hours you have mentioned, from half past eight to a quarter of nine until the parties separated?

A. No, sir, very few that night.

Q. Haven't you already said that when Mrs. Farrow left the car at Ocean avenue, that in going from Ocean avenue to Jackson street she might have passed five hundred people?

A. Yes, but recollect, this is going on to 10.50.

Q. I am speaking of the time when they reached this tent, about half an hour, after they began the hugging and kissing, that would be 9 o'clock?

A. Yes, sir?

Q. Do you mean to say that section of Cape May is quiet at that time?

A. It is not.

Q. It is the centre of life in Cape May at that hour of the night?

A. Yes, sir.

Q. They didn't undertake to hide from anyone when they were hugging and kissing each other?

A. No, sir.

Q. Who else could have seen it beside yourself?

A. Anybody who was watching.

Q. Along the front?

A. No, sir, they could not have seen it from the front.

By the Vice Chancellor.

Q. What do you mean by the front?

A. He means the front of the boardwalk.

Further cross.

Q. You said the tent was open, didn't have anything more than a mere covering, and the back of the tent was entirely uncovered?

A. Yes, sir.

Q. And the back was toward the boardwalk?

A. Yes, sir.

Q. Why could they not have seen it?

A. Because the other tents were blocking it off.

Q. They could not have been seen that night because they were not there?

A. A man watching could have seen them, people coming by that tent could have seen them, but from the boardwalk you could not see them because the tents were zig-zag, not right in a row.

Q. There was nothing between this tent and the ocean?

A. No, sir.

Q. And anyone walking along the ocean front could have seen just what you did?

A. No, they have got to get pretty close, they could not see because it is all dark.

Q. The electric lights are on the boardwalk?

A. Yes, sir.

Q. And you have stated that this tent in which they were was the first tent toward the ocean?

A. Yes, sir.

Q. And that there was nothing between that tent and the ocean?

A. Yes, sir.

Q. And the part of the tent that was toward the ocean was wide open?

A. Yes, sir.

Q. Not the slightest covering?

A. No, sir.

Q. After that they hugged and kissed from half past ten to almost eleven o'clock?

A. Yes, sir.

Q. With a possibility of anybody walking along the strand by the ocean observing what they were doing?

A. Yes, sir, they got close.

Q. They had to be quite close because it was down toward the ocean that this tent was?

A. Yes, sir, you understand it is dark, and you can't go to work and see without you are walking along the shore and looking right straight over, you can't see them, you might see two persons, but you got to get close to them.

Q. You were twenty-five feet from this tent and saw plainly everything?

A. Yes, sir, and anybody else who was twenty-five feet from there could have seen it.

Q. You were down on the strand yourself, lying around among these tents, with four tents between you and the tent in which Mr. Doak and Mrs. Farrow were?

A. Yes, sir.

Q. There is a big electric light at the foot of Ocean avenue?

A. Yes, sir.

Q. And this place which you allege was selected by these people was the most prominent spot along the whole Cape May shore?

A. Yes, sir, for loafing.

Q. Did you see anybody else loaf there that night?

A. Yes, sir, lots of them.

Q. When you saw this act of adultery which you say was committed that night, exactly what was the hour?

A. I would say about close to 10.50.

Q. On what night?

A. August 17.

Q. What day of the week was it?

A. That would be on Wednesday.

Q. What time did you fix?

A. About 10.50.

Q. Wednesday, 1904?

A. Yes, sir.

Q. No doubt about the day of the week or the hour of the day?

A. We can look at the calendar and get it exactly.

Q. They remained right at that point from about half past eight on the evening of Wednesday, August 17, 1904, until eleven o'clock?

A. Yes, sir.

Q. Didn't leave that spot?

A. Yes, sir.

Q. Of that you are sure?

A. Yes, sir.

Q. When the act of adultery was committed who else were on the beach or boardwalk or anywhere else around there?

A. There were very few passing by.

Q. How many were?

A. I could not say, I would look up now and then, all my attention was drawn on Doak and Mrs. Farrow.

Q. How many people were passing by?

A. I could not tell you.

Q. Give us an idea?

A. I can't give you anything.

Q. Was there anyone passing by?

A. As I say I didn't look up, I would look up and then I would see somebody and then I would not.

Q. Why didn't you, when you saw that the bird had been caught in the cage, why didn't you call someone to come and corroborate your statement, and let somebody else observe what you observed; why didn't you do that?

A. Because I was acting under orders.

Q. You thought your character was good enough as against this woman and a host of witnesses?

A. No.

Q. And with the persons in actually physical presence before you on that night, in the most public part of Cape May beach, with the victim caught, you never called upon a single soul to bear witness against her, is that right?

A. I was going under instructions, same as you would do.

Q. Don't bring me into your work, Mr. Detective, if you please.

A. I ain't bringing you into it.

Q. Is it fair to assume that while this kissing and hugging business was going on, there might have been a thousand people passing that point?

A. No, sir; there might, I could not say.

Q. Was there a band concert at the pavilion that night?

A. That was over.

Q. What time did it end?

A. That ended about ten o'clock.

Q. And thousands of people attend that?

A. You could not get thousands of people there.

Q. One thousand people?

A. I told you I was not paying any attention to the concert or the people on the boardwalk, my attention was to this lady here, Mrs. Farrow and Doak. If you ask me from now until to-morrow morning it would be the same thing.

Q. What time did the concert end?

A. I don't know, I suppose about ten o'clock.

Q. Did you see any policemen along there that night?

A. No, sir.

Q. Did you see the chief of police?

A. No, sir.

Q. Not a policeman that night?

A. No, sir.

Q. You didn't report this to Mr. Eldridge, you simply reported it to your party in Philadelphia?

A. There is one thing in this, Mr. Eldridge is not my superior, and my report goes direct to my superior.

Q. Had you been told before you undertook to work up this case that there had been two libels filed against this respondent, going back into 1903, and one also into 1904, charging her with adultery with other men and to do all you could to catch her in the act; had you been told to do that?

A. No, sir.

Q. You had not?

A. No.

Q. You had ample chance, according to your statement, being within twenty-five feet of these parties, when they were in the act of committing this offense, to go and

say to them "Here Charles Doak and Mrs. Farrow you are caught in the act." You had the opportunity if you wanted to exercise it, didn't you?

A. I was under instructions.

Q. Answer that question, you had the opportunity if you wanted to exercise it?

Judge Carrow:—I object to that because it has been propounded four times to this witness and answered.

The Vice Chancellor:—No I did not so understand it. The question now is, he was a concealed observer of the situation, and the question is addressed whether there existed at that time anything which would have stopped him, or denied him the opportunity of going personally to these persons, in the act of committing this crime and saying, you are caught in the attempt.

A. Yes, sir, I was under instructions.

Q. Have you ever acted as a detective in a divorce case in which the charge was adultery before?

A. I don't think I have.

Q. This was your first was it?

A. No this was not the first case.

By the Vice Chancellor.

Q. Was this the first case in which you were in a case of adultery?

A. No, sir.

Further cross.

Q. You had frequently been employed in just such cases?

A. Yes, sir.

Q. Can you give an idea of how many cases you had been employed in?

A. About two.

Q. When was the last case before this?

A. I guess about a couple of months between.

Q. That would be May, 1904?

A. Yes, sir, I think so.

Q. Your work there was in Philadelphia?

A. Philadelphia.

Q. Before that when?

A. Philadelphia.

Q. How long before?

A. I should say about two months.

Q. Before that case?

A. I say about two months previous.

Q. Each of the cases were two months apart?

A. Yes, sir.

Q. That has been the only experience you have had in working up divorce cases?

A. Yes, sir.

Q. Don't you know from your general knowledge of detective work that the usual thing to do is for the detective, or the officer, or whoever it may be, to break through doors, or whatever it may be and physically confront the persons who are in the act; don't you know that is the usual thing which is done in divorce cases?

A. They are and they are not. First when you get instructions you got to go by instructions, and others, when you get instructions to break in, it is all right.

Q. You say when you get instructions you go by instructions?

A. Yes, sir.

Q. Who instructed you not to interfere in case you saw anything, Mr. Edridge?

A. No.

Q. Judge Carrow?

A. No.

Q. Who?

A. George Tate Detective Agency.

Q. In other words your instructions were when you caught these people in a position, and could let the whole world know, you were to bring the story quietly away, and bring it to the court uncorroborated, was it?

A. No, sir, the first thing is to find out, and then get another man to corroborate the story.

Q. If you wanted to you could have had fifty people as witnesses that night?

A. No doubt I could, but I wanted to get a good one so I would have it. These witnesses would leave town any minute.

Q. What was the first thing which they did when they got into this tent?

A. Sat down.

Q. Didn't you testify in answer to Judge Carrow's question as follows, I think I have your testimony literally: "After the act had been committed as you allege, how long did they stay under that tent? They might have stayed there until about 11.30. That would be how many minutes. From fifty, that would be forty minutes." Did the hugging and kissing, was that continuous from the time the alleged act of adultery had been committed?

A. Yes, sir.

Q. When did you next see Mrs. Farrow after the 17th day of August, when did you next see Mrs. Farrow?

A. Next day, on the 17th do you mean?

Q. No, after the 17th, when did you next see her?

A. Around the house.

Q. Did you see her the next day?

A. I saw her the next day sitting out on the porch.

Q. Did you ever see her engaged in any work of any character?

A. No.

Q. Never did?

A. No, I could not say that.

Q. You have stated that you did see a number of persons about the residence of Mrs. Farrow during that part of August while you were at Cape May, haven't you?

A. No, I didn't take any notice, parties coming in there, I think it was about 19, I think about 19, when I saw girls in there.

Q. You mean Mrs. Farrow's house?

A. Yes, sir, but first on the 16th when I got there I didn't see anybody going in and out.

Q. What do you mean by girls going in and out?

A. That is what you mean, roomers.

Q. Is that the way you refer to the ladies of all ages, who were the guests of Mrs. Farrow, as girls going in and out?

A. They were not old, I call a girl about 17 or 18 or 19 years, I call them girls.

Q. How many girls at 17, 18 or 19 did you see?

A. I saw about two or three, and then I seen older ladies go in there and come out.

Q. Can you give any idea how many guests Mrs. Farrow had?

A. I saw probably five or six.

Q. Do you know what rooms she set aside in her home for her guests?

A. No.

By the Vice Chancellor.

Q. Which house is this?

A. It is the house next to the Glenwood.

Mr. Edmunds:—It is the home of Mrs. Farrow.

Further cross.

Q. Do you know how many rooms there are in that house?

A. No, sir.

Q. Did you see any domestics employed in that house while you were there?

A. No, sir.

Q. Any men engaged in any service?

A. I saw what I thought were guests or boarders, some young men in there, coming in and out.

Q. Was there anything about their conduct which excited your suspicion in any way shape or form?

A. No.

Q. Did you see one thing about that home to indicate to you that it was not the home where virtue lived, while you were there during the summer of 1904?

A. No, sir.

Q. You saw not one suspicious act?

A. No, sir.

Q. There was nothing done by this respondent, Mrs. Farrow to close the door of inquiry against you, while you were at Cape May?

A. No, I guess she didn't know I was after her.

Q. Maybe she did and maybe she didn't.

The Vice Chancellor:—Do not talk to him, ask him questions.

Q. Now, Mr. Wagner, about how many times between August 17th and the 24th of August did you see Mrs. Farrow?

A. I saw her pretty near every night.

Q. Where did you see her every night?

A. Walking down the boardwalk, coming back home again, sitting on the Lafayette porch, sat there for probably two or three hours.

Q. Did she go to the Lafayette Hotel porch every night while you were there?

A. Pretty nearly every night.

Q. And you saw her sitting on the Lafayette Hotel porch every night?

A. Yes, sir; pretty near.

Q. What time would she get home?

A. Different hours; sometimes she got home at 11 o'clock, sometimes 12, and sometimes around 1 o'clock.

Q. She was out every night?

A. Yes, sir.

Q. Who were with her on the Lafayette Hotel porch on those other nights?

A. Nobody at all; she was alone.

Q. Absolutely alone?

A. Absolutely alone.

Q. Sitting absolutely alone for two hours every night, without anyone to speak to her on the Lafayette Hotel porch?

A. Yes, sir.

Q. Where was her child?

A. Didn't have her child with her, only had it one time; I think it was the 16th she had the child with her at Sewell's Point.

Q. See if I have it correct. The 18th of August she was at the Lafayette Hotel porch and stayed until half-past 11 or 12 o'clock?

A. I would not say, but pretty nearly every night that is where she would go; after she would take a walk

along the beach, she would go to the Lafayette Hotel and sit on the porch.

Q. Did she make any move of any character, after the 18th of August and prior to the 24th of August, to hide her moves by night?

A. No, sir.

Q. Whatever she did was done with absolute openness?

A. Yes, sir.

Q. The world could follow every step she took?

A. Yes, sir.

Q. And you are sure between the 18th of August and the 24th of August—I mean the 17th and the 24th—that her evenings were generally devoted to walking on the beach and spending part of the evenings on the Lafayette Hotel porch?

A. Yes, sir; I am not exactly sure that it was every night.

Q. Did you ever see her out with her child at all?

A. No, sir; only once.

Q. Did you ever see her sitting on the porch in the evenings while you were there talking to her guests?

A. I never talked to any of the guests.

Q. Did you ever see her talking to her guests?

A. Yes, sir.

Q. In the evening?

A. Yes, sir.

Q. How long would she be on the porch; would she sit down with them?

A. Yes, sir.

Q. What kind of guests did she have, ladies and gentlemen, or bad characters?

A. I could not say.

Q. Was there not every indication presented to your mind that they were very respectable people?

A. Yes, sir.

Q. How late would you see her on her own porch talking to her guests?

A. I would see her, maybe, half an hour before she would go out in the evening by herself.

Q. What was the latest hour that you ever saw her on her porch talking with her guests, before she went out?

A. I think that would be a little before 9 o'clock in the evening.

Q. Did you make a daily report?

A. Made a daily report.

Q. There is a report for August 18?

A. Yes, sir.

Q. For the 19th of August?

A. Yes, sir.

Q. For the 20th of August?

A. Yes, sir.

Q. For the 21st of August?

A. Yes, sir.

Q. For the 22d of August?

A. Yes, sir.

Q. The 23d?

A. Yes, sir, and the 24th.

Mr. Edmunds: I ask counsel to produce those reports.

Judge Carrow: First, I say I can't produce such reports, because I never had them, and I haven't them now. The reports were made by this man in his own handwrit-

ing, and sent to his employer. I have no control over them; I have never seen them.

Mr. Edmunds: The difficulty which confronts us is this—

The Vice Chancellor: What are you speaking to?

Mr. Edmunds: Relative to my demand; relative to these reports. I would like the Court to say I am entitled to these reports.

The Vice Chancellor: You must move the Court. You gave notice to Judge Carrow to produce them, and Judge Carrow has indicated that he does not have them, and, therefore, does not produce them. You may, therefore, prove by secondary evidence the contents of them.

Q. Haven't you seen those reports since they were submitted?

A. No, sir.

Q. Haven't you seen copies?

A. I saw one copy.

Q. The copy you saw to-day?

A. Yes, sir.

Q. How many conferences have you had with counsel?

A. None.

Q. Or the libellant in this cause?

A. None.

Q. You never talked with them until you went on the witness stand; is that so?

A. I have spoken to them down at Cape May, and to ask them whether I had the right party; whether I was on the right track of the party.

Q. When did you do that?

A. A few days after I was down there; and he said yes, that I was.

Q. You got there on the 16th of August?

A. Yes, sir.

Q. And on the 17th of August you caught them?

A. Yes, sir.

Q. And two or three days after you went to counsel and wanted to know whether you were after the right party?

A. No; I told him which party I got out of that house; I gave a description.

Q. Didn't you say that two or three days after you reached Cape May you went to counsel and asked them whether you were on the track of the right party?

A. Yes, sir.

Q. And that is just as true as anything else you have testified to?

A. Yes, sir.

Q. Don't you know that on the night of the 17th of August, 1904, that Mrs. Farrow was not away from her house; don't you know that?

A. No, sir; I don't.

Q. Do you remember what day of the week it was that you got to Cape May?

A. The 16th; I guess we can find it on the calendar.

Q. That would be about Tuesday?

A. You said it was Tuesday.

Q. Would you be running into Mr. Eldridge's office every day?

A. No, sir.

Q. After Mr. Eldridge had given you this general description of Mrs. Farrow, when did you next see him?

A. I didn't see him until after I was going away.

Q. When did you leave Cape May?

A. The 25th of August.

Q. That was after the affair down at Cape May Point?

A. Yes, sir.

Q. How many times while you were at Cape May did you see Mrs. Farrow drinking?

A. Only once.

Q. And that was where?

A. That was at the Lafayette Hotel.

Q. What night was that?

A. That I can't recollect.

Q. About how long had you been at Cape May when you saw her drink at the Lafayette Hotel?

A. Five or six nights there.

Q. Where was she drinking; in what part of the hotel?

A. On the right hand, what they call that cafe there.

Q. It was inside, not on the porch?

A. No, sir.

Q. What was she drinking?

A. I don't know.

Q. How near were you to her?

A. I passed by the side; it looked to me like soft stuff, it was reddish color.

Q. Who was with her?

A. Nobody with her.

Q. In there drinking alone?

A. Yes, sir.

Q. In a public bar-room?

A. Not in the bar-room.

Q. What hour of the night was this?

A. I guess it was about—I judge about 11 o'clock in the night.

Q. This lady here, meaning the respondent, at 11 o'clock at night, in a drinking saloon, drinking alone, and that you are sure of?

A. I didn't say in a saloon; I said it was in the cafe.

Q. It was a drinking room?

A. A drinking room for women; yes, sir.

Q. Men went in there, too?

A. With women; yes.

Q. How many people were in there when they went in, and you saw Mrs. Farrow alone?

A. I could not say.

Q. What night was that?

A. I don't know; I don't recollect; it maybe was the third, fourth or fifth night I was there.

Q. Do you remember having said a moment ago, in answer to my several questions, that after the 17th of August, the following nights were spent in this way: That she went down to the boardwalk, walked along the boardwalk, and then went to the porch of the Lafayette Hotel, and stayed on that porch?

A. Yes, sir.

Q. Sitting there alone?

A. Yes, sir.

Q. And didn't go in the hotel for that number of nights?

A. Yes, sir; as I say, that would not be continually from the 17th to the 24th.

Q. About how many nights after the Ocean avenue affair?

A. I say it is probably about three or four nights; I could not exactly tell you; about five nights.

Q. How long was she in this drinking room for women?

A. Probably about four or five minutes.

Q. Did you see her at any other time drinking anything in Cape May?

A. No, sir.

Q. How about over at Cape May Point; did she drink anything over there that night?

A. No, sir; she did not.

Q. You never saw her drink anything?

A. At Cape May Point; yes, sir. I was thinking about Sewell's Point.

Q. What did she drink there?

A. I could not tell you.

Q. What did it look like?

A. It looked like some sort of dark color, reddish; it looked something like wine.

Q. That is the dscription you gave of the beverage which you say she was drinking at Lafayette Hotel?

A. No; this was different; this was in a long glass, and what they got at the Lafayette was a small glass.

Q. A wine glass?

A. No; in the shape of a tumbler, but about half the size of that.

Q. Did you see her under the influence of liquor at any time?

A. No, sir; I did not.

Q. Or any one that she was with, under the influence of liquor?

A. No, sir; I did not.

Q. Now, between the 17th of August, 1904, and the 24th of August, 1904, what, if anything, did you see that was in any way out of place in Mrs. Farrow's conduct?

A. Nothing; only but the one time that I got at Sewell's Point there, with Oliver; I can't recollect what day that was; after that I never seen anything wrong with her.

Q. How many times did you see her at Sewell's Point?

A. I think I have seen her there, I guess, about four times; I think about four.

Q. And you left Cape May on the 25th?

A. Yes, sir.

Q. Give us the night that you went to Sewell's Point?

A. That I could not tell you, about the nights.

Judge Carrow: I want to ask one question before we adjourn, with the permission of the Court.

Q. (The person mentioned in the pleadings in the case is, by consent, brought forward, both parties conceding him to be the party named, Charles Doak.) Looking at him, Mr. Wagner is asked: Is that the man, Mr. Charles Doak, whom you saw on the beach on the 17th of August?

A. Yes, sir.

The further hearing was then adjourned until December 7th, 1904, at 10 o'clock.

CAMDEN, N. J., December 7, 1904.

The hearing in this matter was continued pursuant to adjournment. Appearances as heretofore noted.

CHARLES WAGNER.

Cross-examination continued.

By Mr. Edmunds:

Q. When you were on the stand, some two weeks since, you said you took a note of the time on the even-

ing of August 17, at the time of the alleged occurrence under the beach tent, and I recall that you gave several hours; did you take the time from your watch?

A. Yes, sir.

Q. Have you the watch with you in Court?

A. Yes, sir.

Q. May I see it?

A. Yes, sir.

Q. How many times did you look at your watch that evening?

A. I may have looked at it, probably, half a dozen times.

Q. And you had no difficulty in observing the time?

A. No, sir.

Q. And you said that before they went to that beach tent they started from Jackson street and the Beach drive?

A. Yes, sir.

Q. That Mrs. Farrow walked along the boardwalk, and that Mr. Farrow walked along the strand; is that correct?

A. Mr. Farrow?

Q. I mean Mr. Doak?

A. He went down the beach.

Q. He walked along the strand?

A. No, sir; not on the strand.

Q. On the beach?

A. On the beach.

Q. Don't you understand?

A. Yes; the strand is right alongside of the boardwalk, this was down near the water.

Q. He was on the beach?

A. Yes, sir; near the water.

Q. And at that point about how far was the water from the boardwalk?

A. I judge it may be 200 yards.

Q. You could see him walking up the beach until he reached the tent that he finally went into?

A. No; I saw him walking toward the pavilion, and that is where the band plays, and my attention was more on Mrs. Farrow.

Q. Did you walk on the boardwalk on your return from Jackson street; you walked back of Mrs. Farrow along the boardwalk?

A. Yes, sir.

Q. About how far back of Mrs. Farrow were you?

A. I would say, probably, about a hundred feet.

Q. In your direct- examination you said that Mrs. Farrow reached the tent before Mr. Doak?

A. That is right.

Q. And in your cross-examination you said that Mr. Doak reached the tent first; now which is correct?

A. I have said, the stenographer will see, that they probably reached both almost together.

Q. Then neither statement thus far made is correct?

A. They both reached there together; I say it would not be about a half a minute apart.

Q. Which one got there first?

A. I would say that he got there a little ahead of her, about half a minute I would say.

Q. Where were you when he reached the tent?

A. I was back of Mrs. Farrow.

Q. Where was that?

A. She was going into the tent, the fourth tent from the end of the Ocean street, when I went around on the side.

Q. Now, you testified when Doak was going up the beach that he walked ahead of Mrs. Farrow, and that Mrs. Farrow, instead of going directly to the tent, went into the music pavilion, where she stayed for probably

half a minute or two, and eventually returned from the music pavilion, went into the tent where Doak was; was that statement correct or not?

A. I didn't make any such statement.

Q. You did not?

A. No.

Q. What statement did you make about Mrs. Farrow going into the music pavilion?

A. Didn't say anything about her going into the pavilion at all.

Q. Do you mean to say that you testified that Mrs. Farrow went directly from the boardwalk into that tent?

A. Yes, sir.

Q. And that is what you mean to say?

A. Yes, sir; you will find that there, too. (Indicating the stenographer's notes.)

Q. Did I understand you to say that under the tent that you saw Mrs. Farrow and Mr. Doak, where it was dark?

A. It was a dark space there; yes, sir.

Q. Your tent was from the boardwalk about the same distance that the tent of Mrs. Farrow was?

A. Yes, sir; my tent was toward the pavilion.

Q. About how far from the pavilion was it in feet?

A. I didn't measure in feet; I guessed.

Q. Well, guess then?

A. Well, I would say, maybe, seventy-five or a hundred feet.

Q. Don't you know that Ocean street connects with the Beach drive at a point midway between the pier and the beach pavilion, and that the distance from Ocean street, either to the pier or to the pavilion, is at least three or four hundred feet?

A. I say I didn't measure; I say from the tent where

they were, or where I was, I would say about a hundred feet.

Q. Then you are sure of this, that the tent from which you had your view was about seventy-five or a hundred feet from the beach pavilion?

A. From the beach pavilion; yes.

Q. And the light you got from the beach pavilion was sufficient for you to note the time of the evening and make your tent very much brighter than the tent occupied, as you allege, by Mrs. Farrow and Mr. Doak?

A. No; I got the light from the light at Ocean and Beach.

Q. And the light from Ocean and Beach was the electric light?

A. Yes, sir.

Q. The pole was over the boardwalk?

A. Yes, sir.

Q. And giving a light sufficiently strong to enable you to observe the time of the evening from your watch?

A. Yes, sir.

Q. Now you have said there were four rows of tents, and that Mrs. Farrow was on the first row toward the water; was that right?

A. It was the fourth one from the road; I think in my last, I said it was the second one from the beach.

Q. Then it was the second one from the beach?

A. I say it is the fourth from the ocean—from Beach street, and the second from the ocean.

Q. Haven't you stated repeatedly, and nothing else until this very minute, that the tent in which this thing is alleged to have occurred was the tent immediately in front of the water, and that there was nothing between that tent and the water?

A. That was right then.

Q. Then you are mistaken now in stating that there was a row of tents between this tent and the water?

A. If I made that statement first, it is all right.

Q. The first statement you made the other day is all right?

A. Yes, sir; that is right.

Q. From what row of tents did you take your observation, the first from the beach drive or the second or third, or fourth?

A. I took it from the fourth from the ocean.

Q. That would be the first, then, toward the beach drive; would it not?

A. No; probably there was—I would not say exactly; there were ten or fifteen more rows.

Q. Ten or fifteen more?

A. I think so.

Q. In other words, there were probably nineteen rows of tents between the boardwalk and the water?

A. Probably more than that.

Q. How do you explain; you have stated that this thing occurred in the fourth row of tents from the boardwalk?

A. That is right.

Q. And that between that row and the water there were no other tents?

A. That is right.

Q. Where do you get the fifteen rows of tents from?

A. That is on the other side. You are only alluding to four rows; you are not alluding to the whole place. Do you know how many there are? I guess there are fifty tents; probably more.

Q. Didn't you count them?

A. No, but I have an idea there are about fifty there.

Q. But you had no difficulty in observing everything?

A. No, sir; I had not.

Q. And let me ask you again; how many rows from the boardwalk was your tent?

A. That I could not say.

Q. One tent or thirteen?

A. I could not say; it might be fifteen, and probably may be more.

Q. About fifteen from the boardwalk?

A. I ould not say; probably fifteen or more.

Q. About fifteen from the boardwalk?

A. I would not say; probably fifteen or more.

Q. Yet you could see your watch from the electric light at the foot of Ocean street?

A. Yes, sir.

Q. But the tent under which Mrs. Farrow and Doak were was a dark tent?

A. Yes, sir.

Q. And don't you know that was nearer the electric light pole, than the tent from which you were doing your alleged spying and shadowing?

A. No, sir, it is not.

Q. Were they under a dark tent or light tent?

A. I say this tent was dark. The tents don't come directly in a row, they kind of zigzag.

Q. Was it dark or light?

A. It was dark.

Q. And dark enough to prevent anyone from seeing them?

A. Yes, sir.

Q. You say though you saw them?

A. You could not see them from the boardwalk, but I was pretty close by where I could see them.

Q. How far were you?

A. I say I was about four away from them.

Q. Measured in feet that would be how much?

A. Probably, say twenty-five feet away from them.

Q. Now, referring to 24th of August, 1904, you testified that you first saw Mr. Doak at the cigar store on Washington street, on the afternoon of your arrival at Cape May, didn't you?

A. Yes, sir.

Q. That was the afternoon of August 16?

A. Yes, sir.

Q. And you were in the store how long?

A. I was in there long enough to get a cigar.

Q. That would mean probably a minute?

A. A minute or two.

Q. You went in and asked for a cigar; you got your cigar, you paid for it and left the store?

A. Yes, sir.

Q. And it took no longer than to obey your request in that respect?

A. Yes, sir; that is right.

Q. Who waited on you?

A. Doak waited on me.

Q. When did you see him after that?

A. I saw him three or four times after that.

Q. I mean prior to the 17th of August?

A. I saw him the next day, the 18th.

Q. Then you saw him on the 17th?

A. The 16th, 17th, 18th, 19th and 20th I saw him.

Q. You first saw him on the 16th, in the afternoon?

A. Yes, sir.

Q. When did you next see him?

A. On the 17th.

Q. Where and when?

A. On the boardwalk.

Q. When?

A. That would be—I saw him there about, I guess, it was nine to ten o'clock when I saw him.

Q. In the morning or evening?

A. Evening.

Q. You didn't see him again until nine or ten o'clock the next night?

A. No; I saw him next day, the 18th.

Q. Then you first saw him on the 17th?

A. The 16th.

Q. Then when did you next see him?

A. The 17th.

Q. At what hour?

A. Somewhere around nine or ten o'clock.

Q. At night?

A. Yes, sir.

Q. When did you next see him?

A. On the 18th.

Q. Where did you see him then?

A. In the cigar store.

Q. What time of the day was it?

A. I think it was in the neighborhood, about around —I think it was in the morning or afternoon.

Q. Why did you go there on the 18th?

A. I wanted to go to work and see whether he was the right man with Mrs. Farrow on the 17th.

Q. You were not satisfied from your observation of the evening of the 17th that he was the right man?

A. No, sir.

Q. You say after having seen Doak on the afternoon of the 16th, you didn't see him until nine or ten o'clock of the next day; can't you be more specific than that, and say whether it was nine or ten o'clock; you were there on a particular errand and no doubt you must have kept a record of everything that occurred; can't you be more specific?

A. I kept a record, but I haven't had a chance to look at my record, the original reports, therefore, when this

case came up, of course that knocked me right out; I was on another case.

Q. Was it nearer nine or nearer ten?

A. I think between nine and ten.

Q. We will say half-past nine?

A. Yes, sir.

Q. As a matter of fact you testified that you saw Doak on the afternoon of the 16th of August, you never laid eyes on him again until about half-past nine the next night?

A. I believe that would be right.

Q. You didn't have Doak pointed out to you when you saw him at half-past nine of August 17?

A. No.

Q. You were alone that night?

A. Yes, sir.

Q. And you were alone when you went into the cigar store on the 16th?

A. Yes, sir.

Q. Whose cigar store is that; what name is on the door?

A. I forget the name of that cigar store.

Q. When you saw Doak on the evening of the 17th at half-past nine, did he make any effort at all to keep in hiding so that you could not see him?

A. No. He didn't know who I was.

Q. In other words, this was an easy case for you to do?

A. No, sir.

Q. You had no difficulty on the 17th of spying and following these parties?

A. No, sir.

Q. Is it very easy work?

A. No, sir.

Q. A school-boy in Cape May could have done it.

A. I don't think so.

Q. Why not; could not they have walked along the beach with Mr. Doak and Mrs. Farrow, walked back with Mrs. Farrow to Ocean Avenue, and followed Mrs. Farrow into this tent. Do you mean to say that it required the master mind of a detective from Philadelphia to do that sort of thing, which could have been done by any policeman, any child in the city of Cape May?

A. No, I don't think it could have been done by a policeman or child.

The Vice Chancellor:—Don't ask for his opinion about it. I do not think his judgment or opinion is of the least importance.

Q. Now, we will go to the events of the 24th of August: when did you first see Mrs. Farrow on the 24th of August, 1904, and where?

A. She left the house about 7:40, I think it was.

Q. In the morning?

A. Evening.

Q. Where did she go?

A. She first went to Decatur street. I believe 221 Decatur, from there she goes to Dr. Wales' house, that is on Washington street; from there she returns to the house and went down Decatur street, and walked up the boardwalk to the Pennsylvania Railroad station; right out to the Pennsylvania Railroad station. She sat down there. There was another woman there.

Q. You said a lady when you were on the stand before, do you mean by woman any disrespect, or do you mean it was simply a female?

A. A female; they sat there a couple of minutes and a car came along, and she took the car and went to Cape May Point.

Q. Then when she left the house at 7:40 she didn't return until after she had been to Cape May Point?

A. That is right.

Q. Yet when you were on the witness stand before, you stated that she left the house at 9 P. M. that evening; were you right then or now?

A. I say when she left the house—I have got my original report in my pocket, and I think it would be satisfactory to both sides—

Q. I don't want his original reports, they were called for. There has been time to arrange the reports. I object to his original report. You didn't have you original report before you when you were on the witness stand two weeks ago?

A. No, sir. I would like to look at them—

Mr. Edmunds:—I object to the witness referring to any papers.

A. If I said she left at nine o'clock, she left the house at nine o'clock.

Q. In other words, what you say goes?

Judge Carrow:—Is this not very unusual?

The Vice Chancellor:—Mr. Edmunds, I very much dislike to check counsel in cross-examination, particularly in cross-examining a detective, but I feel bound to call the attention of counsel for the defendant that much of his cross-examination is based upon the modes of practice common in jury cases, it is hoped to affect the feelings or prejudice of the jury. This mode of examination

takes time and is useless before a judge who considers only facts and takes no notice of the witness's opinions. Ask the witness as to the facts and show that he contradicts himself in matters of facts, if you can. Too much time is consumed in asking opinions from or commenting on the testimony of the witness, which has really no influence with the Court.

Mr. Edmunds:—I want to assure the Court that I don't want the Court influenced in any other way than by the facts.

Q. Mrs. Farrow left the house on the evening of August 24, at 7:40 P. M., now—

A. Say that will be nine o'clock, as you state I made that statement before.

Q. Then you are testifying from information given to you?

A. No, from notes, from the last statement I made; it was nine o'clock.

Q. You had not seen Mrs. Farrow prior to the time that she left the house on that day?

A. I have seen her around the house?

Q. That day?

A. Yes, sir.

Q. When did you see her around the house that day, August 24th?

A. I think I seen her sitting around the porch.

Q. What time was it?

A. I think somewhere probably around two or three o'clock.

Q. Were you watching her that afternoon?

A. No; I was not particularly watching her.

Q. Did you see anyone call there during the afternoon or evening before she left the house?

A. There was a young lady and a young man went in. I suppose boarders.

Q. You did see quite a number of persons going in and out?

A. I seen a number; maybe three or four.

Q. It was an open house, persons going in and out during all the time that you were there?

A. Yes, sir.

Q. They seemed to have quite a number of guests there as you testified?

A. Yes, sir.

Q. What time did you reach Cape May Point that evening?

A. They took the car about a quarter past nine, and we took the next car, that would be pretty near about half-past—probably I would say half-past nine or probably 9:35.

Q. But it was Mrs. Farrow who took the car that evening at a quarter after nine, she had first gone around the several streets and had made the several calls that you referred to, after leaving her house, hadn't she?

A. Yes, sir.

Q. Do you mean to say that it only took fifteen minutes for her to do all that?

A. No.

Q. You say she left her house at nine, and at 9:15 she took this car, and in the meantime she had made this perambulation around Cape May, and made certain calls; are you sure about 9:15 P. M.

A. Yes.

Q. Then she must have left the house before nine o'clock.

A. She made them calls and returned back to the house, and then left the house, that would be about nine o'clock.

Q. Haven't you said twice on the witness stand this morning, that she didn't return to the house that evening, after she started from it. Now you say she did return to the house; now, please straighten out this story and let us know the facts.

A. I am pretty sure she returned to the house before she went down the boardwalk.

Q. What time did she get back to the house?

A. That I could not say.

Q. How long was she in the house?

A. You mean when she came back?

Q. Yes.

A. She might have been in the house there twenty or twenty-five minutes.

Q. But you do know that she had started out from her house the first time that evening, far enough in advance of nine o'clock to enable her to make the calls referred to, do the walking referred to, get back to her house, and spend from twenty-five to thirty minutes?

A. I say she went out of the house in the neighborhood of 7:40, as I saw her during the afternoon sitting on the porch, and she went out, I believe she went to 221 Decatur street, and then she went to Washington street I believe, to a store, and then returned.

Q. What store?

A. I think a dry goods store.

Q. You followed her?

A. I didn't see what kind of a store it was.

Q. You saw her go in that store?

A. Yes, sir.

Q. On what side of Washington street?

A. Right hand side, and then she returned back, and it was about nine o'clock when she left the house for the boardwalk.

Q. It might have been earlier than 7:40 that evening when she left the house, might it not?

A. It might be a few minutes, but I can't hardly think it was.

Q. Might it have been as early as half-past seven?

A. No, I would not say that.

Q. Where did you get the hour 7:40 from?

A. Off my watch.

Q. In other words, the hours you are giving in this case relate not to approximation, but to actual time taken when the event is stated to have occurred?

A. Yes, sir.

Q. Who went with you over to the Delaware Bay House that night?

A. A fellow named Sague.

Q. He was the one identified in this case when we were here two weeks ago?

A. Yes, sir.

Q. He is in court now?

A. Yes, sir.

Q. Had he been spending the day with you?

A. Yes, sir.

Q. All day?

A. Yes, sir.

Q. Is his name Seger?

A. Segue.

Q. When did Segue reach Cape May?

A. On the 21st.

Q. That was what day of the week?

A. I could not exactly say; the calendar will tell you that.

Q. Did he come down on the morning or afternoon train?

A. Got down somewhere around the afternoon.

Q. But you are sure of the date, the 21st?

A. I believe so.
Q. Are you sure of the date?
A. I say I believe it was the 21st.
Q. Don't you know that the 21st was on Sunday, and there are no Sunday afternoon trains reaching Cape May City?
A. Then I am mistaken.
Q. Then it was not the 21st?
A. I say I am mistaken then in the day.
Q. When was it he reached Cape May?
A. I ain't sure of the date he reached there, but he will be on the stand; you can find that out.
Q. Where did he stop?
A. At the same hotel that I stopped.
Q. Roomed with you?
A. No, sir.
Q. His time was spent in shadowing Mrs. Farrow?
A. With me; yes, sir.
Q. To whom did you report at Cape May City; you and Mr. Sague?
A. Nobody; I reported direct to the office.
Q. Didn't you report to the Chief of Police?
A. No.
Q. Didn't you have any conversation with him?
A. No, sir.
Q. Did you not see him there?
A. I saw him.
Q. What for?
A. Passing time of the day.
Q. Simply say, how-do-you-do, nothing else?
A. No, sir.
Q. Nothing else at all?
A. No.
Q. Were you not employed by the Chief of Police of Cape May?

A. No, sir.

Q. And not by Mr. Farrow himself?

A. No, sir; I was not employed by Mr. Farrow either.

Q. You mean to say that while you and Sague were at Cape May, you reported neither to the local counsel there, Mr. Eldridge, nor to the Chief of Police, nor to the libellant Farrow himself; is that true?

A. Yes, sir.

Q. And you had no conversation before that on any of the facts which you allege you have discovered, either with Eldridge, or with Farrow senior, or Farrow junior; is that right?

A. That is right.

Q. Now that you had, as you allege, detected Mrs. Farrow and Mr. Doak on the evening of August 17, you say that on the afternoon of the 18th you went over to Doak's store, to make sure that you had the right man; that is right?

A. Yes, sir.

Q. And you saw him and made sure that he was the right man?

A. Yes, sir.

Q. Why didn't you go back to Philadelphia then if you had the right man, and caught the parties, your work was done?

A. How do you know it was done?

Q. Was it not?

A. You don't know that it was done.

Q. I want to know.

A. No, it was not.

Q. Why didn't you go back to Philadelphia?

A. That was none of your business, why I didn't go back.

The Vice Chancellor:—No, you mistake your place. You must answer all questions that are pertinent to the

inquiry. You were asked why you didn't go back to Philadelphia if you had accomplished the object you went for.

A. I was under orders.
Q. What were your orders, to stay longer?
A. Yes, sir.
Q. Your report was not satisfactory to your chief?
A. I suppose it was not strong enough yet; to get more.
Q. And to get your word corroborated, was it not?
A. Yes, sir.
Q. Did you and Sague follow Mrs. Farrow on the 24th of August, in the evening?
A. Yes, sir.
Q. What kind of a night was it?
A. A bright night.
Q. Perfectly clear?
A. Yes, sir.
Q. Was it moonlight or not?
A. Moonlight.
Q. Full moon?
A. I believe it was.
Q. There is no doubt about that, is there?
A. I say that I believe it was; it was a bright night.
Q. How was the tide that night; do you recall?
A. I think the tide was a little low.
Q. What do you mean by that?
A. I think it was low.
Q. Low tide?
A. I will say it was low; I say it was not way out to sea.
Q. See if I can refresh your memory. Wasn't it nearly high water on the Delaware Bay front that night?

A. This will save you quite a good deal; my attention was not on the ocean nor on the beach; all my attention was right over my party. I could not say whether it was really or not.

The Vice Chancellor: — You didn't notice, — if you didn't?

A. I didn't notice.

Q. Can you give us an idea what is the distance from high water mark on the Delaware Bay shore to the bushes?

A. No, sir; I can't.

Q. You say that the spot selected by Mrs. Farrow and William Lewis—I believe that is his name?

A. Lewis or Lucas, something like that.

Q. Now, what is it?

A. I say it is Lewis; I believe that is the name.

Q. Do you know it was William Lewis?

A. I don't know whether it was or not.

Q. That is your best judgment?

A. That is my best judgment?

Q. But you say the spot selected by Mrs. Farrow and William Lewis was about twenty-five feet from the water?

A. Certainly; I think it would be about twenty-five feet.

Q. And she was lying down on the sand; that is what you said?

A. That is right.

Q. Right on the bare sand?

A. Yes, sir.

Q. A full moon over her head?

A. Yes, sir.

Q. About how far was she from the Delaware Bay House?

A. I would say, may be, three hundred yards.

Q. Three hundred yards?

A. I believe so. Three hundred or two hundred yards; or say two good squares, probably.

Q. Anyone standing on the beach at the Delaware Bay House, looking up the beach toward Cape May Point, on that night, could have seen everything on the beach from the Delaware Bay House to Cape May Point; is not that true?

A. They could see.

Q. Yes; there was a full moon and everything could have been seen?

A. Yes, sir.

Q. I understand you to say they were between the Delaware Bay House and Cape May Point; they went to the left of the Delaware Bay House?

A. They went to the left—that is the Delaware Bay House, I guess.

Q. They went to the left; they were easily tracked that night?

A. Yes, sir; very easily.

Q. Did Mrs. Farrow make any effort to disguise her face before she went up to this exposed sandy place?

A. No, sir.

Q. Did she have a handkerchief over her face?

A. No.

Q. Did she make any effort to conceal her person or appearance or countenance?

A. No, sir.

Q. She went just as though she were going to church?

A. It was evident—

Q. She went boldly and in open sight of the world?

A. Yes, sir.

Q. How long had she been drinking down on the pavilion at Cape May Point that night?

A. When they went in there—I guess they were in there about, I would say, twenty-five minutes.

Q. How many drinks did they have?

A. I believe there were four rounds of drinks in there.

Q. What did the drinks consist of?

A. That I could not say.

Q. Did you see any whiskey?

A. I could not say; there was something looked like whiskey.

Q. And the glasses seemed to look like whiskey glasses?

A. I could not say.

Q. Was it a large or small glass?

A. It was a shell glass.

Q. It was not a beer glass, or porter or ale, but it was a glass used either for whiskey or wine?

A. Yes, sir; shell.

Q. Did that seem to be the kind of glass that she used on the four rounds?

A. Yes, sir; the same kind.

Q. How many people were on the porch of the Delaware Bay House?

A. I could not say.

Q. Give us an idea.

A. Probably, may be, twenty-five or thirty.

Q. And what Mrs. Farrow did on the porch of the Delaware Bay House was in plain sight of everyone?

A. No; she went inside.

Q. Where did she go inside?

A. There are rooms partitioned off on your left.

Q. Upstairs or downstairs?

A. Downstairs.

Q. Who went in the room?

A. The lady with her and the two fellows.

Q. It was a room partitioned off from what?

A. I suppose for guests to go in.
Q. A private room?
A. Yes, sir.
Q. Where they can just have a jolly time among themselves and not be seen?
A. That is right.
Q. And had drinks sent there?
A. Yes, sir.
Q. And yet you saw it all in this private room where they could not be seen?
A. The door was open.
Q. The door was open, then they could see them?
A. Yes, sir; you could see them from the outside through the blinds.
Q. Did you peek in, or could you look in without any difficulty?
A. You could look in without any difficulty.
Q. What you saw, the whole twenty-five people around the hotel could have seen?
A. I suppose, if they wanted to, they could have seen them.
Q. Did Sague go after them?
A. No, sir.
Q. You saw this alone?
A. No; both were together when they were drinking.
Q. Was she intoxicated?
A. No, sir.
Q. Did she seem to be intoxicated?
A. No, sir; not to me.
Q. Any blear in her eye?
A. I didn't see any.
Q. Any uncertainty in the step?
A. No.
Q. Are you sure she was not staggering that night?
A. I am pretty sure she was not.

Q. Did you see her stagger at Cape May?

A. No.

Q. Where did you get this name William Lewis from?

A. The fellow gave it to me.

Q. Who?

A. The man, when I got him.

Q. Did he give you his card?

A. No, sir.

Q. When you were on the witness stand the other day you tried to tell all that you could recall of the occurrence on the beach on the evening of the 24th of August?

A. Yes, sir.

Q. Is not that what you testified to? Did you say one word in reference to getting any name from William Lewis?

A. Repeat that.

Q. I want to know whether you said one word the other day on the witness stand about getting any name from William Lewis, when you alleged that Mrs. Farrow raised her clothes to hide her face?

A. If you had asked me I would have told you.

Q. You were questioned by Judge Carrow, and didn't you give him the full occurrence?

A. Gave him the name, yes.

Q. You gave him the name William Lewis, but did you say that you got the name William Lewis as the result of having inquired of William Lewis himself at that time?

A. I didn't put that in that way, probably.

Q. Then the only information you have which enables you to give this name William Lewis is that William Lewis himself gave you that name?

A. Yes, sir.

Q. And he told you he was from Wilmington?

A. Yes, sir.
Q. Did he tell you whether he was married or single?
A. No, sir.
Q. What was the conversation you had with Lewis that night?
A. The conversation I had with Lewis, I asked him what was his name; "God," he said, "I don't want to get mixed in with this, if this woman is married; I don't want to get mixed in with it," and I asked him his name, and he gave me his name.
Q. As what?
A. Lewis.
Q. Then what else did you ask him?
A. Didn't ask him anything else.
Q. How did you get Wilmington, Delaware?
A. He said he was from Wilmington, Delaware.
Q. He told you that and you believed it?
A. I thought he was giving it to me straight; I could not say.
Q. What sort of a fellow was he?
A. A short, stout, sandy complexion.
Q. How old?
A. About 22.
Q. Was he younger or older than Mrs. Farrow?
A. I saw he was a man about 21 or 22.
Q. Was he older or younger than Mrs. Farrow, in your judgment?

Judge Carrow:—Does he know Mrs. Farrow's age?

Mr. Edmunds:—I am trying to ascertain his ability to fix the age.

A. He seemed younger.
Q. About how much?

A. That I could not say.

Q. A month, a year, or five years?

A. My judgment is, she is about thirty.

Q. Then he was a man about eight years younger than Mrs. Farrow, to your best judgment?

A. Yes, sir.

Q. Was the age of Mrs. Farrow ever communicated to you by anyone in this case?

A. I think it was.

Q. And that is where you get the thirty from?

A. No; I think her age was given to me.

Q. Don't you know when you are asked to shadow a person, the first question you ask is what is the age of this woman or man?

A. Generally it is.

Q. And you did find out what her age was before you undertook this shadowing work?

A. No; I believe the age was given; she was pointed out to me by the Chief of Police.

Q. Where was Mrs. Farrow when you had this conversation with Mr. Lewis in which he told you his name, and that his home was Wilmington, Delaware, and didn't want to get mixed up in the case with a married woman; where was she at that time?

A. She was sitting on the sand.

Q. How far away from where you were.

A. About four feet.

Q. This conversation lasted how long; how long were you with them?

A. About three minutes.

Q. And Mrs. Farrow made no effort to get away?

A. No, sir.

Q. How long did she keep the dress over her face?

A. Until we went away.

Q. Why didn't you stay with them, and go away with them, and expose them?

A. We had had sufficient.

Q. Did you see William Lewis and Mrs. Farrow go away from that place?

A. No, sir.

Q. You don't know what became of them after that?

A. No, sir.

By the Vice Chancellor:

Q. Where was it that you left them?

A. Right at the same place where we caught them lying down.

Further cross.

Q. Right on the sand?

A. Yes, sir.

By the Vice Chancellor:

Q. When you went away and parted from them, what was it; did you go away and leave Mrs. Farrow, or did she go away, and you stay where you were?

A. No; we left.

Q. Who were the "we" who left?

A. Mr. Sague, the fellow that was with me.

Q. Did you part with Lewis, too?

A. Yes, sir; we left Lewis and Mrs. Farrow at the same place where we caught them, and we took the car down.

Q. Then you don't know any more what were the happenings of that night after that?

A. No.

Q. You didn't attempt to watch them after that?
A. No.

Further cross.

Q. Why didn't you; you have testified that they were not successful in committing the act of adultery, because you said that they saw you and you went over to them. If that was the case, don't you know enough of human nature, and your experience as a detective, to know if they stayed together, as soon as they found a convenient moment and place, that they would have committed the act of adultery?

A. They found a convenient place.

Q. Where did they find that?

A. They found it, probably, to the best of my judgment, it was from the pavilion three or four hundred yards.

Q. But it was not a convenient place because you discovered them and stopped them; isn't that true?

A. Yes; but when they saw us first, after they left the pavilion, they went out the back door and went up the road. There is a road leading up toward the end—

Q. But you didn't follow them?

A. Yes, sir; we did.

By the Vice Chancellor:

Q. You are speaking of the earlier events of the evening?

A. Yes; counsel wants to know where they committed the act; a suitable place for them; I want to show it was not direct on the beach, where the water comes in. This is on the high, dry ground on the beach, and a person could not see them because they were a little on the side.

Further cross.

Q. How far was this from the beach?

A. From the water front it would be probably twenty-five feet, or a little more.

Q. How often did the trolley cars reach Cape May Point on the evening of August 24th?

A. That I could not say; I don't know whether they run every fifteen or twenty minutes.

Q. But they come down reasonably well filled with passengers?

A. No; the car I was in had only four people in.

Q. You and Sague?

A. And two others.

Q. And Mrs. Farrow?

A. No.

Q. How many passengers were on the car?

A. Back? That I could not say.

Q. As a matter of fact, as you have said to the Court, after this affair, this conversation with Mr. Lewis, then you left, you and Sague, and you know nothing further of any of the occurrences that night?

A. No, sir.

Q. Why did you interrupt them that night, you and Sague; why didn't you get under cover?

A. We wanted to come on them in the act.

Q. You had different instructions?

A. No; I wanted another man to corroborate my statement.

Q. Do you remember when I asked you two weeks ago why you didn't confront them in the act on the evening of the 24th of August, you said they were not your instructions?

A. I was under instructions.

Q. But this time you had different instructions, and that was to confront them?

A. No; I had a man to corroborate me as a witness.

Q. Now, after you caught them in the act on the 24th of August, you got back to Cape May City what time that night?

A. About half past eleven.

Q. Then where did you go?

A. Went to the hotel and made up a report.

Q. When did you leave Cape May?

A. The next day.

Q. What time?

A. I think it was in the afternoon, the first train.

Q. Whom did you see on the morning of the 25th of August, at Cape May, to talk with about this case?

A. I saw the counsel and told him we were going away.

Q. Who was the counsel you saw?

A. The counsel on the other side.

Q. This gentleman here (referring to Mr. Eldridge)?

A. Yes, sir.

Q. Where did you see him?

A. In his office.

Q. How long were you in his office?

A. About five minutes.

Q. You told him about the occurrence of the evening of August 24th?

A. I said sufficient, and we were going away.

Q. And he told you it was sufficient?

A. Yes, sir; he said yes.

Q. What was the conversation you had with him?

A. The only conversation we had was, "We got the woman last night at eleven o'clock."

Q. Then he knew on the 25th of August that this woman had been caught in the act?

A. Yes, sir.

Q. Where was the Chief of Police on the evening of August 24th?

A. That I could not say.

Q. Was he over at the Delaware Bay House that night?

A. I didn't see him.

Q. Did I understand you that the Chief of Police at one time pointed Mrs. Farrow out to you?

A. Yes, sir.

Q. Where was that?

A. On Washington street.

Q. How long had you been with him before he pointed her out to you?

A. I was not with him at all.

Q. What day was it that he pointed her out to you?

A. I think it was the 20th.

Q. Did you ask him to point her out to you?

A. No, sir.

Q. How came he to do it?

A. I was walking by and following up Mrs. Farrow and he said, "You got the right party."

Q. And that is the only conversation you had with the Chief of Police on the subject of Mrs. Farrow while you were at Cape May?

A. Yes, sir.

Q. On the 20th, was it in the morning or afternoon?

A. That was in the afternoon.

Q. Then that afternoon you were following her up, tagging after her?

A. I think I was.

Q. Did you tag after her morning, noon and nights while at Cape May?

A. No; I would go out to take a walk on the avenue, and probably pass her by.

Q. Who was with you that afternoon?

A. I can't say whether Sague was with me or not.

Q. You said when you were on the witness stand two weeks ago that you didn't shadow her in the day time; that afternoon was in the day time?

A. That was right. I would go out, but I would not follow her. I would go down the street, and she might probably be going down the same way.

Q. Will you be kind enough to give me once more the course that this party took when they left the Delaware Bay House before they went over on the beach?

A. They went out the back way; there is a back way to the house.

By the Vice Chancellor:

Q. What house?

A. The Delaware Bay House. They went up the street; there is a road leading right from the back of the house—of the hotel—leading up into what they call the bushes.

Q. It is quite a wide road?

A. Yes; I think it is twelve or fourteen feet wide.

Q. The main road?

A. I suppose for driving, sandy road, and two of them apart; the four of them were together, her friend and another fellow. They went to the right and Mrs. Farrow and her friend went to the left. They made a circle. I believe they saw us, and they made a circle—

Q. Which couple is it made a circle?

A. Mrs. Farrow and her friend made a circle and then got down toward the beach from the main road, and they came along the beach there, and there's a place there I would say about ten or fifteen feet in from the beach; that is, into this main road again.

Further cross.

Q. Then they evidently acted as though they were being shadowed?

A. Yes, sir.

Q. Do you think you had been around Cape May long enough, and close enough to Mrs. Farrow's residence, for her to become familiar with your face?

A. There are so many going in and out from there, I suppose she would never take any notice.

Q. But you do think that both she and the man that you allege she was with acted as though they knew they were being watched?

A. When they parted in among those bushes at Cape May Point.

Q. And after they observed that they were watched, then they go and lie right down on the sand, under a full moon, and she raised her clothes in the way you have described?

A. Yes; but this is not an open beach; this is amongst the bushes there off from the beach.

Q. Don't you know, if you know anything at all about the beach at Cape May, that when you get away from the strand or the sand, then you get into this tall grass consisting of what they call down at Cape May the Beach Plum Bushes, which grow to a height of about three feet or more?

A. Yes, sir.

Q. And when you are on the sand, as you allege Mrs. Farrow was, there is absolutely nothing growing there?

A. Right back of her and around her they are growing.

Q. What was growing around where she was?

A. I could not say; that wild plum, whatever you call it; there is the beach right here, and here's where they

came in, right like that (illustrating), right at that place here. You could not see either way.

Q. How far from the road was it that this thing occurred?

A. I would say, may be—I don't know—I should say fifty feet from the road.

Q. How far were you from the road?

A. I would say I was pretty nearly fifty feet away from the road.

Q. How near were you to Mrs. Farrow and Mr. Lewis?

A. I suppose ten feet.

Q. When you went over to this point within ten feet of where the parties had secluded themselves, and, as you say, going as though they knew they were watched, you had to break through the bushes to get there?

A. No; I picked out a pretty good bush that would not make any noise, and a clear place.

Q. How far was this road from the water?

A. I would say may be a hundred feet, probably, or more.

Q. And did the road run directly into the water, or along parallel with the water?

A. Ran parallel with the water, with the shore.

Q. Were they between the road and the water, or on the other side of the road?

A. Between the water and the road.

Q. If they had used the other side of the road, it would have been much more secret and private, because then you do get not only into the bushes, but into the woods?

A. Yes, sir.

Q. That would have been much more private and a better place to select for that purpose?

A. One party went over there, and I suppose they didn't want to be alongside of them.

Q. Are you sure of the identity of Mrs. Farrow as the party on the 17th of August, 1904, and of Mrs. Farrow as the party on the 24th of August, 1904.

A. I am sure, pretty sure.

Q. Are you absolutely certain?

A. I am sure.

Q. That this is the woman who raised her clothes on the 17th of August under that open tent, and that this is the woman who, on the 24th of August, did the thing which you aver she did down at the Delaware Bay?

A. Yes, sir.

Q. You are sure of this, absolutely sure of it, are you?

A. I have said it four or five times; yes, sir.

Q. That is all.

A. I would like to ask—

The Vice Chancellor:—There is no question pending.

A. I want to get away.

The Vice Chancellor:—If you want to get away you should ask counsel who subpoenaed you.

WILLIAM FARROW, SR., recalled.

Direct examination.

By Judge Carrow:

Q. Do you recall the night of August 17th last?

A. I do.

Q. Were you in Cape May?

A. I was.

Q. What were you doing?

A. I was looking around town in the evening, the same as I always done; more especially I was watching what those two officers were doing we had employed.

Q. Did you see Mr. Wagner, the detective, who has just left the stand?

A. I did.

Q. Did you see Mrs. Farrow, your daughter-in-law, that night?

A. I did.

Q. Where?

A. On the boardwalk.

Q. Whereabouts?

A. Right at the pier, going by the pier.

Q. Did you see anybody with her?

A. She was alone when I saw her.

Mr. Edmunds: — Pardon me, I think this witness should state what he saw, not did you see this or that, but what did you see.

The Vice Chancellor:—The question does not suggest a reply; the question is, did you see anybody with her. Witness can answer that without having any suggestion from the examining counsel. I admit it.

Q. Did you see her at any time during that evening with anybody?

A. No, sir; I did not.

Q. The night of August 17th?

A. August 17th I seen her walk down the walk and then come back again and get on the car, and I thought she had gone to Sewell's Point.

Q. Did you see anybody else in that neighborhood, any other man?

A. I did.

Q. What was his name?

A. Charles Doak.

Q. Where was he?

A. I saw him walking up and down the boardwalk, and once or twice I seen him on the opposite side of the drive.

Q. Do you recollect what time this was?

A. A little after eight o'clock, probably a quarter past eight.

Q. Did you see her after that?

A. No.

Q. Did you see Doak after that?

A. No, sir.

Q. Was Doak alone when you saw him?

A. Yes, sir.

Q. How near was Doak to Mrs. Farrow?

A. When I saw one go one way I generally saw the other going the other, generally saw them follow one another on the beach drive.

Q. How far were they apart?

A. Only a short distance.

Q. About.

A. I suppose probably a hundred feet distant, I would say, one going up and I saw the other going the other way. I think three times I saw them pass. I was standing at the entrance of the pier back of the trolley car.

Q. Was anybody with Mr. Doak.

A. No one that I saw.

Q. What Doak was it?

A. Charles Doak.

Q. Was it the same Doak that was pointed out the other day here?

A. Yes, sir.

Q. Now had you seen Mrs. Farrow, the defendant in this case, in Charles Doak's company?

A. I have.

Q. When?

Mr. Edmunds:—The witness was examined on this question before.

The Vice Chancellor:—I see no advantage in mere repetition.

Judge Carrow:—I am not going to ask him about a single thing that I have already examined him about; I omitted to get some information from him which I wish to obtain.

Q. I am asking you whether upon any other occasion at any other place you saw Mrs. Farrow, the defendant, in the company of Charles Doak, other than the occasions that you testified to the other day?

A. Yes, sir.

Q. Where?

A. Well, I will take quite a little while to explain the whole business. The way I came to see Mrs. Farrow the first time, I had complaints about two tramps annoying people in what we call the Fourth Ward, and when the officers came on duty, I instructed them to keep a good lookout. They told me one was very saucy and impudent to the people.

Q. Never mind that.

A. I didn't start out with the intention of following Mrs. Farrow, for I never have yet. And after I went and got to my street, I got thinking about the tramps.

Q. Now, drop the tramp business and bring your

mind down to the point where you first saw Mrs. Farrow and Doak.

A. That is the way I seen them, when I went down to look for these people.

Q. When was this?

A. The 28th day of July.

Q. Of what year?

A. This last July.

Q. What did you see?

A. I was on Lafayette street; I looked through our lower water works.

Mr. Edmunds:—I object to this. In all the libels which have been filed in this case, there is not one suggestion of anything having occurred July 28th, 1904.

The Vice Chancellor:—No decree can be based upon any act not charged with proper specifications in the pleadings. There is a vast field of proof which is admissible which need not be set forth in the pleadings. Such evidence may go to show the two elements, usually necessary in the proof of the act of adultery, one the disposition to commit the act, and the other is the opportunity. The incident which is here sought to be introduced, might go to show that the two parties charged with the commission of this crime, were in the presence of each other and there did several acts which showed an adulterous disposition. I cannot base a decree upon an act not set forth in the pleadings, but conduct showing disposition to the cause charged is admissible in proof referring to occasions not set forth in the pleadings. Testimony is not detailed in the pleadings; only the time, place and person, when, where and with whom the adulterous act was committed. The question is admissible in evidence.

A. I walked out on Lafayette street, and I seen someone standing up just between Captain Foster's and the White Hall, and I seen they were looking for someone.

Q. Who was this person?

A. This was Charles Doak, proved to be afterwards.

Q. Did you see him?

A. Yes, as plainly as I see you. I watched him awhile, I knew he could not have been walking around, he walked down to the light, and I knew he was waiting for someone, so I kept behind the corner of Mr. Davis's house, at the corner of Lafayette and Queen, and I looked also back on Queen street, and after awhile I discovered the lady coming.

Q. Who was the lady?

A. Mrs. Farrow.

Q. The defendant in this case?

A. Yes, sir; she came through Queen street, cut across the lot by the house of Mr. Henry ———— and went to Lafayette street, and Mr. Doak heard me and stood there a moment, and walked on up Lafayette, until they came to the end of the fence to the lot owned by the Estate of Captain Foster, they opened the gate and went across the lot, and as soon as they started I came along to see where they went. I went right across this lot to the far corner where Mr. Doak has a barn, and there I lost them under the shadow of the trees, and I started to go across, and I said there is no use in my going across there, because my evidence would not amount to anything, and on the strength of that I suggested to my son that he get some help down, and that is the way these two men came to Cape May to hunt evidence.

Q. You say Doak had a barn?

A. His brother has a barn down there, they keep their horse in, right alongside of the fence adjoining Captain Foster's lot.

Q. Did these parties go in the barn?

A. I didn't dare go across, they went right quartering across under the trees.

Q. Was that dark or light?

A. It was rather dark that night, so when they got under the shadow of the tree I could not see them.

Q. Do you know how long they stayed there?

A. I do not, I didn't want them to see that I was following them.

By the Vice Chancellor:

Q. What time in the evening was this?

A. About a quarter past nine.

Q. How long did they confer together before they started?

A. Only a few minutes, not more than two or three minutes.

Q. Did you see anything in their mode of conference or conversation which you haven't stated?

A. Nothing at all, it looked to me like a pre-arranged affair.

Q. Did you see anything as they proceeded toward the barn?

A. Nothing at all, because I had to stay back far enough not to see me coming.

Further direct.

Q. How did they walk, arm in arm, or separate?

A. I could not say about that, both went through and crossed the lot.

Cross-examination.

By Mr. Edmunds:

Q. When they started to the barn, did you follow?

A. I didn't go off the street.

Q. How far was the barn from the street?

A. I judge about a hundred and fifty feet; that lot is deep.

Q. Did they enter the barn?

A. I could not say.

Q. When you last saw them how close were they to the barn?

A. Close up to the trees.

Q. You could see them quite plainly?

A. No, sir; I lost sight of them when they got under the trees.

Q. You saw them when they were close up to the barn?

A. I saw them until they got to the shade of the trees.

Q. How close to the barn was that?

A. Right up to the fence.

Q. They were about 150 feet from where you were?

A. I could see them, I could see their shadow go under the trees.

Q. Could anybody else along Lafayette street have seen the same thing

A. Very few people travel that street.

Q. Where was this on Lafayette street.

A. I have told you, right across Lafayette, right across from Captain Foster's, right opposite the Golf Club, you know the ground as well as I do, there are only two or three houses occupied along there.

Q. Is the barn above or below, I use the word below, with respect to Skellinger's.

A. Which do you call below?

Q. Towards Skellinger's landing, that is down. It is really up, a great many people call it up.

A. Some few do.

Q. You say up to Skellinger's Landing

A. Yes, sir; I generally do.

Q. Then we will go according to your method; was this barn above or below the golf links?

A. Right abreast.

Q. The golf links take up a great deal of room on Lafayette street?

A. Undoubtedly, they do.

Q. Is the barn right opposite the golf house?

A. It is not within a quarter of a mile of it.

Q. Which side of the club house is the barn?

A. This side.

Q. Toward Cape May City?

A. Yes, sir; it is Napoleon Smith's barn, right back of his house.

Q. What is there which separates the barn from the main road?

A. A line fence.

Q. How did they get over the fence?

A. I suppose jumped it.

Q. You saw them get over it?

A. No.

Q. You don't know whether they jumped the fence or went through the gate?

A. I don't know.

By the Vice Chancellor:

Q. You don't undertake to say that you saw them go into the barn?

A. I do not, I judge it is where they were going. They would not be apt to go across that lot for a walk.

Further cross.

Q. Do you entertain the idea that they were there for improper purposes?

A. Undoubtedly, I should think so, if I went off that way.

Q. Is that the way when you are off duty that you spend your time?

A. I spend my time to notice anything that is going on.

Q. In other words, you are judging this woman to do what you yourself would have done?

A. I am judging her by what I see every day.

Q. Why didn't you call the attention of the court to this when you were on the witness stand?

A. I was not asked the question. You only asked me in reference to my son's house. I was not asked the question.

Q. You have for quite a little period entertained very hostile feelings towards this lady, have you not, referring to the respondent?

A. Since this occurred I haven't had very warm feelings toward her.

Q. Do you remember the conversation which occurred at your house shortly after your son left the defendant here?

A. What was the shape of it?

Q. Do you remember a call made upon you by her uncle, N. Perry Edmond, the defendant's uncle, in company with the defendant herself, and in company with your son William Farrow, Junior?

A. I remember them being there.

Q. Do you remember the conversation that occurred that night?

A. I could not tell you.

Q. Do you remember your own wife saying, in your presence—you are a married man?

A. I certainly am.

Q. And your wife is living at Cape May?

A. Yes, sir.

Q. And she was present at the conversation?

A. Yes, sir.

Q. Is it not true that Mr. Edmond came down to your house with this defendant and with your son to ascertain what the trouble was, and to see whether or not there could not be a proper arrangement made between the parties by which their home could be saved?

A. I could not tell you what he came down for, I had no knowledge of it until I seen him there.

Q. As a matter of fact, didn't he say to you, that the purpose of his visit was, to see whether or not this difficulty which had just been called to his attention could not be remedied?

A. He didn't direct his conversation to me at all, for I don't think he had a very warm feeling toward me.

Q. He did have something to say?

A. Very few words.

Q. What do you recall?

A. I could not tell you.

Q. Your memory is good?

A. Generally it is.

Q. Your wife had something to say?

A. I could not tell you.

Q. Didn't she say this—

Judge Carrow:—Suppose she did say anything, how can that be pertinent unless it contains a contradiction of what this man has stated?

The Vice Chancellor:—It may be. Suppose the wife should have said that she had personally observed Mrs. Farrow's conduct. If this conversation took place at any time when this witness says he observed the proceedings at the barn—

Mr. Edmunds:—It is before that.

The Vice Chancellor:—Give the date.

Mr. Edmunds:—It is the latter part of April or early part of May, 1904. I purpose showing by this line of examination the hostile attitude of this witness towards this defendant, that by words spoken, by act committed, he has proven himself to be the destroyer of that home.

The Vice Chancellor:—I will admit the testimony.

Q. Didn't Mrs. Farrow, your wife, in your presence, and in the presence of Mrs. Farrow, Junior, and in the presence of William Farrow, Junior, say that every time you came in your house, after having seen this defendant on the street, you said to her, "I saw that damned whore again on the street"?

A. She did not.

Q. Do you remember having received a letter from me in which I asked you to say whether or not that thing which had been reported to me as having occurred, did occur; did you get such a letter?

A. I did.

Q. And you never answered it?

A. I did not, because there was no truth to answer it.

Q. Do you remember this, that after that statement had been made by Mrs. Farrow, Senior, this defendant said, "He never said that to my face"?

A. I think I heard some conversation like that.

Q. And until that time you had been all smiles for this defendant when you met her on the street?

A. I treated her right for my son's sake, but I have just as much respect for her to-day as I ever had, and that is not much.

ELWOOD ROWLAND, sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?
A. Cape May.
Q. What is your age?
A. Forty-nine.
Q. How long have you lived in Cape May?
A. Twenty-four years.
Q. Do you know the defendant, Mrs. William Farrow?
A. Yes, sir.
Q. How long have you been acquainted with her?
A. About eighteen years—seventeen years.
Q. Do you know Charles Doak?
A. Yes, sir.
Q. How long have you known him?
A. Since a boy; since I came to Cape May.
Q. Can you tell approximately?
A. I suppose fifteen, sixteen years.
Q. Where do you live in Cape May?
A. 1143 Washington street.

Q. Which direction is that with relation to Skellinger's Landing?

A. Close by Skellinger's.

Q. It is near Skellinger's Landing?

A. Yes, sir.

Q. Is it a thickly populated neighborhood, or are the houses sparsely settled?

A. No; not thickly; there is plenty of room between the houses.

Q. Washington street is the first street toward the ocean from Lafayette, is it not?

A. Yes, sir.

Q. How far do you live from Skellinger's Landing?

A. About three squares.

By the Vice Chancellor:

Q. Down toward Cape May City?

A. No; toward the landing.

Q. Three squares from the landing down toward Cape May City?

A. Yes, sir; this side of the landing.

Further direct.

Q. Have you ever seen Mrs. Farrow, the defendant in this case, in your neighborhood?

A. Yes, sir.

Q. At night?

A. No, sir.

Q. Have you ever seen her at night in Cape May City with Charles Doak?

A. At night?

Q. Or in the day time?

A. After five o'clock.

Q. What time in the year?
A. Last winter.
Q. Where did you seen them?
A. On Washington street.
Q. Whereabouts; what were the circumstances; just tell the Court.
A. No more than I seen them standing right next to the cigar store, talking.

By the Vice Chancellor:

Q. Right next to which cigar store?
A. Where he tends, Mr. Heppenthaler's cigar store.

Further direct.

Q. How often did you see them there?
A. Possibly four, five or six times.
Q. How long were they there together?
A. That I can't say.
Q. What did you see her do, and him do, before they met and had this conversation?
A. All I ever took notice of, I have seen her come down the street and walk by the cigar store, and if he didn't come out, she would walk back, and then he would more than likely come out, and he would stand there and talk, which I didn't think was any harm.
Q. Where did the conversation occur, immediately in front of the cigar store?
A. No, sir.
Q. Whereabouts?
A. About ten feet from it.
Q. Whereabouts?
A. Right in front of Mr. Shepherd's clothing store.
Q. How long did they stand and converse with each

other?

A. To my knowledge, as far as I seen, it might be a minute or two. I don't know how long.

Q. Do you recollect what month that was last winter?

A. That might have been December or January, or possibly it might have been February.

Q. Do you recollect how many times you saw her when she walked by and didn't discover Mr. Doak, or he didn't discover her?

A. No, sir.

Q. Do you recollect how many times she walked back and forth?

A. No, sir.

Q. Do you recollect some?

A. I seen her do it once or twice.

Q. Was he always in the store when she walked by?

A. I can't say.

Q. Did you ever see her anywhere else?

A. I did.

Q. Where?

A. On Washington street, close by my house.

Q. When?

A. Not with him. Ask me that again.

Q. Did you ever see Mrs. Farrow anywhere else with Mr. Doak?

A. No, sir.

Q. Did you ever see them talking together?

A. Yes, sir.

Q. Where were they?

A. Down close at my home.

Q. When?

A. I judge about three weeks ago.

Q. How close were they together?

A. The width of the street—about sixty feet, I judge.

Q. Was that night time or day time?

A. No, sir; day time.
Q. What time in the day?
A. I think about half past eleven in the morning.
Q. Were they both going in the same direction?
A. No, sir.

Cross-examination.

By Mr. Edmunds:

Q. Washington street is the main street in Cape May City?
A. Yes, sir.
Q. And it is the most conspicuous and public street in Cape May?
A. Yes, sir.
Q. It is the business street?
A. Yes, sir.
Q. And it is occupied with residences practically continuous from the Methodist church all the way down to Skellinger's Landing on both sides?
A. No, sir.
Q. Of course, there is occasionally a lot, but, as a matter of fact, there are very few lots left now?
A. Very few.
Q. Now, at the point where you say you saw Mrs. Farrow and Mr. Doak conversing, that was on Washington street, between Jackson and Decatur?
A. No, sir—in the evening?
Q. No; five o'clock; the latest hour you fixed was five o'clock. You never recall having seen them together during the twenty-four years you have lived in Cape May, you never recall having seen them together at a later hour than five o'clock in the afternoon?
A. It might have been a quarter after five.

Q. You move around Cape May a great deal?

A. Yes, sir.

Q. You know pretty well what is moving, you know all the regular people there?

A. Yes, sir.

Q. Is it not true that Mrs. Farrow is quite widely known at Cape May by the residents there?

A. It is.

Q. And the same is true of Charles Doak?

A. Yes, sir.

Q. In other words, they both lived at Cape May so long that practically all the old residents know each other, do they not?

A. Yes, sir.

Q. Washington street between Jackson and Decatur is the most public part of Washington street?

A. Yes, sir.

Q. And there was absolutely nothing whatever private in any interview which they undertook to have?

A. I could not see it.

Q. That is all.

WALTER CHURCH, sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?

A. Cape May.

Q. What is your age?

A. Sixteen.

Q. Where do you live in Cape May?

A. 626 Hughes street.
Q. Does your father keep a hotel there?
A. Yes, sir.
Q. What hotel?
A. The Colonial.
Q. Do you know Mrs. Farrow, the defendant in this case?
A. Yes, sir.
Q. How long have you known her?
A. I can't just say.
Q. How long have you lived in Cape May?
A. I was born there.
Q. Do you know Charles Doak?
A. Yes, sir.
Q. Did you ever see the defendant, Mrs. Farrow, with Charles Doak?
A. Yes, sir.
Q. Just describe what you saw, please, in your own way.
A. Well, I was standing on Washington street one night last fall.
Q. You mean this fall?
A. No, sir; one year ago, with another boy.
Q. Whereabouts on Washington street?
A. In front of VanKessel's store.
Q. Where is that store?
A. The second store from Decatur street.
Q. Go on.
A. Standing there with another boy and she passed, and I said to this other boy—

Objected to.

Q. You spoke to the other boy, and then you did what?

A. We followed her up; she went to the Camden Bottling Company.

Q. Where is that?

A. Between Jackson and Perry street.

Q. On what street?

A. Washington.

Q. What did she do?

A. She went inside, and she had been there about five minutes, I guess, and she came out and she went into one of those little alleys alongside of the Camden Bottling Company, in back, and we went up to the next square, so we could keep view of what was going on, and we saw her talking to some man, so we waited.

Q. Who was the man?

A. When he came out to the light we saw who it was; it was Charlie Doak.

Q. Where were they talking?

A. Back of the Camden Bottling Company in a little alley.

Q. Was it dark or light?

A. Dark.

Q. What did they do then?

A. Then they came out to the street together, and walked along as far as Congress Hall Lawn, and when he came under the gaslight, of course, we seen who he was.

Q. Who was he?

A. Charlie Doak, and they started to cross the lawn together and she had hold of his arm. We were within a few feet of them and she had hold of his arm. They went down the steps, crossed no the boardwalk, and we kept quite a ways back, and they kept on up to Windsor went down the steps, crossed on the boardwalk, and we didn't go clear across to Windsor avenue. They started

up Windsor avenue and we had to go home, and that is the last we saw of them that night.

Q. Did you ever see them together after that?

A. I saw them talking together on the corner, but I never saw them go in any place where they ought not to.

Q. Is that all you know about it?

A. Yes, sir.

By the Vice Chancellor:

Q. What time was this in the evening?

A. About eight o'clock.

Further direct.

Q. How often have you seen them together at night?

A. I don't know how often.

Q. Was it the frequency of the occasions that you saw them together that aroused your curiosity to follow them?

A. No, I saw them a good many nights.

Q. Whereabouts?

A. I saw them talking together on the corner of Columbia avenue and Franklin, and then I saw them talking next to the cigar store, Keppenthaler's cigar store, I saw them in the day time.

Q. Had you seen them together before this occasion that you followed them?

A. Yes, sir.

Cross-examination.

By Mr. Edmunds:

Q. How old are you, you said you were 16?

A. Yes, sir.

Q. Are you engaged in any business?

A. Not hardly.

Q. Are you attending school?

A. Yes, sir.

Q. You are attending school at Cape May?

A. Yes, sir.

Q. Have you any friendly or unfriendly feeling for Mrs. Farrow here?

A. None whatever.

Q. What do you mean by that, that you are friendly or unfriendly?

A. I don't know that I am either, I haven't had anything to do with her.

Q. You say you have known her how long?

A. I didn't say just how long, I said I didn't remember how long.

Q. Have you known her as long as ten years?

A. I don't think so; no, sir.

Q. Have you ever had any conversation with Mrs. Farrow?

A. No, sir.

Q. You have never had anything to do with her in any way, shape or form?

A. No, sir.

Q. You simply know her?

A. Yes, sir.

Q. And speak to her when you see her on the street?

A. Yes, sir.

Q. Raise your hat always?

A. Yes, sir.

Q. As far as her treatment of you is concerned she has always treated you as a lady should treat an honest boy?

A. Yes, sir.

Q. Apart from what you said you observed one evening at the Camden Bottling establishment, did you ever see anything in Mrs. Farrow's conduct which indicated to you that she was not a proper lady?

A. I don't know as I have, I saw her talking to him a great deal.

Q. Who is "him?"

A. Charlie Doak.

Q. And that is all that you have ever observed in her conduct which in any way made any impression on your mind, is it not, just talking to Charlie Doak, is not that true?

A. Well, I don't know.

Q. Where is the Camden Bottling Company?

A. Washington street, betwen Jackson and Perry.

Q. Which side of Washington street?

A. According to which way you are going.

Q. Going down from Skellinger's Landing?

A. The right hand side.

Q. Then that would be towards the ocean?

A. Yes, sir.

Q. Where did they enter the Camden Bottling establishment.

A. They, there was only one of them.

Q. You only saw one go in?

A. Yes, sir.

Q. And that was Mrs. Farrow?

A. Yes, sir.

Q. How did she get in there?

A. Walked in.

Q. Right in from the street?

A. Yes, sir.

Q. Eight o'clock, from the avenue?

A. Yes, sir; she walked right in the store.

Q. Was the store open?

A. I don't think she could have gotten in unless it was.

Q. Who was in charge of the store?

A. I think Mr. Van Kirk; I think he was the one waited on her; I didn't see her get anything, but she talked with him.

Q. How long was she in there?

A. Not longer than five minutes.

Q. Then what did she do?

A. Came out and went in the alley.

Q. In plain open sight of you and the boy yet?

A. I don't know whether she saw us.

Q. Where were you standing?

A. Across the street, behind a pole.

Q. Who was the boy?

A. Leroy Wilson.

Q. How long was she in the alley?

A. I don't think she was up there over ten minutes.

Q. When she came out did she come into Washington street?

A. No, sir; out into Perry.

Q. How did you see her come into Perry street?

A. We went around on Washington street over by Congress Hall, where it was dark, and we watched her come out on the street.

Q. Had you ever seen her go in there before?

A. No.

Q. Why did you think she was coming there?

A. We didn't know, but we thought we could see her there.

Q. Why were you interested, you were spotting?

A. Yes, sir.

Q. Who asked you to spot?

A. No one.

Q. To whom did you first tell this statement which you made here?

A. I don't know.

Q. When did you first communicate this statement to Judge Carrow or Mr. Eldridge, at Cape May?

A. Mr. Carrow was up in his office before I came here.

Q. You never told Judge Carrow until this morning?

A. Yes, sir.

Q. When did you tell Mr. Eldridge?

A. Never in my life.

Q. When did you tell Mr. Farrow, Junior?

A. Never told him.

Q. Whom did you first tell?

A. I don't remember.

Q. You never said one word about this?

A. I didn't say that.

Q. I ask you, you never said one word about this until you made this statement in Judge Carrow's office this morning?

A. I might have told someone, I think I have, but I don't know just who it was.

Q. What was the date of this occurrence?

A. I don't remember.

By the Vice Chancellor:

Q. Don't you remember with relation to anything?

A. No, sir; I don't remember the month.

Q. Can't you tell what season it was?

A. It was last fall.

Q. That is the fall of 1903?

A. Yes, sir.

Further cross.

Q. Was it early or late in the fall?

A. It was getting toward winter, I can't say just when.

Q. Had Mrs. Farrow been over to the post office, do you know?

A. No, sir; she had not.

EDWARD LOVETT, sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?

A. 212 Ocean street.

Q. Cape May?

A. Yes, sir.

Q. How old are you?

A. Sixteen.

Q. You are a son of Mrs. Lovett; what is your mother's name?

A. Sallie Lovett.

Q. Do you recollect the morning of last spring of the present year seeing anybody come out of Mr. Farrow's house about five o'clock in the morning?

A. Yes, sir.

Q. Where were you?

A. I was in bed then, but I was looking out of the window then when he came out.

Q. Who came out?

A. Mrs. Farrow came out on the porch first and looked up and down, and then she went in and Harry Oliver came out.

Q. Is he in the court room?

A. Yes, sir.

Q. Will he stand up, please? (The man stood up.) Is that the man that came out?

A. Yes, sir.

Q. What time was it?

A. A little after five o'clock.

Q. That is all.

Cross-examination.

By Mr. Edmunds:

Q. What time was this, what month?

A. I don't know.

Q. Was it January or February??

A. It was in the spring.

Q. Was it March, April or May?

A. I could not say.

Q. Was it 1904, 1903 or 1902?

A. 1904.

Q. You don't remember whether it was—it was pretty early in the spring?

A. I could not say.

Q. What time was it when this occurred?

A. A little after five o'clock.

Q. How much after five?

A. I could not say that.

Q. How do you know it was a little after five?

A. The alarm clock went off at five o'clock.

Q. You heard the alarm clock?

A. Yes, sir.

Q. And the alarm clock was in what room?
A. In my room.
Q. Where is your room?
A. The front room.
Q. On what floor?
A. The second floor.
Q. You were in bed at the time you saw Mrs. Farrow come out of the house that morning?
A. No.
Q. Where were you?
A. At the window.
Q. And the curtain was thrown wide up?
A. Yes, sir.
Q. Who else slept with you that night?
A. My sister.
Q. Did she get up, too?
A. Yes, sir.
Q. Is she in court?
A. Yes, sir.
Q. She stood at the window, too?
A. Yes, sir.
Q. You are on the third floor?
A. Second floor.
Q. Is your mother's room a front room?
A. No, sir; mother's room is the next room to us.
Q. Did your mother come into your room?
A. Yes, sir.
Q. And she came to the window?
A. Yes, sir.
Q. How many windows have you in that room?
A. Three.
Q. You each occupied one window?
A. No.
Q. How did you arrange yourselves that morning?

A. My sister and my mother looked out and I looked out, too.

Q. The curtains were drawn wide up and you could see without any trouble?

A. Yes, sir.

Q. You are sure you could see?

A. Yes, sir.

Q. Was each window occupied?

A. No, sir.

Q. How many of the windows were occupied?

A. One.

Q. How near were you to the window?

A. I don't know.

Q. Right alongside of you?

A. No; I could not have been alongside because they were alongside.

Q. They were right up to the window?

A. About this far from it, I guess (illustrating), and I was back of them.

Q. Was it not pretty dark that morning a little after five?

A. No, sir; it was after daylight then.

Q. But you could see very plain then?

A. Yes, sir.

Q. What did you see?

A. I saw Mrs. Farrow come up and look up and down the street, and she went back and Mr. Harry Doak—I mean Mr. Charles Oliver came out.

Q. How long was it after she went back before Mr. Oliver came out?

A. I didn't time it.

Q. Ten or fifteen minutes?

A. Not than long.

Q. Five minutes?

A. I could not say.

By the Vice Chancellor:

Q. Was it almost immediately, or a considerable period?

A. It was almost immediately.

Further cross.

Q. How far did Mrs. Farrow come to take her view up and down the street?

A. To the edge of the porch.

Q. Could she see up and down the street from the edge of the porch?

A. I don't know, I never tried it.

Q. You say she did look up and down the street?

A. It looked that way to us.

Q. But there was plenty of light for you to see Mrs. Farrow?

A. Yes, sir; plenty of light.

Q. How was she dressed, did she have her night clothes on?

A. No.

Q. Was she completely dressed?

A. No, sir.

Q. How was she dressed?

A. She had a black skirt, and a dressing sack, I guess you call it.

Q. How about her hair?

A. I didn't take notice of her hair.

Q. What got you up that morning?

A. The alarm clock.

Q. What time do you generally get up?

A. Between eight and nine.

Q. Do you always get up when the alarm clock rings?

A. No, sir.

Q. But the alarm clock is always kept in your room?
A. Yes, sir.
Q. But this was the only morning you got up when the alarm clock went off?
A. It always woke me up.
Q. But you never got up any morning except this?
A. Yes, sir.

Re-direct.

Q. Your sister, how old is she?
A. I think thirty-two.
Q. Where is she now?
A. She is sick now.
Q. She has just undergone an operation?
A. I don't know that.
Q. Where is she sick?
A. 3224 Lancaster avenue.

Re-cross.

Q. While you don't remember how much light there was that morning, there was plenty of light to see all over the street?
A. Yes, sir; you could see plainly.
Q. It was very near five o'clock in the morning?
A. It was after five o'clock.
Q. How much after?
A. I could not say. I didn't look at the clock.
Q. That is all.

ALFRED SAGUE, sworn for the complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?
A. Philadelphia.
Q. What is your age?
A. Forty-two.
Q. How long have you been a resident of Philadelphia?
A. Forty-two years; a little over.
Q. What do you do for a living?
A. Operator.
Q. What kind of an operator?
A. Detective agency.
Q. What detective agency?
A Tate's Detective Bureau.
Q. Where is your place?
A. 29 North Thirteenth street.
Q. How long have you been in their employ?
A. About one year.
Q. How long have you had experience as a detective?
A. On and off for the last four or five years.
Q. Did you go to Cape May last summer?
A. Yes, sir.
Q. Do you recollect the day of the month?
A. The 22d of August.
Q. Do you recollect what time in the day you went?
A. I judge I arrived in Cape May in the neighborhood of three or four o'clock.
Q. In the afternoon?
A. Yes, sir.
Q. What did you go down there for?

A. With Mr. Wagner, as a partner for Mr. Wagner.

Q. What did you do, where did you stop?

A. I stopped at the Glenwood.

Q. What was the business, the joint business, of you and Mr. Wagner in Cape May?

A. We went down to shadow a lady by the name of Mrs. Farrow.

Q. Is she in court?

A. Yes, sir.

Q. Where is she?

A. Sitting right over yonder.

Q. Is she the defendant sitting behind Mr. Hildreth?

A. Yes, sir; the lady with the black hat on.

Q. Did you discover—do you recollect what happened on the evening of the 22d—did you see her on the night of the 22d?

A. Yes, sir.

Q. Where?

A. The first I seen her was about a quarter to eight in that neighborhood.

Q. Where?

A. At the house.

Q. On the night of August 24th?

A. I seen her about twenty minutes to eight.

Q. Tell us from beginning to finish what you observed?

A. On the 24th I saw her about twenty minutes to eight.

Q. Where?

A. Went out of the house, went to Washington avenue.

Q. Was that twenty minutes to eight?

A. About that time.

Q. What did she do?

A. She done a little shopping and made a couple of

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visits in the stores.

Q. Where did she go then?

A. Back to the house.

Q. What else did you see?

A. About nine o'clock she went out Washington avenue to Decatur street,—I don't know those streets very well,—and went to the boardwalk.

Q. What did she do?

A. Sat on a bench opposite the Pennsylvania Railroad depot.

Q. Was she alone?

A. Yes, sir.

Q. Was the bench on the boardwalk?

A. Yes, sir.

Q. What did you observe then?

A. She met another lady, I judge, about ten or fifteen minutes afterwards. They took a car and went down to Cape May Point. I judge that was about quarter after nine.

Q. Was anybody with them?

A. No, sir.

Q. Who was with you?

A. Mr. Wagner.

Q. Did you go on the same car?

A. No, sir.

Q. Did you go on the car following them?

A. Yes, sir; following; the next car we went down.

Q. What did you observe then?

A. We seen two ladies and two gentlemen.

Q. Where?

A. Sitting at the table.

Q. What table?

A. One of the tables down there; and as the car was approaching she got up and looked around to see if any-

body was on she knew, and she didn't see anybody and they went into the restaurant or cafe down there.

Q. What did they do in the cafe?

A. I seen them drinking.

Q. Do you know what they were drinking?

A. I could not say; brown stuff. I didn't taste it; therefore, I could not say what it was.

Q. What else did you see them do?

A. Shortly after that they went out through the back way.

Q. Where did they go?

A. Went out the back way along the beach, I judge about two hundred yards or three hundred. Of course, I didn't measure.

Q. What did they do?

A. The next time I seen Mrs. Farrow she was lying down with her clothes up and a gentleman on top of her.

Q. Who was with you then?

A. Mr. Wagner.

Q. How near were you to them?

A. Well, I judge about a yard.

Q. What did she say when you and Mr. Wagner came up?

A. She said, "If you don't go away I will shoot you."

Q. Who said that?

A. Mrs. Farrow.

Q. What did you say or what did Mr. Wagner say?

A. I said, "You won't shoot at all. I will bat you in the face before you shoot me."

Mr. Edmunds:—"I will bat you in the face?"

A. That is what I said. I would hit her in the face. I would not allow anybody to shoot me if I could save myself.

Q. What did the man say?

A. He said he was Mr. Lewis, from Wilmington, Del., and that is all the conversation we had with them, and we left, and she still had her dress up to the face when we left.

Q. You didn't see her face?

A. I had a good look at it, because I pulled the skirt down.

By the Vice Chancellor:

Q. You mean you took hold of the skirt that was in her hand, covering her face, and pulled it down?

A. Yes, sir; that was the time she said she would shoot me.

Cross-examination.

By Mr. Edmunds:

Q. You have told everything you know about this case

A. As far as I know.

Q. And until you saw Mrs. Farrow on the evening of the 24th of August, your other observation of her didn't suggest that she was not altogether a proper lady?

A. Not these other evenings.

Q. What was she doing on the other evening?

A. She took walks around and came back to the house.

Q. Who would go with her?

A. Nobody.

Q. You never saw her daughter with her?

A. No, sir.

Q. You are sure of that?

A. Positive; didn't know she had one.
Q. You never saw a little girl around the house?
A. I did around the house, but never made inquiry to whom the child belonged to.
Q. You are a detective?
A. No, sir.
Q. You are not?
A. No, sir.
Q. What are you?
A. An operator.
Q. How do you distinguish between an operator and a detective?
A. We investigate matters.
Q. Detectives investigate?
A. Sometimes.
Q. In other words, you do the same work a detective does?
A. Perhaps, and perhaps not.
Q. You are a Philadelphia detective?
A. Yes, sir.
Q. Have you a license?
A. No; I am no detective?
Q. You haven't a license and never had a license?
A. Don't require any, not to be an operator.
Q. But to be a detective you do require one?
A. Yes, sir; I believe so.
Q. And the offense is punishable by fine and imprisprisonment?

Objected to.

The Vice Chancellor:—It does not need this witness to inform the Court that no Pennsylvania law can bind this man's actions done in the State of New Jersey. The law of Pennsylvania which prohibits a man from acting

as a detective, if there be such a law (of which there is no proof, for this witness is not competent to prove that), necessarily applies only to acts done in the State of Pennsylvania. It must be a law *mala prohibita* only, regulating affairs in that State; just as the law of that State might prohibit the shooting of rabbits or game out of season. It is useless to inquire whether his acting as a detective in New Jersey is punishable by fine and imprisonment in Pennsylvania.

Question overruled.

Q. Before you were a detective, what was your business?
A. Cigar business.
Q. How long were you in the cigar business?
A. Ten years.
Q. Where?
A. I don't think that is for you to know.

Judge Carrow:—Answer the question.

A. Eleventh and Mt. Vernon.
Q. On the corner?
A. Yes, sir.
Q. Which corner?
A. The northeast corner.
Q. Where is your present residence?
A. 2551 Jessup.
Q. How long have you lived there?
A. Three years.
Q. You have been connected with Tate's Detective Agency how long?
A. One year.

Q. Have you ever had other experience in divorce cases?

A. Some.

Q. You reached Cape May on the 27th of August, 1904, in the afternoon?

A. Yes, sir.

Q. To whom did you report?

A. Well, I seen Mr. Wagner.

Q. Whom else did you see?

A. I asked Mr. Eldridge where I could find Mr. Wagner.

Q. Then you saw Mr. Eldridge first?

A. Yes, sir.

Q. At his office?

A. Yes, sir. He directed me to the hotel.

Q. Didn't you have any conversation with Mr. Eldridge?

A. None whatever.

Q. You simply asked where Mr. Wagner was?

A. That is all.

Q. Didn't know he was stopping at the Glenwood?

A. No, sir.

Q. Didn't know that he had been making daily reports from Cape May?

A. I knew he was down there, but didn't make any inquiry as to where he was stopping.

Q. Did you see the Chief of Police?

A. No, sir.

Q. At no time while you were at Cape May?

A. No, sir.

Q. Or the libellant, Farrow, Jr.?

A. No, sir.

Q. When did you first see Mrs. Farrow?

A. I seen her that night of the 22d.

Q. At what time?

A. I judge somewhere after 7 o'clock.
Q. Where did you see her?
A. At the house.
Q. Did she go out that night?
A. I believe so.
Q. Do you know whether she did or not?
A. She went up to Washington avenue.
Q. How long was she out?
A. I judge about an hour.
Q. And then she came back?
A. Yes, sir.
Q. Went in the house and stayed there?
A. As far as I know.
Q. That was the night of the 22d, which would be what day of the week?
A. Monday.
Q. Did you see her on Tuesday, the 23d?
A. Yes, sir.
Q. What time?
A. I seen her about a quarter after eight in that neighborhood.
Q. In the evening?
A. Yes, sir.
Q. You didn't see her during the day?
A. Never looked for her.
Q. Where did you see her?
A. She came out of the house and went to the boardwalk.
Q. How long was she down there?
A. They took a car and went to Sewell's Point.
Q. Did she go to Sewell's Point?
A. Yes, sir.
Q. Did you go there?
A. Yes, sir.
Q. What time did she get back from Sewell's Point?

A. I don't know what time the show was over, but she took the last car down.

Q. Who was with her?

A. Nobody.

Q. Her child was not with her; you are sure of that?

A. Positive.

Q. Who was with her?

A. Nobody.

Q. You didn't see her with anybody that evening?

A. No, sir.

Q. When the last car which takes a person that attends the show reached Cape May, then where did she go?

A. Went to the Lafayette Hotel.

Q. What occurred there?

A. She got a drink, and then she sat on the porch half an hour.

Q. Where did she get the drink?

A. Inside.

Q. She was alone?

A. Yes, sir.

Q. How long was she in the drinking saloon before she asked for a drink?

A. I didn't exactly time that, but I know she went in and got a drink, came out, sat on the porch. She may have gotten a drink of water.

Q. Did she go in the drinking room for a drink of water?

A. I went to the door and seen where she went.

Q. Did she sit down at a table?

A. No, sir.

Q. Where did she do the drinking?

A. You can stand up and get a drink.

Q. Did she go to the bar and drink standing up?

A. I didn't notice any bar.

Q. How do you know she drank anything at all?

A. I seen her have a glass in her hand.
Q. What kind?
A. I didn't examine the glass.
Q. Did you see the waiter hand her anything?
A. I seen the waiter take it in.
Q. You didn't see when the drink was served what was the color of the liquid in the glass?
A. A little red stuff.
Q. Was the glass a wine glass or a beer glass?
A. I didn't examine the glass at all.
Q. How long was she in there?
A. About ten or fifteen minutes.
Q. To whom did she speak?
A. To no one at all.
Q. What was she doing while in there?
A. I don't know, didn't ask her.
Q. What did you see her doing?
A. Didn't see her doing anything, only take a drink.
Q. After she left the drinking saloon where did she go?
A. Went out and sat on the porch.
Q. How long did she stay there?
A. I judge about half an hour.
Q. To whom did she talk?
A. Nobody at all.
Q. Then where did she go?
A. Went home.
Q. Got home about what time?
A. Half-past eleven, I judge.
Q. When she was sitting on the porch, who else was on the porch?
A. I didn't know the people.
Q. Were there quite a number of other persons on the porch?
A. No; not that hour of the night.

Q. How many persons were in the drinking saloon when you say she went in there?

A. She was the only one in there.

Q. You said a moment ago, as far as you know she might have drunk water?

A. Yes, sir.

Q. But the water you saw her drink was red?

A. Schuylkill water is dirty.

Q. Was she drinking Schuylkill water at Cape May?

A. She might have been; they call it Schuylkill water.

Q. But, however, the water was red?

A. It looked so to me.

Q. Did she seem to be intoxicated, under the influence of liquor?

A. No, sir.

Q. When did you see her next?

A. On the 24th.

Q. At what particular hour?

A. About twenty minutes of eight.

Q. Where did you get the time from, twenty minutes of eight?

A. From my watch.

Q. How do you recall that you looked at your watch and found that the time was 7:40?

A. We always keep tab.

Q. I suppose you submitted a report?

A. I didn't; no, sir.

Q. Did you make any memorandum at all, where is the memorandum you made that night?

A. It is up in the office.

Q. Have you any memorandum with you now?

A. Only in my mind.

Q. You depend now entirely upon your recollection?

A. Yes, sir.

Q. Who went out with her at 7:40 that night?

A. From the house?
Q. Yes; August 24th?
A. Nobody.
Q. What kind of a night was it?
A. Fine.
Q. Moonlight?
A. Yes, sir.
Q. The moon was absolutely full that night?
A. I judge so.
Q. She went out alone?
A. Yes, sir.
Q. Where did she go?
A. Up Washington avenue.
Q. To where?
A. I don't know the streets down there.
Q. Didn't you shadow her?
A. I didn't take the names of the streets.
Q. How long was she out?
A. I guess she went back to the house again about half-past eight.
Q. You judge?
A. Yes, sir.
Q. You are accurate about 7:40?
A. She left the house and went out and returned again.
Q. About eight o'clock?
A. Yes, sir.
Q. In other words you are sure that between 7:40 and half-past eight o'clock she was out of the house??
A. Positive.
Q. And she remained in from half-past eight until nine on the 24th of August, 1904?
A. About five minutes to nine or nine o'clock.
Q. And then where did she go?

A. Then she went up, down Decatur street to the boardwalk and walked down the boardwalk and sat on the bench opposite the Pennsylvania Railroad depot.

Q. What time did you get over to the Delaware Bay House?

A. I judge about quarter to ten, in that neighborhood.

Q. How long did it take to get over?

A. About fifteen minutes, I judge, and I know we were not on the trolley car long.

Q. Were many people at the Delaware Bay House that night?

A. Twenty to twenty-five.

Q. This was at the very height of the Cape May season?

A. I don't know.

Q. Cape May was crowded at that time?

A. I didn't see so many people down there.

Q. You didn't?

A. No; I judge about 5,000 people down there at that time.

Q. You saw about 5,000 people down there?

A. That is, all day long, not at night.

Q. Then the conversation, when you caught, as you say, the defendant here with William Lewis?

A. Lewis he gave his name.

Q. That is the only name he ever gave?

A. That is all.

Q. What effort have you made to locate William Lewis at Delaware?

A. No effort at all.

Q. Did he give a more particular address than Delaware?

A. He said William Lewis, Wilmington, Delaware.

Q. You never made any effort to ascertain the whereabouts of this man?

A. Never.

Q. Never conferred with a detective agency in Wilmington, Delaware, to see if there was such a man?

A. No, sir.

Q. How old a man was he?

A. I judge about 23.

Q. What sort of a looking man was he?

A. Short, fat, very nice looking.

Q. When you said to this lady that you would bat her in the face, what did this fellow say to you?

A. He said, I am sorry the woman is a married woman, I don't want to get into trouble.

Q. When you threatened to bat her in the face?

A. When she threatened to shoot me I threatened to hit her.

Q. This man stood by and made no reply to that?

A. No.

Q. He was overpowered by you and your co-detective?

A. We didn't use any force at all.

Q. Before this dress was drawn over her face, you had a very good chance of identifying this defendant?

A. We knew her; yes, sir.

Q. You had a very good opportunity of seeing what was going on that night?

A. Yes, sir.

Q. It was rather an easy catch?

A. Well, I don't know, sometimes we have easier ones than that.

Q. Was there anyone beside you and Wagner that saw this occurrence?

A. Not at that time, that night.

Q. No one else was with you?

A. No, sir.

Q. This was how far from the Delaware Bay House?

A. I judge two hundred yards.

Q. Did you go back to the Delaware Bay House and call their attention to what you had seen, and ask them to come?

A. No, sir; not necessary.

Q. Why do you say it was not necessary?

A. We didn't want to expose the woman any more than she was exposed.

Q. What do you mean by that?

A. We didn't want the whole of Cape May to know that we had the information, and that was all that we cared for.

Q. It was known to you and Wagner?

A. Yes, sir.

Q. In other words, you didn't want to give anyone a chance around Cape May to come and show that your story is manufactured?

A. What is that?

Q. You didn't want to give anyone around Cape May a chance of showing that your story is absolutely fabricated?

A. What do you say?

By the Vice Chancellor:

Q. He asks you whether you didn't want to avoid giving anyone in Cape May a chance to show that it was a fabrication and a falsehood?

A. It is not false.

Further cross.

Q. And there is absolutely no doubt in your mind that this defendant here is the woman who threw herself down on the sand under the broad moonlight?

A. Yes, sir.

Q. When you were within ten feet?

A. She was down before she saw us.

Q. How far were you away when you saw her lie down?

A. We were a little distance away.

Q. How far?

A. About a hundred yards.

Re-direct.

Q. Did you follow them up after that?

A. No, sir; we followed them up until we seen this woman and this chap; she was pretty near naked, and this man lying on top.

Q. When you were ten feet away?

A. We seen this man on top of this woman.

Q. You say when they went away from the pavilion you were how far behind?

A. When they first disappeared we were about a hundred feet behind.

Q. Did you get closer and closer until you got up to them?

A. Yes, sir.

Re-cross.

Q. When this lady threw herself on the ground you were about a hundred yards away?

A. When we first saw her.

Q. You say she was nearly naked?

A. She was exposed up to *here.*

Q. You mean by that what?

A. I mean that she was exposed clean up to *here.*

Q. Up to her waist?

A. Yes, sir; her dress was pulled up.

Q. What articles of clothing, if any, didn't she have on, what article was missing?

A. I didn't see anything missing above, it was all missing down below.

Q. What was the state of William Lewis' clothes?

A. He was exposed, his front was open.

Q. He was lying on top?

A. Yes, sir.

Q. And they had connection together?

A. I didn't ask them that; I hope they did, didn't want to spoil anybody's fun.

Q. According to your best observation, did they have connection?

A. Yes, sir.

Q. They did?

A. Yes, sir.

Q. That is all.

WILLIAM FARROW, JR., sworn for the complainant.

Direct examination.

By Judge Carrow:

Q. Where do you reside?

A. Cape May.

Q. What is your age?

A. Thirty-one.

Q. How long have you resided in Cape May

A. All my life; I was born there.

Q. What do you work at?

A. Pilot in the Delaware Bay and River.

Q. How long have you been a pilot?

A. Seven years; been there since I was sixteen years old.

Q. How much time are you on duty?

A. About one-third, as near as you can.

Q. About one-third of your time?

A. Yes, sir.

Q. Is that day time or night time?

A. When you go away from home you are generally gone a week or ten days; once in a while you can make a trip in a shorter time, and then it is longer.

Q. Where do you go?

A. Go to Philadelphia, and go on the steamer down to the Delaware Capes, stay aboard the boat until your turn comes, and then go back to Philadelphia.

Q. About one-third you are away from home?

A. About that.

Q. Where do you begin your piloting?

A. From Philadelphia.

Q. Where do you end it?

A. At Philadelphia.

Q. Do you go down the round trip?

A. Yes, sir.

Q. I thought you went down until you had gone outside the Capes, and then came back?

A. And then I stay aboard the pilot boat and then come back.

Q. Where do you leave the ship you are piloting?

A. Outside the breakwater, and then I stay there four or five days before you get a vessel up again.

Further direct.

Q. How long have you been married?

A. Six years ago last October.

Q. The fact of the marriage is admitted by the answer. Your wife was a widow when you married her, with a child?

A. Yes, sir; she was four years.

Q. So that the little girl that has been referred to in the testimony of the witnesses was not your child?

A. No, sir.

Q. Now, after your marriage, where did you live?

A. The first winter we lived up in Mr. Edmonds' house, her grandmother's, and then we moved around to 505 Hughes street, my home, the place I bought.

Q. And that is the house where the defendant has been living since the separation?

A. Yes, sir.

Q. Between you and her?

A. Yes, sir.

Q. You own that house?

A. I own at it.

Q. How long have you resided there?

A. In that house?

Q. Yes?

A. Close to five years.

Q. What were your habits, Mr. Farrow, when you were off duty; that is, when you were home, how did you spend your time?

A. At home, most of it; very seldom went out. Once in a while I went to lodge, and if I went out a little while in the evening it would be up to the engine house. Always came home early; never stayed late. In fact, I went out very little after dark.

Q. How did you put in your time when you were at home?

A. There were a good many ways of putting it in. I was a person didn't like to chase around the street;

never had any hankering to loaf around cigar stores, and I stayed at home.

Q. What did you observe laterly with regard to your wife's conduct in that respect?

A. There has been so much— (The rest of the answer was ordered stricken from the record by the Court as not responsive.)

Q. Just answer my question. I am asking you what did you notice with regard to your wife's conduct. You have spoken of your own conduct about staying home; I want to know about your wife's?

A. She would go out wherever this fellow would be, if I was not with her. I have stood with her and seen her talk with him.

Q. Who?

A. With Harry Oliver.

Q. Where and when did you see that?

A. Right on the street.

Q. When did you see that?

A. When I first commenced—it has been about a year. I began to think it was a little bit funny.

Q. Did you talk with your wife about it?

A. Yes, sir; I questioned her about it.

Q. What did she say?

A. She told me—it has been a little bit more than a year—she told me if I thought that way she would stop speaking to him; she would have nothing more to do with him.

Q. Then what did she do?

A. After that, when I go by him on the street, met him, I noticed she didn't speak to him when I was with her.

By the Vice Chancellor:

Q. Did you ever see her after she told you that she would not speak to him, up or about that time, when she would go by and not speak to him, did you ever see her afterwards speak to him?

A. On two different occasions I have seen him come to the house, when he didn't know I was home. I got home in the afternoon train that leaves down here at five o'clock and gets there at eight o'clock.

Q. Was this after the time that your wife promised you that she would not speak to him?

A. Yes, sir.

Q. Narrate those?

A. One night he came and the bell rang and I came to the door. I hadn't been home but a few minutes and he was surprised to see me. He asked me if his sister's skates were there; could he get them. Another time he came around and the same thing happened, and he wanted a roll of music for his sister.

Q. On neither occasion did he come into the house; is that so?

A. No, sir; because I went to the door both times.

Further direct.

Q. Did you speak to your wife about it?

A. I did; told her it was funny, and she did get some music for him and give it to him. She said it was funny.

Q. Is that all of that?

A. Yes, sir.

Q. With regard to any other matter?

A. This other man Doak; I have seen lots of that.

Q. Charles Doak?

A. Yes, sir.

Q. What did you see?

A. I seen him many times when she would go out and talk with him, met him on the street, and I questioned her about it, and she said there was nothing in it but friendship. She used to go around to his store. Then Dr. Wales lived up in the drug store corner, right where she could look down.

Q. When was that?

A. Just before I left her.

Q. How long before you left her?

A. Just a month or so; because I began to suspicion what was going on, and it was getting pretty hard, people talking, and I got ashamed to stay there any longer. That is the truth of it.

Q. Did you speak to her about it?

A. I went to Doak and forbid him the house and he came to the house. He came around there and went in, and I stopped him with her with me one day and told him if that was the case I wanted him to stay away.

Q. Did you speak to your wife?

A. Yes, sir; I went to her grandmother.

Q. Did you speak to her?

A. Yes, sir.

Q. What did you say to her?

A. I asked her what she meant. "What is all this talk," I said; "where there is so much smoke there must be a little bit of fire?" I asked her what she meant by it.

Q. What did she say?

A. I begged and pleaded with her. She had a nice home; she had everything; she didn't have anything to do. I said, "Why do you do this kind of work; why don't you be decent?"

By the Vice Chancellor:

Q. What did she say?

A. Denied it.

Q. Denied what; ever having anything to do with him?

A. Ever having anything to do with either Oliver or Doak. Then she would go out. I have watched her.

Further direct.

Q. What promises did she make as to what her conduct would be with regard to Doak? 10

A. She promised me she would not have anything more to do with him.

Q. When you met on the street, when you and your wife went to church, what did she do?

A. She would not speak to him when I was with her.

Q. Did she tell you she would not speak to him?

A. Yes, sir.

By the Vice Chancellor:

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Q. Did you afterwards observe anything in your relations with Doak, or see her with him after the time you remonstrated with her?

A. Yes, sir; I have.

Q. And didn't speak to him when you and she met Doak; did you afterwards see her speak to Doak?

A. I did, one night I came home in the train. I got home about ten minutes after six, I suppose.

Q In the early evening?

A. Yes, sir; and I didn't go out; didn't want to go 30 out; it snowed that night.

By Mr. Edmunds:

Q. What night was it?

A. Just before I left there. You know what night that was.

Further direct.

Q. Go ahead.

A. I stayed in the house. She said, "I am going out for a little while to go over to Mrs. Wales'."

Q. Your wife said?

A. Yes, sir. I watched her go down the street and turn the corner. I said, "I will see if you go to Mrs. Wales' or not." She never went near there, and I saw her talking to Doak then.

By the Vice Chancellor:

Q. Was this occasion which you now refer to and narrate, having followed your wife out, and seeing her talk to Doak in the street, did that happen after the time when your wife said she would not have anything to do with Doak, and after the time when you and she met Doak in the street and she didn't speak to him?

A. Yes, sir; after.

Q. Were there any other occasions when you saw your wife with Doak after that time?

A. Then, after I left her and didn't stay with her any longer, I have seen it night after night.

Further direct.

Q. Up to the night you left home, what happened that night. When you saw your wife talking to Doak, the night she said she was going to Mrs. Wales'?

A. Yes, sir.

Q. What did she say?

A. She denied it.

Q. Denied what?

A. Ever talking to him.

Q. Now, then—

A. The night I left home the youngster had a little party. I guess it was a prearranged thing. Had about seven or eight little girls around. They ran, I suppose, from fourteen down.

Q. Your little stepdaughter?

A. Yes, sir. They all got into the house and were making quite a little racket, and I said, "As long as these children will be here I will go to the engine house; won't stay long," and as I started she followed me to the door and she said, "If you are going down you need not to be in any hurry about coming back. I am going around to Mrs. Wales' and stay somewhere around ten o'clock, until it is time to make some lemonade and stuff for them, and then I will come home." I kind of thought, by her saying that, something was funny. Instead of going to the engine house I walked around the block. I came right back to the house and she was gone. Then I walked over to Mrs. Wales'; went up and knocked. Mrs. Wales came to the door. I asked if Mrs. Farrow was there, and she said no, hadn't been there. Three different times I went that evening to Mrs. Wales' to find out if she had been there. She hadn't been there. The last time I said to Mrs. Wales, "I don't hardly believe you; I think you are telling me an untruth." She said, "Come in the house and look." She showed me through, and she was not there.

Q. That your wife was not there?

A. Yes, sir; I went around home. She hadn't got home yet. I came back onto Washington street. I stood there a few minutes and walked to Perry street corner. Didn't know which way she would come, and had no idea. By

and by I seen a woman come up the street; turned out to be my wife; came from West Cape May.

By the Vice Chancellor:

Q. What direction is that with relation to Mrs. Wales'?

A. Opposite way altogether; down below it. She was not within—well, it was a block and a half from where I stood from Mrs. Wales', and she had come from down there, and off of Perry street, off of that way somewhere.

Q. She was alone?

A. Yes, sir; she got up there,—the light, I stood underneath the bulk window back of the light so she could not see me; she went by me, got up a little bit further, stopped there to fix her hat up, brush herself up, and went around toward home. As she got to Hogan's candy store, she stopped, and I waited for her to come out. I said are you going home, and she said yes. When I get around home, I said, I want you to explain if you have been with Mrs. Wales, what are you doing with all this dead grass over your clothes; her clothes were full.

Q. What part of her clothing?

A. Her skirt and black hat.

Q. Whereabouts on her coat?

A. On the back of it, and in her hair. And I said it is funny Mrs. Wales has that kind of stuff; go out and spend the evening with a lady and come home in this kind of condition, and then is when I left her, that very night.

Q. What did she say in reply to your inquiries??

A. Nothing, would not admit where she had been.

Q. Did she say she had been to Mrs. Wales?

A. I told her she hadn't.

Q. Did she say to you that she had been to Mrs. Wales'?

A. No, she did not, but I told her I was provoked, and I told her I had been there three times.

Q. Been to Mrs. Wales' three times?

A. Yes, sir.

Further direct.

Q. What did you do, did you leave her that night? 10

A. Yes, sir.

Q. Had you any information up to that time when you left, I mean any of this information, Mrs. Hughes testified about?

A. No, sir.

Q. Had Mrs. Lovett, Mrs. Williams, Mrs. Hughes or your father or anybody told you of any of the things they have testified to?

A. No, sir.

Q. Which led you to believe that your wife had been 20 guilty with Doak or Oliver of adultery?

A. No, sir.

Q. When did you get that information?

A. After I left her.

The Vice Chancellor:—There is no element of condonement set up here.

A. Take the Sunday Transcript, for two years, see 30 what is printed, it compares my home with the nigger crib down at Cape May.

Q. That is a paper published, devoted to such stuff?

A. Yes, sir, but it is a pretty hard job to have a man, that has to have his home compared with that. There

was not a Sunday hardly she escaped, she was not in it, printed some things about her.

Q. Did you have any trouble, any disease that required treatment by Dr. Leach?

A. I did.

Q. When was that?

A. About a year or so ago to the best of my knowledge.

Q. Do you know what it was?

A. I do now; I didn't at that time.

Q. Did the doctor tell you the character of the disease?

A. Not at that time; no, sir.

Q. Of what nature was it, describe it?

A. I had a little, bad discharge, came from it, and I went to him, and he said it didn't amount to much, told me it was a kind of a strain.

Q. Did he treat you for it?

A. Yes, sir, he did; I tried to get him here, I got a letter from him that he was sick and could not come.

Q. And you have since found out from him that it was a venereal disease?

A. Yes, sir.

Q. Since the separation from your wife?

A. Yes, sir.

Q. Had you been with anybody else?

A. No, sir.

Q. Do you recollect when that was?

A. It has been all of a year but I didn't suspicion anything that it was bad, because there was not enough of it at a time; I just seen there was something that didn't belong, and went to him to find out what it was.

Q. You had a discharge?

A. Yes, sir.

By the Vice Chancellor:

Q. What time was it, on the occasion when you say your wife failed to explain her statement that she was going to Dr. Wales, that evening you left her, what time was that?

A. I left home—what time was it?

Q. Do you know how long it was before you took advice and brought this suit; how long it was that you had left your wife?

A. I think about a week,—ten days,—because I looked around and went around and found out from some of those people that had seen things and were willing to talk about it.

Q. Since that time, have you lived with your wife in any way?

A. I have never spoken to her since that time.

Q. About a week or two before this suit was brought: you haven't ever spoken to her since?

A. No, sir.

Further direct.

Q. After you left your wife, what did you see of your wife's conduct with reference to Doak or Oliver or anybody else?

A. Saw them together all the time.

Q. Where, since the pendency of this suit?

A. Yes, sir.

Q. Where?

A. I have seen them go in Wales' house.

Q. State the particular instance and time?

A. On the 25th day of last October, and the night—

Q. Of the present year?

A. Yes, sir. I was going home, and I seen her go around across the open lot, going to where there was a barn, and him following her.

Q. Who?

A. Doak.

Q. State what you saw?

A. I saw them together, and that is all.

Q. What time was this?

A. About ten o'clock at night. I saw them in the street last night talking together.

The Vice Chancellor:—Confine yourself to a single instance until that is narrated.

Q. You say on the night of October 25th, at ten o'clock, did you follow them to see where they went?

A. I undertook to but they lost me.

Q. How far did you follow them?

A. Down by the stables there.

Q. What stables?

A. The Old Congress Hall stables I think they are.

Q. Is that a dark place or a light place?

A. Dark, no one else lives around there.

Q. How near were you to them?

A. I was going into the house when I seen her come along, and there is an alley there, and I stood there until she went by, and she went by, and he came riding slowly on his wheel.

By the Vice Chancellor:

Q. How far behind her was Mr. Doak?

A. Right along with her.

Q. He in the street?

A. Yes, sir.

Q. And she on the sidewalk?
A. Yes, sir.
Q. Were they conversing?
A. Yes, sir, she cut across the lot and went ahead of him and he followed her in the path.
Q. He riding his bicycle?
A. Yes, sir.
Q. Did you follow after them?
A. Yes, sir.
Q. From what distance?
A. I followed after them until they went down around this stable where I could not find them any more. I even tried to find the wheel.
Q. Did you find that?
A. No, sir.

Further direct.

Q. Now the next occasion, what other time did you see them together?
A. I didn't undertake to make any record, it was a common occurrence, I saw them last night together.
Q. Whereabouts?
A. Washington street.
Q. Whereabouts?
A. By the old Excelsior market, talking together.
Q. Talking together?
A. Yes, sir.
Q. Did you ever see them together in any other dark place or places, beyond that night, October 25th?

The Vice Chancellor:—If you have any such recollection, state what you saw?

A. I saw it right along.

The Vice Chancellor:—I don't care to hear that, state what you saw and the place, and what you saw done.

Q. Will you state the place, be particular about each time. You have narrated one instance, now narrate any others?

A. This was after I left her, and I seen her this night, and I put this down.

Q. Have you any others that you have special note of?

A. No, sir, I have put nothing down because I knew it was a common thing, and this one night I did put it down, to prove she had been with him.

Q. At the same time Mr. Farrow that you had this discharge, do you know whether anything was the matter with your wife in that same line?

A. He doctored her.

Q. Who?

A. Dr. Leach.

Q. Was attending her at the same time?

A. Yes, sir.

Q. You were asked whether you knew if it was of the same nature?

A. I asked him.

Q. I asked you independent of Dr. Leach, whether at the time you had this discharge you talked with your wife, and did she have the same discharge; was she sick in the same way?

A. Yes, sir.

Q. What explanation did she give to you, or were you not suspicious of anything wrong?

A. I didn't dream that anything like that was the matter, didn't know until after I left her, when the doctor

told me what was the matter, and if he hadn't been sick he would have been here.

Q. How long was she sick with this same disease?

A. I don't know.

Q. Did you require her to explain to you why she was in this condition, or what had occurred?

Mr. Edmunds:—Objected to, the witness cannot testify for the doctor, or to the conversation. I ask that the record be freed of any remark which the doctor made to him.

The answer ordered stricken out. Question withdrawn.

Q. Did you say anything to your wife about it?

A. I told you I did.

Q. What did she say to you?

A. She told me it was some kind of a woman's complaint, what do you call it, womb trouble which caused it.

Q. And you believed it?

A. I did.

Cross-examination.

By Mr. Edmunds:

Q. You were married in October, 1898, and until you left Mrs. Farrow in the spring of 1904 you and she continued to live together? Is not that true?

A. Yes.

Q. As husband and wife?

A. Yes.

Q. When did you first begin to suspect your wife?

A. About the time I knew it.

By the Vice Chancellor:

Q. You were asked as to the date?
A. He knows—

The Vice Chancellor:—He is not asking you the question of what he wants to know, he is asking you what I want to know.

Q. Question repeated.
A. When I seen this going around there, it was in the summer time.
Q. The summer of what year?
A. I went down—he rented his cottage, that is his mother did and moved down—
Q. Who?
A. Mr. Edmonds.

The Vice Chancellor:—You need not explain why Mr. Edmonds knew.

A. No, I went to his mother, which is her grandmother, and told her that the way the woman stopped on the street talking with these men.
Q. What time was this?
A. In the summer, the later part of it.
Q. Of what year?
A. Last year, 1903.
Q. With whom did you have your conversation?
A. Your mother.
Q. When did you first commence to have the movements of the defendant here shadowed?
A. When I commenced to watch myself a little bit, trying to find out what was going on.
Q. When was that?
A. That was when I began to be suspicious of her, thought something was funny.

By the Vice Chancellor.

Q. Can you tell when about, what month and year, as near as you can recollect it?

A. I have told you in the summer.

Q. You were asked when it was you first began to have your wife watched, when was it?

A. I never had her watched, only when they had these men there.

Further cross.

Q. Is it not true that you have said since this trouble arose between yourself and this defendant, that you had her watched, even before you were married?

A. Who?

Q. You?

A. Yes, sir, I did.

By the Vice Chancellor.

Q. You did say it?

A. Yes, sir.

Further cross.

Q. In other words you have suspected the integrity even before she became your wife?

A. No, sir, I watched to see whether the woman was a decent woman or not I was going to marry, I was a man that was away from home a good bit and I wanted to be certain and thought I would try to get a companion that didn't want to go off with men.

Q. You have always lived at Cape May?

A. Yes.

Q. And she has always lived at Cape May?

A. That don't go—

Q. And she has always lived at Cape May?

A. I don't know that she has.

Q. According to your best knowledge she has always lived at Cape May?

A. I don't know, she used to live up the road and I didn't know her, she might have lived with you, and I would not know it.

Q. How long have you known her?

A. Right after she married her first husband, how long has that been?

Q. Can you answer that question?

A. It has been more than ten years.

Q. All the time that you have known this defendant here she has lived in Cape May City, has she not?

A. Yes, sir.

Q. How near to your home did she live before you married her?

A. How long before I married her?

Q. I have no other question to put to you, if you cannot answer the question say so.

By the Vice Chancellor:

Q. You married her?

A. Yes, sir.

Q. You remember the fact?

A. Yes, sir.

Q. You remember the time when it was?

A. Yes.

Q. How near to your home was she living before that time, immediately before?

A. She lived within about three and four good blocks.

Further cross.

Q. How long did you visit her before you married her?

A. About six or eight months.

Q. When you were at Cape May, I suppose you were in her company both day and night?

A. Sometimes.

Q. Every evening?

A. Sometimes.

Q. Was not that generally the case?

The Vice Chancellor:—You mean during the courtship?

Mr. Edmunds:—Yes.

A. Sometimes in the day and sometimes at night; she taught school and was not home a good bit in the daytime.

Q. Where was she teaching?

A. At the Court House.

Q. She was home every evening?

A. I suppose so.

Q. Don't you know?

A. No. I was not home every evening.

Q. When you were at Cape May off the pilot boat, while she was teaching, and you were in Cape May in the evening, you called?

A. Yes, sir; a good many evenings.

Q. And before you married her you had a good chance of personal observation of her character?

A. Yes, sir.

Q. And you continued to suspect her even up to the time you married her?

A. No; I did not.

Q. When did your suspicion end?

A. I just simply had the woman watched to see if she was running with any other men before I married her, because I was away from home, which any man has a right to do.

Q. You had a colored man to watch her?

A. Did I?

Q. Did you?

A. Do you know?

Q. I ask you; didn't you, prior to your marriage with this defendant, employ a colored man to watch her?

A. I did not.

Q. How many men did you employ?

A. Do I have to answer?

The Vice Chancellor:—Yes.

A. Two.

Q. And their employment continued how long?

The Vice Chancellor:—Was this prior to your marriage?

A. Yes, sir.

Q. And their employment continued how long?

A. Until I got through with them and found out what I wanted of them.

Mr. Edmunds:—I object to that sort of an answer.

The Vice Chancellor:—Can you tell in weeks and months how long it was?

A. I don't remember that.

Q. After the marriage, when did you first begin to employ detectives?

A. Never employed any until after I left her.

Q. When would you say that she first began to neglect you or your home?

A. I can tell you that.

The Vice Chancellor:—Answer the question.

A. The summer before last summer, when I went to your grandmother.

Q. The summer of 1903?

A. Yes, sir.

Q. And up to that time you say that she was a correct wife?

A. As far as I know.

Q. Looked after her home, and after you, is that right?

A. As far as I know.

Q. You were a drinking man before you were married?

A. Was I?

Judge Carrow:—Just answer the question without any comment.

A. Not a very heavy one, I guess.

Q. You used to get drunk before you were married?

A. I might have a little fun, go out evenings, but I didn't make any habit.

Q. But after you got married, and until you left her, you didn't get drunk?

A. No.

Q. And she would not marry you until you pledged yourself to leave rum alone?

A. No, sir.
Q. Is not that true?
A. No, sir.
Q. It is not?

Objected to as not pertinent.

The Vice Chancellor:—This is the complainant, and the subject has some bearing upon the relation of these parties, and I am not disposed to limit the cross-examination of the complainant in a case of this sort unless it appears to be absolutely useless and impertinent. This does not so occur to me.

Q. Do I understand you to say that she never requested you before marriage to leave drink alone?

A. Yes, sir; I was full one day just before I married her, was out cutting up, and had a little fuss about it; but I never promised that I would not drink again, and we kept it at home, and she took a glass of beer just as quick as I would.

(At this point a recess was taken of one hour.)

Q. You stated as the Court was about taking a recess that the defendant was just as quick to take a drink of beer as any one else; who was it that brought beer to the house?

A. I did, and I had a right to.

Q. Is it not a fact, Mr. Farrow, that the doctor suggested to Mrs. Farrow that she should take a little beer or a little porter for the trouble she had?

A. He might have done it.

Q. Is it not a fact also that finally, at the request of Mrs. Farrow, you stopped having beer served at the house?

A. Never had it stopped.

Q. Do you remember when she began playing the organ for the Presbyterian Church, she said to you she didn't like the appearance of the beer wagon stopping in front of the house, and asked you to have the service discontinued?

A. No.

Q. You don't remember that?

A. No.

Q. Will you say she didn't say that?

A. I will say that she didn't say that.

Q. You have stated that while you and Mrs. Farrow were living together you were not doing anything more than just casual drinking, taking a glass of beer now and then?

A. I simply took a glass of beer when I wanted it.

Q. You didn't get drunk?

A. No.

Q. You have been drinking it when you wanted it?

A. Yes.

Q. You have been drunk repeatedly since you left your home, haven't you?

A. Yes; I have been drunk several times.

Q. And you have been keeping associations with a class of individuals at Cape May that have led you into barrooms?

A. No, nobody led me into barrooms; when I went in there I went in myself.

Q. Who have you been associating with since you left the defendant?

A. Who?

Q. What boys at Cape May?

A. All of them.

Q. Mention the names of all of them?

A. That is a pretty hard job to mention, everybody that lives in Cape May.

Q. How about one of the Lovett boys?

A. Yes, sir.

Q. You and he have been drunk together?

A. Yes, sir.

Q. And that Lovett boy with whom you have been drinking is the son of a witness who has been on the stand, and a brother of another witness, is not that true?

A. Yes, sir.

Q. Now will you say what it was, if anything, that finally induced you to believe, before this trouble arose between yourself and Mrs. Farrow that she was correct in her life; you have stated that you had two detectives upon her before you were married?

A. No.

Q. You had her watched by two men before you were married?

A. Yes, sir.

Q. What finally led you to believe that she was correct?

A. I had it done for a purpose.

Q. What finally led you to believe that she was a correct woman?

A. I believed she was all the time, I wanted to see whether there were certain men that she went with, that was all, and I had friends to watch for me.

Q. And at the time you left—you haven't given us the exact date you left; what was the exact date you left?

A. Left where?

Q. Your home.

Judge Carrow:—Separated from your wife.

A. Along the latter part of March or the first part of April, I forget just what the date was.

Q. I understood you to say in answer to a question of the Court that since that time you have had absolutely nothing whatever to do with Mrs. Farrow, have had nothing to say to her, is that correct?

A. Outside of going to the house one day after some clothes, that is the only time I ever had anything to do with her.

Q. You never met her in any part of Cape May?

A. Met her lots of times.

Q. And have conversation with her?

A. No.

Q. And spend several hours with her?

A. No.

Q. You went to her house one day to get some clothes?

A. About three or four days after I left.

Q. How long did you stay there?

A. Just long enough to get them.

Q. What time did you get there?

A. I don't remember whether it was in the morning or afternoon.

Q. Is it not a fact that it was in the morning before dinner, and that you stayed there until six o'clock that afternoon?

A. No, it is not a fact.

Q. Until four o'clock?

A. No.

Q. Is it not a fact?

A. No.

Q. You simply went to get your clothes and got right out?

A. Yes, sir.

Q. You had no conversation with her?

A. No more than I told her what I came after.

Q. How long were you in the house?

A. Twenty or twenty-five minutes.

Q. It didn't take you that long?

A. How do you know?

Q. Did it?

The Vice Chancellor:—Frame the question as a question and you will save these impertinent replies.

Q. I want to know whether or not it took you twenty-five minutes to get your clothes?

A. That is what it took me.

Q. What clothes did you take?

A. What was left there.

Q. What was left?

A. Yes.

Q. What was left?

A. All the clothes I had in the world.

Q. Why hadn't you before you called that day had your trunk packed and sent over to your father's house?

A. No.

Q. You had not?

A. No, I had some things what I had to take out in the boat to see me through.

Q. Is it not true that on that day when you called, you called to get two or three collars and a ring which belonged to your uncle?

A. Yes, sir; I got the ring; several little things I wanted to get?

Q. Is not that all you called to get that day?

A. No, not by a long ways; I got an overcoat.

Q. When you left 505 Hughes street, where did you go?

A. Went home to my father.

Q. Where have you been living since?

A. With my father.

Q. Continuously haven't you?

A. Yes, that has been my home since.

Q. Is it not true that your father has continuously endeavored to influence you against Mrs. Farrow here?

A. No.

Q. Were you present when Mrs. Farrow and Perry Edmond went down either late in March of the present year, or the early part of April to call on your father and mother?

A. I was.

Q. You went with them?

A. With who?

Q. You went with Mrs. Farrow and Mr. Perry Edmond, or were you at the house when they got there?

A. I was at the house.

Q. You heard the conversation which took place then, did you?

A. Yes, sir.

Q. Did you hear your mother or the wife of Mr. Farrow, Sr., say that whenever Mr. Farrow came home, that if he had seen Mrs. Farrow, the defendant on the street, he would say to his wife, "I saw that damned whore on the street again?"

A. I did not.

Q. You didn't hear that?

A. No.

Q. What did she say, what did Mrs. Farrow say?

A. I don't know what she said.

Q. You don't know?

A. No, she made no remark like that.

Q. You have absolutely no recollection of it?

A. Not of that conversation.

Q. You and I have had quite a number of conversations about this case?

A. Yes, sir.

Q. Do you remember in a talk which you had with me at the residence of Mrs. Farrow one Sunday evening, after you had left your home that I said to you, "Will, the trouble is your father is trying to influence you against your wife," and that I said to you before you go too far, make your own examination into all of these stories which you have heard, and that I also said to you, you were present when you heard your mother say in your father's house, that every time he saw Mrs. Farrow on the street he would come in and say "I saw that damned whore," and I said to you, "Will, did you hear your mother say it?" and you said "yes," and then I said to you, "How do you explain it?" and your answer was, "I have no explation for it?"

A. I never told you any such stuff, you are telling an untruth there.

Q. Did you see me at your wife's home after you had left Mrs. Farrow?

A. Yes, sir, I did, you sent for me.

Q. Who was there that afternoon?

A. Your brother.

Q. Who else?

A. One of her gentlemen friends, Mr. Johnny Thompson.

Q. Who else, was Mrs. Farrow at home?

A. Not in the room with us.

Q. Do you mean to say that she was not in the front parlor on the afternoon you came in?

A. No, she was not, she came in the room just before I left, when you had talked with me. I didn't stay long, wasn't there but a very few minutes.

Q. How long were you there?

A. I don't suppose I was there over twenty minutes, I don't remember how long, but it was not long, but just as I got ready to go she came in.

Q. Was it not twenty minutes?

A. No, because I came there just as I landed out of the boat, I was not dressed, shaved or anything.

Q. Do you mean to say you sent for me?

A. You said you sent for me in Philadelphia.

Q. Was not that afterwards?

A. No.

Q. I wrote you a letter.

A. Well.

Q. That was why I sent for you.

A. No, you told me in your office.

Q. Didn't I write you a letter from Philadelphia?

A. Yes.

Q. And that was the only time I sent for you?

A. You asked me to meet you at Cape May, which I did.

Q. How did I ask you, by letter or otherwise?

A. Right in your office.

Q. Don't you know very well that I had not seen you either in Philadelphia or Cape May, or any other place in reference to this matter until you voluntarily came to your wife's home on the Sunday afternoon that I was there?

A. It is no such thing. I seen you right in your office and you took me up and got lunch, I didn't want to go with you?

Q. But that was after I had been to Cape May?

A. No, it was before you were at Cape May, saying you were coming down.

Q. Let me see if I can't get you straight. I wrote you a letter, have you still that letter in your possession?

A. No, sir.

Q. And in that letter I asked you to see me at my office in Philadelphia. Do you remember getting a letter like that?

A. Yes.

Q. Do you remember after getting that letter going to the telephone at Cape May and calling up my office on the phone and asking me if I could see you the next morning at my office in Philadelphia, do you remember that?

A. Yes.

Q. And that was the only time you ever saw me at my office in connection with this case?

A. That was when the letter came.

Q. Therefore, when you came to my office in Philadelphia it was pursuant to your own request over the phone that I should see you, is not that true?

A. No, it was through your letter. I got that, saying the first time it was convenient to call there, and I went to the phone and said "could I see you to-morrow."

Q. That is the only time you saw me at my office?

A. No.

Q. In connection with this case?

A. Didn't Mr. Stevens come with me.

Q. He was with you that day. You brought him to my office, Mr. Thomas Stevens?

A. I guess not.

Q. Have you told the Court all that occurred on the night that you left Mrs. Farrow?

A. I don't know, maybe I may be able to answer some questions that you ask.

Q. What time did Mrs. Farrow come home that evening?

A. A few minutes after ten, I suppose somewhere about ten minutes after.

Q. Haven't you repeatedly said that she got home a quarter to nine, before you testified as a witness in this case?

A. No.

Q. How do you fix the time as being a few minutes after ten?

A. Was I not home and in the house several times to see if she had come back, didn't I go to Dr. Wales.

The Vice Chancellor:—Was that the way it occurred do you say?

A. Yes, sir.

Q. What time did you go out that evening?

A. As near as I can remember, between half-past seven and a quarter to eight.

Q. Who were in the house when you went out?

A. Six or seven youngsters.

Q. Who were in the house when she came home?

A. The youngsters were still there, I came home with her.

Q. Can you give the names of the children?

A. I can some of them, I think there was Alfred Little, George Little and Helen Moore.

Q. There was a children's party there, was there not?

A. Kind of one.

Q. And was not the party being given by Octavine?

A. Yes, sir.

Q. The daughter of the defendant?

A. I don't know that it was exactly a party; it was just a little gathering.

Q. And the children were playing around the house?

A. Yes, sir.

Q. And every part of the house was open to their entrance?

A. It was.

Q. When Mrs. Farrow came in that night, how long had she been in the house before you made an accusation against her?

A. Just as soon as she got in.

Q. What did you do?

A. Made her go upstairs.

Q. What did you say to force her to go upstairs?

A. What did I do, pointed a pistol at her.

Q. Where did you have it?

A. In my pocket.

Q. Which pocket did you have it in?

A. I don't know which one exactly.

Q. Are you in the habit of carrying a pistol?

A. Yes; I carry one a good bit.

Q. You still carry one?

A. Yes, sir.

Q. And you have used a pistol repeatedly in this case?

A. No; never before or since.

Q. You haven't used a pistol upon the person of any person in this case except Mrs. Farrow?

A. No.

Q. You are sure of that?

A. Sure.

Q. You pointed the pistol at her that night?

A. Yes, sir.

Q. Right at her head?

A. Yes, sir.

Q. What did you say to her?

A. Told her if she didn't own up I would shoot her.

Q. And you gave her how long to own up?

A. Something like five minutes.

Q. Wasn't it three minutes?

A. It might have been, might have been one, I don't remember exactly.

Q. Who was with her when you made that threat?

A. There was no one there, and she hollered, and Octavine, her daughter, ran upstairs.

Q. Her name is Octavine Ware. That is her first name?

A. Yes, sir.

Q. This occurred up in the bedroom?

A. Yes, sir.

Q. Which one?

A. The middle one.

Q. Was the pistol loaded?

A. No, sir.

Q. Did Mrs. Farrow know that the pistol was not loaded?

A. I guess not.

Q. She thought it was?

A. Yes, sir; I wanted her to think so.

Q. Did you have the pistol ready for use?

A. You don't have to cock it.

Q. It is a self-cocker?

A. Yes, sir.

Q. How close to the head did you hold the pistol?

A. I guess pretty close.

Q. How close?

A. Right up to her.

Q. Pointing it at what part of her face or head?

A. I don't remember exactly where it pointed, but right at her head.

Q. And you said if she didn't confess in three or five minutes you would kill her?

A. That is what I told her.

Q. Confess to what?

A. Where she had been, what she was doing in that condition, she came home in.

Q. Didn't you say to her when you had the pistol leveled at her head, she alone up in this room, "If you don't confess that you have been out with Harry Oliver to-night I will kill you?"

A. No.

Q. Didn't you use Harry Oliver's name?

A. No.

Q. What name did you use?

A. I didn't use any name, I didn't know who she had been with.

Q. What did she say when the pistol pointed at her head?

A. She told me if you want me to say I have been with Charlie Doak or Harry Oliver or anybody else—

Q. Did she appear to be hysterical?

A. She was scared to death.

Q. And she said if you wanted her to say that she had been with Charlie Doak or Harry Oliver she would say it?

A. Yes.

Q. How long did you keep the pistol at her?

A. Not long.

Q. How long?

A. Long enough for her to say that.

Q. About how long?

A. I don't know, I didn't have a watch out.

Q. Was it as long as three or five minutes?

A. No, I don't suppose it was that long, just long enough, you can imagine about how long the conversation was going on.

Q. What confession did she make?

A. That is what she said, she would admit anybody I wanted her to as long as I was pointing at her.

Q. You were very angry?

A. Yes, sir.

Q. And she saw you were very angry, and you used force on her body, didn't you?

A. No.

Q. Had you been drinking that night?

A. No.

Q. Sure of that?

A. Sure.

Q. You had been nowhere but at the engine house?

A. I didn't go to the engine house, I told you that.

Q. But you told her?

A. I did, until she called me back and told me not to be in a hurry about coming home.

Q. Didn't you submit Mrs. Farrow to every possible indignity that night; what else did you do that night beside pointing the pistol?

A. Nothing.

Q. Didn't you go so far as to make a personal examination of her person?

A. No, I didn't.

Q. You didn't do it?

A. No, I thought many times since if I had I would have found out more than I did.

Q. You threw her down on the bed?

A. No, I never touched that woman when I was angry, never laid any finger on her, and she knows it.

Q. You took her diamond, her earrings, her finger rings by sheer force that night?

A. That has nothing to do with the case.

Q. Did you or not?

A. Not by force; no, sir.

Q. Did she give them to you voluntarily?

A. No, she didn't have them after I got them.

Q. You took them away from her?

A. Yes, sir.
Q. She is still without her jewels?
A. I suppose she is.
Q. And you know where they are?
A. They are put away.
Q. Where?
A. They are put away.
Q. Where?

Judge Carrow:—Answer the question.

The Witness:—Do I have to answer that question?

Judge Carrow:—Yes.

A. They are locked up in a safe.
Q. Where?
A. Cape May City.
Q. Where in Cape May City?
A. Home in our house.
Q. Why haven't you returned them to her, they belong to her?
A. No.
Q. Didn't you give them to her?
A. No.
Q. You never did?
A. No, sir.
Q. You went to see Harry Oliver the next morning, didn't you, after you left your home?
A. I don't remember.
Q. Didn't you go around to see Harry Oliver either the next morning or very shortly after?
A. Yes, some time after, but I won't say the next morning.

Q. What occurred between you, where did you see him?

A. On the cars.

Q. What did you say to him?

A. I was asking him about the day she had been at Philadelphia, just as she was coming home, he was out there right close to the candy store when she came along, so I got home and my father walked around the house there.

Q. Didn't you say to Harry Oliver in substance, "Last night my wife admitted that she was out with you," and Harry Oliver then said to you, "There is absolutely no truth whatever in it, why should Mrs. Farrow say a thing of that sort against me;" and that Harry Oliver then said to you, "I will go around with you and see Mrs. Farrow, and face Mrs. Farrow with my denial," and that you and Harry Oliver went around on Hughes street, your father also in the party, and faced Mrs. Farrow with this statement, and when Mrs. Farrow said, "Yes, Harry Oliver, I did say that; when I said that this man had a pistol pointing at my head, threatening to kill me in three or five minutes," is that true?

A. That is true, I never denied it.

Q. It seems then you have had quite a number of talks with Mrs. Farrow since you left the home?

A. No, I have not.

Q. About how many times have you been at 505 Hughes street since you left?

A. When I took Harry Oliver around there, I didn't go alone, I had my father, and he was there. When I went around after my clothes, I did go, and that is the only time. I could have talked with her a dozen times if I wanted to. It ain't that I haven't had any chance, she has put herself out of the way, but I went across the street.

Q. You have been shadowing that home ever since you left it?

A. No.

Q. You were around there last Thursday night?

A. No.

Q. Were you not around there on last Thursday night in the yard of your home on Hughes street?

A. No, sir.

Q. And wasn't that the same evening that Mrs. Farrow was on Washington street doing her errands, and while she was doing her errands you were following her up and down Washington street?

A. Who?

Q. You.

A. What Farrow?

Q. This lady here.

A. No, sir, I didn't follow her up and down Washington street. That would be the last place I would follow her, anyhow.

Q. You say on the evening that she came home—I refer to the night that you left the house, that there was grass all over her clothes that was very plainly noticeable?

A. Yes, sir, it was.

Q. Now you said that just before she went home that night, when you first saw her going from her home, you saw her arrange her hat and clothes; what did you see her doing, how did she arrange her hat and clothes?

A. She stood by one of the big bulk windows, slicked her hair on the back and she had one of those little caps that she wears, you see her once in a while with it on now, and she had on a black skirt and brushed it off. There was nobody around there, it was late at night.

Q. This was before what bulk window?

A. By Emma Stites.

Q. What did you say she had on?

A. Slicked herself and brushed herself off, the skirt on the back.

Q. Where is Emma Stite's store?

A. It was about three stores from the Perry street corner.

Q. Fronting on what?

A. On Washington street, about the third from the Perry street corner.

Q. Where were you standing when you saw her doing these things?

A. I was standing at the corner there.

Q. Which corner?

A. Right at the corner of Perry and Washington streets, I saw her come up Perry, and then I walked up Washington, up along by Joe Hands, got in back of one of those bulk windows.

Q. And when you saw her attempting to arrange her clothing and her hair, about how far were you from her?

A. I was from Emma Stites to Joe Hands, I suppose about fifty feet.

Q. Is there an electric light at the corner of Perry and Washington?

A. Yes, sir.

Q. And she was within three doors of the electric light fixing her hair and arranging her clothes?

A. The electric light don't cut no figure there because of the sheds.

Q. What sheds are there between Emma Stites and Perry street?

A. There is not a building along there that has not a shed up over it.

Q. Which side is the electric light on?

A. I don't know that it is on any side.

Q. Where is the electric light?

A. I could not swear where it is.

Q. How much grass and other things did you observe on her clothes when you got home?

A. I didn't think it was very becoming for a woman to have it there.

Q. Did you save the grass as evidence in this case?

A. No.

Q. What became of it?

A. I don't know.

Q. When did you next see the grass after you saw it on her clothes?

A. When she went in the house in the light.

Q. You never saw the grass after that?

A. No.

Q. What became of it?

A. I don't know.'

Q. Can you give an idea of about how much grass there was on her clothes?

A. There was not a two horse wagon load—same as if you laid down in a field or bushes, say with a woolly suit, what would stick to you.

Q. What kind of a night was that? cold or warm?

A. It was warm, not a cold night.

Q. It was in March?

A. Yes, sir.

Q. Of the present year?

A. Yes, sir.

Q. And at night?

A. Yes, sir; ten o'clock at night or a little after.

Q. At the time you left Mrs. Farrow she was engaged as organist of the Presbyterian Church directly across from your house, isn't that true?

A. Yes.

Q. And she played at all of the religious services of that church; is not that true?

A. Yes.

Q. And she also had some music scholars, didn't she?

A. She did.

Q. How many?

A. Well, I don't know, some six or seven maybe.

Q. And she was also invited to play at almost every public concert that was given in Cape May City whether by one church or another; is not that true?

A. That is true.

Q. How long have you known Charlie Doak?

A. I guess pretty near since he has been old enough to run around.

Q. And that means how many years?

A. I don't know how old he is, I have known him a good many.

Q. Haven't you and Charlie Doak been friends until this present trouble?

A. He never was no friend of mine.

Q. Who took him to 505 Hughes street?

A. I don't know.

Q. Didn't you take him here yourself?

A. Never did.

Q. That is true?

A. Yes, one night before any of this happened, long enough before it, I was down at the beach, and it was raining, and he walked along under an umbrella, and as we got to the shed, I said come in a minute, but it was long before this happened.

Q. And was it not after Mrs. Farrow and you had told Charlie Doak to keep away from the house?

A. No.

Q. Do you remember Mrs. Farrow saying to you one day, by reason of the fact that there was talk in Cape May, that she thought you ought to ask Charlie Doak in a friendly away to keep away from the house?

A. No.

Q. Do you remember that?

A. No.

Q. Will you say that it is not true?

A. Yes, I will say that it is not true.

Q. And do you remember one evening or day you and Mrs. Farrow met Charlie Doak on Beach avenue or somewhere else in Cape May?

A. It was right up to the Reading Depot.

Q. On Ocean street, by the Reading Depot, and she said to you there is Charlie Doak, go over and say to him that we think it is not wise to come to the house.

A. I was the one that said it, and went right to Charlie Doak and wanted him to stay away from her house.

Q. And she was with you?

A. Yes, sir.

Q. And she offered no objection?

A. That is right.

Q. And he never came to your house again until one evening you brought him in yourself?

A. He was not in the house.

Q. You brought him in the house?

A. I did, this night it was raining, it was before this had happened, and I knew nothing about it.

By the Vice Chancellor:

Q. Was it before you had forbidden him to come to the house that you brought him up from the beach?

A. Yes, sir; before.

Mr. Edmunds:—The witness just said otherwise.

The Vice Chancellor:—I did not understand him that way, he said it was before this incident happened.

Further cross.

Q. You had been out with Charlie Doak, both away from your house and in your house many times before any trouble arose between you and Mrs. Farrow, hadn't you?

A. No, sir; I never was out with Charlie Doak, that is the only time I remember being with him in my life; I would not have been with him that night if it hadn't been raining. He was no associate of mine, I never went anywhere with him.

Q. Didn't you skate with him?

A. I don't skate.

Q. Not in that sense; how long have you known Harry Oliver?

A. A good long while; I won't undertake to say, because they are all boys grown up there together.

Q. Is it not entirely true that before this trouble arose there was a friendship existing between these four parties, yourself, Harry Oliver, Charlie Doak and your wife?

A. I tell you there never was any friendship with Charlie Doak and me.

Q. Have you ever been in your house when Charlie Doak was there?

A. Once.

Q. Only once?

A. Only once.

Q. Have you ever been in your house when Harry Oliver was there?

A. Yes, sir.

Q. How many times?

A. A number of times.

Q. Lots of times?

A. A number of times.

Q. What do you mean by a number of times?

A. When we were first married he used to come up quite often. They have little shindigs going around, and until we got into a little scrape one day and I told him to stay away.

Q. When was that?

A. A couple of years after we were married.

Q. Then he didn't come after that?

A. Not to my knowledge; it appears as though he had been there a good many times when I didn't know.

Q. But you didn't see him there?

A. No.

Q. After that?

A. Only two nights, when he thought I was not at home, he didn't know I was there, he didn't try to come in.

Q. How do you know that he didn't know that you were not around?

A. He would not have been there.

Q. That is simply a surmise of yours?

A. No, I know it.

By the Vice Chancellor:

Q. When he came, how did he approach you?

A. He asked for his sister's skates.

Further cross.

Q. And on another occasion he came for music, and got the music?

A. Yes, sir; he didn't get no skates, though.

Q. You and Mrs. Farrow had a good deal of company in the house there, didn't you?

A. I guess she had more when I was not at home, from all accounts.

Mr. Edmunds:—My question is intelligible to the witness, I am quite sure.

The Vice Chancellor:—Yes, it is capable of being answered yes or no. Listen to the question and answer it and say nothing more; that is what you are here for.

A. I say there were times when we had some, but not so much, it was not a good deal, maybe one or two dropped in.

Q. Didn't the young folks meet there to sing and play and rehearse the church music?

A. Yes, sir.

Q. And used to call at your house when you were at home and spend the evening there with you and the defendant; can you mention any names?

A. Yes, I had a friend call there, used to come around there all the time.

Q. Who was that?

A. Charlie Henry.

Q. Who else called there and spent the evening?

A. There were very few when I was home.

Q. You can't name any one except Charlie Henry?

A. Not to make a habit of coming; Mrs. Eldridge came there a good bit.

Q. Name some one that may not have made a habit of coming there, and yet came occasionally?

A. Dr. Wales' wife, that is about all the company she had that ran there.

Q. You can't think of anybody else?

A. No, her own people didn't want to come there very much.

Q. By that you mean whom?

A. All of them, I have seen her aunt sitting right alongside of her right in Cape May, over a week at a time, would not come near, and didn't live there neither.

Q. That might have been because there was not very much love between the aunt and some other members of the family?

A. Might have been.

Q. And it was the reason?

A. Not that I know of.

Q. You don't?

A. No.

Q. How much are you making as a pilot?

Judge Carrow:—How can that be pertinent?

Mr. Edmunds:—In this respect of course the ultimate purpose of the libellant is a decree absolute. I want to show that there is a money interest which is back of this prosecution—that the money interest is relief from the support of this defendant. If there is a decree here, of course he is relieved of the necessity of making any contribution, and it seems to me, in view of that position, it is a proper inquiry to address to this witness.

The Vice Chancellor:—I think it is quite remote, but this is the complainant on the stand, and the Court of Appeals has held that almost any question may be ad-

dressed to the complainant on the stand, which in any way touches the relations between the complainant and the defendant. I think I ought to admit it.

A. That is a thing you cannot tell.
Q. Give the general average for the year.
A. It is a little over $2000, maybe $2300.
Q. It is approximately $200 per month?
A. No, it has not been the last year.
Q. About $2300 a year?
A. I have taken from a year back, that is about what it averaged, although last year it has not been quite so good. You can't tell from month to month.
Q. When you were living with Mrs. Farrow, you used to go down to your own home quite frequently to see your father and mother?
A. I went there when I felt like going home.
Q. It is not true that whenever you return to your own home, after having visited your father and mother, that you would not speak to your wife for several days?
A. No.
Q. No word of truth in that?
A. No.
Q You treated her just the same after as before?
A. Yes, and she knows I treated her—if ever a man treated his wife decent, here is one.
Q. You refer now also to the pistol episode?
A. With that one exception, but I didn't strike her then.
Q. Haven't you been going up and down the streets of Cape May during the past summer proclaiming her as a woman of ill-fame?
A. No.
Q. And over on the pilot boat saying to your associates that she is a whore?

A. I say she is a bad woman, I say that.

Q. And haven't you so stated since this proceeding developed?

A. No.

Q. When did you first learn this story about the occurrence under the tent at Ocean avenue and the beach on the 17th of August, 1904?

A. After these people had found it out, they made their report and sent us word every once in awhile, they sent this report down from the office.

Q. The question is when?

A. I can't tell you just exactly, because I don't remember how long they kept—

Q. About how many days?

A. It was not many days after it happened, just when I don't know.

Q. When did you learn about the alleged occurrence of the 24th of August, at the Delaware Bay House?

A. The same way as I did the other, when they got ready to send it down.

Q. A few days afterward?

A. Yes, sir.

Q. Why did you withhold amending your libel until months afterwards?

A. I had nothing to do with that.

Q. That is all?

Redirect.

Q. You say you made $2300; what did you do with your money when you and your wife were living together?

A. I spent it, a good part on her, and I did everything I could to keep a comfortable home. There was

not a wish that woman wanted that it was in my power to give that she did not get.

Q. You say you were buying a home there?

A. Yes, sir.

Q. That is on Hughes street?

A. Yes, sir.

Q. That is one of the principal streets of Cape May?

A. It is two squares from the beach, one square from Washington street, right in the center of the town.

Q. Who supported her daughter?

A. I did.

Q. Altogether?

A. What do you mean, gave her a home?

Q. Did anybody else contribute toward the support of that child?

A. No, sir.

Q. What were your relations with the child?

A. Nothing but the best.

Q. You were really fond of the child?

A. I am yet, because I left there that don't make me hate the youngster.

Q. Did you turn the checks over that you received monthly, or whenever you received them?

A. She had the full benefit of them all. That is the times I would not be home when they came, she had the privilege to go to the bank and have them cashed, and do anything she wanted to.

Q. Did that continue clear down to the last?

A. Yes, sir.

Q. Did she run the bank account in her own name?

A. Yes, sir.

Q. Kept the money herself?

A. Yes, sir.

Q. During that seven years that you lived together, were you intoxicated any time during that period?

A. No, sir.
Q. That is all?

Re-cross.

Q. You say you still love the child, is that right?
A. Yes, sir.
Q. And you haven't spoken to the child since when?
A. I would not speak to her now.
Q. That is the way you show your love for the child?
A. You know that I like that young one.
Q. The child has never done anything to wrong you?
A. No, and I have never done anything to wrong it.
Q. As a fact, you don't speak to the child, whether the child is with its mother or not?
A. No.
Q. While you and Mrs. Farrow were living together, Mrs. Farrow also made money as a music teacher?
A. Yes, sir.
Q. And that money, like your money, was for the home?
A. Yes; I never questioned her about it.
Q. You didn't put all your money on your home, did you?
A. No; I didn't say I did.
Q. You helped your father?
A. No; I didn't help my father.
Q. You didn't help your father?
A. Didn't have to help him, but if he wanted help I would have been the surest one in the world to have done it.
Q. That is all.

Further re-direct.

Q. You say you didn't put all your money in your home, did you put it in any other home?

A. No; what I suppose he meant was right on the house, but what didn't go in the house went for clothes. She knew where the money went, and derived the biggest part of the benefit. I kept a horse and wagon for her for two years.

Q. That calls to mind a thing I neglected to ask you. Do you recollect one afternoon when your wife was around at Mrs. Eldridge's, going around there and asking her to take a drive with you, can you recall that?

A. Yes, sir.

Q. Do you remember when that was, I don't mean the day, if you can't recollect the day, but the month, if you can state the month and the year?

A. I don't remember; it was along in the spring I think.

Q. Do you recollect what year it was; was it last spring or the spring before?

A. The spring before.

Q. 1903?

A. Yes, sir.

Q. Where did Mrs. Eldridge live?

A. On Lafayette street.

Q. Next door to Mrs. Hughes?

A. Yes, sir; the house faced the Reading depot.

Q. What did you do on the occasion of the call at Mrs. Eldridge's?

A. I simply went there, she told me it was a beautiful day, and I told her I was going to take a drive.

Q. You told your wife?

A. Yes, sir; and she said she was going over to Mrs. Eldridge's; so it was so nice a day, I drove out a little bit,

and then I drove over there to see if she didn't' want the horse, and I asked her if she didn't want to take a drive, and she said no, and then I left there.

By the Vice Chancellor:

Q. When you got up to Mrs. Eldridge's house did you get out of the carriage and go to the door?

A. I didn't have the carriage, I had the horse out in front of the stable.

Q. You went on foot up there?

A. Yes, sir.

Q. Did you ring the bell?

A. Yes, sir.

Q. Who came to the door?

A. My wife.

Q. You had a colloquy or talk with her?

A. Yes, sir.

Q. Did you go in?

A. No.

Further direct.

Q. What did she say?

A. She told me she didn't care to, she was going to stay with Mrs. Eldridge.

Q. Did anybody invite you in?

A. No, because I had to go right back to the stable.

Q. As a fact did anybody invite you in?

A. No, sir.

Q. And you went back to the stable?

A. Yes, sir.

Q. What time did your wife go home that night, do you recollect?

A. I don't recollect about the time, the only time I went to Mrs. Eldridge's was when I had the horse?

Q. Was that the only time?

A. Yes, sir.

Q. Were you keeping this horse all the time or was it a horse that you had just hired?

A. One that I had bought.

Q. For your wife and for your own use?

A. Yes, sir.

Further re-cross.

Q. What time did you reach Mrs. Eldridge's house that afternoon?

A. It must have been close around three o'clock I judge.

Q. How long did you have to wait at the door before the bell was answered?

A. Quite a little while.

Q. You mean by that how long?

A. I suppose I waited three or four minutes, and then I started away and got all the way across the street, out of hearing distance when she did come to the door. There was a gentleman that works there at the depot hollered: "There is your wife calling you now." Then I went back to her.

Q. How long did you remain?

A. Only just long enough to have the conversation.

Q. Before the defendant went to Mrs. Eldridge's house that afternoon, she told you that she was going there?

A. She did; that is how I knew she was there.

Q. Then she was not endeavoring to hide herself at Mrs. Eldridge's house?

A. No; she was not.

Judge Carrow:—That is a mere inference.

Mr. Edmunds:—All right, I will withdraw that question.

MISS MARY C. FARROW, sworn for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you live?
A. 220 North street, Cape May.
Q. How long have you resided in Cape May?
A. All my life.
Q. The complainant here is your brother?
A. He is.
Q. Do you spend your time in Cape May?
A. Not all of it.
Q. Do you know Charles Doak?
A. I do.
Q. Have you ever seen the defendant, your brother's wife, and Charles Doak together?
A. I have seen them together, yes.
Q. Where?
A. Well, I have seen them together in the house one afternoon, I went there and he was there.

By the Vice Chancellor:

Q. Which house?
A. Around at 505 Hughes street.
Q. Where Mr. Farrow lives?

A. Yes, sir; where they live.

Further direct.

Q. Do you recall when that was?
A. I can't tell you just when it was.
Q. I don't mean the day, but the season of the year and the year?
A. I guess it was about the middle of winter, I know it was cold.
Q. About a year ago?
A. I guess it has been over a year ago.
Q. What was he doing there?
A. Indeed, I don't know what his errand was there, because he was there when I went there.
Q. Did he stay there all the time you were there?
A. He was there and stayed there and I left him there.
Q. Did you ever see them together after that?
A. I seen them together standing talking on the street, and very often I seen them together when we go skating over at the pond.
Q. Do they skate together?
A. No; I don't think he skated, although I have seen her go off time and time again and talk to him. (The rest of the answer was objected to and ordered stricken from the record as not responsive).
Q. Did you ever see them together when nobody was around in lonely or dark places?
A. No.
Q. Did you ever see them down to the beach?
A. Never have seen them down to the beach.
Q. Did you see them down to the boardwalk?
A. No.
Q. Did you see them on the trolley together?
A. I have seen her go over on the trolley car and he

go over, but I haven't seen them on the car together.

Q. Have you seen them together down where the trolley cars start?

A. I have seen them standing there together.

Q. Day or night?

A. I think day and night.

Q. You are employed in the summer time down at the beach?

A. Yes, sir.

Q. Where?

A. In the Orient Store, right at the foot of Decatur street, along the boardwalk.

Q. Was it while you were thus employed that you saw her?

A. Right from the store.

Q. And Doak together?

A. Yes, sir.

Q. At night and during the day?

A. Yes, sir.

Q. What did they seem to be doing?

A. They would just be talking together, nothing more than that.

Q. Where did they go skating together?

A. Over at the lake, toward Cape May Point.

Q. How did they get over there?

A. In the trolley, and very often they went in a bus.

Q. And he went with her, when was that?

A. He would be there; very nearly every day he would go skating.

Q. When was that?

A. Last winter a year.

Q. He didn't skate, though?

A. No.

Q. She did.

A. She skated, yes.

Q. Would he go with her or would she go alone?

A. Well, now if there was a crowd they would all go over together in the car, but time and again, they have gone off after they got to the lake.

Q. Gone off together?

A. Yes, sir; there is woods sort of surrounding the lake, and I have seen her leave the pond and go with him toward the woods.

Q. Was that also observed by others?

A. Yes.

Q. How often did you see that occur?

A. Well I could not tell you just how often, quite a number of times.

Cross-examination.

By Mr. Edmunds:

Q. How long would they be gone when they went off in the woods?

A. That I can't say, because I just don't know, probably about half to three-quarters of an hour?

Q. You say not only you but others observed them do that; what other persons observed them do that?

A. At that time Mrs. Wales and I were very intimate, and she would very often call my attention to it and make remarks, and another would be Charlie Henry, he has called my attention to it and lots of others.

Q. Name the lots of others?

A. That would be impossible, because it was an ordinary thing to say "There goes Ethel and Charlie."

Q. And nobody would know what they did up there?

A. No; I don't know about that.

Q. And this occurred in broad daylight?

A. It has occurred in broad daylight.

Q. You were often in this party, this crowd?

A. Yes, sir.

Q. You all went over together?

A. Yes, sir.

Q. Over in the trolley cars?

A. Yes, sir.

Q. And the crowd would embrace about how many persons?

A. That I don't know. You know there are lots of people that live around there that go over on the pond together, and I don't know the number of the crowd.

Q. Would the crowd embrace as many as twenty-five and thirty persons?

A. Yes.

Q. But when the lake was filled with skaters, and Mrs. Farrow was in plain open sight that everybody could see, she and Charlie Doak would separate themselves from the crowd and go up in the woods?

A. Yes, sir.

Q. You saw that repeatedly?

A. Yes, sir.

Q. When did you first call your brother's attention to that?

A. I never called his attention to that.

Q. Why not?

A. Because I didn't think it was my place to make any trouble.

Q. Up until that time did you continue to maintain friendly relations with the defendant here?

A. I guess a year ago last summer.

Q. That would be the summer of 1903, is that right?

A. It was in the fall after I left the store.

Q. The fall of 1903, is that right?

A. Yes.

Q. About a year ago?

A. Yes, sir.

Q. You ceased to have friendly relations with the defendant?

A. Yes, sir.

Q. When did you first observe Mrs. Farrow, as you say, go off into the woods with Charlie Doak?

A. Last winter a year.

Q. And you saw that repeatedly through that winter, did you?

A. Yes.

Q. And yet you continued to maintain friendly relations with her for a number of months afterward?

A. Yes.

Q. That is all.

ANNIE TURNER, recalled for complainant.

Direct examination.

By Judge Carrow:

Q. Did you ever see Mrs. Farrow and Charlie Doak together?

A. I have.

Q. Where?

A. I have seen them lots of times in the street, and I saw him on Lafayette street and Jefferson street.

Q. What section of the city is that?

A. Toward Skellinger's Landing.

Q. Is it near Skellinger's Landing?

A. It is right in the middle.

Q. Is it where the colored people live?

A. Yes, sir.

Q. You saw her down there with him?

A. Yes, sir.

Q. What time?

A. I judge it was about eight or half-past eight.

Q. At night?

A. Yes, sir.

Q. Did you have a conversation with her?

A. I was talking to her, I said when I came out of the gate to see who it was, and then when I saw who it was, I went after water,——

Q. He was in front of your house?

A. No, sir; they were on the corner, and the electric light right on the corner, and as I came out of the alley she said, "Hayo," and I said, "Hayo, what are you doing here," and she said, "For God's sake don't tell Will." I said, "Where is he?" She said, "He is at home."

Q. Did you see her at any other time?

A. Yes, sir.

Q. At night did you see her?

A. Lots of times.

Q. Last night did you see her?

A. Yes, sir.

Q. Where?

A. At Mr. Shipman's (?) store.

Q. What time?

A. I don't know what time, it was after eleven o'clock.

Q. When she said, "For God's sake don't tell Will," do you remember when it was?

A. No, I don't remember; it was in the winter.

Q. Last winter?

A. Yes, sir.

By the Vice Chancellor:

Q. What did she say exactly?

A. She told me "For God's sake not to say anything to Will."

Further direct.

Q. That he was at home?
A. I asked her, where is Mr. Farrow, and she said home.

Cross-examination..

By Mr. Edmunds:

Q. With whom have you talked about this case since you were on the witness stand two weeks ago?
A. With no one.
Q. Haven't you talked with a soul about this case since you were on the witness stand?
A. No.
Q. Not to a soul?
A. No; didn't concern me any, except what Mrs. Farrow said to me about it.
Q. What did she say?
A. She said what kind of a devilish witness was I, and I told her she would find out.
Q. When did she ask you that?
A. When I came from the milk store.

By the Vice Chancellor:

Q. Was it since you were on the witness stand before?
A. Yes.

Further cross.

Q. Who were present when she asked you that?
A. Nobody but her and I.

Q. But this present conversation which you have testified to, you have never mentioned to a living soul since you were on the witness stand two weeks ago?

A. No.

Q. You lived in her home how long?

A. Two years, off and on.

Q. Did you ever hear her swear in her home?

A. I have heard her swear a little.

Q. What?

A. I heard her say "Damn" and "Hell," such as that.

Q. Did any one else ever hear her say anything like that?

A. I don't know whether Mr. Farrow heard her say anything like that or not.

Q. How often did you hear her use language like that?

A. Not very often.

Q. When she saw you at the corner of Jefferson and Lafayette—

A. She didn't see me on no corner.

Q. You saw her at the corner of Jefferson and Lafayette, is that right?

A. Yes, sir.

Q. What time of the night was it?

A. About eight or half past eight.

Q. And the electric light made it very public?

A. Very bright.

Q. How many residences are there in that immediate neighborhood?

A. I never counted; I could not tell.

Q. Lots of people right around there?

A. Yes, sir.

Q. And it was at an hour when lots of people were moving back and forward?

A. Very few move there.

Q. You were moving?
A. I had occasion to move.
Q. Did you see anybody else?
A. Nobody else but her.
Q. Was it a cold night?
A. Yes, sir.
Q. A bitter cold night?
A. It was cold, I don't know how bitter.
Q. When she saw you she called to you?
A. She always spoke to me, and she spoke to me then.
Q. She spoke to you first?
A. She always does.
Q. Why didn't you tell this story when you were on the witness stand two weeks ago?
A. I was not asked, if I had been asked I would have told you.

SALLIE WILLIAMS, recalled.

Direct examination.

By Judge Carrow:

Mr. Edmunds:—It does seem a strange procedure, these witnesses were before Your Honor, they were examined and cross-examined. During the interim, a period of two weeks has elapsed. They are now practically reopening their testimony, and it does seem to me that it is a very irregular and very improper method of the libellant presenting his case, and I object.

The Vice Chancellor:—You have your objection on the record; but, according to the practice in this court,

unless there appears to be some controlling reason, the Court refuses to interfere with the order in which counsel shall present their testimony. No impropriety appears at yet, in the recalling of this witness. It is undoubtedly proper to exhaust the knowledge of a witness by continuous examination if that be possible. Recalling a witness after she leaves the stand opens her new testimony to the possibility of attack by prompting. This would affect the credibility rather than the admissibility of the testimony. I will not refuse to hear her.

Judge Carrow:—I will ask this lady to withdraw, I called her by mistake.

Now, with the exception of two witnesses who are not here, we are now through. One of the witnesses was subpœnaed to be here to-day, Dr. Leech, and we got a letter, in which he says that his health will not permit him to leave Cape May, and in order not to keep the case open, I was going to suggest to Mr. Hildreth, if you will consent to it, and Mr. Eldridge, to take Dr. Leech's testimony to-night before the stenographer.

The Vice Chancellor:—Have you any further witnesses to present?

Judge Carrow:—No.

The Vice Chancellor:—You declare your testimony closed?

Judge Carrow:—I don't think I ought to do that.

The Vice Chancellor:—If you have no other witnesses to present and give no reason to continue your testimony, then the Court will have no hesitancy in declaring it closed.

Judge Carrow:—I would like to call these other two witnesses.

The Vice Chancellor:—Call them.

Judge Carrow:—I haven't them here.

The Vice Chancellor:—The Court on due notice sits to hear the cause, counsel must bring their witnesses accordingly. The witnesses may be responsible for non-attendance after being properly subpœnaed, but the cause must be heard.

Judge Carrow:—The witnesses are not here.

The Vice Chancellor:—You have no further witnesses to call at this time?

Judge Carrow:—That is right.

The Vice Chancellor:—I will myself then declare the testimony of the complainant closed, unless some reason is shown to me why that should not be done. The mere absence of a witness is no reason for postponing the hearing of a cause after it has been once called and several hundreds of pages of testimony taken. The defense may proceed with witnesses.

Testimony on the part of the complainant declared closed.

Mr. Edmunds:—Before proceeding I want to make a motion to have stricken from the record the testimony of Carrie Hughes and also the testimony of Mrs. Williams.

The Vice Chancellor:—I am not willing to strike from the record any witness's testimony which has been once admitted. You may make your motion.

Mr. Edmunds:—I move to strike from the record all of the testimony of Carrie Hughes and all of the testimony of Sallie Williams, because it is not connected with anything which is averred in any of the libels filed in this case.

The Vice Chancellor:—I will receive the motion, but, as stated, I am not willing to strike out testimony which may on final argument be shown to have some relation to one or more of the charges.

Mrs. Olive O. Wiley, sworn for defendant.

Direct examination.

By Mr. Edmunds.

Q. Where do you reside?
A. 114 Decatur street, Cape May City.
Q. How long have you lived at Cape May?
A. All my life.
Q. You know the defendant here, Mrs. William Farrow, Jr.?
A. I have known her from a little girl.
Q. Since your first knowledge of her have you had a continuous acquaintance with her?
A. Yes, sir.
Q. Where did you live during the summer of 1904?

A. From the 13th of August until the 17th of September I lived at Mrs. Farrow's home.

Q. That was where?

A. 505 Hughes street.

Q. Now you refer to last summer?

A. Yes, sir.

Q. Mr. Farrow was not then living with her?

A. No, sir.

Q. I want to know whether or not at any time while you were living in Mrs. Farrow's home you saw either Harry Oliver or Charlie Doak visit the house?

A. No, sir.

Q. Did you see either of them anywhere around the house?

A. No, sir.

Q. What was the character of the house Mrs. Farrow was keeping?

A. I should call it an apartment house in one way, while there was no cooking going on there.

Q. She rented her rooms to such guests as she could secure?

A. Yes, sir.

Q. Which room did you rent?

A. I had the third story front.

Q. How many guests did she have in her house while you were there?

A. She had sixteen the day I went there.

Q. Can you give us the names of those sixteen guests?

A. No, sir; because some were entire strangers to me, had just arrived the day I arrived there.

Q. How many rooms did she have for her use?

A. The whole house.

Q. And that covered how many rooms about?

A. About seven.

Q. Who did the work there?

A. She did most of the work.

Q. Who assisted her?

A. No one assisted her; what I mean by most of the work, she sent a portion of the washing out.

Q. Who took care of the rooms of the several tenants?

A. Mrs. Farrow.

Q. Did she have any help for that?

A. No.

Q. Can you give an idea about how much of her time, day and evening, was occupied in caring for the house?

A. I should say nearly all the time.

Q. Did that continue during your entire stay during Mrs. Farrow's home?

A. Until near the very last.

Q. And that was when?

A. The 17th of September.

Q. But during all the month of August it did continue?

A. Yes.

Q. You have heard the testimony of Charles Wagner and Detective Sague that Mrs. Farrow left her home at 7:40 P. M. on the evening of the 24th of August, and after having been out a little while returned and went out again, and then did not return until almost midnight, is that true or false?

A. That is false.

Q. How much truth is there in it?

A. Not any truth in it.

The Vice Chancellor:—This lady is stating conclusions instead of facts.

Q. Where were you on the evening of Wednesday, August 24, 1904?

A. I spent most of the evening on Mrs. Farrow's front porch.

Q. What part of the evening were you on Mrs. Farrow's front porch?

A. From about half-past seven until about half-past nine.

Q. Then where did you go?

A. I started to go to bed, when she said: "Mrs. Wiley don't hurry to bed we will have some ice cream."

Q. You were staying at Mrs. Farrow's home at that time?

A. Yes, sir.

Q. How much time did you spend in Mrs. Farrow's company that evening?

A. The whole entire evening.

Q. You left her on that evening at what hour?

A. Not until after the clock had struck eleven.

Q. Where did you go?

A. I went to bed.

Q. Where did she go?

A. She wrote a letter to her grandmother and then she retired.

Q. Do I understand you to say that Mrs. Farrow was continuously in your presence at her home, 505 Hughes street, from half past seven in the evening of the 24th of August until she retired?

A. Except one instance, she went to the Glenwood to answer a phone call a little past nine.

Q. And the Glenwood is right next door?

A. Yes, sir.

Q. Who was it came from there to summon her to answer the phone?

A. I could not tell you, I didn't see the person to know him, my eyes are bad.

Q. It was a man?

A. Yes, sir.

Q. She went to the Glenwood and answered the phone; how long was she there?

A. Just long enough to answer the phone, and then came home again.

Q. Do you know whether or not on that evening Mrs. Farrow had any engagement anywhere?

A. She had.

Q. Where?

A. At the Ebbett House.

Q. What was her engagement that evening at the Ebbett House?

A. To play while a lady sang.

Q. Do you know the name of the lady?

A. No, sir.

Q. Did she go to play?

A. No, sir.

Q. Why?

A. Because she had a sore hand.

Q. Which hand?

A. The right hand.

Q. What was the matter with her hand?

A. Rheumatism, I judge, overwork, ironing and doing housework.

Q. How long had she complained of this difficulty with her hand?

A. For several days.

Q. Did or not Mrs. Farrow on the evening of Wednesday, August 24, 1904, leave her residence at 7.40 P. M.?

A. She did not.

Q. Did or not Mrs. Farrow on that evening leave her home at nine o'clock and not return for an hour or two afterwards?

A. She did not.

Q. Now you say as you were about to retire at somewhere about half-past nine that night that Mrs. Farrow said to you, "Let's have some ice cream," or something like that; who went for the ice cream?

A. Her daughter and my daughter.

Q. Your daughter's name is what?

A. Helen.

Q. Helen lives at Cape May?

A. Yes, sir.

Q. And you mean by Mrs. Farrow's daughter, Octavine?

A. Yes, sir.

Q. How long were you gone that evening?

A. About twenty minutes.

Q. Did they get the ice cream?

A. Yes, sir.

Q. What kind was it, do you remember?

A. Chocolate.

Q. Where did you eat the ice cream?

A. In the dining room.

Q. How do you fix the 24th of August as the evening when you had this little ice cream party?

A. Well, I knew this lady was to sing at the Ebbett House.

Q. You don't mean Mrs. Farrow?

A. Yes, and I heard about it, saw it in the paper, one of the papers, I don't know which, and they wanted Mrs. Farrow to come and play for the lady, and that is how I knew it was the 24th.

Q. And you associate with the ice cream party, the night that she was to have played at the Ebbett House, and she was not able to play at the Ebbett House on account of the condition of her hand?

A. Yes, sir.

Q. Are you in any way related to Mrs. Farrow?

A. Not at all as I know of.

Q. You never heard of any relationship?

A. No.

Q. While you were a guest at Mrs. Farrow's home, how did Mrs. Farrow conduct herself?

A. In a first-class manner.

Q. Did you at any time observe anything in her conduct which indicated that she was not an altogether correct lady?

A. Nothing whatever.

Q. Did you ever in all your life hear Mrs. Farrow swear?

A. Never.

Q. Did you ever hear anyone say that they heard Mrs. Farrow say that she used profane language?

Judge Carrow:—Is that pertinent?

The Vice Chancellor:—Reputation is admissible in some cases, but not for swearing or not swearing.

Q. Did you ever hear Mrs. Farrow use vulgar language?

A. No, sir.

Q. Did you ever see her drink?

A. No, sir.

Q. As best you can recall, how did she spend her evenings while you were at the house?

A. She spent most of them at home.

Q. When she went out, who went with her, if anyone?

A. Her little girl generally.

Q. And about what time would Mrs. Farrow get home?

A. Always at a reasonable hour.

Q. And by that you mean what?

A. Anywhere from nine o'clock to eleven o'clock, not often later than eleven.

Q. Where would she go if you know?

A. She would go out and teach music lessons sometimes.

Q. I am speaking of the evening?

A. She gave music lessons at night.

Q. To whom?

A. To a Miss Bush.

Q. Do you mean Miss Bush or Miss Valkenburg?

A. Miss Bush—well, both.

Q. You would frequently see Mrs. Farrow when she came home at night?

A. Yes, sir.

Q. Did you ever notice any odor of liquor on her breath?

A. No.

Q. Did you ever in all of your life notice an odor of liquor on her breath?

A. No, sir.

Q. What part of the Cape May season brings the largest number of guests to Cape May, what time in the summer is Cape May most full of guests?

A. The month of August.

Q. In what particular part of August?

A. I think the middle of August.

Q. From the middle of August until when?

A. Until the last of August.

Q. The place is then quite well filled up, is it not?

A. Yes, sir.

Q. You are familiar with the locality of Beach avenue and the ocean?

A. I think I am.

Q. What hotels are at the end of Ocean avenue?

A. The Star Villa.

Q. What hotel is across the way from the Star Villa?

A. The Colonial.

Q. And just beyond where this street comes into Beach avenue is a music pavilion, is it not?

A. Yes, sir.

Q. Where do the crowds gather at night at Cape May?

A. Anywhere from Jackson street up to the upper end of the boardwalk.

Q. Which particular part of the boardwalk, if any, is most visited at night at Cape May City?

A. I think between the Stockton House and the Pier.

By the Vice Chancellor:

Q. That includes the Music Pavilion and the old pier, Benezot Pier, that it just opposite the Lafayette House, is it not?

A. The old pier.

Q. As I understand the counsel he wants to know from you which part of the boardwalk is the most populous at night; where is it the people most congregate?

A. That depends upon what is going on.

Q. If there is a concert on the Music Pier?

A. Everyone goes there.

Further direct.

Q. Did they have a concert at the Music Pavilion during last summer?

A. Yes, sir.

Q. During the latter part of August?

A. I can't remember the day they closed.

Q. They usually close about what time?

A. I think the last day of August.

Q. And you have already stated in answer to the Court's question that the Lafayette Hotel is directly opposite to the Iron Pier or the Benezot Pier?

A. Yes, sir; nearly opposite.

Q. And it is from the iron pier that the trolley cars start for Sewell's Point and the Delaware Bay House?

A. Yes, sir.

Q. Is that particular part of the boardwalk a public part of it?

A. Very public.

Q. What would you say of the porch of the Lafayette Hotel, is that a public place in Cape May or not?

A. Yes, sir.

Q. Do they have music in the Lafayette Hotel?

A. Yes, sir.

Q. Will you state whether or not persons who desire to hear music sit on the veranda to hear it?

A. Some do.

Q. In which rooms of the Lafayette Hotel do they have music?

A. Generally in the dining-room.

Q. And that dining-room is where, front or back?

A. Front.

Q. Does the dining-room front toward the beach?

A. Yes, sir.

Q. Do the piazzas of the hotel run around this room?

A. Yes, sir.

Q. What is the practice about having the windows of that room up or down?

A. Both, they have them up and they have them down.

Q. It depends on the atmosphere?

A. Yes, sir.

Q. And the persons who gather around the hotel have their chairs around these windows?

A. Yes, sir.

Q. Did you ever see Mrs. Farrow enter any drinking saloon in Cape May City?

A. Never.

Q. You never saw her drink?

A. Never.

Q. Did you ever see Mrs. Farrow with Charles Doak on the streets of Cape May?

A. No.

Q. Or with Harry Oliver on the streets of Cape May?

A. No, sir.

Q. What, if anything, have you ever observed in Mrs. Farrow's walks or conversations that was in any way suggestive that she was not a perfectly proper lady?

A. Her conduct was always straightforward as far as I could see.

Q. You never observed anything incorrect in her deportment?

A. No, sir.

Q. That is all.

Cross-examination.

By Judge Carrow:

Q. Are you married?

A. Yes, sir.

Q. You are not living with your husband?

A. No, sir.

Q. He left you on a charge of adultery with another man in Cape May?

A. Yes, sir.

Q. How long have you and Mrs. Farrow been living together?

A. Only for five weeks?

Q. You only lived together for five weeks last summer?

A. Yes, sir; while my cottage was rented.

Q. Were you there every night; did you spend your nights there?

A. Not every night.

Q. How many nights in the week were you there?

A. That question I could not answer.

Q. Did you have any friends that you visited in the evening; you say you were brought up and always lived there and have relatives and friends there?

A. Quite a number.

Q. Did you stay home all the time, or did you go out visiting these friends?

A. I went out quite often.

Q. How late would you stay when you went out?

A. Depending on what was going on.

Q. Would you come home sometimes as late as ten o'clock?

A. Yes, sir.

Q. Ten-thirty?

A. Yes, sir.

Q. Sometimes as late as eleven o'clock?

A. No, sir.

Q. Eleven-thirty?

A. No, sir.

Q. Would you be out as much as four and five nights a week?

A. Sometimes seven.

Q. Did you visit the Casino, too; did you go to Sewell's Point?

A. I was not at Sewell's Point all summer.

Q. Did you go to Cape May Point?

A. No, sir.

Q. Did you go down on the pavilion, on the Auditorium Pier, to hear the music?

A. Yes, sir.

Q. On the Iron Pier, did you go there?

A. No, sir.

Q. You say that nothing occurred on August 24th, nothing occurred at that time at all?

A. No, sir.

Q. Wait a moment,—to impress the occurrence of that day, but long after that and when you read in the newspapers that a supplemental bill of complaint had been filed against Mrs. Farrow by her husband alleging that Mrs. Farrow on the night of August 24th was with a man at Cape May Point that then for the first time it occurred to you that you could be a valuable witness, and it is then, and not until you saw that in the newspapers, that your memory carried you back to the occurrences of the night of the 24th of August, now is not that true?

Mr. Edmunds:—I object to the question, because it has in it an assertion to which the witness has not testified. The form of the question, your honor observes, is this: You say thus and so. The witness has said nothing of the sort. The question is, did or not that occur, and I object to the form of the question.

The objection was then argued.

The Vice Chancellor:—Mr. Carrow, I cannot recall that the witness has testified as your question states that she has testified. My recollection is that she did not. While cross-examination allows wide scope in the way of suggestions to witnesses, it does not allow false statements of preceding testimony. I have no recollection that this witness testified that she saw in the papers what you

state about the supplemental bill and these charges, and that then she thought she would become a valuable witness. I would suggest to you that you embody in your questions as far as possible one single fact, instead of grouping them together. I am obliged to rule out the present question.

Q. Didn't you say, in answer to Mr. Edmunds' question, that you read in the newspapers about this charge on the 24th of August?

A. I did not.

Q. What did you say about the newspapers?

A. I said I read about the lady that was going to sing at the Ebbett House.

Q. You read about that in the newspapers?

A. Yes, sir.

The further hearing was then adjourned until Thursday, December 8, 1904, at ten o'clock A. M.

CAMDEN, N. J., Dec. 8, 1904.

The hearing in this matter was continued pursuant to adjournment. Appearances as heretofore noted.

Judge Carrow:—I desire leave to make two amendments to the bill in this case. I want to amend the original bill by inserting this paragraph: "And the defendant also committed adultery in the months of March and April, 1903, with one Harry Oliver at 505 Hughes street, Cape May, N. J."

The Vice Chancellor:—Is that amendment intended to apply to the proof which is already in.

Judge Carrow:—Yes.

The Vice Chancellor:—You contend that you can under the proof already in justify a decree under that amendment?

Judge Carrow:—Yes, with regard to the supplemental bill, proof appeared here yesterday, which, it seems to me, makes it my duty to ask your honor to allow me to amend the supplemental bill, by charging Ethel Farrow, the defendant with the commission of adultery with Charles Doak on July 28th, 1904. That is when Mr. Farrow, Sr., says he saw them going into that place. That would come into the third paragraph of the supplemental bill.

I also want to change the name of John Lucas in the supplemental bill. John Lucas is the name of the man given with whom the defendant committed adultery at Cape May Point. It turns out in the proof that the name which the man gave was William Lewis.

I also desire to charge the defendant with the commission of adultery in the month of May, 1903, at the house of Mrs. Eldridge with some man whose name is unknown to the complainant. The proof shows that from our standpoint there was a man there, but we have not identified that man as Charles Doak.

Mr. Edmunds:—These offers are objected to on behalf of the respondent. I understand under the practice which prevails in your court when a libel is filed,—of course a libel is filed after counsel for the libellant has had ample time to consider the facts which relate to his client's case, and after the libel is filed, there is extended to the respondent at least twenty days in which to make answer. I have no objections to the proposed amendment, if we are allowed a sufficient time within which to file a formal

answer and prepare our proofs to come before this court. We object to these amendments unless the rights of the respondent are cared for in that way, that she has an opportunity of filing a formal answer and preparing her case for trial, to meet these specific charges just exactly as has been done in this case.

The Vice Chancellor:—Is the amendment which you present, Judge Carrow, the amendment which you mention in the notice to amend, which is on file?

Judge Carrow:—It is.

The offer and the objection were then argued.

The Vice Chancellor:—The cause has proceeded to a point in the hearing, where the complainant has closed his testimony, and the defendant has opened hers to the extent of the examination of a single witness. At this stage upon the coming in of the court after recess, the complainant moves for leave to amend the original bill by charging the defendant with adultery with one Harry Oliver, as mentioned in the notice on file in this case as of the date of May 23, 1904. Upon referring to that file of May 23, 1904, which is here, it appears that a notice was given to Mr. Hildreth, solicitor for defendant, and service acknowledged by him, that the original bill would be moved to be amended by the insertion of a charge exactly such as is now moved to be made. Upon an examination of the files I do not see that any order to amend appears to have been made on that notice. Testimony has, however, been submitted on the part of the complainant in an effort to show the crime of adultery on the part of the defendant, with the charged party, Harry Oliver. It appears that the defendant had the

benefit of notice that the present motion would be made and that the proposed amendment was notified to her last May with sufficient certainty to enable her to prepare for the defense. When the testimony was offered on this charge no objection was taken to its admission for want of the formal amendment to cover it. I had a definite sense that the amendment which the defendant was notified would be applied for in respect to the man Oliver, had actually been made; but it appears not to have been done.

As to this amendment moved for by the complainant, I do not see that the defendant is in the least degree prejudiced by having it made now, she having been notified six months ago that it would be applied for. The omission of the formulated amendment did not prejudice the defendant in preparing her defense to that charge.

I will therefore make an order that the complainant have leave to amend his bill in accordance with the notice given to the defendant on the 18th of May, 1904, and on file in this court on the 23d of May, 1904, charging an offence with Oliver.

The complainant also moves to amend the supplemental bill by charging that the defendant committed adultery with Charles Doak on the 28th of July, 1904. Testimony has been offered in the cause of such an association of the defendant with Doak upon the day named, that the complainant feels that he is entitled to lay a charge of adultery upon that. No notice whatever has been given to the defendant that any charge of adultery was to be related to that time, or to any incident of which the defendant was in any way warned. The testimony upon which it is sought to be based is the testimony of the father of the complainant. It stands almost apparent that this is not a newly discovered incident. The indications all through the cause show that the father of the complainant is cordially supporting his son in the prose-

cution of this case; and the fact that he is so doing strongly indicates that the son and his counsel must have been aware long before the day of this hearing of the incident alleged to have happened on the 28th of July last.

It is true that the testimony as to indecorous behavior, and various incidents which might show a disposition to commit an act of adultery, not in themselves charged as such an act, is admissible in evidence; but it is equally true that no act of adultery can be made the basis of a decree unless the defendant is notified by a pleading stating with reasonable statement of time, place and circumstances the act charged. No notice was given of any motion to amend setting up this incident. To allow an amendment at this late day introducing for the first time a charge known to the complainant long before the trial was had, would seem to be doing a great injustice to the defendant. I therefore refuse the amendment proposed with respects to the supplemental bill seeking to charge adultery with Charles Doak on July 28th, 1904, as testified in this case in the testimony of Wm. Farrow, Sr.

Complainant also moves to amend the original bill by charging adultery with an unknown man at the house of Mrs. Eldridge in May, 1903, as testified in this case by Miss Hughes. The transaction was said to have happened at or about the time of the filing of the bill, but there is nothing indicated to the court which shows that the discovery of the incident or the discovery of its significance in the case has not been known to the complainant all the way along; and to permit an amendment now requires the defendant to meet it here right at this trial,— for I am unwilling now to listen to the suggestion of the defendant that the cause should be postponed to enable answers to be filed. This case is to be tried now, upon those incidents and charges of which the defendant has had reasonable warning. If the complainant has other

grounds of attack they must be raised in another suit. I cannot continue the case in the middle of the trial.

The proposed amendment relates to the offence, to which it is claimed the testimony of Miss Hughes applies, and would require the defendant (if it is allowed) to meet the charge that she then and there committed adultery with an unknown man. It may be said, I think, with some justice, that though she was warned with the charge that she then and there committed the offence, she has not been warned that the offence was committed with an unknown man. I doubt whether I ought to permit this change to be made at this late day, and unless some better reasons are given to me I think I will refuse to allow this amendment.

The complainant also moves to amend the supplemental bill by charging adultery, which in that bill is averred to have been Aug. 24, 1905, with one John Lucas, to have been in fact committed at the same time and place with one William Lewis. It makes very little difference to the defendant as to this charge of August 24, 1904, what the name of the man is claimed to have been, because the testimony shows that she proposes to show that on the 24th of August, 1904, she was not at the place where the offence is alleged to have been committed. The name of the man, whether it is John Lucas or William Lewis, makes but little difference. The particular incident is however fully identified to the defendant with time and place which is not sought to be changed by the amendment. The only change suggested in the amendment is the change in the name of the man. She brings her witnesses to show that at the time named she was elsewhere. I cannot see that the circumstances are such as to show that the allowance of this amendment will in any way prejudice the defendant in making her defense in this suit, or that she ought to be allowed any additional time to

make a formal answer. On the contrary, I think she is here as indicated by all I can judge of the case, prepared to make the same defence to this charge, whether the man is alleged to have been named William Lewis or John Lucas. I think this amendment ought to be allowed. It should be noted that all the amendments are objected to by the defendant, and to the extent that I have overruled the objections the defendant has the benefit of the record.

I think, in view of the loose condition of these pleadings, a formal written amendment should be framed at recess of the court, as to each of those that I have allowed to which the defendant may file additional answers or the answer presently filed denying all the charges may be held to apply to the allowed amendments.

Mr. Edmunds:—We would like to file a formal answer, so that the record will show that there is a denial of every charge made against us.

The Vice Chancellor:—Very well, I won't stop the case for that. At noon the formal amendments can be brought in so that the record may be made complete.

Judge Carrow:—I will do that. I had in mind to ask your honor whether you had examined the original bill closely enough to observe that in that bill this occurrence of May, 1903, on Lafayette street was charged with a man named Doak, but I want to strike out the name of Doak.

The Vice Chancellor:—The original bill does charge that the defendant committed adultery on different days, among others in May, 1903, with one Charles Doak at 603 Lafayette street, Cape May City. The proposed amendment is in effect simply to remove the name of

Doak as to that charge, and to make it stand as a charge at the time and at the place named, the defendant committed adultery with an unknown man. It had escaped me when I spoke to the question before,—that the original bill contains a notification to the defendant that she would at the hearing be charged with adultery with Charles Doak at 603 Lafayette street, which by the evidence appears to be the house of Mrs. Eldridge. The defendant came here prepared to make her proof that she did not commit adultery with Charles Doak or with anybody else at that time and place named, the preparation to make such defense is just as good as to adultery with one man as with another.

I think this amendment will not be of serious disadvantage to the defendant if she be required to answer that she did not commit adultery with an unknown man, instead of answering to the specific charge that the offence was with the man named Doak. I will therefore retract my decision made without proper observation of the condition of the pleadings, and will allow the amendment, so that the pleadings will charge that the defendant committed adultery with an unknown man at the house of Mrs. Eldridge, 603 Lafayette street, in May, 1903. Proceed.

Mr. Edmunds:—I would like the record to show the formal motion on the part of the respondent to strike from the record the testimony of Minnie Farrow bearing upon the alleged occurrence over at the Lake,—your Honor will recall that. Also strike from the record the testimony of Walter Church, bearing upon a thing alleged to have occurred up an alley way leading off from Washington street at the Camden Bottling Company, and meaning no disrespect to your Honor's ruling at all, to strike from the record the testimony of Charles Wagner and

Sague, bearing on the subject of the occurrence alleged to have taken place at the Delaware Bay House, or near the Delaware Bay House, August 24, 1904. I think that covers my present motion. Of course, I understand you, certain offers were made by counsel for libellant which had reference to things not charged in the bill, your Honor was with me, that that of itself could not constitute evidence upon which a decree could be based, but it is bearing upon the subject of the possible adulterous nature of the respondent, and when we come to a further consideration of the case in the summing up, I want to discuss that feature of the law with the Court. While possibly it is not necessary to present this motion at this time, yet I would like the record to show that it has been presented.

The Vice Chancellor:—It is not our practice to strike out testimony which has once been admitted, even over objection. I overrule the motion.

OLIVE O. WILEY, Recalled for further cross-examination.

Judge Carrow:—I have no further questions.

Re-direct.

Q. In answer to Judge Carrow's question, you said that you and Mr. Wiley were not living together?

A. Yes.

Q. Did Mr. Wiley ever prefer any charge of adultery against you?

A. No, sir.

Q. Any libel in divorce ever filed against you?

A. No, sir.

Q. Now just explain the matter, will you please?

A. Yes, I was going to ask for that permission. I made a mistake—

Mr. Edmunds:—May it please the Court, before we proceed with the testimony to-day, I want to ask the Court if the Court will caution those in the galleries that this is not a comedy. I was annoyed beyond measure, and I think it is a very unfair attitude for a witness to confront a laughing crowd, and I hope the Court will caution those that cannot preserve the dignity of the occasion that it might be well for them to retire.

The Vice Chancellor:—Yes, I am always willing to hear from counsel or any one who perceives that the proceedings of the court are being commented upon in any fashion, whether by remarks or smiles or approval or disapproval. Bystanders are here by permission, and all who attend are bound to preserve a proper decorum and not to interfere in any way with the proceedings of the Court. I have not myself observed the matter to which counsel refers, but it is very apt to happen where there is intense interest in the proceedings in a case. It must not happen, or the Court will have to be cleared. If parties desire to talk they may withdraw to the other side of the house where there is a large room. Proceed.

Q. Proceed with your statement.

A. I merely want to rectify a mistake that I made yesterday when I was giving my testimony in regard to a question that Judge Carrow asked me, which I didn't quite understand. Mr. Wiley never filed a bill for adultery, and it was groundless—

Judge Carrow:—One moment.

Mr. Edmunds:—I object to counsel interposing.

Judge Carrow:—There is nothing in this case, and I did not ask this lady whether her husband had filed a bill or libel against her charging her with adultery. I asked her on cross-examination whether or not she was not living apart from her husband. She said she was. I asked her, you are separated upon a charge of adultery made by your husband against you. That carried with it no necessary implication that it was a criminal charge or allegation in an equity proceeding. Now he is endeavoring to show what has not appeared to the contrary, that he never filed a bill. There is no charge that he did.

The Vice Chancellor:—The witness was asked in substance as Judge Carrow repeats it, but the inquiry was directed for the purpose, which counsel are entitled to do, of showing that the relations of this lady to her husband were of a character to put her in sympathy with the defendant, and therefore, it may be argued, ready to condone the shortcomings and wrongdoings of the defendant. All elements which go to show interest or possible bias of a witness are proper subjects of cross-examination within reasonable bounds. To meet this it is now asked of the witness to define with precision what were her relations with her husband. I think she is clearly entitled to do so. If she can come and show that her husband never formulated such a charge, that it may have been a mere rumor, she is entitled to do so. I will permit the testimony.

The stenographer read the answer of the witness as far as she had gone, and the witness continued as follows:

A. He merely had me sign a paper, an agreement, a mutual agreement between us, and this occurred in Cape May City, for to be separated for a time. There is no specified time, and that is all there is to it. But he never did have any bill filed against me for adultery, nor never tried to, to my knowledge.

Q. Did you receive a communication from Judge Carrow on this subject?

A. Yes; I did.

Q. When was that?

A. It was about five or six months after Mr. Wiley had left home, as near as possible.

Q. That was how long ago?

A. Eight or nine years.

Q. Do you recall the contents of the letter?

A. He merely requested me to meet my husband on Monday morning, I don't remember the date, at his office at ten o'clock.

Q. Did you meet your husband at Judge Carrow's office?

A. Not that morning.

Q. Later?

A. Yes, sir.

Q. What occurred?

A. Nothing that I could see.

Q. What charge, if any, did your husband make in reference to your having committed adultery, at Judge Carrow's office?

A. He didn't make any.

Q. That is all.

Re-cross.

Q. Did your daughter, your oldest daughter, Olive—is that her name?

A. Yes, sir.

Q. Did she not tell your husband in your presence that you committed adultery with a man in Cape May, and was it not upon the strength of what she told your husband, your own daughter?

A. Not to my knowledge.

Q. Just wait. Was it not upon the strength of what your own daughter told your husband in your presence in regard to your having committed adultery with a man in Cape May City, was not that the basis of the separation, was not that the reason that your husband gave for separating from you?

Mr. Edmunds:—I object to the question. The question has reference to a statement said to have been made by her daughter, and the influence which her daughter had on her husband.

The Vice Chancellor:—The question is whether it was not said in her presence. If I may go into side issues to any depth, I suppose I will have to go into it far enough to allow such cross-examination. I will admit it. It is so remote from the case in hand that I may have to try every witness challenged in this way. I will admit it; I think it is admissible.

A. Is that a question?

Q. Yes. (Question repeated.)

A. She never said anything to me about it; all this was done unbeknown to me.

By the Vice Chancellor:

Q. The question is whether the basis of the separation from your husband was not what your daughter in your presence told your husband?

A. It was not.

Further cross.

Q. Didn't your husband accuse you of adultery? I don't mean did he bring a law suit against you, but, when he separated from you, was not that the reason that he gave for leaving you?

A. He didn't give the reason to me.

Q. Do you know what the reason was?

A. No; I did not.

Q. Why did you say yesterday on cross-examination that you were separated from your husband on a charge of adultery?

A. I made a mistake; I didn't understand what you were asking me; I was here on another errand.

Q. Do you mean to say now that you don't know that the reason why your husband left his home in Cape May and left you, that it was because you had committed adultery, or, at least, he thought and had information that you had committed adultery?

A. I heard it afterwards, but he never told me.

Q. You knew your own daughter, your oldest daughter, had said that she saw you in the act of adultery with a man in Cape May, and that she had told her father, and that is what caused the trouble. You knew that?

A. No; I did not; because I don't believe anything without I hear it or see it. I never heard her say so, and I would not believe anyone that told me so.

Q. Is that the first time you ever had any information of that kind?

A. What is that?

Q Is that the first time you were ever informed of that?

A. It was scratched up news from the outside, about like this is going on.

Q. Didn't your own daughter tell you, and didn't she endeavor afterwards to bring about a reconciliation in Merchantville, when she lived—

A. Not to my knowledge.

Q. Didn't you go to Merchantville?

A. Yes; but I didn't see anything of that kind.

Q. Didn't you see your daughter?

A. I saw my daughter. You know very well what the plans were for that day, and you advised me not to go.

Q. That is all.

Judge Carrow:—At this stage I would like to open the complainant's case briefly for the purpose of calling one witness who was not here yesterday, and of whom we knew nothing until after a witness had gone on the stand yesterday.

The Vice Chancellor:—What is the name of your witness, and what do you desire to prove?

Judge Carrow:—I want to call Leroy Wilson, who was with the boy Walter Church on the night that Church says that he and the Wilson boy followed the defendant and Charles Doak out through an alley, over Congress Hall lawn. I want to prove that occurrence by this boy. We knew nothing about it until we got the boy on the stand yesterday. In fact, the whole thing was news to us.

Mr. Edmunds:—It is objected to. The Court asked counsel as the case was about being closed if they had any further witnesses, and after waiting for some little time the Court assumed the responsibility of closing the complainant's case. As far as this boy Wilson is con-

cerned, they did know that the exigencies of their case seemed to require the presence of young Church. Church testified that he and Wilson were together. Now, of course, I am not permitted to walk into the private conference which occurred between counsel for complainant and the witnesses who went into their office, but is it conceivable that when Church carried his statement to counsel that he did not say, if you will produce so and so, you may or may not corroborate my statement? We are a hundred miles away from Cape May, we are in the midst of the trial, we have been advised by the Court you have to meet certain witnesses, and I submit the case ought not to be reopened.

The Vice Chancellor:—I do not see any reason for opening it upon this point, for it is mere corroboration of the testimony already in. He must have disclosed the fact to counsel that he was in his company, and his testimony might be corroborated by the boy Wilson. The case is now on and I am not willing to open it, except upon a point which is a surprise. There is no such showing. Judge Carrow might have been so placed that he did not know about it, but I cannot imagine that the boy could have told the story without saying that he and Wilson were together. I do not think I ought to open the case, and I am not willing to do so unless there is some showing of necessity. I therefore refuse to open the case of the complainant.

HELEN WILEY, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. Where do you live?
A. 114 Decatur street, Cape May.
Q. You are the daughter of Mrs. Wiley, who has just been on the stand?
A. Yes, sir.
Q. How old are you?
A. Seventeen.
Q. How long have you been living at Cape May?
A. All my life.
Q. Do you know Mrs. Ethel Farrow, the defendant here?
A. Yes, sir; I have always known her.
Q. You also know Mr. William Farrow, her husband?
A. Yes, sir.
Q. How near is your home at Cape May to the home of Mrs. Farrow?
A. Only a short distance; her house is in sight of our house.
Q. Are you toward the beach from Hughes street, or toward Washington street?
A. Toward the beach.
Q. From your house, can you see into Hughes street and the home of Mrs. Farrow or not?
A. Very plainly.
Q. How long have you been living there?
A. Seventeen years; I lived there all my life.
Q. Where did you live during the month of August, 1904?

A. I lived at Mrs. Farrow's house, on Hughes street.

Q. Before we go into that, I want to ask you where you are attending school?

A. High School at Cape May.

Q. What part of August, 1904, did you spend at Mrs. Farrow's residence?

A. I think we went there on the 13th.

Q. Of August, and remained there how long?

A. September 17th—five weeks.

Q. With whom did you room?

A. With my mother.

Q. Where was the room you and your mother had?

A. Third story front room.

Q. How often would you see Mrs. Farrow around the house during the day and evening while you were there?

A. I saw her most every time I came in.

Q. Was she busily engaged with domestic duties or not?

A. She was.

Q. Did she have any servant to assist her in caring for the rooms?

A. No.

Q. Who did the chamber work, swept the rooms and the rest of the work required to keep the rooms in order?

A. Mrs. Farrow.

Q. Did she take care of your room, also?

A. No; she didn't ours; all the rest she did.

Q. Can you say what her habits were of evenings about going out and coming back?

A. She didn't go out much; when she did she was always in by a reasonable hour.

Q. What do you mean by a reasonable hour?

A. Nine to eleven.

Q. Were you ever out with her?

A. No.
Q. You don't know where she went?
A. No.
Q. Did you ever see her in the drinking saloon of the Lafayette Hotel?
A. No.
Q. Did you ever see her drink any kind of liquor?
A. Never.
Q. Did you ever hear her use vulgar words?
A. Never.
Q. Or swear?
A. No.
Q. You never heard her all your life?
A. No.
Q. And you never heard of anything of that sort before?
A. No.
Q. Do you remember the evening that she was to have rehearsed with the singer at the Ebbett House?
A. Yes, sir.
Q. Do you know what day that was?
A. The 24th of August.
Q. How do you fix that day?
A. That was the night that she was to have gone to the Ebbitt House.
Q. Did she go to the Ebbett House?
A. No; she didn't get to go.
Q. Why?
A. She had a sore hand and could not play.
Q. Which hand, do you know?
A. I think her right hand.
Q. How long had her hand been sore?
A. I am not sure just how long.
Q. Was she complaining of her hand that day?
A. Yes.

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Q. Did you see it?

A. I didn't see it. My mother spoke of it and she gave her liniment for it.

Q. Did you see Mrs. Farrow that evening?

A. Yes, sir.

Q. Where?

A. At her home.

Q. Did you go out that evening?

A. No; merely long enough to get supper.

Q. Did Mrs. Farrow go out?

A. No; only long enough to go into the Glenwood to get supper.

Q. That was next door?

A. Yes, sir.

Q. Were you sitting with her when she was summoned to go to the telephone?

A. No; she was upstairs.

Q. Who called her?

A. A young man.

By the Vice Chancellor:

Q. You mean the young man came from the Glenwood?

A. Yes, sir.

Further direct.

Q. When the young man came from the Glenwood, Mrs. Farrow being upstairs, who advised Mrs. Farrow that the young man was there?

A. My mother.

Q. Then Mrs. Farrow came downstairs and went into the Glenwood?

A. Yes, sir.

Q. How long was she there?

A. Just a short time; long enough to answer the telephone.

Q. When she came back, then what did she do?

A. We all sat on the porch for awhile.

Q. Who?

A. Mrs. Farrow and mother and I.

Q. Where was the child?

A. At Dr. McCray's.

Q. What time did Octavine come home?

A. I think about close to ten o'clock.

Q. Where is Mrs. McCray's?

A. Just around the corner on Decatur street, second house from Decatur on the corner.

Q. That is about three or four doors. What occurred after Mrs. Farrow came back from the Glenwood, after having answered the 'phone, before you retired?

A. When her daughter came back they thought they would like to have some ice cream, and Mrs. Farrow's daughter and myself went around to Essen's and bought some ice cream.

You went for the ice cream; did Octavine go with you?

A. Yes, sir.

Q. Do you remember how much you paid for it?

A. I bought a quart; I guess it is forty cents.

Q. Where was the ice cream eaten?

A. At Mrs. Farrow's.

Q. When you started for the ice cream, where did you leave Mrs. Farrow?

A. On the porch.

Q. When you got back with the ice cream, where did you find Mrs. Farrow?

A. On the porch.

Q. How long were you gone to Essen's store?

A. About twenty minutes.

Q. She was with whom when you returned?
A. My mother.
Q. Do you know what time Mrs. Farrow retired?
A. My mother and I retired about eleven o'clock.

By the Vice Chancellor:

Q. Were you living in the same house?
A. Yes, sir; for those five weeks we lived there, and Mrs. Farrow was not up long after us.

Further direct.

Q. But when you went upstairs to retire Mrs. Farrow was downstairs?
A. Yes, sir.
Q. Was she on the porch or inside of the house?
A. She was inside; we had gone inside to eat the cream.
Q. Which was Mrs. Farrow's room; which room did she use?
A. Most of the time her house was filled with lodgers.
Q. Coming from distant places?
A. Yes, sir; strangers, all of them, but us; we were the only Cape May people there, and she didn't have any regular room when she was full.
Q. Where was her room ordinarily, when there was room for her to have a place to lay her head?
A. Why, the second floor, next to the back room.
Q. And then when there was no room up there where did she room?
A. In the dining room.
Q. On the first floor?
A. Yes, sir.

Q. Did you observe, while you were in Mrs. Farrow's home those five weeks, any act on her part which indicated that she was not a worthy lady?

A. No.

Q. Not in any shape or form?

A. No.

Q. Did you see any men come after her?

A. No, sir.

Q. Charles Doak or Harry Oliver?

A. No.

Q. And during all that time that you lived as close neighbor to Mrs. Farrow, have you at any time seen anything to indicate that she was not a correct woman?

A. Not anything.

Q. Do you know how long she has been organist in the Presbyterian Church, which is just across from your house?

A. Yes; I don't know exactly; I don't go there.

Q. Which church do you attend?

A. The Methodist.

Q. Did you know she was the organist there?

A. Yes, sir.

Q. Do you know whether or not, when public concerts were given at Cape May, Mrs. Farrow was usually selected as organist for the concert?

A. Yes, sir.

Q. And continued to be so until this charge was filed against her?

A. Yes, sir.

Q. Now, you say you and your mother had the third floor front room; were you boarding there, or did you just simply rent a room?

A. Just rented a room.

Q. And got your meals outside?

A. Yes, sir.

Q. Where did Mrs. Farrow get her meals?

A. She cooked for herself.

Q. And in addition to the care of the rooms, and the way you describe, she had to do her own cooking for herself and her child and care for both?

A. Yes, sir.

Q. And that is what she did during the five weeks you were in her house?

A. Yes, sir.

Cross-examination.

By Judge Carrow:

Q. Octavine left the house, what time did you say? You say she got home at ten o'clock. Did she go out early in the evening?

A. I don't know. We all went out for our supper and got back half past seven—

Q. Was she gone then?

A. Yes; she was not there.

Q. Your best recollection is that it was in the neighborhood of ten o'clock when she got home. You didn't look at the clock, however?

A. No; I didn't think it would be so important.

Q. That is how it strikes you now, looking back upon that occasion without having any special knowledge on the subject, is not that so?

A. Yes.

Q. Now, you said also, I think, that Mrs. Farrow got back about nine o'clock; then the ice cream matter was begun; is that so?

Mr. Edmunds:—I object.

Judge Carrow:—He ought not to interrupt.

The Vice Chancellor:—Finish the question.

Q. I ask you whether or not it is a fact that Mrs. Farrow, on the night of the 24th of August, the night in question, that she got home about nine o'clock, and then you and her daughter went for the ice cream; is not that so?

A. Mrs. Farrow was not out only long enough to go into the Glenwood.

Q. She had to go out to go into the Glenwood?

A. Well, next door; we were on the porch.

Q. Did she get home about nine o'clock, Mrs. Farrow?

A. Well, yes; about nine.

Q. You went upstairs; you and your mother went to bed about eleven o'clock?

A. Yes.

Q. Now, was anybody beside your mother and Mrs. Farrow and her daughter and yourself present at that ice cream party?

A. No; we were the only ones.

Q. And you were the only people there in that cottage that night?

A. All night.

Q. I mean there, to say in that company?

A. Yes.

Q. Who was the young man that came to notify Mrs. Farrow of the telephone call?

A. I am not sure who he was; it was someone from the Glenwood, and I judge it was the young man who ran the hotel. I am not sure.

Q. On that occasion did he say whether or did Mrs. Farrow say that it was a call from Cape May Point?

A. No; it was a call from Mr. McConnel.

Q. How do you know it was a call from Mr. McConnel?

A. Mrs. Farrow told it.

Q. Who is Mr. McConnel?

A. Proprietor of the Ebbitt Hotel, and that is where she was to have played for the lady.

Q. When were you asked to stir up your recollection as to the occurrence of the night of the 24th of August last?

A. I did not know until last night that I would have to come up.

Q. Were you spoken to last night, then, for the first time and asked to refresh your recollections?

A. I was asked for the first time to come up here, but I have been thinking about it long ago.

Q. When did you first think about it?

A. I don't remember the day; when this first started, I suppose.

Q. When did you know for the first time that there was a charge of adultery against Mrs. Farrow, having occurred on the 24th of August last; when did you first know that charge was made?

A. Mother told me.

Q. Last September?

A. No; not last September.

Q. Did you know it last September?

A. No.

Q. Did you know it in September?

A. No.

Q. Did you know it in October?

A. No.

Q. Was it since this trial has been going on here, in actual progress?

A. Yes.

Q. Was that the first time?

A. Yes.

Q. Was that the first time that your mind was refreshed as to what happened on the night of the 24th of August?

A. I am really not sure, but I guess it was.

Q. And did your mother and you and Mrs. Farrow talk the matter over as to what happened that night?

A. We were not at Mrs. Farrow's then.

Q. Where were you?

A. Home.

Q. Had Mrs. Farrow been to your house?

A. Not when I was there, I don't think she had.

Q. Had you been talking with Mrs. Farrow?

A. No; I haven't talked with Mrs. Farrow about it at all.

Q. Did you talk with her daughter?

A. No.

Q. You have told us what happened on the 24th of August; will you be kind enough to tell us what happened on the 23d of August?

Mr. Edmunds:—About what, may it please the Court?

The Vice Chancellor:—The witness may tell it.

A. I think the 23d of August I was over at the Stockton Hotel.

Q. How long?

A. Until about half past ten; I was there to a dance.

Q. Are you sure of that?

A. No; I am not positive; but I went over there a great deal, and most likely that is where I was.

Q. You have the impression from the fact that you were in the habit of going there?

A. Yes; I am not sure.

Q. Can you tell what you did on the night of August 22d?

A. Why, no; not sure.

Q. Of the 21st of August?

A. No; I don't believe I can.

Q. And the 26th of August?

A. No.

Re-direct.

Q. The 24th of August is associated in your mind—

Objected to.

Q. All right; that is all; I have no further questions.

OCTAVINE WARE, sworn for the defendant.

Direct examination.

By Mr. Edmunds:

Q. How old are you?

A. Eleven.

Q. Who is your mamma?

A. Ethel Pearl.

Q. With whom have you always lived?

A. With her.

Q. Does she take good care of you?
A. Yes, sir; very good care.
Q. You say she takes very good care of you?
A. Yes.
Q. You have always lived with her?
A. Yes, sir.
Q. Where are you living now?
A. 550 Hughes street.
Q. Have you ever lived any other place than Cape May?
A. No, sir.
Q. Where do you go to school?
A. Cape May High School, public school.
Q. You are not in the High School?
A. In the grammar.
Q. What grade?
A. The seventh.
Q. How long have you been going to school?
A. I think I have been going to school seven years.
Q. Do you go to church?
A. Yes, sir.
Q. What church do you attend?
A. Presbyterian.
Q. Where is that from your home?
A. Right across the street.
Q. Where do you go to Sunday School?
A. Presbyterian.
Q. How long have you been going to school?
A. Ever since I can remember.
Q. You still go to Sunday School?
A. Yes, sir.
Q. Where did you live in August, 1904, of last summer?
A. 505 Hughes street.
Q. With whom?

A. My mother.
Q. What was your mamma doing in the house there?
A. She took lodgers.
Q. Who took care of the house?
A. She did.
Q. Did you help her?
A. Not very much.
Q. What did your mamma do in taking care of the house?
A. She did all the work, she did everything.
Q. Where was Mr. Farrow, Jr., last summer; he didn't come around?
A. I think he was around to his home on North street.
Q. He didn't live with your mamma at that time?
A. No.
Q. Do you remember the evening that your mamma was to go over to the Ebbett House and play for a lady?
A. Yes, sir.
Q. What month was that in?
A. That was in August.
Q. Did she go over that evening?
A. No, sir.
Q. Why didn't she go over?
A. She had a sore hand.
Q. What was the matter with her hand?
A. I don't remember, she had been ironing, and when she had ironed that hurt her hand and she could not play, she could not do anything with her hand.
Q. Where did you spend that evening?
A. To Bessie McCray's.
Q. Where did you leave your mamma then?
A. Home.
Q. When you came back where did you find your mamma?
A. Home.

Q. What time do you think it was when you came back?

A. It was a little after ten o'clock, about twenty minutes or a quarter after, somewhere around there, I can't just tell the exact time.

Q. But you had spent quite a time with your friend Bessie?

A. Yes, sir.

Q. Is she a playmate of yours?

A. Always has been.

Q. How long have you known Bessie?

A. When we moved to 505 Hughes street I got acquainted with her; we could jump our back fence and meet each other.

Q. Just around the corner, and you could jump the back fence?

A. Yes, sir.

Q. Right in the rear of your house there is a sort of a passageway which lots of people use, persons who have groceries to distribute; they come through the back way and jump your fence and jump Mrs. Williams' fence?

A. Yes.

Q. Who were at home with your mamma that evening?

A. Mrs. Wiley.

Q. Who else, if anybody?

A. I don't remember.

Q. Do you remember whether Helen Wiley was home with her when you got back; whom did you find at the house?

A. Mamma and Mrs. Wiley and Helen.

Q. Then where did you go with Helen?

A. We went to Essens.

Q. What did you get there?

A. Got ice cream.

Q. You didn't eat it?
A. Yes, sir; certainly.
Q. Where?
A. At home.
Q. How long were you gone over to Essens; did you just go there and back?
A. Right over there and back and brought the ice cream home with us.
Q. And your mamma was there?
A. Yes, sir.
Q. With whom did you sleep that night?
A. With her.
Q. Did your mamma leave you that night?
A. No.
Q. Did you and she go to bed together?
A. Yes, sir.
Q. And sleep all night together?
A. Yes, sir.
Q. During last summer did you and your mother ever go down to Sewell's Point in the evening?
A. Yes, sir.
Q. About how many times?
A. We went down there once every week.
Q. Once every week?
A. Nearly every week.
Q. What did you go there for?
A. To see the show.
Q. What kind of a show was it?
A. I don't know.
Q. Oh, you do know?
A. I think vaudeville; I don't know sure.
Q. But it was entertaining?
A. Yes, sir.
Q. And you would go down about once every week?
A. Yes.

Q. Who did you go with?

A. With her.

Q. With whom did you return?

A. With her.

Q. Did your mamma at any time that she took you down to Sewell's Point leave you alone on the street or send you home alone?

A. No, sir.

Q. Octavine, when you and your mamma were at the show at Sewell's Point, would she go out from the show and then come back, leaving you alone?

A. No, sir.

Q. She always went down with you and returned with you?

A. Every time she went, and she never went without me.

Q. Never did?

A. Never did.

Q. Can you tell about what time you used to get back from Sewell's Point?

A. About ten or a little after; it took quite awhile to ride on the cars from there; we had to go on the trolley cars.

Q. Then when you got off the trolley cars where would you and mamma go?

A. Home; sometimes we would go to Essens and get a plate of ice cream.

Q. Did you ever see your mamma go in the drinking saloon of the Lafayette Hotel?

A. Never in my life.

Q. Did you ever see your mamma at a late hour sitting on the Lafayette Hotel porch last summer?

A. Never.

Q. Did she spend her evenings with you?

A. No, sir; sometimes I went to Congress Hall or some place, but when I came back I always found her.

Q. What time did you come home?

A. About ten o'clock; I used to go over with the big girls, with Bessie McCray and Emily,—they are not big.

Q. Do you remember, you used to call Mr. Farrow papa?

A. Always.

Q. Does he speak to you now when he sees you on the street?

A. No, sir.

Q. When did he stop speaking to you?

A. About two weeks after he left mamma.

Q. When did he leave mamma?

A. I think it was about April, this April.

Q. And he has not spoken to you since?

A. Yes, sir; about two weeks afterwards.

Q. But since that time he has not spoken to you?

A. No.

Q. Does he often see you on the street?

A. Yes.

Q. Did you stop speaking to him, or he speaking to you?

A. He stopped speaking to me.

Q. And he does not notice you now at all?

A. No.

Q. Do you remember the night he left your mamma?

A. Yes, I do.

Q. Whom did you have at the house?

A. I had a little party.

Q. Do you remember who were there?

A. Albert Little, George Little, Bessie McCray and Emma McCray, Ethel Church, Ella Marie Bennett and Albert Little and George Little and myself.

Q. You have got them right, have you. What time did the party assemble, how long after supper?

A. We had supper then about six o'clock, they came about half-past seven or twenty-five minutes of eight, somewhere around there.

Q. Do you remember your mamma going out that night?

A. Yes, sir.

Q. Do you remember what time she got home?

A. Yes.

Q. What time was it?

A. A little after nine; she went out about a little after eight and came about a little after nine, or somewhere about nine.

Q. And the party had not been in session very long before your mamma returned?

A. Yes.

Q. Did your papa go out that night?

A. Yes, several times; he came in four times.

Q. Who came first?

A. He came in four times, and then they came in together and he pushed her upstairs, and we were playing downstairs, the party, and after awhile he called me up, and he said he was going to leave mamma, and he was going to kiss me good-bye, and I pleaded with him, and asked him not to go, but he said he was going, that she was a bad woman, that she was awful, and he was going away and never come back. And mamma said, "Oh, you know these things are not true," and he would not listen to anything like that, so I kissed him good-bye and went downstairs, and after awhile I heard some scuffling and hollering, and I could not just hear what it was, and I ran upstairs, and when I got there the door was locked and I could not get in; I banged my foot against the door and it would not come open, and after awhile he

opened, and when he opened he got back in the closet and had a revolver, and he told me for two pins he would shoot, and she was on her knees when I came upstairs, and when I went downstairs I asked him not to shoot her, and he said that he would not, and I went downstairs again, but I was not contented at all, and she came down and made lemonade for us, and we drank the lemonade, and then they went home, and Ella Marie Bennet was going to stay with me, and we went upstairs, and at once he rushed upstairs, and I said "Papa, please don't shoot her," and he said he would not, where is she, and I said she is in there, and he said she is not, and he kissed me and said he would not see her and he went downstairs again. That is all I know, I went to sleep.

Q. When you got upstairs was your mother crying?

A. Yes, sir; crying.

Q. Did you cry?

A. Yes, sir.

Q. Were you crying when you asked Mr. Farrow not to shoot your mother?

A. Crying awfully.

Q. Did you ever see Charlie Doak at your home at night when Mr. Farrow was not there?

A. No.

Q. Or Harry Oliver?

A. Yes.

Q. Tell us about Harry Oliver being at your home when your father was away?

A. Every once in awhile they had a party at our house and they came in and sang and played and he came along with them.

Q. Who was he?

A. Harry Oliver.

Q. Who would be in the party?

A. Why there were so many, May Oliver, Gerardine Vanaman; I don't know whether I can name them all.

Q. Name all you can.

A. There were so many I can't remember the names, but there was a big party that used to come to our house every once in awhile when he was at home and when he was away.

By the Vice Chancellor:

Q. That is when Mr. Farrow was home?

A. Yes, when he was home and when he was away.

Further direct.

Q. You mean your papa?

A. Yes, sir.

Q. Did you ever see Harry Oliver in your house at night alone with your mamma when your papa was away?

A. No, sir; never.

Q. Did you ever see Charlie Doak around your house in the daytime?

A. Yes, sir.

Q. What was he doing there?

A. The dog, Blokey, had a tumor right on his neck, and they were afraid it was going to kill him.

Q. Whose dog was it?

A. Charlie Doak's.

Q. Who brought him there?

A. The dog used to come to our house; he liked me so well, the dog did.

Q. And you and the dog were good chums?

A. Yes, sir.

Q. You always liked dogs?

A. Yes, sir, always, and this dog had a tumor, and he would come around to see about this tumor.

Q. What time would he usually come, in the daytime or night?

A. Sometimes he came right after he was going from work, when he would go home to his supper, he would stop around and see the dog, and try to get the dog to go with him, but sometimes the dog would not want to go, very seldom would go, because he liked me, and finally they had this tumor cut off this dog; they took him around to the drug store—

Judge Carrow:—Do we have to go into all these ramifications?

The Vice Chancellor:—No, there is no question asked the young lady, now.

Q. Did you ever see William Farrow bring Charlie Doak to the house?

A. Yes, sir.

Q. How many times?

A. I could not name the number of times, he has done it lots of times, lots of times, and he has stopped and spent the evening with us.

Q. Did they seem to be friendly or not?

A. Yes, sir; as far as I could see, always friendly, good friends.

Q. When Charlie Doak would come to the house, do you know how he would come, the front way or back way?

A. The front way.

Q. Do you know how long he would stay?

A. Sometimes, when he was going home to his work, he would not stay very long; just come in to see the dog.

Q. At other times how long would he stay?

A. He didn't come very often without papa. And

when he came other times he would stay with him; he came about—I can't say how long he would stay; quite a while.

Q. Where were you when he was in the house?

A. I was there.

Q. Did you see him put his arm around your mother or kiss your mother or anything of that sort?

A. No.

Q. Did you ever see any man do that except her relatives?

A. No; never.

Q. Mr. Farrow stated yesterday on the witness stand that the relatives of your mother didn't visit her at her home; which of her relatives used to come to her home when Mr. Farrow was home, and when he was not at home, and take meals there and spend the evening and stay all night?

A. Uncle Perry, Aunt Mame, Uncle Joe.

Q. Do you mean Uncle Perry Edmunds?

A. Yes, sir.

Q. And Aunt Mame, that is his wife?

A. Yes, sir.

Q. What Uncle Joe?

A. Uncle Joe Skellenger.

Q. Is this the uncle you refer to?

A. Yes, sir.

Q. You have often seen him in the house at night?

A. Any time.

Q. Eating at the same table?

A. Yes, sir.

Q. Who else?

A. Aunt Electa.

Q. You mean the wife of your Uncle Joe Skellenger?

A. Yes, sir.

Q. Who else?

A. Aunt Mame Edmunds, the mother of Georgie and Edith Edmunds, and Georgie and Edith Edmunds, and lots of little girls.

Q. How about Aunt Mal?

A. Yes, sir.

Q. Did she come to stay all night?

A. Yes, sir; and you would, too.

Q. What about the children, Charlie and Adell Edmonds?

A. They would come.

Q. Can you name any of the relatives of your mamma that didn't visit her at her home?

A. What is that?

Q. Did your mother have any relatives that didn't come to see her at her home?

A. Not that I know. Yes, Uncle Frank and Aunt Joe used to visit her.

Q. They live in New York City?

A. Yes, sir; they used to visit her, but they are her relatives.

Cross-examination.

By Judge Carrow:

Q. Were all these relatives that you have mentioned there at one time, or were they there at different times?

A. At different times, and one time when it was my grandmother's birthday they all were there, but not over night; some were there over night.

Q. The relations that you have mentioned were your mother's; they were not your father's or stepfather's?

A. Yes, sir; sometimes; sometimes they came around; lots of times; once a week; they came to dinner.

Q. Sometimes and very often, as I understand from

you, your mother's relations who lived up in Philadelphia and New York and other places came there and stopped at your house?

A. Yes, sir.

Q. They were well received, were they not?

A. Yes, sir.

Q. Mr. Farrow was nice and kind to them?

A. Yes, sir.

Q. Glad to see them?

A. Yes, sir; seemed to be.

Q. Always made no objection to anybody?

A. Never made any objection to my knowledge.

Q. How many rooms were there in your house?

A. Five bedrooms.

Q. How many rooms downstairs?

A. Three and a hall.

Q. Were there any in the third floor?

A. Yes, sir; one room in the third floor, but I counted that with the bedrooms.

Q. Was it a single house or double house?

A. Single house.

Q. What would you call it, an eight or nine room house?

A. Eight.

Q. Was it a large house?

A. Middling; not very large and not very small.

Q. Were these bedrooms large?

A. Pretty large; not so awful; we have one little bedroom.

Q. But the rest of the bedrooms were reasonably large rooms, were they not?

A. Yes.

Q. How many times do you say that William Farrow—speaking now of your stepfather—kissed you on the night that he left your mother?

A. I can't say, but he kissed me lots.

Q. On that night?

A. Yes.

Q. He was very fond of you?

A. Yes, sir; seemed to be.

Q. You were very fond of him?

A. Yes, sir.

Q. And when he left the house, were you the last person he spoke to, when he left; do you recall? Did he come and kiss you while you were lying in bed?

A. Yes, sir; he kissed me while lying in bed. He stayed all night that night and slept downstairs.

Q. When he kissed you, if I recollect, you were in bed and he said he would not shoot your mother?

A. Before I got in bed when my party was downstairs, he said he would not shoot her, but he said if it was not for me he would do it; that he would shoot her if it was not for me.

Q. You say you went to Sewell's Point once a week?

A. Yes, sir.

Q. What night in the week was that?

A. Generally Thursday night, sometimes Tuesday night, but never Wednesday night or Saturday night.

Q. When you went Tuesday nights, would you go on Thursday nights?

A. No; we only went once a week.

Q. What time did the show begin?

A. Eight o'clock.

Q. What time did it end?

A. Different times; sometimes ten o'clock; mostly ten o'clock.

Q. About ten o'clock?

A. Yes, sir.

Q. It was about a two hours' show?

A. Oh, sometimes it would begin at half past eight; if I remember right, I think that was the time.

Q. And then it would run to half past ten or eleven?

A. No.

Q. Do you mean to say this vaudeville show would begin at half past eight and close at ten?

A. Yes; half past eight and close at ten.

Q. It was a regular vaudeville show?

A. Yes.

Q. You would come home after the performance, and where would you go?

A. We came home from the performance; we would go and get a plate of cream and then go home.

Q. You would go to Essen's saloon?

A. Essen's, sometimes Wolf's.

Q. You would get home then at what time, eleven o'clock?

A. Sometimes ten minutes of, sometimes eleven, sometimes five minutes of and sometimes a quarter of.

Q. Around eleven o'clock?

A. No; it was not after eleven o'clock.

Q. I didn't say after eleven; I said around eleven o'clock?

A. Yes.

Q. That is when you would get home after these weekly trips up to Sewell's Point?

A. We didn't go every week, but we went nearly every week.

Q. When you got home on the night of the 24th of August—when you got home after being up to Bessie McCray's, as I understand—you and Helen Wiley went up to Essen's ice cream saloon and got ice cream?

A. It was not up; it was around.

Q. Can you tell us what time it was that you were around to Essen's that night?

A. We were till about quarter after ten around there, but we were only just around the square.

Q. When you got back to the house, do you know what time it was?

A. No; I didn't go in and look at the clock; I didn't look at the clock and didn't look at the clock when I came back.

Q. You didn't look at the clock any time that evening?

A. I looked at it when we went to bed, and I think it was somewhere around eleven, when she went to bed with me.

Re-direct.

Q. Do you remember when Mr. Farrow took his trunk away from the house? When was it?

A. He packed it the day after.

Q. When was it taken away from the house?

A. That afternoon.

Q. Did you ever see him in the house after that?

A. Yes, sir.

Q. When?

A. One day I went there; it was in the month of April, a little after he left mamma. I came home from school and found him in the Morris chair and her on his lap, and I didn't get any dinner that day, because she didn't even have any time to get my dinner. He was there the whole noon hour.

Q. What time did you leave?

A. About twenty minutes after one.

Q. When you left for school, where was Mr. Farrow; was he in the house or not?

A. Yes; he was upstairs on the bed with mamma.

Q. When you came back from school where was he?

A. I didn't go in the house; I play every night after school.

Q. But when you came back after school you didn't see him?

A. No; because I didn't go in the house.

Q. That is all.

JOHN J. MCCONNELL, sworn for the defendant.

Direct examination.

By Mr. Edmunds:

Q. You live at Cape May City?

A. Yes, sir.

Q. You are proprietor of what hotel?

A. The Ebbett House.

Q. Were you running the Ebbett House during the summer of 1904?

A. Yes, sir.

Q. Will you state whether or not you had as a guest at your hotel during the month of August, a singer?

A. Yes; I had one by invitation from me.

Q. What is her name?

A. Her stage name Mathilda Girard.

Q. When was she at your hotel?

A. Between the 21st and 25th and 26th of August.

Q. Do you know whether or not she gave a concert at the Stockton Hotel?

A. Yes, sir.

Q. Do you know what night the concert was given?

A. The 25th.

Q. Do you know who it was that was selected to play the accompaniment for her at the Stockton Hotel?

A. My recollection of it is that I intended to get Mrs. Farrow, on the recommendation of people at Cape May, knowing that she was a good accompanist, but I can't remember who did play.

Q. I am not speaking about Mrs. Farrow at the Stockton Hotel, but I am speaking of the accompanist that this lady secured, or endeavored to secure, for rehearsal purposes?

A. Mrs. Farrow we endeavored to get at the Stockton.

Q. You mean the defendant here, Mrs. Ethel Farrow?

A. Yes, sir.

Q. Do you remember whether or not an appointment was made for Mrs. Farrow to come to your hotel on the evening preceding at the Stockton Hotel?

A. There was.

Q. How do you know that?

A. Because I refer to the date the lady was in the house, and wanted to get up a little musicale, and Mrs. Farrow said she would come around and accompany the lady, and she didn't, she didn't come, half past eight or half past nine.

Q. Of what evening?

A. The 24th, the night preceding the Stockton musicale.

Q. Do you know what day of the week that was?

A. Wednesday, because Thursday was the night of the musicale at the Stockton, so I telephoned to the Glenwood, thinking that was the nearest place to reach her. That was about a quarter to nine, and she was to be there at half past eight, and her answer was—

Judge Carrow:—I object to her answer; I object to what Mrs. Farrow told him over the 'phone that night.

The Vice Chancellor:—It may necessitate some additional identification.

Q. Have you frequently had conversation with Mrs. Farrow?
A. Only since that, once or twice.
Q. Had you ever met her prior to this time?
A. About a week before that I was introduced to the lady for the purpose of getting an accompanist?
Q. You conversed with her?
A. Yes, sir.
Q. Did you recognize the voice over the telephone?
A. Yes.
Q. Whose was it?
A. Mrs. Farrow's.
Q. What did she say?

Judge Carrow:—I object to what she said, because anything that she said will make evidence. The fact that he talked with her and recognized her voice, that far I can see, but anything she said cannot be made evidence.

The Vice Chancellor:—What she said cannot prove the truth of the thing that she said, but the fact that what she said, if she was recognized by her voice, might give additional testimony of her presence at the Glenwood. I will take the testimony, not because of what she said being of the slightest importance, but it does show her identity. I will admit it for that purpose.

Q. Say what she said.

A. She said she was very sorry to say that she had some company come in on her unexpectedly and she could not keep the engagement.

Q. And she didn't come over?

A. She didn't come over.

The witness left the stand without being cross-examined, but was recalled and examined further on direct, as follows:

Q. Do you recall whether or not anything was said about Mrs. Farrow having a wounded hand or sore hand?

A. Yes, sir.

Q. What do you recall?

A. She told it to me herself,—

Objected to.

The Vice Chancellor:—I think you are coming outside of the line of identity. The point is that the person at the other end of the telephone was Mrs. Farrow. Now, whether she had a wounded hand or not cannot be established. I do not think that her saying so is admissible to prove the truth of that fact.

Cross-examination.

By Judge Carrow:

Q. Now, then, I will ask you by way of cross-examination what excuse Mrs. Farrow gave you on the night of the 24th of August last for not keeping her engagement at your hotel?

A. I said that her reply was that she regretted she could not come, as she had some company that came in on her most unexpectedly.

Re-direct.

Q. Were you making quite an active endeavor to have her come over?
A. I certainly was.
Q. That is all.

FRANK HEBENTHAL, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. What is your business?
A. Tobacconist.
Q. Where is your place?
A. 411 Washington street, Cape May City.
Q. How long have you been engaged in business there?
A. About eight or nine years.
Q. How long have you been at Cape May?
A. Thirty-one years.
Q. Do you know Ethel Farrow, the respondent?
A. Yes, sir.
Q. And Will Farrow, the complainant?
A. Yes, sir.
Q. Do you know Charlie Doak?
A. Yes, sir.
Q. What business relations exist between you and Charles Doak?
A. He is employed by me.
Q. And has been how long?
A. Off and on for eight or nine years.

Q. He is in charge of the store in your absence?
A. Yes, sir.
Q. And was a general assistant there?
A. Yes, sir.
Q. Do you know where Charles Doak was on the evening of Wednesday, August 24, 1904?
A. I left him in the store in the neighborhood of eight o'clock with the understanding that he was to stay there and look after my business until after I returned.
Q. When did you return?
A. I don't think I returned before eleven.
Q. And was he there when you returned?
A. Yes, sir; he was.
Q. Did you hear any complaint from any source that during your absence that your store was closed, and Charles Doak was not in charge there?
A. I did not.

Judge Carrow:—Objected to; what he heard would be irrelevant and inadmissible.

Q. Was Charles Doak in the regular charge of the store at night?
A. Not every night.
Q. Do you know why he was in charge of the store that night?
A. Yes, sir.
Q. Explain to the court why he was?
A. He was not supposed to have Wednesday afternoon off during the month of August, but he played ball that afternoon, and he said if I would let him off to play ball—he played on the team—that he would trade the afternoon for the evening, and I accepted it.
Q. What position did he play on the ball team?
A. Caught.

Q. He was catcher and had been on the ball team for how long?

A. A number of years.

Q. And your arrangement with him was that if he played on the ball team in the afternoon he would have to make up for it by working at night?

A. On Wednesday and Saturday also, because we both were there on Saturday evenings.

Q. About what time was it when you went in the first part of the evening and saw him there?

A. In the store?

Q. Yes, sir.

A. Why, he came back from playing ball, went home to change his suit, and I suppose,—well, I suppose he was back from the ball game between half past five and six o'clock, and then I go to supper and return. Probably, sometimes I get back at seven o'clock, according to how early I start, or half-past seven.

Q. Do you remember how long you were at the store that evening when you came back for supper?

A. He goes and gets his then.

Q. Then you stay while he gets his supper?

A. Yes, sir.

Q. What time does he get his?

A. It is all according to how late they play ball. I have known him to get his between seven and eight, and sometimes between six and seven, as a rule between six and seven, and he takes the biggest part of an hour before he gets back.

Q. Did you ever see Mrs. Farrow hanging around the store there?

A. I can't say that I did.

Q. Did you ever see them walking together on Washington street?

A. I have seen them talking together on Washington street?

Q. On what part?

A. The business square.

Q. During the day or night?

A. During the daytime.

Q. Now, you say that Doak has been in your employ seven or eight years?

A. Eight or nine years; I forget how long I have been in business.

Q. And he is still in your employ?

A. Yes, sir.

Q. Did you ever see Charlie Doak and Will Farrow together?

A. I don't know whether I have or not; I may have several years ago, I don't think I have lately.

Q. What ball team was it played Wednesday, the 17th?

A. The Prospect Athletic Club of Philadelphia.

Q. Did Mr. Doak play in all those ball games?

A. All except the following Saturday; I seen that.

Q. Why didn't he play on the following Saturday?

Objected to as immaterial.

Q. That is all.

Cross-examination.

By Judge Carrow:

Q. Your name is Hebenthal?

A. Yes, sir.

Q. Who else works in this store besides you and Doak?

A. We are the only two that receive any benefits from it.

Q. Who works there?

A. No one.

Q. Who occasionally works there; tends store?

A. I have a brother who probably steps in occasionally.

Q. What is his name?

A. Harry Hebenthal.

Q. Who else?

A. There is no one works there.

Q. I don't mean receiving any salary, but who helps out sometimes?

A. Probably, I want to go out for five or ten minutes, I would leave one of my friends.

Q. Who would that be, Shields?

A. Yes, he would be there; he is tending to-day.

Q. Did he frequently attend store at night?

A. He has done it, yes.

Q. Did William Farrow, this Wm. Farrow, complain to you that Doak was neglecting his work and leaving the store in charge of somebody else?

A. I think he did speak to me something to that effect.

Q. Do you recall when that was?

A. No; I do not.

Q. Did you attend the baseball match on the 17th?

A. No, sir.

Q. You don't know only by the kind of impression you have what happened then; there is nothing definitely fixed in your memory. You have, however, an impression arising from what usually happened on the days that he went and played baseball, is not that so?

A. I am satisfied I went out that evening on account of certain things that happened.

Q. Where did you go that evening?

A. I would not say positively, but I think I went to Sewell's Point.

Q. What time did you go to Sewell's Point?

A. Usually used to ask him,—

Q. What time did you go on that night to Sewell's Point?

A. Well, I could not say, in the neighborhood of eight o'clock.

Q. How long did you stay there?

A. The show let out anywhere from ten or a little after, probably got back at half past ten.

Q. Did you see Mr. Doak that night when you left to go to Sewell's Point; when next did you see Mr. Doak?

A. When I got back to the store.

Q. What time was that?

A. Some time after eleven o'clock; I could not say positively.

Q. It was after eleven o'clock?

A. Yes, sir.

Re-direct.

Q. When you got back he was there taking care of the store in the usual way?

Objected to.

The Vice Chancellor:—That is a suggestion.

Q. That is all.

STUART H. THOMPSON, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. Where is your residence?
A. 1533 Norris street, Philadelphia.
Q. What is your business?
A. I am agent for the United Gas and Improvement Co.
Q. What office do you hold with them?
A. Agent.
Q. And have been with them how many years?
A. Seventeen years.
Q. Do you know Mrs. Ethel Farrow, the defendant in this suit?
A. Yes, sir.
Q. How long have you known her?
A. About four years.
Q. Where did you have rooms in the summer of 1903?
A. At the Farrow Cottage.
Q. And that was where?
A. The second house from the corner of Hughes and Decatur streets.
Q. Do you remember about what period of the summer of 1903 you were there?
A. From July 1st until about the 20th of September.
Q. You were there with whom?
A. With my wife.
Q. You had a room there?
A. Yes, sir.
Q. Did you see Mrs. Farrow there while you were there?

A. Yes, sir.

Q. And Mr. Farrow while you were there?

A. Yes, sir.

Q. Did you see Charlie Doak while you were there?

A. No, sir.

Q. Did you see Harry Oliver while you were there?

A. No, sir.

Q. Whether Mr. Farrow was there or not, did you see either of those men?

A. I did not.

Q. About how much time would you spend around the house, Mr. Thompson?

A. I was there about every other week from Friday evening until Monday, and then the other weeks from Saturday until Monday morning.

Q. You went into the house at different hours during the day and evening?

A. Yes, sir.

Q. I want to know whether or not you saw any evidence of any improper act on Mrs. Farrow's part while you were at the house that summer?

A. I did not.

Q. That is all.

Not cross-examined.

BERTHA THOMPSON, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. You are the wife of the former witness, Mr. Stuart Thompson, and I presume your residence is 1533 Norris street?

A. Yes, sir.

Q. Are you acquainted with Mrs. Farrow, the defendant here?

A. Yes, sir.

Q. How long have you known her?

A. I have known her quite a good many years; I don't remember the number of years; it is a long time.

Q. Do you know where she lived during the summer of 1903?

A. Yes, sir; at the cottage where she is now.

Q. On Hughes street, near Decatur?

A. Yes, sir.

Q. What time, if any, during the summer of 1903, did you and your husband have rooms there?

A. From about July 1st until in September.

Q. Were you at that house every night and every day during that time?

A. Yes, sir.

Q. You were not away from Cape May one day?

A. Not that I know of.

Q. Do you recall whether or not you saw Harry Oliver or Charlie Doak around the house either in the daytime or evening while you were there?

A. No, sir.

Q. You know both of them?

A. Yes, sir.

Q. Did you observe any act on Mrs. Farrow's part which was suggestive of impropriety?

A. No.

Q. Did you ever hear her swear?

A. No.

Q. Did you ever hear her use profane words?

A. No.

Q. Did you ever see her drink liquor of any kind?

A. No, sir.

Q. How long have you known Charlie Doak?
A. I don't know him personally; I know him when I see him.
Q. How long have you known Harry Oliver?
A. I know him as I see him; I have known them both, as I have lived there a number of years.

Cross-examination.

By Judge Carrow:

Q. How did you come to know Charlie Doak?
A. I was boarding—I didn't board then. I was raised there, and I know them all when I meet them on the street. I didn't speak to him.
Q. Did you ever see Mrs. Farrow with Mr. Doak?
A. No, sir; I never knew that Mr. Doak came around there; I never saw him.

STUART THOMPSON, recalled.

Direct examination.

By Mr. Edmunds:

Q. Do you know Charlie Doak and Harry Oliver?
A. Only by sight; never have spoken to them.
Q. How long have you known them by sight?
A. Probably four years.

ELECTA SKELLINGER, sworn for the defendant.

Direct examination.

By Mr. Edmunds.

Q. Where do you reside?
A. Royersford, Pa.
Q. You are the wife of Joseph Skellinger?
A. I am.
Q. What relationship, if any, exists between you and Mrs. Ethel Farrow?
A. She is my niece?
Q. How long have you known her?
A. Always.
Q. What is her age?
A. Indeed, I don't know; I think she is twenty-nine.
Q. Where has she always lived?
A. Cape May.
Q. Cape May City largely?
A. Cape May City; West Cape May in her younger days.
Q. When you would go to Cape May—I want to ask you first what family have you?
A. My mother lives there; that is her permanent home.
Q. I mean your immediate family. Have you any children?
A. I have one child.
Q. What is her name?
A. Louisa.
Q. By the way, would you go to Cape May from time to time during the year?
A. Yes, sir.
Q. Would you see Mrs. Farrow at her home or not?

A. Never went to Cape May in my life that I didn't visit her.

Q. Would you see Mr. Farrow there?

A. Always; at times he might have been out in the boat; that I could not say.

Q. Did Mr. Farrow and Mrs. Farrow ever visit you at your home at Royersford?

A. Yes.

Q. Do you know of any of the relatives of Mrs. Farrow that kept away from her home?

A. Indeed I do not.

Q. It was an open house, as far as you know?

A. It was.

Q. Did you ever stay with her at night when Will was away?

A. I think I have; yes, I have; because I have known she has to get up in order to get the train. I stayed there when I would be going to my own home, and she has gotten up early to let me make the train.

Q. Where did you spend the summer of 1904?

A. Part at Cape May.

Q. What part?

A. Went to Cape May on the eleventh day of August, until I returned on the sixth day of September, that was the day after Labor Day. I am not just sure.

Q. What hotel did you stay at?

A. The Star Villa.

Q. Will you locate the Star Villa?

A. It is next to the beach on Ocean street, on the right hand side going down. There is one cottage in between, and that is the Wakeman.

Q. The Star Villa is how far from the residence of Mrs. Farrow?

A. About two squares.

Q. While you were in Cape May, from the eleventh

of August, 1904, until September 6, 1904, did you from time to time call to see Mrs. Farrow at her residence or not?

A. I don't think I missed a day.

Q. What time did you usually go around to see her?

A. Very often after breakfast, and very often as soon as I ate my supper.

Q. Where would you find her?

A. Usually in the kitchen, in the morning, washing.

Q. And in the evening where would you find her?

A. Different places in the house, different points of the house, not any particular place.

Q. Do you remember anything in reference to her having an engagement to play at the Ebbett Hotel?

A. I do.

Q. Tell us about that, please?

A. She had at that time a sore hand. I went around in the morning and was talking—

Q. In the morning of what day?

A. I don't know what day of the week, but I remember going in the morning, and she was busy with her work, and she said something about a sore hand, and I said, "What is the matter with your hand?" She said, "I don't know." She said it was swollen—

Judge Carrow:—I object to anything she said to you.

Q. You observed that the hand was very much swollen?

A. Yes; she then said she had an engagement—

The Vice Chancellor:—The rule as regards hearsay testimony is this: That if the words used are definitive of an act or thing shown, they are admissible, as handing or passing of a letter. I think the showing of the sore

hand, the witness saw that the hand was sore, and the hand was shown to her, I think that testimony is admissible, if coincident with the speech sought to be introduced, and the speech was explanatory of the thing seen. I think it is admissible.

A. She showed me the hand. I said, "What is the matter with the hand?" She said, "I don't know whether it is rheumatism or whether I sprained it." And then she told me—

Objected to.

The Vice Chancellor:—She spoke to you about the condition of her hand?

Judge Carrow:—I ask that it be stricken out, because it is not as your honor indicated. She asked what is the matter, and in response to her question Mrs. Farrow said what she did in regard to the matter. That is a little different from the case that your Honor states.

The objection was then fully argued.

The Vice Chancellor:—The fact that the witness introduced the subject matter shows that the speech of the defendant was the less possibly a contrivance, because she could not foresee what question the witness would ask.

It is admissible in my view because of the exhibition of the hand, the demand for an explanation and the giving of it were all coincident facts, and she is entitled to the declaration so made. The reason why such testimony is usually not admissible is largely because it might be coined by the witness in her own interest, create facts which might be subsequently used to her advantage. In this case there is no evidence which would lead the Court

to think that was the situation. The witness on the stand asked the question, the defendant made explanation, and unless we believe there was some very curious contrivance, it is impossible to say or think that this was the making of testimony. I think the testimony is within the limit; it is explanatory of the thing shown, and is far away from any indication of bad faith or the making of testimony. I will admit it.

Q. She showed her hand, and which hand was it?
A. The right hand.
Q. What was the matter with her hand as far as your visual inspection went?
A. I don't know; possibly it was rheumatism due to overwork, ironing.
Q. What external evidence was there of anything wrong?
A. It was swollen.
Q. How much?
A. Quite a little, very visible.
Q. Do you know what evening it was that she expected to play over at the Ebbett?
A. That evening.
Q. Did you go to see Mrs. Farrow that evening?
A. I went that evening.
Q. About what time did you reach Mrs. Farrow's residence?
A. I imagine about eight o'clock.
Q. Was Mrs. Farrow there when you reached there?
A. She was.
Q. Where was she sitting?
A. I don't remember.
Q. But she was at home?
A. She was at home.
Q. How long did you remain there?

A. I don't think it seemed ten minutes.

Q. When you left where did you leave Mrs. Farrow?

A. In the house; I could not say whether she was in the house or whether she went to the porch with me.

Q. But she was about the premises?

A. Yes.

Q. How was she dressed, to go out or not?

A. My recollection is she was not dressed to go out. (The rest of the answer was ordered stricken out as not responsive.)

Q. When you observed how she was dressed, did you ask her whether or not she was going out?

A. I asked her if she was going out.

Q. What answer did she give?

Objected to as heresay.

Question overruled.

Q. How do you fix the time of having arrived at Mrs. Farrow's house that evening?

A. From the time we had our supper at the hotel.

Q. What time did you usually have supper?

A. The dining room usually opened about ten minutes of seven, more often seven o'clock when it opened.

Q. What did you do after supper before going over to Mrs. Farrow's if anything?

A. I could not say that.

Q. What was your usual custom?

A. I usually went to my room, sometimes sat on the porch a few minutes, but just what I did that evening I could not say.

Q. During the many years that you have known Mrs. Farrow I want to know whether you lived with her in the same home?

A. I certainly did.

Q. Where was that?

A. In West Cape May, on Mechanic street, until I was married, she lived with us.

Q. Did you ever know her to utter an oath?

A. Never; we were not allowed if we would.

Q. Did you ever know her to drink promiscuously, in public or elsewhere?

A. Never.

Q. Have you ever seen her in the drinking saloon of the Lafayette Hotel?

A. Never.

Cross-examination.

By Judge Carrow:

Q. You didn't frequent the Lafayette Hotel yourself?

A. I most certainly did not.

Q. Mrs. Farrow has not lived with you for the last seven years?

A. No, she has not.

Q. You have not lived with her in the same house during that time?

A. No; it has been longer than that.

Q. Where do you live?

A. In Pennsylvania.

Q. How far from Philadelphia?

A. About thirty-two miles, on the road to Reading.

Q. The only time you go to Cape May is when you go on a visit and when you go down you stay a little in the summer time?

A. That is my business in Cape May.

Q. On the night you say of the 24th, you found out from her that she had an engagement to play around at the Ebbett House?

A. I did.

Q. The information in regard to that matter you got exclusively from her and nobody else?

A. Exclusively from Ethel Farrow.

Q. You say the door of the Star Villa opened about seven o'clock?

A. Usually about ten minutes to seven.

Q. And did you go in promptly when the door opened or did you wait a while?

A. That I could not say.

Q. But anyhow after you had supper, and you don't know what you had done immediately following that, whether you sat down for a while, but shortly after that and late in the evening you went around to the Farrow house and had this conversation?

A. I did.

Re-direct.

Q. Who was with you at the hotel at Cape May, at the Star Villa?

A. My daughter.

Q. Louisa, and she was with you during your entire stay there?

A. Yes, sir.

Q. Where is she?

A. In the hospital.

Q. What hospital?

A. The Medico Chi.

Q. How long has she been there?

A. She went there last week.

Q. She is an invalid?

A. Yes, sir; she has been operated on for appendicitis.
Q. That is all.

FLETCHER STITES, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. Where is your residence?
A. 2500 Diamond street, Philadelphia.
Q. What is your profession?
A. I am a member of the Bar.
Q. What Bar?
A. Philadelphia Bar.
Q. Are you a member of the Supreme Court Bar of Pennsylvania?
A. I am.
Q. Of what law school are you a graduate?
A. The University of Pennsylvania, the class of 1904.
Q. What is your relationship to the defendant here?
A. Mrs. Farrow is my cousin.
Q. How long have you known her?
A. All my life.
Q. Where were you on the 17th of August, 1904?
A. Cape May City.
Q. What were you doing down there, what relations, if any, have you there?
A. My parents reside at Cape May, my mother and father.
Q. Were you visiting your parents on the 17th of August, 1904?

A. I was.

Q. Did you have any particular business there on that date; if so, please state it?

A. I was captain of the Cape May Baseball Club, of which Mr. Charles Doak is catcher. We played two games weekly, one on Wednesday and one on Saturday afternoon. On August 17th I left my office in Philadelphia at 11:15 on the Reading Road and went to Cape May. On that afternoon we played a club from Tioga—the Prospect Athletic Club—that was my business, in response to your question.

Q. Who caught for that game?

A. Charles Doak.

Q. How long had he been catcher for the club?

A. Always been catcher.

Q. How long did you play with the Cape May Club?

A. I was playing as a boy, I played on the 'Varsity nine, and during my vacation in the summer I played with them and was captain.

Q. What position did you play?

A. Third base.

Q. And you did that for two years?

A. Yes, sir.

Q. Was there any compensation attached to that from this club?

A. None at all.

Q. Purely a labor of love to give amusements to the guests?

A. Entirely so.

Q. Do you remember whether or not you saw Charlie Doak on the evening of Wednesday, August 17, 1904?

A. I did twice.

Q. When did you see him and where?

A. I saw him standing in front of the cigar store of Mr. Nebenthal, at which Mr. Doak was tending, I should

say between fifteen minutes after eight and 8:30. I returned to the cigar store probably half an hour later, no, I think three-quarters, nearly 9:30, and Mr. Doak was in the store at that time spreading some cigars out on the stand for some customer, and I held a conversation with him at that time.

Q. What led you to go over to see Charlie Doak, you don't smoke cigars yourself?

A. No.

Q. What led you to go over and see Mr. Doak that evening?

A. We played the Prospect Athletic Club, as I said, on the afternoon of Wednesday. We had a game scheduled for the following Saturday with a team from Bristol, Pa. I received information after supper from Mr. Henry Rutherford, who was manager of the club, that Mr. Doak's grandmother had died during the afternoon, and for that reason it would be necessary to secure another catcher for the following Saturday game with Bristol, because Mr. Rutherford was of the opinion that Mr. Doak would not catch. So I went to the cigar store to determine whether or not Mr. Doak would catch on the following Saturday, or whether he regarded the death of his grandmother as such an incident that he didn't care to catch, and I held a conversation on that subject with him the following morning.

Q. When did you leave Cape May?

A. The following morning.

Q. So whatever conversation you had to have with him, you had to have that evening?

A. Yes, sir.

Q. Then I understand you to say that between the hour of 8:15 and half-past nine or a quarter to ten—

Judge Carrow:—He has already stated that.

Question withdrawn.

Q. How long have you known Charlie Doak?

A. Since I have been able to see him, since we were small boys.

Q. Have you ever seen Charlie Doak and Will Farrow together?

A. I think I have a number of times.

Q. Have you ever seen Charlie Doak and Mrs. Farrow together?

A. I think so.

Q. Where?

A. I think I saw them standing, I think I went down the street one day with Mrs. Farrow on the way to the post office, and Mr. Doak was in front of the cigar store, and he joined us, and started conversation on general topics.

Q. No love topics?

A. Certainly not.

Q. Have you ever seen Mrs. Farrow with Charlie Doak in any place that was in the least suggestive?

A. I have not.

Q. Or with Harry Oliver in any place which was the least suggestive?

A. Certainly not.

Q. Or with any other man in any place which was the least suggestive?

A. I have not.

Q. When you go to Cape May—how long have you been away from Cape May?

A. I went to college in Indiana in the fall of 1900; graduated in the Cape May High School with the class of 1898, and I left for college in Indiana in September of that year.

Q. When you would go back to Cape May—I presume while at college you would simply make holiday visits home?

A. While I was in Indiana I was not able to do so, I stayed nine months and returned only at the end of the term.

Q. While you were at Cape May, was it your habit to visit Mrs. Farrow at her home?

A. Always.

Q. Did you ever hear her use any profanity?

A. Never in my life.

Q. Or any vulgar language?

A. Never.

Q. Or in any way act, by any overt act, or in any other way exhibit a suggestive disposition?

A. Certainly not.

Q. You never saw anything on her part which indicated that she is not a perfect lady?

A. I did not.

Q. You are quite familiar, I suppose, with the situation of the beach at Ocean avenue and Beach avenue?

A. I certainly am.

Q. If you were asked to pick out the most public place in Cape May in the summer in the evening, what particular place would you select?

A. I would say between the Music Pavilion at the foot of Stockton street and Gurney street, and the Iron Pier at the foot of Decatur street, immediately in front of the Lafayette Hotel.

Q. Why would you call that the most public part?

A. It is by reason of the fact that the band on the pavilion in the evening draws nearly every one in that direction who is not going somewhere else. In other words, that place is a stream of people nearly all the time.

Q. Do you know whether or not it is the custom of guests at Cape May to walk along the strand of evenings?

A. Yes, you mean to say down on the beach?

Q. Yes.

A. Yes, sir.

Q. Suppose it is moonlight, what then, does that increase the number of strand walkers?

A. Yes, sir; noticeably if the tide is low.

Q. What character of people walk along the strand at night?

A. Every one who feels disposed to do so, all the people who were there, visitors at the Stockton Hotel, or any other hotel.

Q. Are you familiar with the general make-up of the tents on that beach?

A. I am.

Q. Will you describe how they are constructed?

A. These tents are usually constructed with simply a canvas covering over upright stakes at the four corners; they are probably raised four feet from the ground, the idea being to afford simply a protection from the sun for those persons who may be under them.

Q. Is there anything about these tents to afford protection, particularly at Ocean avenue, from detection in the commission of adulterous acts?

A. I should certainly say not, for the reason that the sides are not sufficiently down to hinder the vision of any one who is near enough to look in.

Q. What as to the front and the rear?

A. The front and the rear are open all the time. In other words, if you will allow me to explain, the side comes down that way, so that the front and side is open. In other words, there is no canvas at all between the front and back.

Q. Do you know whether or not at Ocean avenue and the beach there is an entrance way over the boardwalk for teams?

A. Yes, I think there is, there is a siding from the Reading Railroad which goes in from the railroad along the beach front, along the railroad which leads to Ocean street.

Q. Do you remember on what evening it was that Madam Girard gave her concert at the Stockton Hotel?

A. Yes, sir; it was the 25th of August; I was present at the concert and I recall it.

Cross-examination.

By Judge Carrow:

Q. Do you recall, Mr. Stites, how many tents there were down on that beach?

A. There is a large number.

Q. Were there as many as one hundred?

A. I should hardly think so, hardly that many, but there might be, that is an approximation.

Q. What would the circumference of the tent be?

A. How much ground it would shade, you mean?

Q. Yes, about?

A. Well a tent would probably be, I should say it would represent a rectangle on the ground possibly six or eight feet square.

Q. And the canvas would extend down to within four feet of the ground?

A. That is my judgment of the matter, within four feet of the ground.

Q. Are you co-operating as one of the counsels in this case?

A. No, sir.

Q. You have been sitting with the counsel and taking notes?

A. Yes, sir; because I am associated with my uncle, Mr. Edmunds.

Q. You are in his office?

A. No.

Q. What do you mean by associated?

A. I mean to say that I have my office up town, 209 and 211 Penn Square Building, and Mr. Edmunds is 400 Chestnut street, and any time Mr. Edmunds wants any work done at City Hall he communicates with me and I attend to it.

Q. I have observed that you have been sitting here and making notes, and suggesting to your uncle, Mr. Edmunds, and Mr. Hildreth?

A. Yes, sir.

Q. Is that so?

A. Yes, sir; in a general way, I don't think I have been very helpful.

Q. Perhaps we might not think so. You don't mean to say, Mr. Stites, that if a person or persons, or rather if a man or woman wanted to commit adultery in one of those tents, that was four tents away, or four intervening tents from where they were and the boardwalk, that they could be easily discovered unless somebody was watching them specially?

A. I should say that would represent a degree of foolhardiness, that I could not conceive of it myself.

Q. That is all.

N. Perry Edmunds, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. Where do you live?
A. 2500 Diamond street, Philadelphia.
Q. What is your business?
A. Sand and gravel.
Q. You are connected with what firm?
A. Norcross & Edmunds.
Q. Where is your sand plant?
A. Birmingham, N. J.
Q. How long have you been so engaged?
A. I have been engaged in business up there five or six years, but I have been in the sand and gravel business for twenty years.
Q. What relation are you to the respondent, Ethel Farrow?
A. She is my niece.
Q. And you have known her all your life?
A. Yes.
Q. When did you first learn that there was trouble existing between the respondent and Mr. Farrow?
A. Well, it was, I should say, some time in April of this year.
Q. Of this present year?
A. Yes, sir.
Q. You were telephoned for?
A. I received a telegram to come to Cape May at once.
Q. And the telegram was sent to you by whom?
A. By Ethel Farrow. Then I immediately called on the telephone and she told me there was trouble between her and Will and was very anxious for me to come down

that night. I said it was almost impossible to come down that night, I have a business engagement.

Q. Never mind the conversation, when did you go?

A. I went that night.

Q. Who did you see?

A. I was met by Octavine at the train, we were walking around and when I got to Decatur and Washington, Dr. Marcey's corner, I met Will.

Q. Will who?

A. Will Farrow.

Q. The complainant here?

A. Yes, sir; he came over and he said no doubt that I would side with Ethel, and I said no, we won't discuss the matter at all until we all get together, and I shall side with you if you are right, or with her if she is right, but I think it is a matter we can fix up. We won't discuss the matter alone. I don't want her to say a word to me unless you are present, and I don't want you to say anything unless she is present, so we went down there.

Q. Where?

A. To the house on Hughes street.

Q. Did the Farrows then live there?

A. Yes, sir; he told me that he had taken his things to his father, and when supper was ready I said, "Come on, Will, let's have supper." He said, "No, I have had my supper." So we had our supper, and once or twice he wanted to say something, and I said, "Let's wait until we put Octavine to bed, I don't want to discuss it before her, and you make a statement then and let her make a statement and see what she has to say." I suggested, "You go and get your father and mother, because I want to be as fair to you as to her, I don't want you to think that I want to be one-sided."

By the Vice Chancellor:

Q. Who were present?
A. My niece, Mrs. Farrow, and Mr. Farrow.
Q. Anybody else?
A. No, sir; not then.
Q. You and they two?
A. I think Octavine had gone to bed. I won't be sure, because I didn't care to talk before the little child, but I may be mistaken about that, but if she was there she would be the only one in addition to Ethel and myself.

Further direct.

Q. Go on?
A. I suggested that he go and get his father and mother, or both. I said, "While she is my niece I shall be as fair to you as I would be to her. I want you to make your statement, tell me what you have to say." Then he would talk about something and as soon as he finished I would say: "Ethel, let me hear your statement, what have you to say against that," and then she would go ahead. I suppose we talked until quarter of nine. I think it may have been half-past eight or quarter of nine.

By the Vice Chancellor:

Q. He didn't go and bring his father?
A. No.
Q. He was content to talk in the presence of his wife with you alone?
A. Yes, sir.
Q. Or possibly with the presence of the little girl?
A. I won't be sure about that.

Further direct.

Q. You say he proceeded to talk, that is very indefinite, because we don't know what was said.

A. Do you want the conversation?

Q. Yes; what charge did he make against his wife; did he charge her directly or indirectly?

A. No; the conversation didn't hardly amount to anything, as I told him.

Q. Can't you tell what he said?

A. I want to see if I can get the first thing he spoke to me about. I am a little ahead of my story. After we finished our meal, we took a walk.

By the Vice Chancellor:

Q. That is you mean Farrow and wife?

A. No, Will and I. I hadn't had anything all day, and after I take a hearty meal I feel bad unless I take a short walk, and he made a few statements, one was, that she had been seen going across a lot many nights, and he took me down and showed me where this lot was, and that Doak had been seen standing in this dark corner, and after she would go past this dark place he would immediately run down toward the boardwalk. That is on Perry street, down at the foot of Perry street.

Q. And the boardwalk?

A. Yes, sir; and Doak stood back of the kitchen of Congress Hall. She had been seen frequently going across this lot, the old Columbia House property and turn around this corner and go to the beach, and when she got down past Perry, I don't know whether it is the electric light or the gas light, she would cross and go underneath the boardwalk.

Further direct.

Q. This is what he told you?

A. Yes; I said if that is true that certainly looked very bad. We will go back and see what she has to say about it, we won't discuss any more, but ask her about that. So we went back. Now, I said, let's commence just the same as if Willie hadn't said anything to me. So he makes the statement.

Q. In the presence of Mrs. Farrow?

A. Yes, sir. I asked Ethel what she had to say about that, she said—

Q. In the presence of Mr. Farrow?

A. Yes, sir.

Objected to.

The Vice Chancellor:—It is clearly admissible, this is a conference at which both parties were present.

Q. What was said by either to the other in the presence of the other?

A. He made a statement. Now I said, "Ethel, what have you to say about that?" She said, "There is not a word of truth in that." I said, "He said that Mr. Robert C. Hughes said it. He said that Mrs. Hughes says this." Ethel said, "If Mrs. Hughes says that, then I shall think I have been crazy, because Mrs. Hughes is a lady I have always had great confidence in. She was my music teacher or Sunday school teacher." I don't know which she said, I think it was music teacher. "If she says that I shall think I have been crazy, but she won't say it." I said after we have talked over those other things I will go down there.

Q. Where?

A. To see Mrs. Hughes.

(At this point a recess of one hour was taken.)

Q. Go on.

A. We left the house.

Q. Who?

A. Ethel and Will and I; when I say "we" it was always just the same people. I should say around about quarter of nine, I don't know the time particularly. We went down to Mrs. Hughes' and knocked at the door, it was at the foot of Perry street and the beach, used to be called the Orio, right down below the Dryden property, and Mrs. Hughes came to the door and invited us into the parlor. And she commenced by saying that she had not seen Ethel for quite a while. I said, Mrs. Hughes, the nature of our visit is a little different from what you may imagine, and I will make it known at once. I said Will and Ethel had some trouble, and he told me it was mainly on your statement that he has left his home; today he has taken his things away from the house to his father's. She said, What! I repeated that. Now, I said, this is what he said, "He says that you have said that you have frequently seen Ethel come across this lot, meaning the old Columbia lot, I said the Orio, I think it was the Dryden property, she lives in next to the Orio."

By Mr. Hildreth:

Q. The Frier Cottage, you mean?

A. Yes, the Frier Cottage. I have been away a good while and I have forgotten the name of the property. That is the property, where the old Columbia House stood before it was torn down, and there is a lot where the wood and bricks are, and there I said, he said, you

had frequently seen her come across this lot, and go in under the boardwalk, and underneath the electric light, underneath the bathhouse and this Doak boy would come from underneath the dark spot there underneath the kitchen of Congress Hall and go to the beach, and she turned around—

By the Vice Chancellor:

Q. Who, Mrs. Hughes?

A. She turned around and said, "Why, Mr. Farrow." He said, "Didn't you tell me that Mrs. Hughes?" "Why," she said, "No." I said, "Mrs. Hughes—I interrupted—how many times have you seen Ethel go across this lot?" "Why," she said, "I never saw her go across the lot." I said, "Do you mean to tell me that you have never seen her go across this lot, either by day or night?" "No, sir. Never in my life." Now I said, "Mrs. Hughes, I am going to ask you a third time, do you say you never saw Ethel go across this lot?" "Never." "Did you ever see her stand underneath the light." "Never, never saw her under the light at all." "You are positive of that?" "Yes," she said. I said, "Mrs. Hughes, how many times have you seen her go down the sidewalk past your house, go down underneath this electric or gas light, cross over by the bathhouse, and this Doak boy go down there?" She said, "I never saw her." "Do you mean to tell me that you never saw Ethel go down by your house, you sitting on the porch, and go underneath this electric light, and down underneath the bathhouse?" "I never saw her," she said. "How many times have you seen Ethel go past here; Will said it is frequently that you have seen her go past here." She said, "I never saw her pass here, except once, and that was about half-past seven, and I was sitting on the porch and she spoke to me." I said,

"What was there remarkable about that you should mention it?" She said, "That is what I don't know, I really don't know who I mentioned it to, if I mentioned it." She said, "What does it all mean?" Then I repeated that Will had left the house and he told me it was practically on what Mrs. Hughes had said. She said I never saw her go only once in the daytime, I have frequently seen her drive past in the daytime." I said, "Who was with her driving past?" She said, "Oh, different people, sometimes (I think she said), sometimes her sister, sometimes Mr. Farrow, sometimes her mother and different people." I said, "Did you ever see her go past with Doak?" "No," she said, "I never saw her with Mr. Doak." I went over that the second time, then you have never seen her with any man?

Q. I understood you at the time you had this conversation that Mrs. Farrow and William Farrow, the complainant in this suit, were present?

A. Yes, sir, and Mrs. Hughes.

Q. You were having a conversation with Mrs. Hughes and in their presence?

A. Yes, sir; at Mrs. Hughes' home in the parlor. I said, "You have never seen her go past with any man?" "No," she said, "only with her husband." Then I said, "Well, Mrs. Hughes, the night she did go past here, did you see her go down underneath this electric light and cross over?" She said, "No, she went past here and I could not say which way she went. I simply spoke to her. I am not in the habit of watching people." "Do you mean to say that she did cross over from this electric light and go into the bathhouse?" "Why no," she said. Then I said to Will, "You told me that night that Mrs. Hughes had said that, and this Doak boy went down," and she turned around and said, "Mr. Farrow, I never told you any such thing." He said, "Mrs. Hughes, do

you mean to say that you didn't say something like that?" She said, "No, I never mentioned." Then Mrs. Hughes said, "I have never seen Ethel, Mrs. Farrow, go past here with this Doak boy or down there." I said, "Who did she meet"—I said walk with— "she met nobody, she simply walked past here." I said, "Was this Doak then standing over in this dark place, and as soon as Ethel passed, did he go down?" She said, "No, the Doak boy was not there." She said, "I have seen one of the Doak boys." "Which one?" "I don't know." "At any time over at this dark spot?" "No time." I said, "Did you see either one of the Doaks go by, did you at the time that you saw Mrs. Farrow go past, did you see her with him, go toward her, or ever see her when she was with him?" "No," she said, "I never saw Ethel go past except one night." "And was this Doak boy which she didn't know standing in the dark spot, did Ethel go past at any time?" "No," she said, "at no time." "Mrs. Hughes," I said, "you have been living here, have you ever heard anything against Ethel?" "Never in my life," she said. "I have known Ethel since she was a little girl, I have a very high regard for her, and I have never heard a word against her, and my advice is, and I would be glad to talk to them and make up any difference they had." Then we went back again.

Q. Who?

A. I commenced again in the presence of Will, Ethel and Mrs. Hughes. I want to go back to that lot again. I said, "Do you mean to say again that you have never seen her anywhere in this lot?" She said, "I never did." Then Will started to say something and she said, "Mr. Farrow, I never told you any such thing." Well, I asked her again about going past, driving past. "Did you ever see her go past here with this Doak boy?" and Will started to say something, what it was I don't know, it was about

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Mrs. Hughes saying about her coming across the lot close to the corner. I said, "Will, Mrs. Hughes has gone over that a great many times, and I will ask the question again," and he jumped up and said, "I am not going to stay here any longer, I am not going to be made a liar of." I am on my oath and I think he said that and he went out. I suppose we stayed there three or four minutes longer—

The Vice Chancellor:—Now what you said is not admissible.

A. We went out and bid her good night. I said, "Ethel, let's go around"—

Further direct.

Q. Was this in Will's presence?

A. No. From there we went to Chief Farrow's. We knocked and the chief came to the door and I shook hands with him and went into the house, and Mrs. Farrow, the mother and the daughter, the single daughter, I don't remember her name.

Q. Minnie?

A. If Minnie is the name of the single daughter, she was there, and Willie, that is all. I made known the nature of the visit, and I said I am sorry to have to come under such circumstances, that I would like to have a talk with them and see if we could not straighten this up, here was a very disgraceful thing, a home being broken up, and I thought without any cause, and I think the best thing to do is to talk this over, and where Ethel is wrong I would be glad to say so, and where Willie is wrong, I will say the same, and see if we cannot fix it up. Here is a home broken up, and I think it is without any cause, that everything Willie has told me so far, I don't see anything in it,

now you people being his parents, I want you to hear the same. I started to say something to Mrs. Farrow—

Q. Which one?

A. Senior, mother of Will, and Ethel said something, and she turned around and said, "You shut your mouth, I would not believe you on your oath." Of course, when I heard that I didn't think I was going to get much help from there, and Ethel started to say something, and I said, "Ethel, just keep cool, this is no time for personalities, let's see if we can't fix it up." I said Mrs. Farrow—

Q. That is Mrs. Farrow, Sr.?

A. Yes, sir; I will refer to Ethel as Ethel, I said, "Here is a very serious thing, here is a home being destroyed, they always seemed to be as happy as anybody I know. I never heard any complaint, let's see if we can't fix it up, don't you think that is the thing to do, Chief?" He said, "I have nothing to say." I said, "Don't you think it is the best thing to do, and don't you think it is the best thing for Willie to go back home?" He said, "I haven't anything to say." His wife said, "No, other than to say that every time you saw her on the street and came home you say, 'I have seen that damn whore again.'" Ethel said. "Never in my presence did he ever say that." I told them what Willie had told me about the dog, which I will relate a little bit later, and one or two other things, and I said, "I don't see anything in it." I said, "I think the thing for us to do is to get together, in any question where Ethel is wrong I will not side with her, and where Will is wrong I won't side with him, but let us fix it up, and let me go home." I said, "Will, I want you to go home with us, we can fix it up, and you will be sorry about it, you never ought to have taken your things away from there." Then I asked the Chief if he didn't think so again, and he said no, he didn't have anything to say. And Mrs. Farrow said, "No, other than

that he would say he had seen that damn whore again," and Ethel said again, "He never said it in my presence." I think that is about the sum and substance of the conversation there. Of course, we had a lot of general talk.

Q. Do you recollect whether or not at that conversation at the home of Chief Farrow, in the presence of the parties indicated, anything was said about Sam Stites and James C. Bennett?

A. Yes.

Q. What was that?

A. Mrs. Farrow said that they were two old respectable men, who could tell enough, just their evidence alone would be enough for him, never to live with her again. I don't think she said divorced. I said, "Who are these two people? Let us see them; it is not my idea here or thought to shield Ethel, if she is wrong; if they have anything to say, let us see what it is." She said, "It is James C. Bennett and Samuel R. Stites, who are both very reputable citizens." That was the end of that, I think. I don't recall anything more then.

Q. You say you asked Will Farrow to return to his home that night?

A. I asked him, I suppose that night.

By the Vice Chancellor:

Q. You made some reference about a dog in your conversation, what was it?

A. No, not at Chief Farrow's house, this was at Ethel's before Will and Ethel went to Mrs. Hughes. I got Will to tell me all of the different things that he knew against her, and then as I say I would get him to tell me what he had to say, and then ask her, and they spoke about a dog, about Doak coming around there. He first talked about Doak coming there, or that he went around

one evening about six o'clock and someone went to the front door and knocked, and they could not get in, and they knocked the second time and Ethel came to the door and let them in, and this lady told him or some one of his folks afterwards that they had quite a time to get in the house, and he told me it was owing to this Doak being there, and then Ethel told me how he happened to be there, and so I will start from the time the dog got here. It appears this infernal dog around the house had his leg broken, and the dog belonged to Doak, and Will or Ethel or both said to send word around to Doak,—that is the way they spoke of that,—to come and see the dog. The dog got hurt at the corner of Ocean and Hughes streets—I am not positive about that—well, they went and got the dog and he said, "Won't you take him to your house and doctor him up, and I will come around each day," which both Ethel and Will said was the case, that he came around two or three times, or once a day. At any rate one day he was around to doctor the dog, and he stayed about ten minutes, and Will admitted that to be the fact. And I said, "Ethel, what about this door being locked?" She said, "He came around on his bicycle. He was going home to his supper, and he was in his shirt sleeves, with his sleeves rolled up and apron on,"—I think she said sleeves rolled up and apron, but his sleeves rolled up—and he left his bicycle around in front and came in back. She was preparing supper and Octavine was in the room, and he fixed the dog's leg and looked at it, and put some salve or ointment on it, and a knock came to the door, and I think he was in the kitchen and Octavine was in the room, and Ethel was peeling potatoes, and he said, "There is someone knocking. I am dirty; I will get out, and the dog is all right." She said, "You need not hurry." And he said, "I am in a hurry for supper, and the dog is all right. I will go right out." I said, "Ethel, how did he come in."

She said, "He left his bicycle and came in the front gate, went around on the side and sat down and he doctored the dog and went out." I said, "Will, you certainly don't think that amounts to anything?" He said, "No, he didn't think it did." I said, "Will, tell me something that does amount to anything, as I have told you two or three times, if she is wrong I will say so." I said, "Tell me something."

Q. Did he say anything more to you, state any other incident?

A. I was trying to think, there was a lot of general conversation. After this dog was hurt, or some time before the dog was well or after the dog was well, some one said to Ethel there was some talk about Doak. So when Will came home she told him about this. She said, "Will, I want you to tell him while this talk is going on I don't want him to come to the house any more." Will said, "All right, but I don't see any harm,—didn't you say that, Will?" And Will said, "Yes." She said they were going down the street one evening toward Skellinger's landing and met this Doak along the street, and she said, "Will, here comes Charlie." (I guess it is Charlie, the Doak boy anyhow, I think it is Charlie), and she said, "I want you to go over and tell him so." He says, "All right, let us go over," and they went across the street and Will told this Charlie Doak "that there was some talk about him and Ethel, and while it was going on I don't care to have you come to the house," and he said, "I don't believe anything of it We are just as good friends, and Ethel wants me to say it. Understand, I don't think any the less of you and we will be just the same friends." He said, "All right, I won't come around." He said he stayed there and talked some five minutes. I asked Will about it and he said, yes that is so. Well, I said—in our conversation I said—"Will, how did this Doak boy come to the house." He said,

"I brought him there." "Did he ever come on Ethel's invitation?" "Not that I know of." Ethel said, "Don't you know that he didn't." He said, "Yes, I always asked him to come around," and Ethel spoke up something about being on the beach, he hadn't been around for a good while. This was after he had told him not to come around to the house.

Q. After Will Farrow had told him?

A. Yes, sir; had told him not to come, that Will was down on the beach, and he met this Doak boy and he brought him home to the house, and they sat on the porch. This was after ten, this Doak boy and Will and Ethel sat on the porch until after ten.

Q. That is as far as you can recall the result of your investigation?

A. Yes; I know there was other talk, but I can't remember it.

Q. Do you remember the day of the week you went to Cape May; was it the day after Will had separated from Ethel?

A. I think their trouble was the same as to-night, and then Ethel sent me a telegram in the morning and I went down that night.

Q. Do you know whether or not when you reached Cape May that evening Will Farrow had removed his trunks and belongings from the house?

A. Yes; he told me he had taken them away. I said, "Will, you have made a great mistake, unless you had something different from what you have told me." He said, "I have told you everything." I said, "You made a great mistake."

Q. In any of these conversations you had with Will Farrow, while you were there trying to bring about amicable relations between the parties, did he in any way, shape

or form, say to you that he believed she had committed adultery with any living soul?

A. No. We came up next morning and rode in the parlor car by ourselves. I said, "Will, I think you have gotten insanely jealous over this thing and have worked yourself up so that you don't know what you are doing." Now I said, "What you told me last night or this morning, there is really nothing in it, and if we had any help from your folks we could have fixed this thing up. I see your folks are very much against Ethel. You mean to tell me that you think there is anything wrong with Ethel?" He said, "No." Then you don't know that there is anything wrong. "No," he said, "I don't think that." "What is the trouble then?" "I don't like the way she acts."

Q. When did you go to Cape May again, and with whom, if you recall?

A. I think the next time you and I went together.

Q. Do you remember the day of the week?

A. No.

Q. Was it the following Sunday, or can't you recall?

A. We went down on Sunday and you stayed down. I came home Sunday night and you stayed down and came up Monday morning.

Q. Were you at the home of Ethel when Will Farrow came in, or had you gone before he came?

A. He reached the house just about five minutes before I left, just about train time, and he said he wanted to have a talk with you.

Q. Did he see Ethel that afternoon?

A. Yes, sir.

Q. Did he come in the parlor?

A. Yes.

Q. And Ethel was in the parlor?

A. Yes.

Q. You were there about five minutes?

A. About seven minutes, not ten minutes.
Q. Did you see Mr. Stites and Mr. Bennett, the parties who have been mentioned by you?
A. Yes.
Q. Was Mr. Farrow present?
A. No.
Q. Then we can't go into that?

The Vice Chancellor:—One moment, you went to see him?

A. We sent for him and he came to Ethel's house.

The Vice Chancellor:—Did you relate to Mr. Farrow what Mr. Stites had said to you?

A. Yes, sir.

The Vice Chancellor:—You may tell that, you may tell what you told Farrow that Stites had said to you.

A. Then I will tell what I said to Will Farrow.
Q. That is right?

Judge Carrow:—There is no proof here that William Farrow said anything about William Stites. When Mr. Edmunds and the defendant were at Chief Farrow's house that night, William Farrow said nothing about Stites, his mother—

The Vice Chancellor:—In his presence. I am quite sure that what this gentleman said to Mr. William Farrow, the complainant in this suit, is clearly admissible.

A. I said, "Willy, I had a talk with Mr. James C. Bennett and Mr. Sam. Stites,"—I didn't say Mr., I said with Sam. Stites and Mr. Bennett, when I asked him the question—

Q. What question?

A. I asked him if he had ever said anything against Ethel. "If you knew anything against her character sufficient to cause Will to leave the house." "My God, no," he said.

By the Vice Chancellor:

Q. You repeated this to Mr. William Farrow?

A. Yes, sir; I asked him what he knew against her character, and he said, with uplifted hand, he didn't know a thing against her; that, as far as he had ever seen her, and he had seen quite a little of her, she was a perfect lady. I asked him if he had ever heard any bad reports. He said no. There is always a lot of talk going around. I said do you know anything yourself. Why, he said with my hand lifted, no, nothing more than a perfect lady. He said there might be some talk about her and I, she took me up to Cold Spring Graveyard in a horse and carriage, he laughed, and said there might be something out about her and I.

Q. How old is he?

A. About sixty-five, possibly seventy. Mr. Bennett, I imagine, is a man pretty well along in years. Now I said, "I asked Sam Stites the same, and Sam Stites said he knew nothing against her; he had never seen her with anybody in his life, other than standing on the street and talking with people. He had never seen her with Charlie Doak other than about ten minutes. I said, 'Where was that.' 'On Washington street.' I said, 'You are going around a good deal with your teams, did you ever see

Ethel anywhere with any one at any time in a compromising position, or sneaking down back streets,'" and I said, "Will, he told me he had seen her on Washington street in the daytime or standing and talking with one or another about ten minutes." He said, "She is pretty lively, you know, and mostly," he said, "Will was with her." That is the report that James Bennett and Samuel Stites make of it, which your mother said, that Sam Stites and James Bennett could tell enough for you never to want to live with her again."

Q. Did you have any conversation with Will Farrow at any time in reference to the use of the pistol over the head of your niece Ethel?

A. Yes, sir; he told me that night that he had threatened to shoot her, he said he was very near crazy. He said he didn't intend to shoot her. He only did it to scare her. I said, "Will, that is a very serious thing, a person in the frame of mind you were might shoot a person at any time," and he said he didn't intend to shoot her.

Q. When Mr. Farrow, Jr., the complainant in this case, was on the stand yesterday, he testified that the relatives of Ethel didn't visit her home on Hughes street. Now I want you to say, if you will, what your own custom was about visiting her home when you were at Cape May?

A. He said what?

Q. He said the relatives of Ethel were not accustomed to visit her at her home on Hughes street, what was your custom?

A. When I went to Cape May I generally went down to our mother's first.

Q. She lives where?

A. On Washington street, below the fire department, below Franklin street.

Q. Your mother is the grandmother of the defendant here?

A. Yes.

Q. And your mother is the widow of Downs Edmunds?

A. Yes. But when I went down, I think Ethel always knew I would be down, because she has always been very near and dear to me, and in all cases I have written, and all hands took supper over at Ma's at her house, so that we could be together. If I went to Ma's, my mother's, as soon as I got down, I said to Ethel, come down, and Will always mentioned Will, same as I did Ethel, and if not, let us go around there. If we took supper at Ma's, we immediately went up and got Will and Ethel. Never did I ever go to Cape May, when I was down an hour, that I didn't go around to Ethel's, and we were all the same, whenever we went down to Cape May.

Q. What were your relations with Will during the time he lived with Ethel?

A. Mostly friendly.

Q. Did he ever come to your home on Diamond street?

A. Yes, sir.

Q. And remain over night?

A. Yes, sir, and I don't think he will state anything else. They were of the most friendly character. There was never the least hint of anything.

Q. When did you first learn that there was trouble?

A. On the day I received a telegram, that was the first intimation I had.

Q. From the time Will and Ethel were married until Ethel left home, was there any family gathering, anniversaries, birthdays, or any family reunion of any character that Ethel and Will were not represented in?

A. None whatever. I think we had one anniversary

at my house that he didn't come to, and I said, "Will, I am mad at you," in a joking, friendly way, "I shall come to your house no more; you always treat me nicely and I shall come to your house no more if you don't come up." He said he had just come in from a cruise, and he said I had on my old dirty clothes and an old overcoat and I didn't want to come. I said, "You are just as welcome in your old dirty clothes as anybody else, and there is none more welcome than you." He said, "I understand that, but I didn't want to come with the old dirty clothes." "But," I said, "We always want you with us. We think just as much of you as anybody in the family," and he said, "I know that." And at all family gatherings he was always one of the first to be invited.

Q. Did you ever see any of the family at Ethel's home?

A. I never knew of any to go down there, but they went to Ethel's. If we were at your cottage, if there was any gathering of the Hewitts, some one would say go and get Ethel, and Will was generally there, because he would always come there as soon as we were down. As soon as we were down, any of us, were at Cape May, he said, "Now there is the horse, go and take a drive."

Q. He was very generous in putting his horse and carriage at your disposal?

A. Always, he would insist upon your taking it, and I used to say to him for these favors, I never get a chance to return any, the reason is on account of his coming to the city with those dirty clothes on.

Q. And he told you where he usually stayed?

A. Yes.

Q. What hotel did he tell you?

A. The Davis or the Ridgway House.

Q. At the foot of Market street?

A. Yes, sir; I think so; of course, I don't remember particularly about that.

Q. Did you observe when you were with Will and Ethel prior to this trouble, that there was any lack of confidence whatever manifested by Will toward his wife?

A. No, none whatever, because the morning that I received the telegram, I had no idea what the character of the trouble was, and I called Ethel, it was some little time before I could get her on the phone, then I called you.

Q. Never mind about that?

A. No, none whatever, because I was very much surprised, because, as I said, it always seemed to me to be a very happy home, Will seemed to be very much contented, he always says "Eth" says so, it is all right. That is the way he always spoke of her.

Q. Are you familiar with the character of the beach at the Delaware Bay House?

A. Yes, sir, I traveled on there a great many years.

Q. That was originally a part of the old Wilden farm?

A. Yes, on which we were born and lived until I was twenty-one years old.

Q. Did you ever have any part to play in the construction of the dock for the steamer Republic and other steamers which land at Cape May?

A. Yes, my father built it. He built the wharf from the time I was born up until after I left Cape May, continuously every year.

Q. And he continued to do that until the time of his death?

A. Yes, sir; until 1890, and from the time I was ten years old I was down on the wharf with him.

Q. Which wharf?

A. At Cape May Point, the steamer Republic wharf,

I was down with him to help him at the work around there.

Q. What kind of work did you do around the wharf when the wharf was in course of construction, or when they took it down in the course of the year?

A. I had charge of the team and we pulled them ashore and we piled those up back of the Delaware Bay House, prepared for another year. We placed them in certain tiers, so that we could place them back in the spring.

Q. Did you ever travel along that beach?

A. Yes, sir; from the steamboat wharf clear around to Point Breeze or Wanamaker's cottage.

Q. You are familiar with the character of the beach?

A. Absolutely.

Q. What highway connects Cape May City with the Delaware Bay?

A. The Cape May turnpike.

Q. Is there any other highway?

A. There are roads running from Cape May Point to Cape avenue and Cape avenue extends out to the turnpike, and that is a direct line to Cape May City.

Q. But there is no other main road to the Delaware Bay House except the main turnpike?

A. Not from Cape May.

Q. Is the Delaware Bay House to the right or left of the turnpike going toward Delaware Bay?

A. It is to the left.

Q. What is the character of the beach down there, is it sandy, meadow, marsh or what?

A. Sandy.

Q. When you get away from the sand along the beach what do you get into?

A. Blue grass.

Q. How high is it?

A. Anywhere from six inches to two feet.

Q. Does the grass completely cover the sand or not?

A. In places, yes, the grass on the beach at Cape May Point is in tufts. There might be, we will say that table, all this end might be covered all along, and there might be a bare spot right there, and then the other side, the grass might be six or seven inches high.

Q. How far from the water does that grass grow about?

A. Well, the grass grows very close to high water mark.

Q. How far about?

A. Well, approximately twenty feet.

Q. Where are the bushes, where do the bushes grow, how far back from the beach?

A. The bushes—

Q. What kind of bushes are they?

A. Beach plums are about the only things.

Q. How far are they away from the water?

A. They used to be quite a distance.

Q. That would be how far?

A. I don't remember, I may be mistaken, I don't remember of any beach plums being on the other side of the railroad toward the beach, with the exception of but two places, and that was one place down close to Alexander avenue, which was the first avenue—

Q. How far from the Delaware Bay House is that?

A. I should say Alexander avenue is one thousand feet from the Delaware Bay House and possibly a little more.

Further direct.

Q. How far is the other place from the Delaware Bay House?

A. What other place?

Q. You spoke of two places?

A. I was speaking of the beach plum, I say one down at the Alexander place, and then there used to be a few—I haven't been on the beach in quite a while now, and there may be more—and then there used to be a few beach plums at the southeast end of the car barn.

Q. How far is that from the water, high water mark?

A. Pretty close, because I have hauled sand from there and dug around those little tufts, and I should say —it was, then the beach may be different, this has been a great many years ago, I should say one hundred and fifty to two hundred feet.

Q. Along the front there by the Delaware Bay House measured at a distance twenty-five feet from low water mark, is the grass sufficiently high at any point to cover from sight a man on top of a woman under the full light of the moon?

Objected to for the same reason, opinion evidence.

The Vice Chancellor:—If the question is reframed to cover the period of time which is made the basis of this criminal act at that place, I will admit it. If this witness is competent to state what the condition was at that time, he is competent to say whether it would hide such an act.

Mr. Edmunds:—I will let the question stand for the present.

Q. You say you have been familiar with that beach for how many years?

A. Forty years, thirty-five years, when I was old enough to know something about it.

Q. Can you say whether or not the grass eventually reaches its maximum height, grows to the highest point?

A. Down right close to the beach?

Q. Yes?

A. Absolutely not, it is very short, that is, where the six-inch grass is, not that close down either.

Q. What kind of grass is there within twenty-five feet of the water?

A. I don't believe there is a place from the Delaware Bay House, unless the beach is changing, and the grass is growing differently from what it used to, I don't think there is one place between that and Alexander avenue that the grass grows that close with the exception of one place, that is close to the car barn; one place used to grow quite low, short grass, and as you get back further the grass would grow in these tufts.

Q. When were you last along there?

A. Along the beach?

Q. Yes; within a year?

A. No; I think it has been about—it seems to me, Will and I—I don't believe I have been along that beach with a team in two years. I don't know, the last time I was along there was last summer in a car, but that was on the Delaware Bay Road, and I don't believe I have been there in two years.

Q. Well, I will withdraw that question. Is there any difference in the sand at Cape May Point from the sand along the strand at Cape May City?

A. Yes.

Q. What is it?

A. The sand at Cape May City is very fine and almost uniform at Cape May City until you get down to a certain depth, then it gets coarser.

Q. Is it packed on top?

A. Yes, sir; and at Cape May Point it is very soft,

and it is not packed, even when the tide falls, unless there is a bed of gravel underneath it is soft. If there is a bed of gravel formed on top the sand is hard along the beach front, but it is always soft.

Q. How is the sand at the Delaware Bay about walking over?

A. It is very uncomfortable walking, a person would be very tired in a few minutes. It is very soft, so much so that very few people ever walk along the beach, or at least never did when I was there.

Q. I want to know whether or not you ever heard your niece, Ethel, utter an oath of any kind?

A. Never in my life; never heard her say a smutty word or a vulgar word.

Q. Did you ever hear her tell a vulgar story?

A. Never in my life.

Q. Did you ever observe her in an act in the least suggestive?

A. No; I always thought that she avoided it and detested it.

Q. What about her drinking?

A. If she ever took a drink other than coffee, it is something I never dreamed of.

Q. Did you ever see any liquor in the house?

A. No.

Q. Did Mr. Farrow ever invite you to take a drink in the house?

A. No, sir; never knew they kept it in the house.

Q. Did you ever see Mrs. Farrow in any drinking place in Cape May City?

A. Never.

Q. At the Lafayette Hotel or elsewhere?

A. No, sir.

Q. Has there ever been a summer during the past twenty-five years that you haven't at some portion of the summer visited Cape May?

A. No never.

Cross-examination.

By Judge Carrow:

Q. You say here that the defendant was such an exemplary husband and his wife was such an exemplary lady, and their home was in all respects so happy and proper that you were astonished, if not surprised when you received a telegram from your niece, the defendant, advising you of trouble between herself and her husband; is not that so?

A. I didn't say that; I said that the home, as far as I know, there was nothing but contentment and happiness, when I received the telegram I didn't know the nature of it, and I called on the phone to learn what was the character of it.

Q. I ask you then was not the complainant an exemplary husband, a good husband?

A. As far as I know, yes.

Q. How was his conduct in the house toward his wife?

A. His conduct toward his wife was the same as hers toward him, all right; every time I met them, I never knew there was anything.

Q. Did he have a comfortable home for his wife?

A. Yes, sir.

Q. Did he ever go away and neglect her?

A. Not that I know of.

Q. Was he a man of loose habits, or was he domestic in his habits?

A. As far as I know, very domestic.

Q. He was also very fond of the child?

A. Always seemed to be.

Q. And he told you that on the night when he left his house he was almost crazy?

A. Yes, sir; he said he was nearly crazy, he said he had been out and taken something to drink and he was nearly crazy.

Q. Did he say what made him crazy, what had occurred?

A. If you want me to answer, give me a chance and I will answer you.

The Vice Chancellor:—You must allow the witness a moment to answer.

Q. Did he tell you what made him crazy?

A. He told me that night about half-past seven Ethel said she was going out, and that she would be back—

Q. Did he tell you where she was going?

A. You want me to tell you?

Q. Well, yes.

A. That is what I am trying to tell you.

Q. I am asking you along with the narrative, did he tell you when she said she was going out, that she was going to Mrs. Wales'?

A. I said I was going to tell you.

Q. All right.

A. And she would get back about nine o'clock, and she said, "Will, didn't I ask you to go with me?" He said, "Yes, but I told you I had some other business, I was going down to the engine house, I was going down to meet Jesse Edmunds, I wanted to watch her."

Q. I will ask you whether or not he told you on that occasion that his wife said, when she said she was going

out, that she was going to Mrs. Wales', you understand?

A. No, I would not say that, I don't just recall Mrs. Wales, and I would not say that he didn't.

Q. I will ask you another question: Didn't he say that the reason he was almost crazy was because that night his wife said: "Will, you need not be in any hurry about coming home, for I am going around to Mrs. Wales'," and that he at once thought it strange that his wife—her attitude, something struck him as being strange, and after she had been out a few minutes he went to Mrs. Wales' to see if she had been there, and Mrs. Wales said she hadn't; he went a second time and Mrs. Wales said she hadn't been there, and he went a third time, and when Mrs. Wales said, "Why Ethel hasn't been here," he said, "I can't believe you, Mrs. Wales"—

A. Do you mean that he asked me this?

Q. Did he say that to you?

A. No.

Q. Didn't he say that then Mrs. Wales, in order to satisfy his mind on the subject, said, "Will, you may come in here and search the house," that he accepted her invitation and went in there and searched the house. Did Farrow say that to you?

A. I am just trying to think.

Q. Or anything like it; was that subject discussed between Farrow and you?

A. I don't remember of any such conversation as that.

By the Vice Chancellor:

Q. The complainant, William Farrow, did not in explanation of his reason for leaving his wife say to you that he had failed to find his wife at Mrs. Wales', although he had three times gone there?

A. No, he didn't say anything of that kind. If you had allowed me I would have told you that.

Further cross.

Q. Very well. He told you that he was almost crazy, to the point of having a revolver in his hand and pointing it at his wife?

A. Yes, he admitted that.

Q. What did he tell you had occurred that night?

A. That is what I am going to try and tell you, if you will allow me.

Q. Go on.

A. She said she was going out at half-past seven, and she asked him to go with her. He said no, he had some business at the engine house. I said, Will, where did she say she was going? She said she was going to Mrs. Knerr's, Mr. and Mrs. Hogan's, Cassie Connelly's and to Sister Sallie's. Now she said, Will, I said that because you always ask me where I am going.

Q. Are you giving what she said now?

The Vice Chancellor:—If Mr. Farrow told him of the reasons in the presence of Ethel Farrow it is admissible.

Judge Carrow:—I will withdraw the question and put in a more specific one.

Q. Did he, the complainant, tell you that on the night he left his wife she came to him and he discovered grass in her hair and on her dress?

A. He said he discovered grass on her dress, which she—

Q. Now, then, I don't ask you "which she." Did he tell you that that was one of the reasons that made him

almost crazy, and caused him to act in the unusual manner which you have mentioned with the revolver?

A. No, sir.

Q. Did he say that that was one of the reasons he had left his wife that night that he had discovered this grass?

A. He spoke about the grass which was on her dress.

Q. And he told you that he discovered this grass on her dress, in her presence?

A. Yes, which she cleared up.

Q. That was the next day after the separation, was it not?

A. Yes, that night, because I went down that evening.

Q. You went down there for the purpose, as you say, of healing up this difficulty?

A. Yes, sir.

Q. And you went around with these people, you made a careful investigation, as you say, of all the sources of information in regard to this trouble, is not that so?

A. At Mr. Farrow's and Mrs. Hughes'.

Q. Is not that so?

A. Yes, sir.

Q. In that interview between you and the complainant, the complainant had not yet discovered, so far as his conversation with you revealed, all of the occurrences that have formed the basis of this suit?

A. How is that?

Q. Did he tell you he had been informed by Miss Hughes that anything had occurred at Mrs. Eldridge's house in the month of May, 1903?

A. No, he didn't tell me anything about that, that was some time later.

Q. Did he tell you that Mrs. Lovett had told him, that Mrs. Lovett and her daughter and son, in the month of either March or April, 1904, had seen Harry Oliver

come out of his home while he was away, did he tell you that?

A. Never up to this minute, never mentioned it then or now.

Q. Did he tell you that Mrs. Williams had informed him that she had seen two men climb over her fence and get over on his premises and go in his back door?

A. She never said any such thing about Mrs. Williams, never mentioned her name then or up to this moment.

Q. Then he had not received this information, so far as, at least, his conversation revealed?

A. That I don't know anything about, I asked him to tell me everything that he knew.

Q. And he seemed to be open and did tell you?

A. Which, I said, she would clear up.

Q. Did he tell you on that occasion of any experience he had had with tracking his wife through a snow storm down to the beach when she said she was going to Christian Endeavor meeting?

A. Yes.

Q. Now what was it?

A. If you will give me time, that is rather amusing and I will tell you.

Q. All right.

A. They were having a Christian Endeavor or some exercises before the regular services at the Presbyterian Church, and Ethel was the organist at the church.

By the Vice Chancellor:

Q. At what time was this you had this conversation?

A. This was the first evening that I went down on the telegram, and after the telephone message, that there was trouble at the house.

Further cross.

Q. Where did you see Mr. Farrow and have this conversation?

A. At the house.

Q. In whose presence?

A. He told me this—in the presence of Will and I, and then we took it up with him and Ethel.

Q. Go on?

A. And we were walking around, when he told me about this Columbia House lot, he told me this: Ethel was organist at the Presbyterian Church, and they were having some exercises before the regular service, which was called at half-past seven. She said to them at half-past six that she was going to run over to the church to practice this piece, and my mother, her grandmother, Will Farrow and Octavine were in the house. Ethel and Octavine went to the church and Ethel played this piece. It was then, I think she said, about seven—

Mr. Carrow:—"She said," I object.

The Vice Chancellor:—Didn't you say the conversation you are about to relate took place between you and Will Farrow?

A. Yes, sir.

The Vice Chancellor:—That is what you are asked to state.

A. He said she said that she was going over to play. She went over to the church and a few minutes after seven she came rushing in, went upstairs to the closet, and

he said he looked at her and made up his mind that she was going to some place. So he said he made up his mind he would watch her. She came down from the toilet in a few minutes and stuck her head in the door and she said she was going back to the church, and when she went out of the front door, he said that he went into the parlor and looked out of the window and saw her going, instead of going into the church, he saw her go over toward the corner, which I would say is the northwest corner of the church, and look around right quick, and then go on past the church; that he immediately ran out of the front door to see which way she was going. It was then snowing very hard and a very nasty night, and she ran through the alley toward Perry street, and back by,—I think the Ebbett House—

By Mr. Hildreth:

Q. Jackson street?

A. Jackson street, that is next to Ocean, anyway it was toward the new pavilion of Pennsylvania Railroad Station. I think it is Jackson street. Anyway it was going toward Cape May Point.

Further cross.

Q. Went through the alley?

A. Yes, sir; toward the Ebbett House, that is on Jackson street, is it not?

Mr. Hildreth:—Yes.

A. He followed, and when she got to the Ebbett House she turned around and looked, and he jumped behind—he said Ethel went down on the other side of the

street, and he followed her down. When she got almost down she wheeled around, she got almost down to the bathhouses she wheeled around and came back on the other side, and he ran over and said: "Now I have caught you," and she said, "Now what have you caught." She was laughing, "Now what have you caught." He said, "I have caught you." So he said they walked back home together and I think he told my grandmother, I think he did, and Ethel went in and had a big laugh, and told him that she had seen him stick his head close to the window, and she made up her mind now I will give you something to fool over, and she went around this way and he came back, and he admitted himself that they laughed the thing off, but after she went into the church then he made up his mind to see and he went down, and here were tracks underneath the porch, and some man, who had ran, and he tracked him on one of those streets, and he said they were fresh tracks, and I said, how did you know they were for her, and he said he believed they were. And after we went back I asked Ethel about it, and she pooh-poohed it and he pooh-poohed it himself.

Further cross.

Q. He pooh-poohed it; after that he refused to live with her?

A. Yes.

Q. He thought it was a kind of a joke, although it was the first ground he advanced to justify his separation from his wife?

A. He didn't mention that as any ground, his grounds were what Mrs. Hughes had said.

Q. But that was one of the things, he told you that?

A. He told me about it, and then he went back and Ethel spoke as she did.

Q. He told you the occurrence in a serious enough manner?

A. Very serious when he first told it.

Q. To warrant you in going to the defendant and have her clear the matter up?

A. Anything that he told me I would say, now Ethel, Will says so-and-so.

Q. Why did you try to create the impression that he regarded it as a joke?

A. And she said you know we cleared that up with grandmother, and you laughed about it afterwards.

Q. And that is the reason you smoothed the thing over?

A. She said she had gone out of the church, didn't have anything over her head.

Q. But he said, however, that he had gone down further than the point where she was, and he tracked the fresh footsteps of a man?

A. He said there were fresh footsteps.

Re-direct.

Q. You were about saying to Judge Carrow that reference was made by Mr. Farrow to grass having been found on Ethel's dress, when she returned to the house, that she cleared that up?

A. Yes, sir.

Q. What did she say about the grass on her dress in Mr. Farrow's presence?

A. It is a burlap stuff that you pack furniture with.

Q. Excelsior?

A. Yes, there was some in the parlor, and she had some very rough dress that caught anything quick; this was in the parlor even then, and she said, "You know what that is. It is this excelsior that I got in the parlor, and

you know just as well as I do what that was, it was nothing but excelsior that I got in the parlor. I will go right in the parlor with my dress and get some on it now," they had new furniture or something.

Q. That was all that was said on that subject?

A. Yes, sir; that is all.

Q. But even after your attention had been called to the grass on her dress by Mr. Farrow himself, did I understand you to say that he did on several occasions thereafter say to you that he didn't believe there was anything wrong with his wife?

Objected to as suggestive.

The Vice Chancellor:—The frame of the question is suggestive and leading.

Q. You have stated in your conversations with Farrow, the complainant, that he told you that he didn't believe there was anything wrong with his wife?

A. Yes, sir.

Q. Were those conversations before or after he had spoken to you about the grass?

A. They were after, all of them.

Q. Now with reference to the time that Mr. Farrow watched his wife, and to which you have testified, you spoke about fresh tracks, what was there on the ground that would enable any one to track another?

A. He said it was snowing very hard that night.

Re-cross.

Q. She admitted that she had this grass on her dress and in her hair?

A. This excelsior, not in her hair, just on her dress, on the side of her dress, touching the spot.

Further re-direct.

Q. Did he indicate how much grass or excelsior, or whatever was found, was found?

A. She laughed, she said about this one piece, she said there was this one piece.

Q. When she said there was this one piece, what answer did Mr. Farrow make?

A. He said, how do you think that looks for grass to be found on a dress, she said it is this excelsior that is in the parlor.

Further re-cross.

Q. But still he didn't feel inclined to come home that night?

A. No, he said he would not come home.

Q. That is all.

MARY L. WARE, sworn for defendant.

Direct examination.

By Mr. Hildreth:

Q. Where do you live?

A. 1000 Lafayette street, Cape May City.

Q. Are you acquainted with the defendant in this case, Ethel Farrow?

A. I am.

Q. Are you related to her?
A. By marriage.
Q. Her first husband was related to you in what way?
A. My husband's brother.
Q. You and she married brothers?
A. Yes, sir.
Q. Are you acquainted with the complainant, Mr. William Farrow, Jr.?
A. I am.
Q. Do you recall going to the residence of the Farrows on Hughes street some time during the year 1904?
A. Yes, sir.
Q. Do you know when Mr. Farrow left his home on account of the trouble between the parties?
A. I don't just know the date.
Q. Do you know about the time?
A. Somewhere about the forepart of April.
Q. Did you have occasion to go around to their residence about that time, or a short time afterwards?
A. I made a call on Mrs. Farrow.
Q. What time in the day was it?
A. Twenty minutes of four.
Q. How do you fix the time so accurately?
A. I had my little boy to the doctor, and the doctor told me to get him home before it got chilly, and I looked at my watch, as I was going in her gate.
Q. It was twenty minutes of four o'clock at that time?
A. Yes, sir.
Q. What doctor did you visit?
A. Dr. Stevens.
Q. Whom did you find in the house?
A. Mr. Farrow, Jr., and Mrs. Farrow.
Q. Mr. Farrow, Jr., the complainant here?
A. Yes, sir.
Q. And Mrs. Farrow?

A. Yes, sir.

Q. And you are sure that this was twenty minutes of four o'clock?

A. Yes, sir.

Q. How long did Mr. Farrow remain in that house after you?

A. Until after four.

Q. Who left first, he or you?

A. Mr. Farrow.

Q. When did you first see him when you entered the house?

A. Mrs. Farrow—after I rang the bell Mrs. Farrow and him was coming down the steps, and Mrs. Farrow was ahead.

Q. And then did you all sit down in the house and talk, or what did you do?

A. Mrs. Farrow said, "Mrs. Ware, you go in the sitting room and I will be in in a few minutes." I took my little boy in and waited until after four.

Q. And this was subsequent to the time that they separated?

A. Yes, sir.

Q. That is all.

Cross-examination.

By Judge Carrow:

Q. Give me the date and the month that occurred?

A. April 18th.

Q. How do you know it was April 18th?

A. Mrs. Farrow spoke to me afterwards and said, you remember that date you made a call on me?

Q. She told you the date?

A. I remember the date.

Q. She told you it was the 18th of April?
A. She did not.
Q. Why did you just say that she told you the date?
A. She told me to remember the date.
Q. When did she tell you to remember the date?
A. Some days afterwards.
Q. How many days afterwards?
A. Perhaps two.
Q. Two days afterward?
A. Yes, sir.
Q. You say that was the 18th of April?
A. That was the 18th of April.
Q. And on the 20th of April she told you to remember the date?
A. I say perhaps two.
Q. Well, perhaps was it two or was it three or one day, or was it that day?
A. It was more than one.
Q. Was it more than two?
A. That I am not able to say.
Q. Was it three?
A. It was some time after, I didn't put the days down, the number of days.
Q. Did you make a memorandum of the date?
A. I did.
Q. Whereabouts?
A. Where a person would make a memorandum.
Q. Where?
A. In a memorandum book.
Q. Have you the book?
A. I have not.
Q. Where is the book?
A. It is in Cape May City.
Q. What kind of a book is it?
A. Do I have to explain what kind of a book?

Q. I think you do.

Vice Chancellor:—Yes, madam, you must tell us.

A. It is simply a small book.
Q. I know it is a small book, but there are many different kinds of small books, what kind was it, what color?
A. Witness paused.
Q. Will you answer it?
A. Well, I can't just remember the color of the book.
Q. Haven't you the book in your possession yet?
A. It is somewhere about the house.
Q. What did you make the memorandum with ?
A. But I have remembered it.
Q. What did you make the memorandum with?
A. With a lead pencil.
Q. Was there any other writing in the book?
A. Why, certainly.
Q. And you don't know the color of the book?
A. No, I don't.
Q. And don't know the size of the book?
A. It is a small sized book.
Q. How many pages are in the book?
A. I never counted them.
Q. How much writing was there in the book?
A. I am not here to say how many different memorandums I have down.
Q. Can't you find the book?
A. Perhaps I can.
Q. How long were you in the house?
A. I suppose I was in the house about an hour all together.
Q. How long were you in Mrs. Farrow's presence during that hour?
A. One-half hour.

Q. What did Mr. Farrow have in his possession when you saw him?

A. Nothing whatever.

FRANK W. MILLER, sworn for defendant.

Direct examination.

By Mr. Hildreth:

Q. What is your full name?

A. Frank W. Miller.

Q. How old are you?

A. Twenty-two.

Q. Where do you live?

A. My residence is 641 Hughes street, but I moved out in the last two days.

Q. Where?

A. Cape May.

Q. How long have you lived there?

A. Twenty-two years.

Q. All your life?

A. Yes, sir—no, not all my life; about nineteen years.

Q. Are you acquainted with the complainant, William Farrow, Jr., and with the defendant, Mrs. Ethel Farrow?

A. I am.

Q. How long have you known them?

A. Well, I have known them both pretty long.

Q. Ten years?

A. Yes, I guess longer than that.

Q. Have you been intimately acquainted with them?

A. Yes, sir.

Q. Have you had occasion to visit their residence on Hughes street any time within the last two years, 1903 and 1904?

A. Yes.

Q. How often did you visit their home in 1903?

A. Well, I don't know how often, I used to drop in occasionally when he was home, sometimes when he was away I used to come to see if he was in. If he was out I did not linger.

Q. Who did you go to see?

A. Mr. Farrow.

Q. Did you go to his house with him often?

A. I can't say often, I went with him.

Q. You called there when he was home.

A. Yes, sir.

Q. What did you do?

A. Mrs. Farrow played piano and played pinochle.

Q. Who?

A. Mr. Farrow and myself and sometimes Mrs. Farrow played with us.

Q. Did you ever go there in the present year, 1904, have you been there?

A. I don't know that I have; pretty sure I have not.

Q. You were not there in the early part of this year, 1904?

A. I forget now the date, whether it was 1903 or 1904, I was there one day.

Q. During your visits there, did you ever see Charlie Doak there?

A. Only once.

Q. What was the occasion of his visiting there?

A. His dog, Blokey, had his leg broken and he was there to treat it.

Q. How did he happen to be there?

A. I happened in and they talked about this dog, and they proposed I should tell Doak.

Q. Who proposed it?

A. I think both, anyway Mr. Farrow told me to go and tell Doak.

Q. Did he come around?

A. Yes, sir.

Q. How long was Doak there?

A. He went around and I stayed at the cigar store about five minutes, and finally I came around and I guess he was there about fifteen minutes.

Q. Was there any other invitation extended to him at that time to come there again?

A. Yes, was going to have a sort of evening company, or something that evening, and he was asked and he refused, declined the invitation.

Q. Who asked him to come that evening?

A. I think Mr. Farrow did, and they both insisted.

Q. On him coming to the party they were going to have that evening?

A. Yes, sir.

Q. On any of your visits there did you ever see Doak there alone?

A. I did not—Charles Doak.

Q. That is what I mean, Charles Doak. Did you ever see Henry Oliver at the Farrow residence?

A. Yes, sir.

Q. How many times did you ever see him there?

A. Quite a few times, but he was always with somebody.

Q. What do you mean by "he was always with somebody when you saw him there?"

A. Sometimes he had an evening company there and he would be there with Miss Eva Wheeler, and sometimes —I can't remember who was there.

Q. Did you ever see him there alone with Mrs. Farrow?

A. No.

Q. Were you ever there when he came to the house alone?

A. I was.

Q. When was that?

A. I think he had a petition for Mr. Williams, trying to be postmaster of Cape May, and he wanted to get Mr. Farrow's name there.

Q. Is that the only time you saw him there alone?

A. Yes, sir; it is.

Q. Were you there when Oliver came there on this occasion?

A. Yes, sir.

Q. Who left first?

A. Both went together.

Q. You have seen a great deal of Mrs. Farrow during your visits there?

A. Yes, sir.

Q. Did you ever see her drunk?

A. I have not.

Q. Nor hear her swear?

A. Not to my knowledge.

Q. Did you ever hear her use vulgar language?

A. I don't think I did.

Q. Did you ever see her do anything which would suggest to you that she was other than a perfectly virtuous woman?

A. I did not.

Q. Do you know whether or not they were accustomed to have parties at the Farrow cottage, company there in the evening, to sing and play?

A. I don't know what they called parties, but sometimes I have been in there, and some of Mr. Farrow's

folks have been there, and some of Mrs. Farrow's folks have been there, and they sang there.

Q. Have you been there when other young people have been there?

A. Yes, sir.

Cross-examination.

By Judge Carrow:

Q. Your visits at the Farrow home were when Mr. Farrow was home, were they not, when you went in and remained?

A. Mr. Farrow has not been home when I have been there.

Q. Has not been home?

A. Yes, sir.

Q. You have been there when he was away?

A. Yes, sir.

Q. How many times?

A. Not very many times, most generally other people have been there, if they have not, I have not lingered.

Q. What?

A. If nobody else was there I never stayed any time, and when I did stay I was where people could see me.

Q. Why were you so cautious?

A. I have thought nothing about being cautious.

Q. But you made it a point of not staying when you went up to the house, and he was not there, and there was no company, you thought it was a good time for you not to linger?

A. I didn't think anything about it, I didn't go to see her, I went to see him.

Q. You were a friend of his?

A. Yes.

Q. You talked about this dog affair, when the dog broke his leg, do you know how long that has been, that has been two years ago?

A. I don't remember, a year and a half or two years ago, 1903, I think it was.

Q. Don't you know as a matter of fact that dog has not been in Cape May for a year and a half?

A. I do not; it may be down there now for all I know.

Q. That is all.

HARRY OLIVER, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. Where do you live?

A. Cape May City.

Q. How long have you lived in Cape May City?

A. All my life, twenty-nine years, twenty-eight years.

Q. What is your business?

A. I am dispatcher in the summer for the Reading Railroad Company, trolley company.

Q. What do you do in the winter?

A. I am extra conductor, or anything that they may put me at.

Q. Are you in the regular employ of the railroad company all the year round?

A. Yes, sir.

Q. And have been for how long?

A. Three years, I have been employed by them for twelve years.

Q. You are the Harry Oliver referred to in one or two of the libels which have been filed in this case, are you not?

A. I am the boy.

Q. How long have you known Ethel Farrow?

A. All my life.

Q. From early childhood?

A. Yes, sir; ever since I can remember.

Q. When she was a very small girl was your home near or distant from her home?

A. Next door.

Q. Did you attend the same school with her?

A. Yes, sir.

Q. And play in the same games?

A. Yes, sir; went to school together and home together.

Q. And that continued up until what time?

A. I suppose I was about, when I left that school, about thirteen, when I left school.

Q. Where was that school?

A. West Cape May.

Q. Your home then was in West Cape May?

A. Yes, sir.

Q. Did you live on the other side of the road from Ethel or right next door?

A. Same side, next door but one.

Q. Where do you live now?

A. Cape May City.

Q. Are you married or single?

A. Single.

Q. I want to ask a broad question, whether or not at any time or any place you ever had any adulterous relations with Ethel Farrow.

A. Never.

Q. Did you ever remain in her home on Hughes street over night?

A. Never.

Q. Did you leave the house of Ethel Farrow on Hughes street in the month of March or April, 1904, between the hours of five and six o'clock in the morning?

A. Never in her house this year, 1904.

The Vice Chancellor:—The question is put to you directly.

A. I answer never.

Q. I understand you to say that you have not been in her home during any part of the year 1904?

A. Never.

Q. Did you ever meet her in any secret places around Cape May City at any time?

A. Never.

Q. Do you remember having a visit from William Farrow shortly after he separated himself from his wife?

A. Yes, sir.

Q. How long was it after he left his wife that he came to see you?

A. Next morning after ten o'clock—I don't know that he left his wife—but it was the next morning after he had trouble with his wife that he came to see me.

Q. Who was with him when he came to see you?

A. He was alone.

Q. Where did he see you?

A. At the Reading Station.

Q. What occurred and who were present when he talked with you?

A. He came to me and called me one side, and he said, "Harry, I want to see you a minute," and took me around the corner. He said, "I've got the drop on you, and you

might as well admit it." He said, "I held a gun on Ethel last night and she confessed that she was out with you last night." I said, "Will, you are crazy; what are you talking about?" He said, "No use giving me a bluff, she confessed that she was out with you, and you might as well admit it." I said, "There is something going wrong here," I said, "Where is Ethel?" He said, "I don't know where she is." I said, "Hunt her and take me to her so that I can clear myself up." He said, "I don't know where she is." I said, "Is she home?" He said, "No, I don't know where she is, she left there." I said, "You and I better get together and get out of this confusion; go and get your father, and let's have a talk and get the muss over." And about that time I looked up the street and saw his father come, and I said, "There is your father, call him up, and we will hunt Ethel up and talk this matter over, I don't want a mess like this." He called his father up and he said, "Pop, didn't Ethel say last night that she was out with Harry Oliver?" He said that is what she said. I said, "Pop, you, Will and I will all three go around and hunt Ethel up, and see what Ethel has got to say." We goes around—

Q. Where?

A. To Ethel's house, and Will Farrow, Jr.'s, house.

Q. Who are "we"?

A. Chief Farrow.

Q. And William Farrow, the complainant, and yourself?

A. Yes, sir.

Q. That made the party?

A. Yes, sir; us three. We go around, all three of us, Will taking the lead inside, and leads up the way through the hall to the dining room; Will opens the door and Ethel is out in the kitchen, and she heard us coming and came there and met us, and Will said, "Ethel here is

Harry, he denies all this that he was out with you last night." She said, "I told you that, only you made me confess to you under the point of a pistol that I was out with him last night." That is what Ethel said, and I said, "Will, we have always been pretty good friends, you might as well quiet down." Mr. Farrow, the chief of police, then went out, and Ethel and I and Will sat around there awhile, and we had a little talk, and Ethel goes out in the kitchen to attend to her household duties, and he and I sat there and had a little talk, and I advised him the best I could in regard to matters.

Q. What did you say?

A. I told him that I thought he was foolish to act as he did without he had direct evidence. He was only making a show of himself, and the best way to do was to wait until he had direct evidence, but not to make a show, and hold his head and keep quiet. He didn't want to threaten everybody with a gun in town before he knew what he was doing. That is about the line I talked to him about.

Q. Well, you left, did you, Mr. Oliver?

A. I think Will and I went out together, and he took a ride down as far as Skellinger's Landing with me.

Q. In what?

A. In a trolley car.

Q. After you and he had gone around to Mrs. Farrow's home, and she had made an explanation about that which you have testified to, did he renew his charge that you had been out with Ethel the night before?

A. After he and I left the house?

Q. Yes.

A. He didn't have much to say about that matter, after Ethel had given him her little tale about the pistol part, he didn't have much more to say about me being out with her.

Q. Prior to that time when you had your conversation with Ethel and Will Farrow, how long before that had you seen Ethel anywhere?

A. I had seen Ethel twice in that year, twice to talk to, that I know of.

Q. That was how long before you were charged with having been out with her that night?

A. I think it was, I think this was somewhere around the 1st of April.

Q. This conversation with young Farrow had been in April?

A. Yes, sir. I think it was last March or somewhere around the 1st of April, and I hadn't seen Ethel to talk to since the 17th of December, 1903.

Q. Were you out with Ethel on the night before Will Farrow came to see you at the Reading Terminal?

A. No, I told him if he would give me a chance I could prove where I was.

Q. Where were you, as a matter of fact?

A. I could prove where I was if it was necessary. I was not with Ethel Farrow, or with no other woman, I was playing cards.

Q. Where were you playing cards?

A. Near the Reading Station, on the Reading premises.

Q. Did you invite him to go around and investigate where you had spent that previous evening?

A. I told him if he wanted to I would prove where I was that night, and he never made me do it.

Q. How many times during the year of 1903 were you in the home of Ethel Farrow?

A. Twice; I was at the door twice.

Q. Were you ever at any time alone with Ethel Farrow at the Hughes street house when her husband was away?

A. Was I ever alone with her?

Q. Yes, when her husband was away?

A. Never that I can remember—in 1903.

Q. Yes?

A. Yes; I was there at the door once.

Q. What did you go for?

A. It was the day my father was killed on the railroad. I went to the undertaker's and that was on my way home, and I came around that way, and my sister was away and my mother was alone and I called and asked Ethel if she would stay with my mother until I got my sister home. She was an old friend of mine.

Q. Did Ethel do it?

A. Yes, sir, and Will went and got my sister, drove to Cold Springs and got her.

Q. When did you learn that the matter of your visits at the home of Mrs. Farrow were the subjects for complaint by Will Farrow?

A. I always knew before he ever married Ethel that he always had a hard feeling toward me.

Q. Did he ever object to your visiting the home on Hughes street?

A. He never said anything to me about it.

Q. Now, then, who were in the home when you were in there?

A. Oh, often there would be my sister, and Gerald Vanaman, Frank Wheeler and his sister and wife, John Church, Charlie Church, Minnie Farrow, Jennie Skellinger, Mrs. Eldridge, Mrs. Howell. I guess there were about twenty-five of us there, used to bunch up right along.

Q. Were you ever invited there by Will Farrow?

A. Yes; I have been asked around there by him once, I think.

Q. When you were there, what indications, if any, did he give that you were not perfectly welcome there?

A. He always treated me right.

By the Vice Chancellor:

Q. You were asked if he gave any indications that you were not welcome.

A. No; he never gave any.

Further direct.

Q. After Will Farrow had called at the Reading Station on the morning following this trouble between his wife and himself, when, if again, did you next have a conversation with him and where?

A. He came to me, I think maybe, perhaps a month, and he said to me—

Q. Where was this?

A. At the Reading Station. "Harry," he said, "I know you have had a lot of trouble," he said, "I don't want to do you any harm, but," he said, "you know I can do you some if I want to." I said, "I don't know anything about that Bill." "Will you be willing to go before Sam Eldridge and swear to a statement up there that such and such is the case?" I said, "No, I won't swear to any such statement." Then he said, "I will fix your feed," he said, "I will shove you as hard as I can."

Q. What kind of a statement did he want you to make at the office of Sam Eldridge?

A. In regard to his wife; he didn't state it to me.

Q. He didn't say what kind of a statement he wanted you to make?

A. I suppose—

Objected to.

Q. What did he say?

A. He didn't make any statement, he just said he wanted me to go up there and make a statement against his wife in regard to myself, as near as I can remember.

Q. Is that the substance of that conversation?

A. That is about the line of it, that is the drift I guess.

Q. When did you next talk with Farrow on this subject if ever again?

A. In regard to his wife?

Q. Yes.

A. Well, we jumped way over, I talked to him, we went around with him and his father to Skellinger's, he was with me the biggest part of that day, and he was with me maybe, until three o'clock that afternoon, that was from nine o'clock in the morning.

Q. Was anything said about Mrs. Farrow's diamonds on that day?

A. Oh, yes; he had her diamonds, he showed them to me; he had them in his pocket.

Q. What did he say about them?

A. He said he had taken them from home.

Q. What diamonds did he show you?

A. An opal ring and a diamond ring; I don't know, he had a whole bunch.

Q. A pair of earrings?

A. I think so.

Q. Did he tell you how he got them?

A. No, he told me she would never get them again, but he didn't tell me how he got them.

Q. Did you ever see any beer in Mrs. Farrow's home?

A. No, sir.

Q. Were you ever offered any beer at any time when you were there by Mrs. or Mr. Farrow?

A. No.

Q. You say you have known this lady since she was a child, have you ever heard her swear?

A. Never in my life.

Q. Have you ever heard her utter a vulgar word?

A. Never.

Q. What has been the general character of your relations with Mrs. Farrow?

A. She almost seemed like a sister to me, raised right with her, and we were always together, my sister visits her yet, she almost seemed like a sister to me, raised together.

Q. Beyond friendly relations with Mrs. Farrow, have either you or she passed in your relations with each other?

A. Never.

Q. Prior to the morning when Mr. Farrow met you at the Reading Terminal, had he at any time previous thereto indicated to you that he believed your relations with his wife were improper before that time?

A. Before he married her he came up and tried to give me a jolly and swelled up with me, and wanted to have a little argument, and I would not listen to him.

Q. But after that and until he approached you at the Reading Terminal, had he ever said a word?

A. Never.

Cross-examination.

By Judge Carrow:

Q. Have you told us everything that was said and everything that was done on the day that Mr. Farrow made his accusation against you?

A. On the day that he came to me at the Reading Station?

Q. Yes.

A. No, he offered me $300 to give up what I knew, and his wife's diamonds. I didn't tell that.

Q. You didn't tell that, why didn't you?

A. It was not asked me.

Q. He offered you $300 to tell him the information you had about his wife, is that so?

A. Yes.

Q. When you went down with him to his house, he also accused you of having committed adultery with his wife, in his wife's presence, didn't he?

A. No, he never did. He accused me of being out with her the night before.

Q. What did you understand that to mean, did you understand that was out for innocent pleasure or adulterous purposes?

A. I suppose he thought there was something wrong.

Q. Didn't you know he thought so?

A. I don't know what he thinks.

Q. Did you have any doubt in your mind but what he thought you had committed adultery with his wife that night?

A. Do I have any doubt what he had in his mind in regard to that night?

Q. Yes.

A. I suppose he had that in his mind.

Q. And he accused you in his wife's presence of being out with her, and he told you, understanding that she had told him, that she had been out with you, and she affirmed the understanding, what he said, and said yes, I said it, though at the point of a pistol, is not that so?

A. That morning after we came back.

Q. I am speaking now with reference—

A. Yes, I know.

Q. I assume that you know, please to tell us then whether or not that happened?

The Vice Chancellor:—The witness wants to know whether it happened at a particular time.

Q. I only know the time that he mentioned. Why do you wink at this moment?

A. Where?

Q. Just this moment?

A. To the Judge?

Q. I haven't asked you who to, why did you wink?

A. To no one that I know of?

Q. You mean to say that you did not at that moment wink to someone in the audience?

A. I didn't wink to anyone.

The Vice Chancellor:—Resume the examination.

Q. I direct his attention, first, whether he has detailed all that was said and done on the day when Mr. Farrow came to his place, took him down to his house and accused him of being out with his wife; how many days did that thing occur?

A. It was the night after he had his trouble with his wife, the morning after.

Q. There can be no question but what it occurred only on one day, can there?

A. No.

Q. Why did you raise the point then with me as to the day when this thing occurred?

A. I did not, you were leading me up some other alley. I thought maybe I am wrong.

Q. I ask you now whether when Mr. Farrow in the presence of his wife accused you of being out with his

and she told you what she did with regard to the pistol—wife and she told you what she did with regard to the pistol—what did you say and do?

A. He didn't accuse her in the presence of me with being out with his wife, I didn't say so.

Q. What did he say and what did you say?

A. He said, "Ethel, here is Harry, he denies being out with you last night." That is what *I said.*

Q. That is what he said?

A. That is what he said.

Q. What did she say?

A. She said, "Harry, I know"—she said, "He had a revolver to my head and made me say I was out with you last night, that was the only way I could save myself."

Q. What did you do then?

A. I sat down.

Q. How long?

A. Perhaps an hour.

Q. In friendly conversation with this man?

A. Yes, sir.

Q. That is all.

Re-direct.

Q. When you were offered $300 for testimony to assist Mr. Farrow, what answer did you make Mr. Farrow?

A. I told him I didn't know anything, I could not make any testimony.

Q. Did he show you any money when he made the offer?

A. Yes, he had a big roll of money, and he had the rings in a plush box, blue lined.

Q. Did he offer you any of her jewelry?

A. I don't remember that, whether he did or not.

Q. That is all.

The further hearing was then adjourned until December 9, 1904, at 10 A. M.

CAMDEN, N. J., December 9, 1904.

The further hearing in this matter was continued pursuant to adjournment. Appearances as heretofore stated.

The Vice Chancellor:—Judge Carrow, for the complainant, has submitted the clauses embodying the proposed amendments in the bill and supplemental bill which were admitted yesterday, and I prefer, in order that the case may take definite form in the pleadings, that the defendant should file a formal answer to the allegations which were yesterday admitted to amend the bill and the supplemental bill.

When the amendment showing the offense committed with Oliver in the months of March and April was proposed, I understood it referred to an offense of which notice was given in the files which appear here, and in which subsequently there appears to have been an order made, May 23, 1904. I allowed the bill to be amended in respect to this charge. Upon formulating the charge this morning Judge Carrow presents an amendment which charges an offense with one Harry Oliver in the months of March and April in the house at Hughes street, Cape May, N. J., 1904. I did not understand when the motion was made that the period was changed from the date named in the papers filed May 23, 1904. I thought this offense was related as having happened in March, etc., 1903. The amendment as now proposed is unquestionably made to take in the proofs which have been sub-

mitted here, and which indicate as the complainant's claim the commission of this offense with Oliver in 1904. I want to call the attention of the counsel for the defendant to that difference. It was discussed yesterday as an offence in the notice. It is submitted this morning in order to make the amendment conform to the pleadings as submitted by Judge Carrow, to be a charge of an offense committed in the spring of 1904, and I think, therefore, counsel for defendant should be heard on the subject.

Mr. Edmunds:—Of course, my relations to this case have purely been that of foreign counsel. I have had the most able assistance from Mr. Hildreth, and in so far as the technical averments of the pleadings are concerned, I have had just a casual relationship with the pleadings. Mr. Hildreth, I think, seems to have been in error in admitting yesterday very generously and properly for the purpose of having the bona fides of this case gone into,—but he seems to have been in error in saying that the notice which he received from Judge Carrow related to the period fixed in the proposed amendment—

Mr. Hildreth:—Oh, no—

The Vice Chancellor:—Yesterday counsel accepted my statement. I turned over the files and found notice of the amendment, and I find this morning an actual order allowing the amendment, in relation to the offense charged against Oliver committed in the spring of 1903. Judge Carrow, desiring to apply the pleadings to the testimony that has been given with relation to the offense alleged to have been committed with Oliver in the spring of 1904, submits the presently suggested amendment to the court, not within the notice which I was speaking to yesterday,

which counsel accepted from my statement as the basis for amendment, but with relation to the testimony which the complainant's witnesses have submitted here, of the incidents which tend to show the commission of the offense with Oliver in the spring of 1904. I am not willing to make an amendment of that character without calling the attention of counsel to it. I will therefore hear counsel on the proposition to amend the complaint by charging an offense with Oliver in March and April, 1904.

Mr. Edmunds:—I object to the amendment, and I think it ought not to be allowed.

The objection was then argued.

The Vice Chancellor:—The change proposed is claimed to be an embarrassment to the defendant. She has come into Court with an absolute denial of any improper relations at any time, with any persons known or unknown. Her denial goes all the way along. It is accompanied by proof already in which indicates that the purpose and object of the defense is to claim and assert that the defendant should be held absolutely free, not only from the crimes which are imputed to her, but also from any intimacy, special friendship, or association with any of the persons named in the bill, supplemental bill, amendments, or any testimony. High ground has been taken by the defendant, and witnesses have been called, and have testified in support of the defense here made, that her conduct and character is such that it is not even open to criticism. If this were a close case as to the defense made, in which it might be said that the preparation made to defend against an offense in 1903, was in no way applicable to a defense charged to have been committed in 1904, I can see that it might be under some circumstances quite a

disadvantage to the defendant to have a whole year's time change in the charge The defendant, however, brings here as a witness the person with whom this offense is alleged to have been committed, and puts him on the stand with the purpose of refuting every inculpatory incident charged. The defendant still has her opportunity to offer further proof, and I will see that it shall be ample. I am disposed, therefore, in the administration of justice (and I think consistently, with the broad and sweeping defense which has been opened, that it is proposed to claim that there should be no taint cast upon this lady), to hold that in a sense it will really be to the advantage of the defendant to try this case as broadly as possible within the bounds of the complainant's claim. I will therefore admit the change, notwithstanding it does not comport with the notice filed May 23, and the order then made. As it applies to the testimony which has already been offered in the trial of this case, the defendant has the advantage that she will not be surprised by further proofs on this charge.

Mr. Edmunds:—I want to withdraw my objection to the allowance of that amendment. We withdraw our objection to the allowance of the amendment in the Oliver case.

The Vice Chancellor:—The next one proposed yesterday, and I think admitted, charges the same offense which is alleged to have been committed on the 24th of August last in the supplemental bill with one John Lucas, to have been in fact committed with a person named William Lewis. I have already passed upon that yesterday, and I do not see anything more to be said. It was admitted upon the ground that, as time and place were specifically mentioned and testimony taken on that, the mere altera-

tion in the name had no other effect than practically would have been the result had the offense been charged with a person unknown. These amendments having been made and admitted as they are now on this sheet of paper, which I propose to mark filed, I wish counsel would file what I understand is their purpose, an absolute denial, so that we have the pleadings defined before we close the case.

Mr. Hildreth:—Must that be sworn to?

Mr. Edmunds:—We prefer to have it sworn to.

The Vice Chancellor:—I shall not require or prohibit counsel as to that course.

HARRY OLIVER, recalled for defendant.

Direct examination.

By Mr. Edmunds:

Q. I neglected to ask you yesterday a question when you were on the stand as to whether or not, at any time, day or night, either during the year 1903 or during the year 1904, or any other year, you either in company of others or alone, jumped over Mrs. Williams' fence into the yard of Mrs. Farrow and entered the back door?

A. No.

Q. You mean to say you never did?

A. Yes; I mean to say I never did. I never jumped over the fence.

Q. When you entered Mrs. Farrow's residence, how would you go in and out?

A. In the front door.
Q. And take your exit the same way, from the front?
A. Yes, sir.

Cross-examination.

By Judge Carrow:

Q. How many times in a week did you go to Mrs. Farrow's house on an average?
A. In 1902 we used to go there perhaps two or three times a week.
Q. Day time or night time, or both?
A. I have been there in the day time once or twice, but mostly nights.
Q. Two or three times a week?
A. Some weeks, like enough, would not go there at all, but other weeks we would go there three or four times a week; I say, to average up, about two or three times a week.
Q. Now, in 1903, how many times did you go there? You say you went there two or three times a week in 1902. Did you go there as often in 1903 as in 1902?
A. No; I said yesterday that I was not there.
Q. I am asking you now?
A. No, I say, I was not there.
Q. Didn't go there at all in 1903?
A. Except the times I told you.
Q. How many times were you there in 1903?
A. I told you I was there twice.
Q. When was that?
A. 1903.
Q. What period of 1903?
A. I said the last time I was there was the seventeenth day of December.

Q. Of 1903?
A. Yes.
Q. When was that, in the day time or night?
A. That was about half-past eleven.
Q. The 19th of December, you say?
A. No; the 17th of December.
Q. Half past seven at night?
A. I said half past eleven.
Q. Day or night?
A. Day.
Q. Do you recollect coming there for skates and Mr. Farrow coming to the door?
A. That was in 1902.
Q. Do you recollect coming there for music?
A. Yes, sir.
Q. Whose skates were you after?
A. My sister's.
Q. What were you going to do with the music?
A. I was going to try and sing it; I don't know whether I could or not.
Q. You mean to say that in 1903, any time in the year 1903 or 1904, that you haven't been out with Mrs. Farrow, the defendant in this case?
A. That is what I mean to say. No; I haven't.
Q. Haven't been out on the trolley cars riding with her?
A. No.
Q. Skating with her?
A. No.
Q. Didn't you go over to the lake at Cape May Point with her?
A. No.
Q. Didn't you go off of the lake where the parties were skating out into the woods?
A. No.

Q. You mean to say nothing like that occurred?
A. Nothing like that occurred.

Re-direct.

Q. When you went over to Lake Lilly did you ever see Mrs. Farrow over at the lake skating?
A. Yes; I used to see her there.
Q. When the party would go over, how would the party go, collectively or singly?
A. In 1900—
Q. Whenever it was?
A. Oh, yes; they all went over in a bus, sometimes two busses; like enough ten or fifteen in each bus, and then the trolley cars took over fifty, sixty or seventy-five, but they were all friends.
Q. Did you ever see Mr. Farrow, the complainant here, in the party?
A. Yes.
Q. When you were over at Lake Lilly, if Mrs. Farrow happened to be over on the ice pond, did you ever see her withdraw herself from the ice pond and go over into the woods with any man?
A. Never did.
Q. What is the custom of the young people at Cape May, and by young people I mean people who have not advanced very greatly in age; what is their custom about going over to Lake Lilly when the ice is on the lake; do they usually go over?
A. Always go over; whenever it is fit to skate they are skating.
Q. Do you know whether or not the trolley cars occasionally make up a special car for the purpose of taking the people over?
A. I make them up myself every week.

Q. You have testified on two occasions during 1903 you called at Mrs. Farrow's residence; one instance was for some music?

A. 1903.

Q. When was it you called for the music?

A. 1902.

Q. You were then a singer in the Baptist church choir, were you not?

A. Yes.

Q. Do you recall just what the errands were that you had at Mrs. Farrow's residence during 1903? You say you were there twice, once December 17th, when you called at 11.30 in the morning to announce the sudden death of your father?

A. He had been suddenly killed; yes, sir.

Q. And you say you went over to ask Mrs. Farrow if she would not go to your home and assist your mother; is that not right?

A. Yes, sir.

Q. On what other occasion did you see her at the residence?

A. I had a petition of Mr. Williams for postmaster, and he gave me a list of the names that he would like to get to sign, and Will's name was on the list, he and Mayor Miller, and I went around; I didn't know he was not at home; I rang the bell—

Q. He was not at home?

A. No.

Q. What time of the day was that?

A. This was about noon.

Q. Who was the candidate for postmaster?

A. Will Williams.

Q. That is all.

CHARLES DOAK, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. What is your age?
A. Twenty-six.
Q. Where have you lived all your life?
A. Cape May.
Q. You are a son of whom?
A. James J. Doak.
Q. What is your father's business?
A. Contractor and builder.
Q. What is your business?
A. I am a clerk in a cigar store.
Q. You are employed at Mr. Hebenthal's, the witness who was on the stand yesterday?
A. Yes, sir.
Q. And have been in his employ how long?
A. Nine years I believe.
Q. Before that time what was your business?
A. I started to learn the carpenter trade.
Q. How long were you engaged in the carpenter trade?
A. Not very long; I suppose five or six months.
Q. With whom do you live, Mr. Doak?
A. With my people, father and mother.
Q. And your home is where?
A. 388 Washington street, Cape May City.
Q. Your place of business is where?
A. On Washington street.
Q. Between what streets?
A. 411, between Jackson and Decatur.

Q. Is that a very prominent and public part of Washington street?

A. Yes.

Q. How long have you known Will Farrow, the complainant in this case?

A. All my life, I guess; ever since I could remember anybody.

Q. Until the trouble arose between Mr. Farrow and his wife, what were the character of your associations with Mr. Farrow, friendly or otherwise?

A. Friendly.

Q. Now, you say friendly; I wish you would illustrate and let us know what you mean by friendly, in what way did he exhibit his friendly relations?

A. Before he was married he used to come and see me at the cigar store, and sit around there most of the time; I became intimate with him in that way.

Q. After his marriage did he visit you at the cigar store?

A. No, he didn't come around there.

Q. After his marriage in what way, if any, did he exhibit any friendship for you?

A. We talked, walked along together, the same as any one else; he didn't hang up around the cigar store, which he said yesterday.

Q. Did he invite you to his home?

A. Yes, sir.

Q. Just give us the fact of those invitations, how often did he ask you to come to his home?

A. Not very often.

Q. But he did invite you to come to his home?

A. Yes; what I mean by not often, I mean he didn't ask me to come around six nights in a week.

Q. Give an idea about how often?

A. Well, at skating time in 1903, he used to get me to go over, simply because we neither one skated.

Q. And you kept each other company on the ice?

A. We kept each other company around the fire, and kept the fire also.

Q. Did he ever in any way, shape or form, prior to the time already referred to, when Mr. and Mrs. Farrow suggested that you should not call, prior to that time, had he in any way indicated any desire that he didn't want you to come to the house?

A. No, sir.

Q. How would he treat you when you came to the house?

A. Fine; asked me to come again.

Q. And the house was open for your entertainment?

A. Yes, sir.

Q. And in no way, shape or form—

Objected to.

The Vice Chancellor:—The method is objectionable.

Q. Whom would you see at the house when you were there, Mr. Doak?

A. Mr. and Mrs. Farrow and the little girl, sometimes other people.

Q. Sometimes other people—name the people?

A. Mrs. Howell and her daughter; I have been in there when some of the McCrays—

Q. Have you ever been there with the mother of Will Farrow and the daughter of Will Farrow; I mean the mother of Will Farrow and the sister of Will Farrow?

A. I went in there one day to attend to the dog which was hurt, and Mrs. Farrow and the married daughter, not here, Flory were in the house.

Q. They saw you?

A. Yes, sir; they certainly did.

Q. What time of the day was that?

A. About two o'clock.

Q. Any suggestion made by them that you were not welcome?

A. None at all.

Q. How long were you there that day?

A. Just a little while.

Q. What time in the day was it, about two o'clock?

A. I think so.

Q. What was the hour of the day or evening that you usually called?

A. Going to and from work I would not have much time. I would leave the store and expected to be back in an hour; like enough on my way to supper or dinner.

Q. And you would take it all in during the dinner, make the call there and go down and get your supper—

Objected to.

Question withdrawn.

Q. Did you ever call at the residence of Mrs. Farrow in the evening for any social purpose when Mr. Farrow was not at home, and when no one was with Mrs. Farrow?

A. No, never.

Q. Never at any time?

A. No.

Q. Either in 1903, 1904, or 1902?

A. Never, no.

Q. When you went to Mrs. Farrow's, how did you go there, the front gate or how?

A. Go through the front gate and the front door.

Q. Did you ever enter her door by jumping over the fence of Mrs. Williams?

A. No, sir.

Q. Never did in all your life?

A. No.

Q. Did you in any way, shape or form keep the fact of your going to Mrs. Farrow's residence a secret from Mr. Farrow?

A. Never.

Q. How long have you known Mrs. Farrow?

A. Eleven years, I guess.

Q. Have you been to their home when there have been little parties?

A. I have been there when we were going skating or going over to the pond.

Q. Did you ever hear her utter an oath in your life?

A. No, sir.

Q. Or hear her utter a vulgar word in your life?

A. No, sir.

Q. Did you ever observe her drink beer, whiskey, wine or anything else?

A. No, sir.

Q. Did you ever write her a letter of any character?

A. No, sir.

Q. Did you ever receive a letter from her of any character?

A. No, sir.

Q. Did you ever make any private appointment to meet her in Cape May or anywhere else, in all your life?

A. No sir.

Q. Did you ever meet her at any place outside of Cape May at any time?

A. No, sir.

Q. Did you ever have your arm around her?

A. No, sir.

Q. Did you ever kiss her?

A. No, sir.

Q. Did you ever hug her?

A. No, sir.

Q. Did you ever at any time or any place have any intimate relations with her?

A. Never.

Q. Did you ever at any time or any place have any adulterous relations with her?

A. Never.

Q. Either as far as Lafayette street is concerned, the residence of Mrs. Eldridge, or as far as the alley way on Washington street is concerned, by the Camden Bottling Company or as far as the barn is concerned, testified to by Mr. William Farrow, Sr., or any other place under the heaven, did you ever have any relations with this woman that were not entirely proper?

A. Never.

Q. And in none of the places named, the alley, barn, the Lafayette street residence, and the home of Mrs. Farrow, you never had any adulterous intercourse with her; that is right?

A. That is right.

Q. You remember when it was that Mr. Farrow and Mrs. Farrow suggested to you that it might not be well for you to continue your calls at the Hughes street house?

A. Yes, sir.

Q. About when was that?

A. I can't tell you what time in the year that was, I think it was in the winter of 1903; I am not sure.

By the Vice Chancellor:

Q. You mean 1902-1903 or 1903-4?

A. 1903.

Q. That would be 1903-4?

A. I think it was 1903: I am not sure.

Further direct.

Q. Your best recollection is that it was late in the year 1903?

A. Yes late in the year; it was not cold, like enough the spring.

Q. What occurred at that time; give the circumstances?

A. We met at the Reading station; they both came up to me and said on account of my going out the back door the week before, about a week, that Will said he would rather I would not come there while he was not home, but he said, "You are welcome at any other time," and I never went after that, with the exception he took me there one night.

Q. He took you there himself?

A. Yes, sir.

Q. But after Mr. and Mrs. Farrow together had requested you not to call when he was not at home, I understand you to say you were never again in his house, until he himself took you?

A. Until he took me.

Q. When were you last in that house, Mr. Doak?

A. I think in the spring of 1903.

Q. And then he took you, did he?

A. He certainly did.

Q. You are sure that was after he had had a talk with you at the Reading Terminal?

A. Certainly.

Q. Where did you meet him?

A. On the beach.

Q. What time of the day or evening was it?

A. I judge about half-past eight or nine o'clock in the evening.

Q. What occurred?

A. I think he had two umbrellas, and I hadn't any, and he told me to get under one out of the rain, and come in the house with him.

Q. Did you go in the house?

A. Yes, sir.

Q. Whom did you find in the house?

A. Mrs. Farrow, the little girl and Mrs. Eldridge.

Q. How long did you stay?

A. I think I must have been there over an hour.

Q. When you left was Mr. Farrow home or not?

A. Home all the time.

Q. How did he treat you when you were in the house?

A. All right.

Q. Tell us about the dog; whose dog was that?

A. Mine.

Q. Where is the dog now?

A. Gone.

Q. When did it leave Cape May?

A. It left Cape May—I don't know the date, but I know what happened: it was the christening of the Pittsburgh, the new dredge down there in the fall, a year ago this October.

Q. October, 1903?

A. Yes, sir; that is when he left, and I haven't seen him since.

Q. What kind of a dog was it?

A. A bull terrier.

Q. How long did you own the dog?

Judge Carrow:—Do we have to go into these details?

The Vice Chancellor—There is a large amount of testimony to show why this man went to the house. You charge that his coming there was criminal. If he came there because of the dog, or the sickness, that is admissible.

Judge Carrow:—We do not say that the day he came there to look after the dog, that he committed adultery.

The Vice Chancellor:—Mr. Edmunds had the same conception, that no testimony was admissible except as to a day when adultery was charged, but as you had the right to prove disposition, irrespective of the act, so may he have the right to show the object of his coming there irrespective of the act.

Q. How long had you owned the dog?

Objected to.

Admitted.

Mr. Edmunds:—I propose to show it was a valuable dog.

A. More than two years.
Q. Was it a valuable dog?
A. People seemed to think it was.
Q. How did the dog come to go over to Mrs. Farrow's home?
A. They coaxed it there.
Q. Who did?
A. Mr. Farrow, the little girl and Mrs. Farrow.
Q. Did Mr. Farrow in any way, shape or form ever object to the presence of the dog there?

A. Never.

Q. When did the dog commence to go to Mrs. Farrow's home?

A. After I refused to sell it.

Q. To whom?

A. To Mr. Farrow.

Q. When did you refuse to sell the dog to Mr. Farrow?

A. When I first began to let the dog run around, he got so he liked it, saw it on the street, and he would follow the wagon.

Q. The dog followed their team, the horse and buggy owned by Mr. and Mrs. Farrow?

A. Yes, sir.

Q. Then after that he came to you and offered to buy the dog?

A. Yes, sir.

Q. What offer did he make?

A. Twenty-five dollars.

Q. What did you do with his offer?

A. Refused it.

Q. How long was the dog at their house, Mr. Doak?

A. Well, they got the best of me in the deal; they stole the dog.

Q. In other words, they got the dog?

A. They got the dog.

Q. Didn't the dog come to your house after that?

A. When they would let him out, it might and might not; he was there about two days where he was home one.

Q. How long did the dog stay around the premises of Mrs. Farrow?

A. I say he would stay there that way.

Q. How long; one day or two days, or how long?

A. Seven or eight months they had him.

Q. What six or seven months was it?

A. It must have been in the spring of 1902 or in the winter—or no—clear up to the time they christened the dredge they had the dog.

Q. Do you remember when the dog sustained an accident?

A. Yes, sir.

Q. What was the character of the accident?

A. The accident was at a foot ball game; he had not a broken leg, as they stated yesterday.

Q. What was the character of the accident that the dog sustained?

A. Got in a fight and a horse stepped on his leg.

Q. How did it injure the dog?

A. So I took it to the doctor and had a stitch put in.

Q. What doctor did you take the dog to?

A. Dr. Marcy.

Q. After that where did the dog go?

A. His leg stiffened and I think the little girl took him from me and took him home, and Will sent for me to come around next day or night, and told me then, after we doctored him and bandaged his leg, that he might have to go away to-morrow and for me to look after the dog while he was gone.

Q. Did you do it?

A. I certainly did.

Q. Do you know whether he went away next day?

A. I think so.

Q. When you went around to doctor the dog you went in the front way?

A. Yes.

Q. How long would you stay?

A. Long enough to bandage his leg and go out.

Q. Were the curtains down and the door closed and the house dark while you were there?

A. I don't think so.

Q. Where did you go to doctor the dog?

A. In the kitchen, I suppose.

Q. Did you go upstairs with Mrs. Farrow?

A. The dog was not up there.

Q. Did you?

A. No, sir.

Q. When you would go around for that errand, would you see anybody else in the house?

A. One day I did—Jim McCray.

Q. Would you see any other members of Mrs. Farrow's family?

A. Certainly.

Q. Who?

A. I saw the little girl.

Q. When you were there, would Mrs. Farrow say to the little girl, "Go into another room"?

A. No.

Objected to.

The Vice Chancellor:—Admitted. This witness is charged to be a paramour. I can not conceive of any testimony which goes to deny either disposition to have adulterous relations or the actual consummation of adultery, which is not admissible out of this man's mouth.

Q. When you made your calls at the residence of Mrs. Farrow, if Mr. Farrow happened to be away, and Octavine was at home, will you say whether or not Mrs. Farrow made any effort to put the child out of the place where you and she were?

A. She did not.

Q. State every effort that you can recall that Mrs. Farrow ever made to arrange any clandestine or secret

meeting with you at 505 Hughes street or any other place in the world?

A. She never made any.

Q. State any arrangement you ever attempted to make with her for a secret meeting with her at any place?

A. I never made any.

Q. It has been testified that you have been seen on the streets together; now just tell the Court all about having been seen on the streets with Mrs. Farrow, where you were seen the place, time and everything else without any further questions from me?

A. I have been seen in the day time.

Q. Where?

A. In the busy part of the street, busy part of the town. I have been seen, as Mr. Rowland testified the other day, down near the Landing. I had one leg on a bicycle seat. I jumped off, as you would. Mrs. Farrow and the little girl were on the other side, and I told her I had been down to see if the new dredge came in, the new dredge No. 3, and she asked me if it was in, and I told her "No; it could not get over the bar." Got on my wheel and went home.

Q. That was on Washington street, the main highway?

A. Yes, sir; we were on both sides of the street.

Q. And you refer now to the testimony of Mr. Rowland?

A. Elwood Rowland.

Q. And when you spoke to Mrs. Farrow that day you say her daughter Octavine was with her?

A. Yes, sir.

Q. Did you ever walk with Mrs. Farrow in Cape May or elsewhere arm in arm?

A. No, sir.

Q. Either across the Congress Hall lawn, Windsor lawn or any other place?

A. Never.

Q. Did you ever see her walking in that way with Harry Oliver or with any other man than her husband or some near relative?

A. Never.

Q. Now, Mr. Doak, in May, 1903, at the residence of Mrs. Eldridge, were you present or not?

10 A. I was.

Q. Do you remember just about what time in May, 1903, that was?

A. Yes, sir.

Mr. Edmunds:—The charge originally was between this witness and the defendant, and subsequently they amended their pleadings by making it with an unknown person.

20 Q. Without any questions from me, I wish you would tell the Court what time you reached the residence of Mrs. Eldridge, whom you saw there, how long you remained, and in what part of the house you were. Let me ask first, before going to the residence of Mrs. Eldridge that afternoon, where did you start from?

A. Home.

Q. Your home?

A. Yes, sir.

30 Q. And that was down on Washington street?

A. 833 Washington street.

Q. It was below the residence of Mrs. Eldridge?

A. Above.

Q. Nearer Skellinger's landing?

A. Yes, sir.

Q. How close to Washington street is Lafayette street?

A. One square.

Q. Do the two streets parallel each other or run perpendicular?

A. Parallel.

Q. What time did you leave your home that afternoon?

A. About two o'clock.

Q. And when you started from your home, just give us exactly how you went?

A. I was on my way to Ogden's.

Q. Who is that?

A. The lumber yard man.

Q. Where is the lumber yard?

A. To get to it the nearest way, you cut through Lafayette street.

Q. That is the nearest cut?

A. I wanted to get to the West Jersey railroad tracks. I was going by Mrs. Eldridge's house and this dog was on the porch and I called him. They said, "If you want the dog you will have to come and get him."

Q. Who said that?

A. Mrs. Farrow.

Q. Where did she say that?

A. Standing in the door.

Q. Did you see Mrs. Farrow standing in the door when you called the dog?

A. No; I did not.

Q. What side of Lafayette street were you walking on?

A. On the opposite side from Mrs. Eldridge's house.

Q. I want to know if, before that time, you knew that Mrs. Farrow was in the house?

A. Never thought of such a thing.

Q. You had no thought of seeing her in Mrs. Eldridge's house?

A. No, sir.

Q. You were walking on the opposite side of the street?

A. Yes, sir.

Q. How far from the street does Mrs. Eldridge's house set?

A. How far back in the yard?

Q. Yes.

A. From the street?

Q. Yes; is there much of a front yard?

A. Not very much.

Q. Had you ever been there before?

A. Never.

Q. Or afterwards?

A. Never.

Q. Just go on and tell your story. Mrs. Farrow came to the door; then what occurred?

A. She said if I wanted the dog I would have to come and get him.

Q. You said you were going to George Ogden's lumber yard?

A. Yes.

Q. For what purpose?

A. To get some laths.

Q. For what purpose?

A. To fix our fence. I went across the street to get the dog and she stood there talking a couple of minutes and I went in.

Q. How?

A. Right in the front way, and sat down in the parlor.

Q. Where was the parlor?

A. In the front of the house.

Q. How many windows were in that parlor, if you recall?

A. Three or four.

Q. Were the curtains up or down?

A. All up; that is, the way they saw me, looking out.

Q. They were at the window?

A. Yes, sir.

Q. You said it was two o'clock. Was it a clear or cloudy day?

A. I can't remember.

Q. Now, just go on and tell what occurred in that parlor. What other room in the house were you in that day?

A. Not any.

Q. Do you remember how that first floor—what was there back of the parlor, if you noticed?

A. The doors were open. I guess it must have been a dining room.

Q. The parlor doors were open?

A. Yes, sir.

Q. The rear parlor doors?

A. Yes, sir.

Q. Do you remember whether the door leading from the front hall into the parlor was open or closed?

A. I believe all the doors were open; it was in the spring, and I think even the front door was open.

Q. What effort did you make to hide your presence in Mrs. Eldridge's home?

A. Never did such a thing; never undertook to.

Q. Who were at home?

A. Bessie, the little girl, and Mrs. Eldridge.

Q. And Mrs. Farrow?

A. Yes, sir; and Mrs. Farrow.

Q. How long did you stay there?

A. About half an hour.

Q. What occurred there?

A. Nothing; just talked a little while, and then I got up and left.

Q. With whom were you talking?

A. Mrs. Farrow and Mrs. Eldridge.

Q. Now, then, did you see Mrs. Eldridge and Bessie while you were in the house?

A. They were there all the time, passing back and forth in the room.

Q. While you were there that afternoon, how long were you alone with Mrs. Farrow?

A. Not alone a minute.

Q. Was there any secret conversation or any secret relations of any character with Mrs. Farrow while you were there?

A. No, sir.

Q. When you left, how did you go out?

A. The front door.

Q. Where was the dog when you left?

A. Left him in the yard. I could not get him.

Q. Will you say whether or not that dog at Cape May was very well known as your dog?

A. He certainly was.

Q. And when you went in the dog was there?

A. Yes, sir.

Q. And when you went out he was in the yard?

A. Yes, sir.

Q. Then where did you go?

A. To the lumber yard.

Q. To Mr. Ogden's?

A. Yes, sir.

Q. Did you get the lath?

A. Yes, sir.

Q. Then what did you do?

A. Went back and finished up my job.

Q. Do you remember what the conversation was which occurred that afternoon?

A. In the house?

Q. Yes.

A. No, sir.

Q. State what effort, if any, you made on that day to either go in the house secretly or out of the house secretly?

A. I made no effort at all, I didn't think of such a thing.

Q. While you were there, will you say whether or not any person was denied admittance to Mrs. Eldridge's home?

A. They could not be denied admittance with the door open.

Q. Was Octavine, the daughter of Mrs. Farrow, denied admittance while you were there?

A. I didn't even see her.

Q. Do you remember whether or not you left before the schools were out?

A. I left before three o'clock.

Q. And the schools adjourn at what hour?

A. About four.

Q. While you were there, did Mr. Farrow drive up?

A. No, indeed.

Q. Did you see anything at all of him that afternoon?

A. No, sir.

Q. Did you see anything of Mrs. Carrie Hughes that afternoon?

A. I did not.

By the Vice Chancellor:

Q. Is this Mrs. Eldridge's house next door to Miss Hughes' house?

A. Yes, sir.

Further direct.

Q. The Chief of Police of Cape May City has testified that on the 28th of July, 1904, since the commencement of this proceeding in which you are charged as one of the paramours, that he saw you and Mrs. Farrow hide under the shadow of a barn down Lafayette street near the residence of Mr. Foster. I want to know whether or not you and Mrs. Farrow were at the place at the time indicated by the Chief, or at any other time?

A. Never there; no, sir.

Q. Now is that near or distant from the Police Station?

A. It is two squares, one square, but a square back.

Q. Do you know anything at all about the police alarm system in Cape May, about summoning an officer if occasion requires the summoning of one; do they have the electric system there?

A. I don't know.

Q. But you say this police station is about a square away from where this thing is alleged to have occurred?

A. Yes, sir.

Q. During the summer of 1904, I refer to the past summer, have you been with Mrs. Farrow in Cape May or elsewhere?

A. I have not been anywhere.

Q. When did you first hear that you were charged with having gotten under the shadow of a barn in July of the present year?

A. When did I hear of that?

Q. Yes.

A. When Mr. Farrow spoke of it.

Q. On the witness stand?

A. Yes, sir.

Q. Prior to the time these proceedings were brought, what were your relations with the Chief of Police of Cape May, friendly or otherwise?

A. Very friendly; I thought he always seemed so.

Q. Did he at any time indicate to you that he thought you were going to his son's wife residence a little too much?

A. No, sir.

Q. You are charged with having been under a tent with Mrs. Farrow on the 17th of August, 1904; before I go to that specific date, I want to ask whether or not you were ever under any tent with Mrs. Farrow, in any place under the sun?

A. No, sir.

Q. Did you ever see Mrs. Farrow under any tent?

A. No, sir.

Q. State whether or not you ever saw Mrs. Farrow in any attitude of body, or in any attitude of dress, to indicate that she was not a perfectly correct woman?

A. Never, never saw her in that attitude.

Q. Where were you on that day, 17th of August, 1904?

A. Working.

Q. You worked between what hours?

A. Eight and a little after eleven.

Q. Where?

A. Hebenthal's cigar store.

Q. Are you referring to the morning hour or evening hour?

A. Evening.

Q. Where had you been on the afternoon of Wednesday, August 17, 1904?

A. Playing ball.

Q. What part did you play on that ball team?

A. I catch for the Cape May team.

Q. Do you receive any compensation for it?

A. Not a cent.

Q. Was the game for the general entertainment of the visiting public or not?

A. That is all.

Q. And the games are played where?

A. On the Stockton field.

Q. Mr. Stites has testified that he played third base and that he was captain of the team; is that correct?

A. Yes, sir.

Q. How long did you catch for this team?

A. I guess ever since it has been a team.

Q. That means how long?

A. Off and on for ten years?

Q. What team did you play with that afternoon?

A. The Prospect Athletic.

Q. From what city?

A. Tioga.

Q. Do you remember what time the game closed; what time do you start?

A. Generally close somewhere about five o'clock.

Q. And after the game was over, what do you do?

A. I go home, wash and dress and clean up and went back and let Frank go to his supper, that is Mr. Hebenthal.

Q. When you played ball in the afternoon, what arrangement, if any, did you have with Mr. Hebenthal about working at night?

A. I was not supposed to get off Wednesday afternoons; it was my day on work, and all afternoon with the exception of Saturday and Sunday I worked; I told him if he would let me go this afternoon to play ball I would work at night.

Q. Did you, as a fact, work that night between the hours indicated?

A. I certainly did.

Q. What time do you think you reached the store that evening?

A. About eight o'clock.

Q. And remained until what hour?

A. Eleven.

Q. And between the hours of eight and eleven where were you?

A. Working?

Q. Where?

A. In the cigar store.

Q. Whose cigar store?

A. Hebenthal's.

Q. Where, on what street?

A. 411 Washington street.

Q. How much of that time, between eight and eleven, were you out of the store?

A. I don't think I was out any of the time.

Q. Were you down on the beach that night?

A. No, sir.

Q. Under a tent?

A. No.

Q. With your pants open?

A. No, sir.

Q. Standing up in an adulterous relation with Mrs. Farrow?

A. No, sir.

Q. Did you ever see Charles Wagner at Cape May?

A. Never.

Q. This man here, did you ever see him at Cape May?

A. No.

Q. You don't remember his coming into your store and buying a cigar?

A. No; I could not remember that anyway, if he did.

Q. When did you first learn that it was said of you that you were on the beach under a tent with Mrs. Farrow on the 17th of August, 1904?

A. Mr. Wagner told me all about that on the witness stand.

Q. You learned it then?

A. Yes, sir.

Q. Mr. Doak, do you know about how many rows of tents there are along the beach at Cape May?

A. No; I could not tell you; there are lots of tents.

Q. About how many rows; can you tell me?

A. No.

Q. Mr. Wagner said there were from four to seventeen and eighteen rows between the boardwalk and the water.

A. Seventeen or eighteen rows from the boardwalk.

Q. Yes?

A. No.

Q. About how many would you say?

A. About five.

Q. How were those tents constructed, if you noticed?

A. Just a top, to keep the sun off and let the breeze blow through; I suppose that is what they are for.

Q. While you were at work on the evening of August 17, 1904, do you recall anyone whom you saw at the store that night?

A. Fletcher Stites.

Q. What did he come over to see you about?

A. About playing ball the following Saturday.

Q. How long have you known him?

A. All my life, I guess.

Q. Do you remember how many times he was in that evening?

A. Twice.

Q. What time was he in?

A. Between the hours of eight and nine, nine and ten.

Q. I want to read to you the testimony of Charles Wagner, and I want you to affirm or deny specifically everything he has testified to against you, affirming it if it is true, and denying it if it is false: He says on the evening of the 17th of August you left Mrs. Farrow on Beach avenue at the foot of Jackson street; did you meet Mrs. Farrow at the time indicated by Mr. Wagner and at the place named?

A. No, sir.

Q. He says that after the meeting you went over and walked along the Strand up the beach to a point nearly opposite the music pavilion, and that you then approached over toward a tent and went under the tent where you and she subsequently met each other; did you do the things which he alleges you did?

A. I was not there.

Q. Answer the question.

A. No; I didn't do it.

Q. And that after you had gotten under the tent, and Mrs. Farrow,—using his own words,—you began huggering and kissing Mrs. Farrow; did you hug her and kiss Mrs. Farrow on that night or any other night under the tent on the sands of Cape May?

A. I did not.

Q. He says that the huggering and kissing commenced at 8:30 and lasted until 10:50, when the adulterous act was committed; did you hug and kiss Mrs. Farrow from 8:30 until 10:50 on that night under a tent?

A. No.

Q. And he says that at 10:50 Mrs. Farrow raised her clothes, you opened your pants and you came together and separated after five minutes; did that occur?

A. No, sir.

Q. And that it occurred while you and she were standing on your feet; did that occur?

A. No, sir.

The Vice Chancellor:—Is the detail necessary in order to sufficiently deny the act charged.

Mr. Edmunds:—Very well.

Q. The witness has also testified that after this occurred you remained there for half an hour longer, and you eventually left the beach; did that occur?

A. No, sir.

Q. Where did you see Mrs. Farrow on that night, August 17, 1904?

A. I didn't see her.

Q. Did you have any conversation with her on that night or on that day, either on the 'phone or otherwise?

A. None at all.

Q. Did any of the acts alleged against you by Charles Wagner occur under the tent on any other day, or any other night than the 17th of August?

A. Never.

Q. Will you tell the Court, please, what is the general character of this beach at this point, whether it is public or quiet at night?

A. At the time he said, it is the main part of the town, where all the people are, between the music pavilion and the iron pier, at the time he says there will be thousands of people around there.

Q. It was testified against you by one of the witnesses in this case, Minnie Farrow, that when the Lake Lilly was covered with skaters, or there being quite a number of skaters on the lake, that if you and Mrs. Farrow were on the lake, it was your custom and her custom to withdraw

in the presence of the party and go out in the woods together; did you ever at any time, when you and Mrs. Farrow were on Lake Lilly, withdraw yourself from any of the skaters and go into the woods and then return?

A. No.

Q. At no time?

A. Never.

Q. When did you first hear of that?

A. On the stand.

Q. You mean on the trial of this case?

A. Yes, sir.

Q. What have been your relations with Minnie Farrow, have they been friendly or antagonistic?

A. Not very.

Q. What do you mean by that?

A. I don't believe we ever cared for one another.

Q. Probably agreed to disagree. When you would go over on Lake Lilly, can you give the Court an idea of how many skaters there would be over there?

A. We would go over in parties, about two dozen.

Q. And when you got over to the lake would other parties be there except your own parties?

A. Yes, sir.

Q. About how many skaters would there be on an average on the lake?

A. About a hundred.

Q. Do you skate or not?

A. No, sir.

Q. How often did you go over there on that skating party?

A. I think I was at the lake once and the other pond twice.

Q. What other pond?

A. Another lake; Miss Minnie Farrow was there both times.

Q. Can you recall whether or not Miss Farrow came to you and said, "Mr. Doak, what have you been doing up in the woods?"

A. No, sir.

Q. Did she ever ask you that question?

A. No.

Q. Or any living soul ask you the question what were you doing up in the woods with Mrs. Farrow?

A. No.

Q. You recall three instances when you went to the ice pond, twice to Lake Lilly?

A. Yes, sir.

Q. And once to the other pond?

A. A pond near Lake Lilly.

Q. Do you recall whether Will Farrow was there on any of those occasions?

A. He was one night, at the smaller pond; we were keeping the fire.

Q. Referring to the alley that has been testified to by one of the boys in the case, did you ever meet Ethel Farrow up the alley by the Camden Bottling Company?

A. Never.

Q. Did you ever see her up the alley?

A. No, sir.

Q. What part of that which was testified to by the Church boy as having occurred up the alley,—although I don't recall that he said anything occurred, he simply said that they were up the alley,—but as a matter of fact were you ever in that alley with Mrs. Farrow?

A. Never.

Q. What part of the boy's statement, that he says he saw occur that night, did actually take place, if any?

A. Not any at all.

Q. You mean you didn't on that occasion meet Mrs. Farrow at all?

A. I did not.

Q. Have you any personal knowledge of the effort which has been made by the complainant in this case to have you discharged from your place?

A. I haven't had; no, sir.

Q. Until this trial here?

A. Yes, sir.

Q. Has the complainant here ever threatened to shoot you, as far as you know? Has he made threats?

A. He has made threats to other persons.

Q. But not to you?

A. No.

Q. What relations have you had with him since this proceeding was entered?

A. Not any.

Q. That is all.

Cross-examination.

By Judge Carrow:

Q. Do you know LeRoy Wilson?

A. Yes, sir.

Q. Is LeRoy Wilson in the room?

A. I can't see him here. (LeRoy Wilson was directed to stand up.) I see him.

Q. Do you recollect seeing LeRoy Wilson in the month of July last in Cape May City and asking him if Farrow had ever said anything to him concerning the time he and Walter Church followed you?

A. No, sir.

Q. You didn't say that?

A. No, sir; not that.

Q. What did you say to him?

A. I asked him if Will Farrow had ever said anything to him.

Q. What did you have reference to, saying anything about what?

A. The boy knows himself.

Q. About what?

A. Not about Mrs. Farrow.

Q. I am asking you now, and you are given an opportunity to say about what?

A. About he following another woman and man.

Q. Not following you?

A. No, sir; not following me.

By the Vice Chancellor:

Q. You spoke about the boy, about his, the boy, following another woman. Is that what you mean?

A. Yes, sir.

Q. Or about Mr. Farrow following some other woman?

A. No; about the boy.

Further cross.

Q. The boy following another woman and another man?

A. Yes, sir.

Q. How did that concern you?

A. Because I know that Mr. Farrow has a feeling against this other woman.

Q. Didn't you ask this boy to be a witness for you in this case?

A. I certainly did not.

Q. Do you say that you never met, during the years 1903, or 1904, or 1902, that you never met the defendant,

Ethel Farrow, on the occasions that were mentioned by Mrs. Jefferson at night time?

A. Yes, sir; I will swear I never met her.

Q. You recollect that Mrs. Jefferson stated that as many as a dozen times?

A. I heard that.

Q. Where did she say she saw you?

A. On the corner.

Q. What corner?

A. Jefferson and Corgie.

Q. That is in the neighborhood of the gas tank?

A The gas tank.

Q. And the stables?

A. Not so near the stables.

Q. Are not the stables right back of the gas tank?

A. Yes.

Q. She says that she met you there as many as a dozen times and met Mrs. Farrow there. Sometimes you were talking together, and sometimes you were standing alone, and sometimes Mrs. Farrow was standing alone. Is that true or false?

A. It is not; it is false.

Q. Every word she said in regard to that is false?

A. Yes, sir.

Q. Mrs. Turner said she saw you two down in the colored neighborhood with Mrs. Farrow, and that Mrs. Farrow said to her, "For God's sake, don't tell Will." Did that occur?

A. It did not.

Q. You were not down there?

A. I was not.

Q. Another gentleman—Who was that man that testified, that lived down near Skellinger's Landing, that saw you?

A. Elwood Rowland.

Q. Elwood Rowland says he not only saw you and Ethel Farrow in his neighborhood talking, but that on several occasions when he went by the cigar store or was in that neighborhood he saw Ethel Farrow walking up and down on that side of the street, looking into the cigar store and wating for you to come out, and then you would come out and talk with her. Is that true or false?

A. It is false. Understand, I have talked to the woman.

Q. You never have?

A. I have; but this walking up and down waiting for me and meeting me is a lie.

Q. Now, these boys, Walter Church and LeRoy Wilson, say that they saw you one night and they followed you—or, rather, Walter Church says he followed you and Mrs. Farrow from the alley of the Camden Bottling Establishment out across some street onto Congress Hall lawn. What have you to say in regard to that?

A. They didn't see me.

Q. They didn't see you?

A. No.

Q. Where did they see you?

A. They didn't see me.

Q. Do you say you were not there with her?

A. I certainly do say it; yes, sir.

Q. What time of the day was it that you went to Mrs. Eldridge's?

A. About two o'clock.

Q. Mrs. Eldridge lives 602 Lafayette street?

A. I don't know the number.

Q. She lives right next to Miss Hughes?

A. Yes, sir.

Q. It is a frame double house?

A. Yes.

Q. And Miss Hughes lives on one side and Mrs. Eldridge on the other?

A. Yes, sir.

Q. You went there about two o'clock?

A. About two o'clock.

Q. And the only women in the house on that occasion were Mrs. Farrow and Mrs. Eldridge?

A. And a little girl.

Q. I am now speaking of women?

A. Yes.

Q. What little girl was there?

A. A little girl they call Bessie.

Q. Bessie who?

A. Bessie Eldridge.

Q. Was she not at school?

A. She was not.

Q. And you say when you went there you had no intention of going?

A. I had not.

Q. How is it you happened to go into the house; had you any business?

A. I did not; no; but I didn't suppose there was any harm.

Q. You had no business there and no errand, but just happened to be there by accident?

A. Yes.

Q. This dog which you spoke of so much, he happened to be there?

A. Yes.

Q. And that is the excuse that you gave for going there, for the dog; is not that it?

A. I didn't say I gave that as an excuse for the dog; I said I saw the dog and went after him.

Q. Did you have any other business there except in regard to the dog?

A. Not at all.

Q. Then, is not the dog the excuse that you gave?

A. That is the only excuse I had.

Q. Why did you quibble a moment ago, when you said you had no excuse?

Mr. Edmunds, on the part of the defendant, objects to the use of the word quibble.

The Vice Chancellor:—I do not understand what you mean by the word "Excuse." The witness has stated what first called his attention to Mrs. Eldridge's house. I do not understand that there is any element of excuse.

Judge Carrow:—I used the word, perhaps, not as accurately as I should. I will withdraw that.

Q. I will ask you again whether you had any business or any reason, on the occasion in question, to take you to the home of Mrs. Eldridge?

A. No, sir.

Q. And you say you stayed there half an hour?

A. Yes, sir.

Q. How do you know it was only half an hour?

A. Because I had to get back.

Q. Back where?

A. Home.

Q. Is that the only reason you can give, because you had to get back home?

A. Because I went back home.

Q. Is that the only reason you have, because you went back home?

A. Is it the only reason?

Q. Yes.

A. It is the only reason I gave.

Q. Mrs. Farrow was there all the time, was she?
A. She was.
Q. That you were there?
A. That I was there.
Q. You knew since this suit, this divorce, was begun by Mr. Farrow against his wife, that you were charged in the bill of complaint with having committed adultery at the Eldridge house in May, 1903; didn't you know that?
A. As soon as Mr. Hildreth got the papers I did.
Q. How large is the pond over at Cape May Point?
A. What pond?
Q. The pond at Cape May Point?
A. There are two of them.
Q. The one on which the skating was done?
A. The largest pond is about half a mile long.
Q. Half mile around?
A. No.
Q. Is it that long?
A. It is that long.
Q. Is it not a mile around?
A. Likely enough.
Q. You say that you and Mrs. Farrow didn't leave the party at the pond and go off into the woods together?
A. Never did.
Q. How frequently, Mr. Doak, had your visits been to Mr. Farrow's house when he spoke to you and requested you not to come around there?
A. I hadn't gone there much then; it was about the dog; he had a sore.
Q. I didn't ask you that. I asked you how frequently you had been going to the house up to the time when he requested you not to come there, and when he told you, as you have said, that the neighbors were talking about it?
A. I didn't say neighbors.

Q. Didn't he say there was talk about it?

A. Yes.

Q. Who did you understand were talking about it, people in Cape May or people in Philadelphia?

A. People in Cape May.

Q. You understood, when he requested you not to go to his house, in the presence of his wife, that your name had been associated with Mrs. Farrow's name; isn't that so?

A. If he said that?

By the Vice Chancellor:

Q. That you understood that your name, by reason of what Mr. Farrow said to you, had been associated with Mrs. Farrow; did you so understand that?

A. No; I didn't.

Further cross.

Q. Didn't you say in the examination in chief that he said there had been talk?

A. I said that and I will stick to it; he said it.

Q. What did you understand that to mean; now talk?

A. I understood him to mean that the people were talking and not him; he didn't believe there was anything in it.

Q. You understood that at that time?

A. That is what I understood.

Q. That is, the people of Cape May were talking about you and Mrs. Farrow?

A. Not the people of Cape May; these two people.

Q. Which two people?

A. Mrs. Howell and her daughter.

Q. Who were Mrs. Howell and her daughter?

A. I don't know who they are; I don't know them to speak to.

Q. When did this occur, this conversation, in which the complainant asked you not to go to his house during his absence?

A. I don't know.

Q. Do you know what year it was; was it 1902?

A. I think it was 1903.

Q. And when in 1903?

A. I could not tell you.

Q. Don't you know whether it was in the winter of 1903?

A. I do not, sir.

Q. You don't know what time of the year?

A. No, sir.

Q. When was it? You say the dog left Cape May in October, 1903. When did the dog receive the injury and require the bandaging you have spoken of?

A. It was a foot-ball game in 1902, I believe.

Q. That would be in the fall of 1902?

A. Yes, sir.

Q. Two years ago?

A. Yes, sir.

Q. Wasn't it shortly after that that Mr. Farrow and Mrs. Farrow met you on the street, and Mr. Farrow told you that he would prefer that you would not call at his house during his absence, or words to that effect?

A. I don't know whether it was shortly after that or whether it was when the dog got hurt again. He had something under his neck. The dog was hurt twice while the Farrows had him.

Q. Have you not already stated in your examination in chief, in reply to a question by Mr. Edmunds, that Mr. Farrow said that when you came around to bandage the

dog's leg the people in the neighborhood had talked about it?

A. Yes, sir.

Q. And he wanted you to stay away; isn't that so?

A. No, sir; not while I was coming around to bandage the dog's leg.

Q. It was not that?

A. It was when the dog was sick or when I was bandaging his leg; it was either one of those two. I can't get right down whether it was his leg or neck.

Q. Is it not a fact that after you were forbidden to go to Mr. Farrow's house during his absence—I ask you, whether or not it is not a fact that then you commenced to see Mrs. Farrow outside of his home and in the places mentioned by these witnesses?

Objected to by defendant's counsel, because there is no evidence before the Court that Mr. Doak was forbidden; it was purely a request.

The Vice Chancellor:—I think that is within the latitude allowed counsel. It is claimed on the part of the complainant that he was forbidden; it is sought to be claimed by defendant's counsel that there was no forbidding, that it was a mere request, because of certain talk, that this gentleman should refrain from going to the house while Mr. Farrow was away. I think the question is admissible.

Objection withdrawn.

A. It is not.

Q. That is all.

Re-direct.

Q. Did you ever see Mrs. Farrow at Corgie and Jefferson streets at any time during the day; did you ever meet or see her there?

A. Yes, sir.

Q. Just tell about that.

A. At noon.

Q. When was that?

A. I could not tell you when it was; I think it was in the spring of the year.

Q. Did you ever see her down there at any time on any night?

A. Never in my life.

Q. When you saw her at noon at Corgie and Jefferson, do you know what season of the year it was, whether spring, summer, autumn or winter?

A. I think last spring, I am not sure.

Q. What did you do when you met her there, or saw her there, I will put the question that way?

A. I spoke to her, asked her where she had been, I think she said she had been down at the doctor's, McCray.

Q. Is Doctor McCray's nearby there?

A. Yes, sir.

Q. That is not far from your own home?

A. It is not.

Q. Were you going to or returning from your home?

A. I was going home.

Q. How far is that from your home?

A. One square.

Q. Judge Carrow spoke of a gas tank and stables.

Objected to.

What is the character of the neighborhood of Jefferson and Corgie streets; is it respectable or otherwise?

A. Respectable.

Q. White people live there or colored people?

A. On the corner is white people, back of it colored people.

Q. Name the white people who live at the corner.

A. Robert Hand, Lloyd Stevens, Stevens, the son; I think McCray did live there, I don't know whether he does now; Dockerty.

Q. That is all.

BESSIE ELDRIDGE, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. Where do you live?

A. Cape May City.

Q. How old are you?

A. Fourteen.

Q. When were you fourteen years of age?

A. Last April.

Q. Do you go to school?

A. Yes, sir.

Q. Where?

A. Cape May Public School.

Q. Your home is where?

A. Lafayette street.

Q. What number?

A. Six hundred and three.

Q. How long have you lived there?

A. I don't know just how long.

Q. A number of years or just a short time?

A. I guess it has been a year; I don't know how long?

Q. Where did you live before you lived at 603 Lafayette street?

A. Windsor avenue.

Q. Have you ever had any home at any place except Cape May?

A. West Cape May; that is all.

Q. Your mother is Linda Eldridge?

A. Yes, sir.

Q. And your father is Mr. Edward Eldridge?

A. Yes, sir.

Q. How many sisters and brothers have you?

A. Three sisters and one brother.

Q. Give their names?

A. Marion and Edna, Hattie and Charles.

Q. Which is the oldest?

A. Marion.

Q. Which is next?

A. Charlie.

Q. Which is next?

A. Myself.

Q. Do you remember in May, 1903, the day Mr. Doak was at your house?

A. Yes, sir.

Q. Where were you?

A. I was all over the house.

Q. Were you home that afternoon?

A. Yes, sir.

Q. You usually go to school?

A. Yes, sir.

Q. Why didn't you go to school that afternoon?

A. I had toothache.

Q. How much of that afternoon were you away from your house?

A. I was not away any time.

Q. Do you remember when Mrs. Farrow came?
A. Yes, sir.
Q. What time did she come there, before or after dinner?
A. After dinner.
Q. A little while or good while after dinner?
A. It was not so long.
Q. How did she come, the front or back way?
A. The front.
Q. Had you ever seen Charlie Doak at your house before or any time since?
A. No, sir.
Q. How long have you known Charlie Doak?
A. I have not known him very long.
Q. But you knew it was Charlie Doak?
A. Yes, sir.
Q. Who were at home when Charlie Doak came?
A. My mother, Mrs. Farrow and myself.
Q. The three of you?
A. Yes, sir.
Q. Where were your brothers and sisters?
A. At school.
Q. What time does school at Cape May let out?
A. Four o'clock.
Q. How far is the school house from your home?
A. It is not exactly across the street, but down a little ways; it is not very far.
Q. It is quite close to your home?
A. Yes, sir.
Q. When Mrs. Farrow reached your home, I understand you to say that your mother and yourself were at home; where did she go when she got in the house?
A. Who do you mean, Mrs. Farrow?
Q. Yes; where did you all go?
A. Sat down in the parlor and talked.

Q. Where is the parlor?
A. The front room.
Q. Do you remember whether or not the shades were down?
A. No; they were not.
Q. How long had she been there before Mr. Doak came?
A. About half an hour.
Q. Did Mrs. Farrow have anyone or anything with her when she came to your house?
A. She had a dog.
Q. Where was the dog?
A. On the front porch. She didn't want it to come in.
Q. You say she was there about half an hour when Mr. Doak came along?
A. Yes, sir.
Q. Did he come in the house?
A. Yes, sir.
Q. Who let him in?
A. Mrs. Farrow.
Q. How did he come in, which door?
A. The front door.
Q. Through the front gate, also?
A. Yes, sir.
Q. Then where did he go?
A. He went in the parlor.
Q. What other room in the house was he in?
A. No other room.
Q. Didn't go out of the parlor at all?
A. No, sir.
Q. While Mrs. Farrow and Mr. Doak were in the house do you know whether or not they were alone at any time?
A. No; they were not.
Q. How long did Mr. Doak stay there?

A. About half an hour.

Q. Were any of the doors closed leading into the parlor, as far as you know?

A. No, sir; they were open.

Q. Did you see anything there that afternoon which was wrong, Bessie?

A. No, sir.

Q. Did you hear any language used which was wrong?

A. No, sir.

Q. You know what vulgar language is?

A. Yes, sir.

Q. You know what profanity is?

A. Yes, sir.

Q. You didn't hear any vulgarity or profanity or anything else?

A. No, sir.

Cross-examination.

By Judge Carrow:

Q. You had the toothache in the afternoon, as I understand?

A. Yes, sir.

Q. Did your tooth ache a great deal?

A. Yes, sir.

Q. What were you doing for it; did you go out to see a doctor or anybody?

A. No, sir.

Q. What did you do for your tooth?

A. We had some toothache medicine home, which I put on.

Q. Where was that?

A. In the house.

Q. What part of the house?
A. I don't remember; it was on the sideboard.
Q. How many rooms are there in your house?
A. About seven, I think.
Q. About what time did you come home from school?
A. I didn't go to school that afternoon.
Q. What time did you come home from school in the morning?
A. I didn't go in the morning, either.
Q. Did you have toothache all day?
A. Yes, sir.
Q. Did you have anything on your face, any rag?
A. No, sir.
A. As I understand, you were in any part of the house and in all parts of the house?
A. Yes, sir.
Q. You didn't sit down in the room where Mrs. Farrow and Mr. Doak were all the time they were there?
A. Not all of the time, but I was there most of the time.
Q. That is all.

ETHEL FARROW, sworn for defendant.

Direct examination.

By Mr. Edmunds:

Q. You are the defendant in the case?
A. I am.
Q. Do you remember when you were married to William Farrow?
A. 1898, October 15.

Q. And you were married where?

A. I was married at the Baptist preacher's' home, Mr. Parkers', on Washington street.

Q. At the parsonage?

A. At the parsonage.

Q. At that time were you a widow, just prior to your marriage to the complainant here?

A. I was.

Q. You were the widow of who?

A. Wilmont Ware.

Q. How long had you been a widow; when did he die?

A. In the fall of 1896, October 27.

Q. The child, Octavine, is a child of the former marriage?

A. She is.

Q. And there have been no children born during the present wedlock?

A. None.

Q. Where was your home before you married Mr. Farrow?

A. My home was with my grandmother on Washington street.

Q. Will you say how old you are?

A. Twenty-nine.

Q. You were twenty-nine when?

A. Last March.

Q. Give your exact birthday.

A. March 27; I was born in 1875.

Q. And you were born at Cape May?

A. Cape May Point.

Q. And your mother was who?

A. Abigail Edmunds before she was married.

Q. When did your mother die?

A. When I was a little girl; I was not five; she died in the fall of—I was four and a half, about.

Q. At the time of her death?

A. Yes; she was buried Thanksgiving Day.

Q. Do you remember the year of her death?

A. I was born in 1875, and she died in 1879.

Q. When your mother died, leaving you a child at the age of five, with whom did you live?

A. My grandmother took charge of me; I was born there, and she took charge of me.

Q. Who else?

A. Grandfather, Mr. Downs Edmunds.

Q. Where do you live?

A. Cape May.

Q. Will you say whether or not you continued to live with your grandmother and grandfather until you married Mr. Ware?

A. My grandfather had died, but I still lived with my grandmother.

Q. You continued to live with her until you married Mr. Ware?

A. Yes, sir.

Q. You lived with him where?

A. At his home, Lafayette street.

Q. Cape May City?

A. Yes, sir.

Q. And your husband's death left you with Octavine? What means, if any, of any support had you?

A. I taught school.

Q. But apart from that you had no means of support?

A. None whatever.

Q. When did you begin teaching school after Mr. Ware's death?

A. He died in October, and the following April I was teaching school.

Q. In the meantime, what were you doing in so far as preparing to teach school was concerned, between Oc-

tober and the following April?

A. I was studying.

Q. Where did you take the examination for public school teaching?

A. Cape May Court House.

Q. Under the public authorities?

A. Yes, sir; I did.

Q. Did you pass your examination?

A. Yes, sir.

Q. And receive your certificate?

A. Yes, sir.

Q. And taught at the Cape May Court House public schools?

A. Yes, sir.

Q. Commenced teaching when?

A. Commenced on Labor Day.

Q. Of what year?

A. I could not tell you. If you wait a moment—he died in 1892—

Q. When was it he died?

A. Will Ware died in 1892. The following spring I taught school at Green Creek, but the following fall I taught school at Cape May Court House; that was in 1899.

Q. You continued to teach school at Cape May Court House until you married Mr. Farrow?

A. No.

Q. What were you doing immediately prior to your marriage?

A. Teaching school at Cape May Corner.

Q. How long had you taught?

A. The school opened in September and we were married the fifteenth day of October, and I taught school up to that time.

Q. When did you first meet William Farrow?

A. I always knew him by sight on the street. I don't remember the introduction.

Q. Did he court you or you court him?

A. Well, I suppose it was mutual.

Q. He came to see you or did you call to see him?

A. I never went to his house but once before I was married to him.

Q. Where did he visit you?

A. At my grandmother's home, where I resided.

Q. Prior to his marriage, did he call frequently or not?

A. When he was home from aboard the boat he called every night.

Q. Would you see him at any time during the day, also, when he was ashore?

A. In the spring when he first started keeping company with me, I was teaching school at Cape May Court House. He would very frequently meet me at the train and walk up with me, and say, "I will come around after supper if you are going to be home." I said, "All right," and during the summer he would be with me every night when he was home.

Q. When did you first learn that he was having you shadowed before you were married, before or after this proceeding developed?

A. It was after this proceeding.

Q. State what doubt, if any, he ever expressed to you about your integrity or character before you were married?

A. None whatever.

Q. Will you say whether or not his general relation with you seemed to show confidence, or was it otherwise?

A. He was always jealous of Harry Oliver. Before I was married there was a feeling between him and Harry Oliver. The reason of this was that he saw that I was

friendly with Harry. Harry and I were raised together in West Cape May, and very often he and I would be on the street together; he would sometimes meet me on the street and walk up to my grandmother's. I recall one occasion in particular. I had been to Philadelphia, and I was coming from the train. I met Harry. I had a large grip, and he said, "Give me a hold; I will carry it," and took hold and carried it home and took it into the house, passed the time of day with my grandmother, and Will very strongly objected to that.

Q. He saw it?

A. No. I didn't tell him. I asked him how he knew it; but on different occasions he objected to things of that sort.

Q. What other antagonisms did Will seem to have prior to the marriage toward any of your friends, outside of not liking Harry Oliver?

A. None at all.

Q. After your marriage, in October, 1898—by the way, was it just a quiet wedding, or were cards out to a number of friends?

A. Just a quiet wedding.

Q. After your marriage, in October, 1898, where did you and he reside?

A. At my grandmother's home, 717 Washington street.

Q. Under the shadow of the Police Headquarters?

A. I could see his father go in and out there, right near there.

Q. That is, the headquarters of the Police Department?

A. Yes, sir.

Q. Where the chief and all his assistants repair day noons and Sundays?

A. Yes, sir.

Q. How far is your residence 505 Hughes street from the headquarters of the Chief of Police?

A. Three squares away.

Q. And the present headquarters of the Police Bureau have continued there for how long?

A. I didn't understand you.

Q. I say how long have the Police Headquarters been at the corner of Franklin and Washington streets?

A. Always, to my knowledge.

Q. You say you resided with your grandmother after your marriage, and continued to reside with her how long?

A. Until we moved from there around on Hughes street. We made our home there after our marriage in the fall. In the spring, April, we moved to 505 Hughes street.

Q. In the meantime, who had been occupying the premises 505 Hughes street?

A. His father and mother.

Q. Who else?

A. His sisters.

Q. Who else?

A. He.

Q. His mother?

A. Yes, sir.

Q. They had been occupying that residence?

A. They had.

Q. When you moved to 505 Hughes street, did you all live together, you and Mr. Farrow, your husband, and Octavine and his father and mother and sister?

A. No.

Q. What became of them?

A. They moved out.

Q. Before you moved in?

A. Yes, sir.

Q. And they haven't moved back?

A. No.

Q. Where did they move to?

A. They moved down toward the landing, what they call the old Baptist parsonage, on Lafayette street.

Q. Will you state to the Court as fully as you desire to what your relations were with the members of Mr. Farrow's family prior to this outburst?

A. They never liked me.

Q. In what way?

A. They showed their dislike from the beginning; there was always trouble.

Q. Between whom?

A. Well, I think the whole family didn't like me.

Q. Which members of the family visited your home?

A. They all visited me.

Q How frequently?

A. They came once a week and stayed to dinner and supper, until about half past ten o'clock at night; sometimes not that late.

Q. And by "they" you mean who?

A. His father, mother and sisters.

Q. Which sisters?

A. Minnie—she is here—and Jennie Skellinger—has not appeared on the stand, but she is here—and he has another married sister, Florence.

Q. They all visited your home?

A. Yes, sir.

Q. And continued to do so until when?

A. Until August, 1903.

Q. Then why did they stop, if you know?

A. On account of a little fuss we had.

Q. Who had the little fuss?

A. His mother and the daughter Florence and I.

Q. And after that the visits ceased?

A. They did.

Q. Would you see Chief Farrow on the streets from time to time then until these proceedings were entered?

A. I don't suppose I went out but what I did see him.

Q. Where?

A. On the streets.

Q. Did you ever see him around your neighborhood?

A. Certainly.

Q. Prior to the time these proceedings were entered, did he ever in any way call your attention to any rumors in Cape May or anything that he had seen, or anything that he had heard, in reference to your relations with any men?

A. He never did.

Q. What was his general treatment of you?

A. Fine.

Q. How did he show his fine treatment?

A. Stopped and talked to me on the street, occasionally dropped in. I would go to his house; "come around again, Ethel; stay, take off your things."

Q. When did you first learn that he was speaking of you as charged?

A. Not until my Uncle Perry and I went there April 6th.

Q. He never called you that to your face?

A. No; he didn't dare.

Q. Now, Mr. Farrow, your husband, has testified that your relatives avoided you while you were living on Hughes street?

A. They did—he said they did.

Q. Did they avoid you?

A. They did not.

Q. What relatives in any way exhibited a disposition to keep away from your house?

A. It was just the other way; they all wanted to come.

Q. How were they treated by Mr. Farrow?

A. Fine.

Q. Did he ever object to their coming?

A. Never.

Q. Do you know whether he would invite them to come?

A. He did.

Q. Can you say whether or not he visited the homes of your relatives?

A. He did.

Q. Will you state to the Court what was the general character of the relations existing between Mr. Farrow and your relatives up until this trouble arose?

A. Very friendly; he seemed to like them all.

Q. While you and your husband were living together, was it the custom or not of your husband to visit the home of his parents?

A. It was.

Q. How often would he visit them?

A. After he would come home at night from the train, or land out of the boat, if he was not too tired, he would say, "I guess I will go around home and see my mother."

Q. Would you go with him?

A. Very often I would.

Q. Would you always go with him?

A. Not always.

Q. What objection did you offer to his visiting the home of his parents?

A. Only in this instance, that when he would come back from home he would pout for about three days.

Q. You refer to periods subsequent to August, 1903?

A. No; always.

Q. Even before August, 1903?

A. Yes, sir.

Q. What do you mean by his pouting for two or three days after his having visited his parents?

A. Would not have anything to say to me, would not talk to me, sort of sulky.

Q. But if any of your relatives happened to be around, what about the pouting?

A. No one observed that, of course.

Q. Did he pout in your presence when your relatives were with you and him?

A. No.

Q. Would he say anything beside exhibiting this pouting?

A. Sometimes he would pout for three or four days, and I would not know what was the matter with him, and Octavine said to me, "Mamma, what is the matter with papa; I guess he has one of his Farrow fits," the child would say. I can explain the Farrow fits, if you like.

Q. Well, we are not trying the Farrow fits.

A. No.

Q. Describe the character of the home which you had at 505 Hughes street; what kind of a home did you have there?

A. Comfortable; everything nice and comfortable.

Q. Was anything withheld from you that you needed for your comfort and support?

A. Not the least.

Q. In other words, Mr. Farrow provided for you liberally and generously?

A. Too generously, perhaps.

Q Who supported the child?

A. He did.

Q. Will you state whether or not at any time Mr. Farrow ever offered any objection to any use which you have made of the family funds?

A. He never did.

Q. And in so far as the finances were concerned, there was absolutely no discord between you and him?

A. Never.

Q. Will you state whether or not, prior to the separation, he complained that your house was not properly cared for?

A. He never did.

Q. Will you state whether or not he ever complained that his meals were not properly cooked?

A. He always seemed to enjoy my meals, told me I was a good cook.

Q. What complaint did he ever make in so far as your care of the home was concerned?

A. He never made any.

Q. Or in so far as your care of him was concerned?

A. Never made any.

Q. At times during the marriage, Mr. Farrow was ill, was he not?

A. Certainly.

Q. And confined to his bed, was he not?

A. Yes.

Q. Who cared for him, outside of the doctor?

A. I did.

Q. Will you say whether or not he ever complained that you neglected him in his illness?

A. No; he never did.

Q. Did you teach music or have private pupils for general instruction, after your marriage?

A. I did.

Q. Tell the Court about that.

A. I don't remember whether it was the first winter after we were married that I kept private school or not; I think it was.

Q. How many children did you have in the private school?

A. At times I had five, the longest time I had three.

Q. What did you do with the money that you received from the tuition fees of the children?

A. I used it.

Q. Used it how?

A. Spent it for what I pleased; the same as I did with the money he would give me.

Q. Would it go into the home?

A. Certainly, just as his money; I considered mine his, as well as his mine.

Q. What about the moneys received from instruction of music?

A. The same.

Q. Are you still giving music lessons?

A. I am.

Q. You have how many pupils now?

A. Do you mean how many lessons do I give a week, or how many pupils?

Q. How many pupils have you?

A. Four, some of them have stopped now, the holidays coming on.

Q. Apart from the amount which you are receiving under the order of this Court and the moneys you receive from your pupils, have you any other means of support?

A. Not the least, unless you hand some money to me.

Q. Until the Court made an order in this case for your maintenance and support, and after he separated from you, how much money had you received from him?

A. Ask that question again.

Q. I say until the Court made an order in this case for your support at the rate of $5 per week, and after the time he left your home, how much money in the interim had you received?

A. From him?

Q. Yes.

A. He never gave me any.

Q. Do you recall that he did, after having left the home, give you any money?

A. He called at my home, April 18, and gave me $5 that day.

Q. Did you ever receive any other money from him after he left your home, and until the Court made an order in this case?

A. No.

Q. Will you say whether or not he advertised all over Cape May in the newspapers, cautioning the public against giving you any credit?

A. Plainly seen in the newspapers.

Q. What papers did he put it in?

A. I don't know whether it was in the *Herald*, but it was in the *Wave* and the *Star*.

Q. What did the advertisement say?

A. To my nearest recollection, it read like this: I will pay no bills contracted by my wife, Ethel D. Farrow, and signed.

Q. And signed how?

A. William Farrow, Jr.

Q. How long did that advertisement continue to run?

A. It was something like that; it was to that effect; I can't give the exact words.

Q. How long did it continue to run?

A. It was put in two weeks after he left me; I am not sure about that, two or three weeks, shortly after, but it went on until in the summer some time; it didn't in the *Wave*, it was stopped there, but in the *Star* it did.

Q. It was run out of the *Wave?*

A. I think it was; it must have been.

Q. Do you know whether or not it appeared in any other papers?

A. I don't know about the *Herald*.

Q. Do you know, from personal knowledge, whether or not Mr. Farrow went among the storekeepers, and where you and he had been accustomed to dealing, and telling them not to give you any groceries or anything else?

Judge Carrow:—Is this pertinent on the question of adultery?

The Vice Chancellor:—It is almost impossible to put a limit to the pertinent testimony of either party to a suit of this character, which is relevant in any way. I am not going to limit it.

A. I know that he did.

Q. What did he do in order to keep bread from your home?

A. He went to the different stores, told them not to let me have it.

Judge Carrow:—Hold on.

Q. You were not present when he gave the instructions?

A. No.

Q. Since he left your home, has he supported Octavine?

A. He has not.

Q. Has he given her anything since he left?

A. Before he left he had promised her a pair of tan shoes and stockings to match, and, childlike, she said, "I will make my papa give me those even if he has left." I said, "Don't ask him for them." She was out on the street one day, and he was on the corner, and Octavine went up, regardless of my request, and said, "How about

those shoes?" He looked up at his father and said, "What would you do about it, pop?" He said, "Suit yourself." He said, "Come on, Octavine," and took her by the hand and took her over to Solomon Needles' store and bought her a pair of tan shoes for $1.25 or $1.50, I don't know which, and two pair of stockings to match. That is the last he ever bought her.

Q. He testified when he was on the stand that you put yourself in his way when he was on the street; will you tell us about that, please?

A. I could not get out of his way.

Q. We will go into that more fully later. When did you first observe, if you did observe, that there was any trouble of any kind with Mr. Farrow concerning any of your movements?

A. When did I first observe it?

Q. Yes.

A. He has always been jealous of me, if that is what you mean.

Q. How did he exhibit it?

A. The first time we were on our honeymoon, our wedding tour; I observed it then, two or three days after we were married.

Q. What did you observe?

A. He had one of those spells; he would not talk to me, would not have anything to say; of course I could not understand what was the matter. I said, "Will, what have I done, what is the matter, what seems to be the trouble?" He would not answer. I said, "Will, are you sick?" and he would not answer that. It went on, my feelings were very much hurt, and I cried, and I insisted upon his telling me what was the matter. Well, he said he had observed while I was in at the dining table that I had taken,—whatever I would take, a glass of water or drink to my lips, that a certain man who was near

me at one of the tables nearby would do the same, and he thought that we were flirting, and that was the cause. I could not remember for the life of me where the man was or whether he was in the dining room, and I tried to explain it that way, and finally made him believe it. That was my first knowledge of him showing any jealousy.

Q. Was his disposition jealous or otherwise?

A. Generally jealous. I never went out but he asked me where I was going, who I had seen and what I talked about.

Q. When you would go out whether in the daytime or evening, would you suggest to him by word or otherwise, that you didn't want him to go with you?

A. Never; I would not have dared done that, even if I had any such desire; mercy, no.

Q. Did you ever decline to go out with him?

A. Not unless I was tired or had something else to do.

Q. Or some sufficient reason for it?

A. Yes.

Q. Do you remember when it was he left home?

A. He took all his clothes on April 7th.

Q. When was the outbreak at the home?

A. April 6th, in the evening.

Q. Your husband, during all the time that you have been married to him, has been a pilot on the Delaware river?

A. Yes, sir.

Q. About how much time would he be home and how much away?

A. Well, he would be home about two weeks and away about a week on an average.

Q. Then he was home two-thirds of his time?

A. Yes, sir; about that.

Q. And away about one-third?

A. Yes.

Q. Would you know of the time to expect his return from his piloting?

A. I never knew when he was coming. They are apt to come two or three days; sometimes one. Sometimes they go away and have no turn and come back, but when they go they are generally gone about a week.

Q. State, please, what occurred on the evening—before stating the occurrence at your house when the pistol is said to have been used, I want you to state the events which preceded that quarrel.

A. You mean what was said before I went out?

Q. I want you to say what you said before you went out on April 6th, about what time you went out, when you returned, and I also want to know where you went. Give a history of the evening of April 6th?

A. On the evening of April 6th, Octavine was in the habit of attending parties once a week. They had a little party there, and it was her turn to give it, and April 6th Will had just gotten his check—the pilots get their checks on the 5th, 6th or 7th of the month. So his check came, and it was cashed that day. I said to Will, "Are you going out to-night?" He said, "Yes; I think I will go out to the engine house awhile and have a game of cards." He said, "Are you going out?" I said, "I think I will." I said, "Your check came and I had it cashed; there are a few little bills I want to pay. You recall Mr. and Mrs. Heins were there to spend the evening, and I had to send Octavine out to get some refreshments. The bills were not paid, and I will stop in and pay them." He said, "How long will you be gone?" I said, "Not very long; probably an hour or longer." He didn't ask me specifically where I was going, not the exact place, but he asked me about how long I would be gone. I told him probably an hour. This was about half past seven when this conversation took place. I was not quite ready then to go,

because I wanted to arrange things for the children. I said, "Are you going to wait for me?" He said, "No; I guess I will go on." He went. About a quarter of eight, something like that, I went. I went straight to the post office, because there was a letter that I had to mail that night to Mr. Ben Johnson, and I had no stamp for it, so I went to get it before the post office closed. I mailed that and stood and talked to Rebe Doak, Charlie Doak's sister, until it was time for the post office to close. That was eight o'clock. From there I came up to Cassie Connely's store. From there I went into Wolf's, on Washington street, which is next door to Cassie Connely's. I went in to pay her for the things I had sent Octavine for, as I had just stated, the night before. I was there five or ten minutes, not to exceed ten, and not under five; about seven minutes. From there I went to Hogan's, which is near by, to pay a bill that had been contracted the night before by Octavine for some candies and fruit. They could not find the bill, because they knew I never ran any bill there, and they had it on a slip, and they mislaid the slip, which occupied me some time after that, from, I suppose I was in there anywhere from ten to probably fifteen minutes. From there I went over to Knerr's, as my Uncle Perry stated yesterday, and I did an errand there; I forget how long I stayed. From there I went back to Mrs. Wales', where Will said I said I was going. I did go there, and she was home. No one came there while I was there to see whether I was there or not. I talked to Mrs. Wales about fifteen minutes, because she told me that she was going out, but she said, "If you will stay, I will stay home with you." I said, "No; you go ahead and go out; don't let me interfere with you, for," I said, "I am going down to Mame Oliver; they have just moved on Windsor avenue, and she will likely be tired and stay at home to-night. I want to see her about some

sewing." I went to Miss Oliver, Harry's sister.

Q. Does Harry live at home?

A. Yes, sir.

Q. Where do they live?

A. On Windsor avenue; and Mame was not home.

Q. Was Harry home?

A. No; I didn't see him. He may have been home, as far as I know.

Q. Who came to the door?

A. Nobody; everything seemed to be locked up and dark. I think his mother must have gone to bed, because I spoke to Mame Oliver a day or two afterwards and she said, "We didn't hear you; if you had come in the door—" I said, "I was not going to disturb you." From there I went to Aunt Sallie Stites', who lived on Lafayette street. The reason I went there, my grandmother had been there that day to spend the day and had some new table napkins of mine, and she was hemming them. Well, for the children to have their refreshments, I needed some napkins. My wash was not home, and I thought I could get them there, for she told me she left them. So I went there after them. And from there I came on back to Hogan's store, and Will and Charles Church were standing on Dr. Marcy's corner.

Q. Washington and Decatur streets?

A. Yes, sir. The minute I looked at Will I knew something was wrong; he had that expression on his face.

Q. What expression?

A. Which I have been trying to describe; that pout. I went on into Hogan's store. Before I went in I said, "Hulloa, Will." He said, "Hulloa." I said, "I am going into Hogan's; I have been here once, but I am going in to get some bonbons to set on the table for the children." I made my purchase and came out. When I came out he

joined me and we started to go home. Do you want the conversation that happened?

Q. Right here I want to know whether or not, before you joined Will Farrow to go home, you stood before any bulk window on Washington street and arranged your hair and brushed your clothes?

A. I did not.

Q. What did you do in the way of arranging your hair or brushing your clothes that evening before going back to your home?

A. I have no recollection of doing it. Same as I do now. I might have done that, pushed up my hair; same as any other lady.

Q. Did you brush your clothes on the street?

A. Not to my recollection.

Q. Just go on, please; you have met Will Farrow, and he and you are starting toward home. You were about giving the conversation which occurred. Narrate it.

A. All the profanity and the whole thing?

Q. Yes; give it all.

A. He said, "Where in hell have you been?" I looked at him and said, "Why, Will, what are you so excited about?" "God damn you," he said, "tell me where you have been. I have a good notion to blow your brains out on the street," and when he said that he put his right hand back to his right hip pocket. I said, "Will, don't get excited; don't shoot me right on the street; won't you wait till we get home?" and I was half crying. He took his hand away from his pocket, but kept on just such conversation until he got into the house. The door was locked. I don't remember whether he or I rang the bell. I could not remember that; I was too excited for that. Octavine came to the door. The door was left open between the parlor and the hall, so that the children

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could see that it was father and mother coming in after Octavine. Octavine came to the door, as I said before. She saw that something was wrong, and in the excitement that he pushed me in the door and pushed me upstairs.

Q. What do you mean by pushed; how did he get you upstairs; how much force, if any, did he use?

A. I found he wanted me to go up. Of course, I used my feet in such a way that they would go upstairs, but he kept pushing me all the way up.

Q. This was immediately upon entering the home?

A. Yes, sir.

Q. How many children were playing with your daughter Octavine?

A. I guess about six or seven.

Q. Could you notice whether he had been drinking?

A. I detected the smell of it on his breath.

Q. Of what?

A. Something intoxicating; smelled of liquor of some kind; I don't say that he was drunk.

Q. Go on and give us the events of the evening?

A. We went out into my bedroom.

Q. That was where?

A. The middle room on the second floor.

Q. By "we" you mean yourself and Will?

A. Will and I.

Q. The children remaining downstairs?

A. Yes. He said, "I have a good notion to blow your brains out. You have got to tell me that you have been out with Harry Oliver." I said, "Now, Will, you must be crazy." I said, "I haven't seen Harry Oliver except when I came out of Hogan's store to you; I saw him cross Washington street and enter Van Kessel's store, but I didn't speak to him, and I don't know that he saw me. That is the only time I saw him. I haven't been with any man." He said, "I knew you would lie, you are capable

of that; of course you will lie; you have been with Harry Oliver and you will have to confess, if you don't I will shoot you." I said, "I won't confess, because I haven't done it." He called Octavine upstairs, called her to him and said, "Octavine, you have a bad mamma; I am going to leave her; I am not going to live with you any more." She commenced to cry and so did I. She said, "Papa, don't leave her." He said, "She is a bad woman, when you grow up you will understand what I mean; she is a bad woman." She said, "Papa, don't believe it." I said, "Octavine, don't you believe it, I am not."

Q. Where had the pistol been prior to this?

A. He held it to my head.

Q. Where was the pistol at this time?

A. He was holding it in his hand.

Q. Just tell what he did with the pistol?

A. He told her—she made him promise that he would not shoot me, and he said, "Octavine, if it was not for you, I would, but I will not shoot her." She said, "Oh papa, please don't." I said, "Octavine, run downstairs to the children; they will see that something is wrong, and we don't want to make anything public out of this, better hush it up; run downstairs and play with the children." She was crying and I coaxed her to go downstairs. I guess she was very nervous, but she went. He took hold of my shoulder, and threw me down on my knees. He didn't use very much force; didn't hurt me in any way.

Q. But he got you down on your knees?

A. Yes, sir; and he said you have got to confess that you were out with Harry Oliver.

Q. Where was the pistol?

A. Still in his hand.

Q. What kind was it?

A. I don't know.

Q. Was it a seven-shooter or a one-shooter; was it a revolver?

A. Yes, sir.

Q. How many cartridges would the revolver carry at one time?

A. I don't know.

Q. You don't know whether it could be loaded with one, two, three, four, five or six cartridges?

A. No; it could be loaded with more than one.

Q. About how large was it?

A. About that large, I guess. (Illustrating.)

Mr. Edmunds:—Is the revolver in court?

Judge Carrow:—No.

A. Will generally carries it, probably he has it.

Q. Go on.

A. Just where did I leave off,—he still held the pistol right up to my face. "Now, you have to tell me you have been with Harry Oliver." "Well," I said, "I can't." Then he said, "I am going to shoot you." I gave one awful scream, and Octavine came running upstairs, and I said, "My child, think of her," and screamed as hard as I could. I don't suppose I ever made as much noise as I did then. I thought my time had come, and I expected every minute to have my brains blown out, and Octavine came up and banged against the door. He held his foot against the door, so that she could not enter; but she banged so that he finally let her in. She said, "Papa, don't shoot mamma." I got up from my knees and told her that I guessed he would not, and I said I would go downstairs with her and fix the lemonade and things. I said, "Do let me get those children home; they will tell their parents about it; let me get down and fix the refreshments, so

that they can go." He said, "You will not, but Octavine may," and I coaxed so that he said he would let me go down in a minute. So she went down, and he said, "If I let you go down you will run out." He thought I was afraid of him and would run out of the house. I said, "I will promise you I will not. You can stay right alongside of me while I make it." He did, and stood beside me while I was making it, and as I put the refreshments on the table, he went out and was gone long enough to get another drink. He came back and I could smell the fresh supply, and came back in the house. I stayed down while the children ate their refreshments, after which all went except a little girl by the name of Ella, the arrangement was she was to stay all night, and she did. Octavine came to kiss me good-night, and she said, "Do you think you will be all right." I said, "I hope so; you go upstairs, and try to go to sleep." So she and Ella went upstairs. Will then went and closed the door upstairs, and the kitchen door and the stove door. We have a stove that is a double heater; the noise can very easily go up that double heater into the bedroom. So I judge that he closed that so that no noise could go upstairs that the children could hear. As soon as he did that, he grabbed hold of me and threw me on my back on the couch, and jumped upon me with both knees, his knees right on top of me, held me down on the couch by his knees, and his left hand right *here*.

Q. On your breast?

A. So that I was powerless to move. He held the pistol—no, he held his hand back of his hip pocket, and he said, "I am going to give you just three minutes to confess that you have been out with Harry Oliver." I was crying. I said, "I haven't been out with Harry Oliver." He said, "You have, hurry on, it is getting two minutes, make your peace with God." I said, "Will, I

haven't been out with Harry." "Hurry up," he said, "a minute and a half," and kept looking at the time, with his hand on the back of his pocket. I said, "I will say I have been out with anybody, I have been with Harry Oliver, Charlie Henry, Harry Hebenthal, Phillips or anyone you are a mind to mention, but I haven't,—I had to do it." As soon as I said that, he jumped off of me and he said, "If you think enough of them to go out with them, and be bad with them, I am going to kill you." He rushed up the back stairway, evidently he didn't have his pistol; he must have gone up for his pistol. I rushed out of the house bareheaded and around after his father, Chief Farrow, as hard as I could go; never went so fast in my life, for I expected he would get the pistol and shoot me.

Q. Did you get the Chief of Police?

A. I went around there and rang the door bell.

Q. Was he there?

A. He hollered out of the window, "Who is there." I said, "It is I, Ethel."

Q. What occurred?

A. He came downstairs.

Q. What did you say to him?

A. I said, "I want you to get dressed right away,"—he was in his night clothes.—"and come around to the house. Will is either crazy or drunk, but he says I have been out with Harry Oliver and he is going to shoot me if I don't confess." He said, "This is something, I guess I will go around with you." I waited for him until he got dressed and he came down and we went out together. When we got to Stephen Wilson's corner—

Q. That is the corner of Washington and Decatur?

A. Yes, sir?

Q. And your home is on Hughes street above?

A. Will was standing on that corner.

Q. What time in the night was that, about?

A. It was somewhere around ten o'clock; might have been a little after; I don't recollect the time. We all three walked around home together.

Q. What occurred between the three?

A. I kept saying I was afraid of Will in this excitable condition, and his father said, "Will, you had better let me have the pistol." He said, "You don't want to kill anybody; you only get yourself into more trouble. You want to look into this affair a little bit." And he tried to quiet him down.

Q. Did Will hand the pistol to his father?

A. Yes, sir.

Q. On the street or in the house?

A. I think on the street, but I am not sure.

Q. The father took the pistol away from him that night?

A. Yes, sir.

Q. You saw nothing more of it that night?

A. Yes, sir.

Q. Just go on, please, with the conclusion?

A. His father went around and he sat there and talked.

Q. Where?

A. In the dining room at my home.

Q. Octavine was in bed?

A. Yes, sir.

Q. Was any one around the house except you three?

A. No one else, and we sat there and talked the affair over, and I told his father how he had been acting, that he gave me three minutes by the clock to confess that I had been out with Harry Oliver. His father tried to quiet him, said it was foolish for him to talk that way, and he wanted to inquire into it before he shot anybody, and

hoped we would get on all right, and Will seemed to be in a less excitable condition when he went home.

Q. How long was he in the house?

A. I guess pretty near half an hour.

Q. Then after he left did you and Will retire?

A. After he left Will said, "Now get to hell upstairs." I said, "No, I am not going up yet until I go out in the kitchen and fix the table where the children had been eating refreshments." I went out and fixed it and came back into the dining room. He was standing alongside of the stove, and I saw he was making preparations to lie down on the couch. He was commencing to take off his collar, and I supposed that he was going to lie downstairs instead of going upstairs. So, when I started to go upstairs, I turned around and said, "Do you want me to throw down some quilts, so that you will be warm?" He said, "No, get to hell upstairs." So I went upstairs, started to undress. I had taken off my waist and skirt when I heard him coming up hurriedly, I expected he had a butcher knife or something, for I heard him coming very fast, for I didn't know what the terrible hurry was. I looked and saw him in a forbidding manner. I said, "What are you going to do?" He said, "You go in bed with Octavine, I am going to get in my own bed, I won't sleep with you." I said, "Will, that is my bed as much as yours, so I expect to sleep in my bed." He got undressed and got in bed, and I got undressed and got in bed.

By the Vice Chancellor:

Q. That is, you and he occupied the same bed all night?

A. Yes, not all night, I suppose we occupied it until

about two o'clock. He laid there talking over the affair, asking me if I hadn't been out with Harry Oliver.

Further direct.

Q. Did he mention Charlie Doak's name to you that night?

A. I don't recollect that he did.

Q. Go on.

A. He said if I hadn't been with Harry Oliver I had been with some one else.

By the Vice Chancellor:

Q. Speaking still of the events of that same evening?

A. Yes, sir; he went over that all the time. I didn't go to sleep and he didn't either. About 2 o'clock, I think it must have been, he jumped out of bed and went to the drawer where I kept my diamond earrings and diamnod rings. I knew he was after those diamonds, so I jumped up and said, "What are you looking for?" and he then—but I am ahead of my story. Before he went to that drawer he started to dress. He put on his shirt and pants, I am not sure whether he had his shoes on or not, then he went to the drawer and took the diamonds.

Further direct.

Q. What diamonds did he take?

A. All that I had.

Q. What were they?

A. The diamond earrings, one solitaire diamond ring, and one turquoise diamond with sixteen small ones around.

Q. How much had you paid for them?

A. The diamond earrings were four hundred dollars, $200 apiece.

Q. When did you get your diamond earrings?

A. He gave them to me for a Christmas present, I think it was two years ago.

Q. Christmas, 1902?

A. Three years ago this coming Christmas.

Q. That would be Christmas, 1901?

A. I am not sure.

Q. Well, two or three years?

A. Yes, sir.

Q. You say he gave them to you as a Christmas present?

A. Yes, sir.

Q. What about the solitaire ring?

A. That was an engagement ring, he gave me that before I was married.

Q. He took that, also?

A. Yes, sir; took all.

Q. What other rings did he take?

A. A turquoise ring with sixteen diamonds around it.

Q. How much did that cost?

A. That was $170—no, he gave $140 for that.

Q. When did he give that to you?

A. The following Christmas after we were married; no the next Christmas a year.

Q. After he had given this jewelry to you, did he say at any time that the jewelry did not belong to you?

A. Certainly not.

Q. Just go on now and tell about the taking of the jewelry?

A. He took them, and I said, "Will, don't take my diamonds," because before he got out of bed, he said, "I am not going to bed with you any more; I am going to pack to-morrow and going around home; I am going to

leave and go to my mother's house." As soon as he commenced to take the diamonds, I thought if he expected to get out, my diamonds would go around there too.

Q. Do you know what he paid for the engagement ring?

A. Yes, sir; he told me he gave $130 for it.

Q. Go on.

A. I insisted upon him giving me the diamonds, and I tried to grab them away from him, and he stuck them inside of his shirt so that they were not visible to my sight, and I made a grab for them, and I think I tore a button off his shirt. He jerked away from me, and being stronger than I, I could not get the diamonds. He went downstairs, and I think I said he got his check that day, and in a little drawer downstairs in the bookcase there was some money.

Q. How much?

A. I think $175, I won't say it was that much, but in the neighborhood of that. He went to the drawer and got the money. He took a five dollar bill and pulled it out and threw it across the table and said: "There is the last God damn cent I will ever give you." I said, "I am going to send for my uncle to come down, I will have Perry here to-morrow night, and probably Charlie, too," meaning you. He said, "I will give you $10.00 more, if your uncles do come down and I am going to leave you, you will certainly need some money, so he gave me $15.00 of that money."

Q. He took the rest?

A. Yes, sir; the rest of the night he stayed downstairs on the couch, because he told me at the break of day that he was going to leave, that he would be back later on and take all his clothes.

At this point a recess of one hour was taken.

Q. Did anything else occur at the house that night that you recall?

A. About the grass, yes.

Q. What about the grass?

A. While we were upstairs there was a piece of grass, at least it looked like grass, it was not grass, it was about Easter time that this happened, shortly after, and my little girl had an egg in an Easter basket in the parlor. I had put on a black cheviot dress, and the dress probably caught against some of this excelsior which was covered green, there was a little bit of a piece, I don't suppose over a two-inch piece, and there was only one piece, but looking at it first at a distance it might look like grass, but if he had cared to look at it, and picked it up, which I asked him to do, he could easily have decided that it was not grass. I held it up and said, "Will, that is not grass, nothing but a bit of excelsior that is contained in the basket in the parlor." I held it over the gaslight and burned it up. That is all that amounted to.

Q. I asked you before the court took a recess whether or not you stood before a bulk window on Washington street before you met your husband and arranged your hair; did you stand before any bulk window and arrange your hair?

A. No, I did not.

Q. Or arrange your dress?

A. No, I did not.

Q. Is there anything else you recall that occurred at your house that night, referring to April 7th?

A. April 6th?

Q. April 6th?

A. Nothing that I would attach any importance to.

Q. After 2 o'clock he remained downstairs, did he?

A. Yes, sir.

Q. What time did you get up the following morning?

A. Well, I didn't sleep all the night. I came downstairs, I think, a little past five o'clock to see if he was still in the house, and he was. He was on the couch. When he heard me come into the room he got up, I don't remember whether his—yes, his clothes were on; said he was going out, and that he would be back later on to get his clothes, as he said before, and he went out and I went back upstairs, thinking he would probably be gone some time, and I thought I would go back to bed and take a short nap, because it was still early in the morning, and I had hardly gotten into bed, I heard the bell ring and went downstairs and it was Will.

Q. What time was it?

A. He had been gone about ten minutes, probably not that long, he had a fresh drink, I could smell it. I didn't say anything to him. I went upstairs and went to bed. He stayed downstairs, I think he laid down on the couch a while. I don't know what he did, he was downstairs. When it was time for me to get up, I got up at half-past seven and went downstairs. He didn't stay to breakfast. I prepared breakfast for Octavine and Ella and myself. He said he didn't want anything and went out. I don't know whether he went out before she came downstairs, but I didn't see him any more before he came back with Harry Oliver and his father in the morning. I forget just what time it was when they came in.

Q. Go on.

A. I think Will led the way and Harry and his father came in with him.

Q. You mean Harry and Will's father?

A. Yes, sir, and Will said, "I have brought Harry around here, I have told him that you confessed," or something of that sort, and Harry said, "Why, Ethel, what do you mean, what did you ever tell Will a thing

like that for." Well I said, "Harry, let me explain to you why I said that and how I said," and then I went on and told him just what I told you, what happened on the couch.

Q. Go on and tell it.

A. I told Harry he had thrown me on the couch, how he jumped on me with his knees, and held me down with his left hand here, with his right hand to his hip pocket and said he would give me three minutes by the clock to live, while I confessed to him that I had been out with Harry Oliver; and then, when another minute and a half had elapsed, I said I will say any one, that I had referred to him, and that I had referred to him as well as to others, three names mentioned; I said that is why I said it. But I said, "You know that I was not," and he said, "I know very well you were not." Then they all three went out together, his father went first, and while Harry was there, I had previously telegraphed to Perry Edmunds.

Q. Your uncle?

A. Yes, sir; to come down, and while I was there some one, I forget who, came from the telephone office to me stating I was needed there to answer a call. I got dressed—of course, I was dressed, but I changed my clothes for street wear and went to the telephone office to answer the call of Perry, and told him that he must come—

Q. Never mind, Mr. Farrow didn't go with you?

A. No, when I came back they were still there talking.

Q How long did they remain?

A. I think Harry was there about an hour altogether.

Q. Did anything of importance occur after you returned and found them still there?

A. No, I talked the matter over a little, and then went

on with my work, Will went out, he didn't come home to dinner.

Q. Who went first?

A. They went together.

Q. When did Will next return to the house?

A. Perry told me over the phone that I would have to come back to the phone at such and such a time, and that I would have to be there, and I went around at two o'clock if that was the time, and while I was there waiting for Perry to ring me up Will came along and he said, "I have been down to see Doaky, I guess it was Doaky that you were out with." That was my first intimation that he thought I was with Doak the night before instead of Harry Oliver. I said, "Oh, you have got it Charlie Doak now." He said, "Yes." He said, "Ethel, did you ever go across a lot there by Mrs. Sallie Hughes' and into that lot into Congress Hall, and meet Charlie Doak." I said, "No, you know I did not." He said, "Well, I know it to be a fact, my mother told me that three women had told her that Mrs. Sallie Hughes had told each of those three women, that she had seen you repeatedly come across that vacant lot, from Jackson street across to Perry by her house and would go across to Congress Hall, after Congress Hall had been closed, and meet Charlie Doak that we would then go across to the beach." I said, "Well, Will, that is not true, that is not so." He said, "I know it is." "Well," I said, "I am willing to face anybody, I have enough." While we were standing there Perry called me up on the phone and he and I answered it together. Will paid for the phone call.

Q. And he stood by?

A. Yes, sir; he heard the conversation. He was bound to hear the conversation.

Q. What was the conversation, what did you say to Mr. Edmunds?

A. I said, "I want you to come down to-night." He said, "Can't you fix this trouble up?" I said, "It seems to me I have done all in my power, I think you will have to come down." I said, "If Charlie can come, bring him, too." I said, "Will is right here alongside of me. Maybe you can talk to him." So they held a conversation. I don't know what Perry said, but I heard Will say, "No, I am never going to live with her" or something to that effect. So, before I left the phone, he told me he would come that night.

Q. Who told you that?

A. Perry. So I went back home, and in a few minutes Will came and packed all of his clothes, his summer underclothes, his winter underclothes, everything that belonged to him except a smoking jacket and an old gray coat that he never wore, but was not fit to wear any more unless he was doing something out in the yard, something of that sort. That is all he left until later I found he had left two collars.

Q. When were the clothes taken away?

A. He packed up his clothes and went out, and in a little while an express wagon drove up, I can't tell you who it was, I forgot, and he had a man to take down his trunk.

Q. One or two trunks?

A. One.

Q. Who packed it?

A. He did. I didn't assist him in getting one garment, not one garment, and while he was packing I said, "Will you want to think what you are doing, remember I haven't done any of these things you say I have," and I coaxed him to stay. I said I am even willing never to tell any of these scenes that happened, even last night. I never did tell them, and will not tell them, if you will

only calm down and not get yourself into this state; but he didn't calm down, he went out with all his clothes.

Q. Did anything else occur before the arrival of your uncle?

A. No—yes; he came back while I was preparing supper, and he sat there, had nothing to say to me.

Q. Sat where?

A. By the window in the dining room. He watched me while I was preparing my supper, set the dining room table, etc., and he went to the train, he went out, I think, to meet Perry. He came back with him, I don't know whether he met him on the train or not, and they came back together, and then we had a consultation in the evening, where Perry tried to straighten it out. He asked me and then him, and where Perry said Will had said so-and-so.

Q. You heard the testimony of your Uncle Perry yesterday, and while this may not be proper examination, yet, for the purpose of extraditing matters in the absence of any objection by Mr. Carrow, I ask you whether the conversation is substantially as your uncle narrated it?

A. Just about as I would narrate it.

Q. Did Will Farrow take supper with you that night?

A. No.

Q. But he was there?

A. Yes, sir; he was there while we had our supper.

Q. After supper what occurred?

A. That is what I said; we had that consultation.

Q. Did you go out that evening?

A. We went around to Miss Sallie Hughes.

Q. You were in the party?

A. It was at my suggestion that we should go.

Q. You suggested it?

A. I certainly did.

mentioned to you at your house, until you saw Mrs. Hughes in company with your husband and your Uncle Perry, had you in the meantime seen Mrs. Hughes?

A. Indeed, I did not.

Q. What time was it when you got to the residence of Mrs. Hughes?

A. It might have been about nine o'clock.

Q. In the evening?

A. Yes, sir.

Q. How long were you there?

A. About half an hour altogether, I judge, I am not sure.

Q. Was the conversation at Mrs. Hughes' substantially as narrated by Mr. Perry Edmunds?

A. Yes, indeed; she denied ever having told one soul about seeing us go across there. The only mistake Perry made in his statement was this: He said she had seen one of the Doak boys go across there. He made a mistake there. She said she didn't know the Doak boys apart. I remember her saying it. She did not know them apart because there are three of them and they look somewhat alike.

Q. Did you see Mrs. Sallie Hughes last evening?

A. No.

Q. You did not?

A. No.

Q. Where did you go from the residence of Mrs. Hughes, and with whom?

A. Will went out, he got so provoked at Mrs. Hughes at the conversation.

Q. What did he do or say to show his provocation?

A. Well, he would try to interfere with what she was saying, try to stop her from saying what she had to say. He would say, "Mrs. Hughes, didn't you say this and

this, and this, and this," and said it so ugly and in such excited manner that you could see that he was angry.

Q. How long did you and your uncle remain after Mr. Farrow went away from Mrs. Hughes' residence?

A. Not long, probably five minutes.

Q. Where next did you see Mr. Will Farrow?

A. At his residence on North street.

Q. How long did you stay there?

A. Until ten o'clock.

Q. Whom did you find at Mr. Farrow, Sr.'s, residence? 10

A. His father, his mother, Minnie and Dorothea, a little sister was sleeping on the couch.

Q. And Will Farrow?

A. Yes, sir.

Q. What occurred, who began the talking, and what was said?

A. His father came to the door and we went on through into the sitting room where they were all sitting, and Perry said, "Well," he said, "You understand the difficulty that Will and Ethel are in?" He said, "Yes." He 20 said, "I came around to see if we can't straighten things up. Here is a home that is going to be broken up. Will said he is going to leave and going home to stay, and Ethel says she is absolutely innocent. I want to see if we can not fix things up. His mother said, "She always has been bad, she never will be any better." I got indignant, I said, "Do you know that I am?" She said, "It is hearsay." I said, "When you are talking about hearsay I can tell you something about yourself," do you want that?

Q. I simply want you to state the facts. 30

A. You don't want me to say what I said to his mother?

Q. Go on.

A. Shall I or not?

Q. You have already said what you said to his mother.

A. Not all.

Q. What did she say, we don't want to get into any unnecessary outline, keep to the issue in this case?

A. I don't remember that I said anything more after I said this other statement to her.

Q. What did she say?

A. She didn't make any reply to that.

Q. Tell the events of the evening.

A. There is one thing I forgot to tell you, Minnie Farrow in her statement said that she hadn't been friendly with me since last August.

Q. Yes.

A. When I went into the house that evening she had been away on a trip, and that was the first I had seen her, and when I went in she got up and kissed me. Now, then, we must have been a little friendly. Well, the conversation went on. Perry said he would like to have things straightened out a little, and he said, "Chief, don't you think so?" And he said, "I don't care to have anything to say one way or the other." He said, "I never mix up in family affairs. I never have anything to say about this affair and don't want to." His mother spoke up and said, "You have had, every time he comes in the house after he has seen Ethel he always spoke of her as the damned whore." Those are the words. I said, "But he never called me that to my face." Perry said, "Chief did you ever say that?" He didn't make any reply. No, I am mistaken. He didn't say chief, he said Ida. He called Mrs. Farrow and said, "What did you say?" She said, "That is what he said, he always called her the damned whore." I said, "He never called me that to my face." I was only giving him a chance to say it. Perry said, "Ida, do you mean to say he called Ethel a damned whore?" She said, "That is what he called her." I said,

"He never called it to my face." I gave him a chance to call it again.

Q. What, if anything, did Mrs. Farrow say about believing you on your oath?

A. Oh, yes, she did say, "I would not believe her on her oath," because in the conversation during the evening before we left our own home, Perry said to me, "Ethel if you have ever done wrong in any way, are you willing to hold your right arm up and hope Christ will paralyze you," and I said, "I am," and I did it. Perry told them that and Mrs. Farrow said, "I would not believe her on her oath." Then Will said, "In a case like this I would lie myself on oath."

Q. Go on with the events at the Farrow house that night.

A. Well, Perry tried all he could. He said, "Willie, come on, go home with us; won't you come?" Will sat and shook his head no, and his mother said, "Oh, things will never be any better. Why," she said, "Jim Bennett and Sam Stites, they know enough, if you could hear what they said, they know enough to separate man and wife."

Q. Did anything else occur there that night?

A. Nothing particularly that was the result of the conversation. He would not come home, and I didn't influence him to come home.

Q. And then you went home?

A. I left and went home with my uncle. He stayed all night and went home in the morning.

Q. When did you next see Will Farrow—

A. The following Sunday—that is, at my home to talk to you.

Q. What time of the day did he come to your house?

A. He went on a turn for Mr. Jim Bennett on Saturday, was gone all Sunday and come back in the trolley

car from Cape May Point, got off at Ocean and Hughes streets and came to our house. You were there.

Q. Who else?

A. Perry and Mr. John Thompson.

Q. Where were you sitting when Mr. Farrow came into your house?

A. In my parlor; we were all there together.

Q. Did he come into the parlor?

A. He certainly did.

Q. How long did your Uncle Perry remain there after Mr. Farrow came in?

A. It was getting nearly train time. Joe Skellinger was there, too, and you three were all going away on the train.

Q. Who?

A. You, Joe Skellinger and Perry.

Q. What time did the train leave?

A. I forget, something like five o'clock, and he came in about ten minutes before the train went.

Q. Before it was time to leave for the train?

A. Yes, and it was arranged that Perry should return, so you and Joe went on, anyway, you went on home; you stayed because he wanted to see you.

Q. How long did Mr. Farrow remain in the house that evening?

A. I don't know, I went out to get supper, I had to wait for you to get through your conversation. It was after dark, I know I lighted the gas.

Q. A large part of that conversation took place when you were not present?

A. Yes, I didn't hear all your conversation.

Q. When did you next see Mr. Farrow, the complainant?

A. He spent the day with me, April 18th, from ten in the morning until four o'clock.

Q. Had you seen him at your house between the Sunday you referred to and the 18th of April?

A. No, I don't think I did. I don't think I saw him even on the street. I don't remember about that.

Q. This was what time in the day he reached your house on the 18th; what day of the week was it?

A. Monday.

Q. What time of the day did he reach your house?

A. I had just started to give a music lesson, I had a music scholar from ten to eleven, and she had just run one scale, the C scale, that don't take very long, she had just completed that one scale when I heard somebody at my front door, and I went to the door and it was Will.

Q. Go on.

A. He said, "Ethel, I want to get a couple of collars; I left a couple of soiled collars, they are in the laundry bag in our room, would you mind getting them for me?" I said, "Certainly not." He said, "I also would like a ring that belongs to my father." I said, "Where is it? Come in." He stood in the door and stepped in. He closed the door and came inside the door. So I went in the dining room, and it was in this little drawer where the money was in the bookcase. I got it and took it back to him and started upstairs after these two linen collars. When I got into the room to get them he followed me up and stood alongside of me, and I said, "Is there anything else you want?" He said, "No." He said, "Don't you feel badly over this affair?" I said, "I think I do." "Well," he said, "are you not willing to come around to Sam Eldridge's office without so much publicity?" I said, "No, I am not." "Well," he said, "you certainly don't want to go to court and answer all these terrible charges." I said, "I don't know anything about any terrible charges." "I know," he said. "You don't know the different things I have learned about you, I didn't

think you were capable of doing it. I always treated you well and gave you everything I could, and I don't see how you could treat me like you did. My, how could you do it?" I said, "Will, I haven't done it. What is it that you think I have done?" He said, "You know you were out at night, and I have learned some terrible things about you." I said, "Will, I have got a music scholar downstairs waiting for me. If you want to stand and talk to me about this affair, I will dismiss her and ask her to come back at two o'clock." I knew if I talked with him until noon I would not have any time in the morning. Her name was Ella Altenburg. I told her—

Q. Never mind what you told her.

A. She went anyway. So I went upstairs again and he said, "My lawyers"—I suppose he had three or four—"are coming down to-night, and would you be willing to go around to Sam Eldridge's office and sign your name to a divorce, for I expect to get a divorce from you." I said, "No, indeed, I am not. I shall sign my name to no paper, unless I have advice from my uncle, Charles Edmunds. Whatever he tells me to do, I think that I will do." "Well," he said, "I don't know what my father will say to me if he finds out I was here, I ought not to be here, I was told to stay away from you. If they ask me if I have been here, I will tell them I came to get some things." I said, "I know, of course, they don't want you here, I understand that." Well, he put his arm around me and kissed me and said how much he always thought of me.

By the Vice Chancellor:

Q. What time was this?

A. April 18th, ten days after he left me.

Q. Did he kiss you good-bye?

A. He kissed me when he left.

Further direct.

Q. You refer to my coming down to Cape May on the following Sunday after he left. Do you remember whether my errand was to bring about a reconciliation?

A. It certainly was. He kissed me, told me how he hated to leave me, that he was going to get a divorce, that he had already seen the lawyer, now he said, "You are a woman; don't take this thing to Court; you have a little girl, it is a stain on her, will be all her life, and I think enough of you to try to keep these things out of Court. I don't want to have to do it." I said, "Will, I can face any Court of justice in the United States. I will face any judge or jury." He said, "Then you are not going to do it?" Well, it got on to dinner hour, and we went downstairs, if I remember right, I am not sure whether I was down when Octavine came in or whether I was upstairs.

Q. When she came home from school?

A. Yes, to dinner. Anyway, I said, "Will I will have to get Octavine some lunch," but we kept on conversing and I didn't really give the child anything to eat, I simply gave her some change to get her some ice cream. I didn't have anything, and neither did he. I said, "Sit down, and get some lunch," but he said no, he would not eat home any more. So it went on to two o'clock, and my music scholar came back and he was still there; the conversation kept on just about the same line clear up to half-past three or four.

Q. In the meantime what had become of the music scholar?

A. I told her at the door to come the next morning at the usual time, ten o'clock. So he started downstairs when the bell rang, and Mary Ware, the one that testified

yesterday, came to the door, as he stood at the doorway, I suppose he talked half an hour before he came out. He kissed me good-bye, he kissed me twice, and he said, "I am going for the last time. I feel, Ethel, as if it was a funeral. I hate to leave you," and he cried while he was there, and we both cried.

Q. According to your best recollection, the hour was what when he left the house?

A. A little past four, the children were coming home from school.

Q. Did he talk with you that afternoon on the subject of money?

A. He gave me $5.00 while he was in the house that day.

Q. How came he to do that?

A. While he was upstairs in the bedroom he said, "How are you making out for money, Eth?" I said, "Well, you know how much you left me, you know I haven't any money." He said, "I haven't much, but I will whack up with you, here is five dollars." He didn't seem to have much by him.

Q. And that was the last money you received until under an order of this Court?

A. It is.

Q. Did you answer the question as to the hour he left?

A. I think it was shortly after four, the children were coming from school.

Q. Was he in your house continuously from the time he entered in the morning until he left in the afternoon?

A. He never went out, when he did go out he didn't want anybody to see him. I will tell you why: The Supervisor of the Highway was cleaning the street. He said, "I don't want these people to see me go out," and he waited for him to get around the corner for fear they would say he had been there.

Q. Did he cite any other reason for his desire to have his visit kept secret other than that?

A. He didn't want his folks to know of it. He said his lawyer would not like it, that it was bad for his case.

Q. When Octavine come home she said she saw you and Will on the bed, tell us about that?

A. We sat there on the bed quite a while.

Q. Was a large part of the conversation upstairs?

A. Most of it.

Q. Just sitting on the bed?

A. Yes, sir.

Q. When did you have a call at your residence from the Chief of Police and Mr. Samuel F. Eldridge, counsel in this case?

A. It was after Will had left.

Q. Was it before or after the occurrence of the 18th of April?

A. I am not sure, I could not really tell you, it was shortly after Will left. It was before the divorce papers had been served upon him.

Q. Before Mr. Eldridge called at your residence with the Chief of Police, did you know that he had been retained in the case for the complainant?

A. I think I had heard it somewhere, I don't remember where, but I think I had heard it.

Q. State what occurred, when it was, the hour of the day, and what occurred?

A. It was in the evening, and my bell rang, and it was about eight o'clock, half-past seven, somewhere along there, I don't remember exactly, it was early in the evening. I went to the door, it was Sam. Eldridge, who went to school with me, he graduated when I post-graduated, he and the Chief of Police stood at the door. I said, "Good evening." "Good evening," Sam said.

Q. You always called him Sam?

A. Oh, yes.

Q. What has he always called you?

A. Ethel.

Q. How long have you known him?

A. We were boy and girl together, played at school together.

Q. Did you attend the same school?

A. Yes, sir.

Q. For how many years?

A. We both went to the same school until he went away.

Q. How about church?

A. He is a member of the same church in which I am organist.

Q. How long had you been organist in the Presbyterian church at Cape May City?

A. Over a year.

Q. You continued in that position. Did you play the organ after your husband left you?

A. No.

Q. You stopped at once?

A. No.

Q. Were you ordered by the authorities of the church to stop?

A. No.

Q. You and Mr. Eldridge attended not only the same church, but the same school and the same Sunday-school?

A. I didn't go to Sunday-school at that time, but I don't think Sam went to Sunday-school at that time.

Q. State what occurred.—You had better call him Mr. Eldridge after this.

A. Where did I leave off—Mr. Eldridge said, "Did your uncles come down to-night?" I don't know whether he said uncles or uncle. I am not quite sure. I said, "No." "When do you look for them?" I said, "They may come

any time. I rather look for them to-night." "Well," he said, "What do you intend to do about this matter?"

Q. Where was the Chief?

A. Standing alongside. They were at my front door.

Q. And Mr. Farrow heard what was being said?

A. Certainly. In the first place I asked them to come in, and they said no, they just come to find out.

Q. Was it dark or light?

A. It was dark—the electric lights were lighted—it was in the evening, dark, and I said I was looking for them down any time—my uncles. He said "What do you intend to do about this matter? I said, "What do you mean?" He said "Do you expect to make any defense?" "Why," I said, "I expect to do as my uncles tell me to do." He said, "Do you intend to go ahead and make a defense to this affair?" He asked me the question over. I said, "I shall do as my uncles tell me to do." He said, "Don't you know just that one affair around at Linda Eldridge's is enough to convict you; do you mean to say that you are going to deny that?"

Q. Who speaks?

A. Lawyer Eldridge. I said, "I most certainly do." He said, "We have four or five witnesses to testify to that fact." I said, "I don't care if you have the whole United States, I was not there in any woman's bedroom with any man." That was about the result of the conversation—that was about all.

Q. And you have never had any further conversation with him?

A. I never have, and I don't expect to.

Q. How long were they there that evening?

A. Why, just long enough to say that—you know about how long it took me to tell you.

Q. Have you had any further conversation with the Chief of Police since that time?

A. Not a word.

Q. After the 18th of April, 1904, the day when the complainant called at your house, did he ever call again?

A. Will Farrow?

Q. Yes?

A. Yes.

Q. When?

A. He has been there two or three times.

Q. Go on and give us the times as nearly as you can recall.

A. One afternoon you had been down, you had come down the night before and went up on the afternoon train. Right after you left my house he came in, just came to the front door, inside of the hall, and wanted to know what I expected to do, and I said, "Why I expect to do"—I gave him the same answer that I gave Lawyer Eldridge. I said, "I am going to do just as my uncles tell me to do." That is about all the conversation; "That I really ought not to go to Court and face the public with this kind of an accusation against me, it was a terrible thing, he felt sorry; why didn't I give it up, for he was bound to have his divorce by fair or foul means. He was going to have it." I said, "All right, I am ready to stand my ground."

Q. Then practically all that occurred again?

A. Yes, sir.

Q. Did he ever call after that?

A. Yes.

Q. When?

A. He came there the evening of April 28th.

Q. How do you fix the evening?

A. Because I was served with divorce papers on that day.

Q. What time were you served with divorce papers?

A. Early in the evening, Sheriff Ewing brought them.

Q. And gave them to you personally?

A. Yes, sir.

Q. Go on.

A. That night I had been out, and when I came to my front gate Will was standing at the Glenwood.

Q. What time was it?

A. About half-past nine. He was standing, I think it must have been back of one of those posts watching for me to come in. He had followed me earlier in the evening—I told you about that.

Q. You haven't told the Court.

A. Shall I tell that?

Q. Yes.

A. Well, after Will left me, of course I was very much mortified over this affair; I didn't appear in public on the street for the scrutinizing of the Cape May people's eyes, so after supper I felt I must get out and get some air.

Q. That was the day the papers were served?

A. Yes, sir; nobody knows how I felt.

Q. You were left alone; nobody with you but your child?

A. Yes, sir; I said I thought I would go out and get some air, and I will go where nobody will see me. I started up Hughes street. I went down past—it was not quite dark, it was just dusk—and you know about the 28th of April it does not get dark very early. I went down past Knott's, the florist, around by the Stockton, started to go that way to the beach, thought I would walk both ends of the boardwalk alone. I looked and saw Will running across the Stockton lot after me as hard as he could tear. It frightened me, because I was afraid of my life. I rushed through Stockton avenue and through one of those yards—I don't know who owns it—out on the boardwalk, went along the boardwalk, and I lost him.

I thought he thought I was in one of those houses. I did find out later that he thought I was in one of those houses with a man. I went on to the boardwalk, all the way down Perry street, and up Perry street, and did my errand. Coming up Washington street—I was afraid to be on any back street, I was afraid I would run into him, otherwise I would have gone on a back street to get away from the gaze of the Cape May people at that time. So when I went home it was about half-past nine, and when I got to my front gate Will was back of one of the posts at the Glenwood, where Mrs. Williams lives. I supposed he had access to the house and watched me from Mrs. Williams' house. So he said, "Eth, I want to see you a minute." I said, "Will, what do you want?" He said, "Wait, I want to see you." I said, "No, Will, I am afraid of you." He said, "I am not going to hurt you." I said, "I am afraid you have got a pistol." He said, "I will hold my hands up until I get clear to you, and hold them up while I talk to you." I said do so, and so he held both his hands up in the air that way (illustrating). I said, "I will go through your pockets before I talk to you." So I did and I felt pretty well satisfied that he didn't have a pistol, but I was not sure, and I felt it might be concealed somewhere. He said, "I want you to walk with me, I want to talk with you." I said, "No, Will, I will not; if you want to talk to me come on in the house." He said, "I am not going in." I said, "Will, I am afraid to go with you; I am not going; if you want to talk to me, why don't you come in?" He said, "Honestly, I promise you I won't harm you and I won't keep you long, and won't keep you." I said, "Let me tell Octavine, she will be worried and she has some little girls there, and I will fix the fire and then I will join you." He followed me into the house and that was his next entrance into the house.

Q. Did Octavine see him?

A. Yes, I told her I was going, and she said, "Don't go, I am so afraid he will shoot you," and she made him promise that he would not hurt me, and I started out with him. We went up Hughes street as far as that little street that runs there by the hot house—Gurney street, they call it—to Columbia avenue, and down Columbia avenue until the second corner, Harry Mullener's drug store corner, and he insisted that I should go in and sit on the front porch and converse with him awhile, and I did. I suppose we were together in that neighborhood an hour. We went around on the back stoop awhile and talked there.

Q. Was there anything of any particular significance in the conversation?

A. Only that he wanted me to admit to him that I had done some of the things which he accused me of.

Q. Did he treat you nicely?

A. Yes, sir; he was kind to me.

Q. Did he kiss you?

A. Yes, sir; indeed I felt sorry for him; I felt that he was doing something that he didn't want to do. I said, "Will, I feel sorry for you."

Q. Did either he or you cry that night?

A. I think we both cried. I am sure we did.

Q. What time did you get home?

A. A little after eleven o'clock.

Q. Have you had any conversation with him since?

A. Only once.

Q. That was where?

A. I don't know whether I was coming or going home—coming from home or going home. Yes, I do know, too. I had been out on Washington street and he evidently had seen me and saw me come down Ocean street toward my home, and followed me down, and went to Beck's corner, that is right at my corner, and he gave a whistle which he knows I know is his, and I knew that

it was Will. I halloed over and said do you want me. He said, "Yes, I want you." I went over and said, "What do you want?" He said, "I want to talk to you." We stood a little bit around the corner, just where Dr. Leaming used to have his dentistry there. He said, "Let us take a walk." I said, "No, no use taking a walk." I said, "It is too late now for us to undertake to get together."

Q. How long was that before the divorce proceedings started?

A. It was in May some time.

Q. The papers had been served on you?

A. Yes, sir; the papers had been served on me before I was with him that night. This was after that, but I didn't go. The conversation didn't last long. He insisted that I should go, and even after I started home and got to Dr. Phillips' corner he hollered, "I want you to come back." He said, "I want you to take a walk." I said, "No, I am not going, it is no use. If you want to see me you can go to the house; there is nobody there but my grandmother and Octavine," and I went back home——

Q. Will was not there when you spoke to your grandmother?

A. No.

Q. Do you know whether he had dogged your steps?

A. He certainly has.

Q. From that time until the present?

A. Yes.

Q. How often at night have you seen him around your home?

A. Lots of times.

Q. Where have you seen him?

A. In my yard.

Q. When did you last see him in your yard?

A. To-day is Friday—a week ago last night.

Q. But since the occurrence of the night of the 6th of

April, 1904, when he did use force on your person, has he since that time undertaken to do you bodily harm in any way?

A. Not to my knowledge.

Q. He has not insulted you by any words addressed to you individually?

A. No.

Q. Or made any threats at all against you of any character?

A. No.

Q. Has he revealed any pistol or anything of that sort since?

A. Never have seen him have a pistol since.

Q. Now, Mrs. Farrow, the first thing that you are charged with in point of chronology, is having committed adultery with Charles Doak in May, 1903, at the residence of Mrs. Linda Eldridge, 603 Lafayette street. You will observe first the charge was with Charles Doak; subsequently under an amendment allowed that it occurred with an unknown person. Now, I want to know whether or not in May, 1903, or at any other time at the residence of Mrs. Eldridge, 603 Lafayette street, Cape May City, N. J., you committed adultery with Charles Doak or with any other individual in the world?

A. I never did, never.

Q. How long have you known Charles Doak?

A. When I first married—I think I knew him then as a little boy.

Q. We will go back to 603 Lafayette street and give everything that occurred. Who were present, the time you arrived, etc. What time did you first start from your residence for Mrs. Eldridge's residence?

A. Right after dinner, as soon as I got my dinner work done.

Q. Do you remember when it was?

A. I could not tell, honestly when it was, until it was brought to my mind in this case. I think it was in the spring.

Q. 1903?

A. Yes, sir; I think it was.

Q. Then we will say that the time indicated in this libel is the correct time you were at Mrs. Eldridge's house, when Charles Doak was there?

A. Yes, sir.

Q. Where did you go from in order to go to Linda Eldridge's residence?

A. I went from home. Will and I started out together. He said he was going to take the horse and take a drive and asked me to go along. I said no, I was going over to Linda's that afternoon, and when we got to Washington and Ocean he left me and I went to Linda's house. She didn't have her work all done, but she came into the parlor and talked with me. She said we will talk awhile before she finishes her work.

Q. Who was home?

A. She and Bessie; nobody else.

Q. Go on, describe to the Court the parlor, how many windows, whether large or small, the character of the furniture; was it front or back?

A. The parlor is the front room of the house.

Q. On the first floor?

A. Yes, it has four windows and two front and two on the side; two side windows, if I recollect I think the shutters were closed of those two windows. I am not sure, but anyway I sat at one of the front windows and Linda at the other. The curtains were up and we talked.

Q. Were you accompanied by anybody to Linda's house?

A. I left the dog in the yard. I suppose he came on the porch later on.

Q. Was he large or small?

A. Pretty good size.

Q. Can you indicate to the Court the size of that dog?

A. (Indicating.) Quite a big dog.

Q. Have you any idea of the height of the dog?

A. No.

Q. About a foot and a half high?

A. I judge so.

Q. Was he white or black?

A. He was yellow.

Q. What kind of a dog was it?

A. Bull terrier.

Q. When you entered Mrs. Eldridge's house did you go in the front or back door?

A. I went in the front door.

Q. Who let you in?

A. I walked in myself, didn't bother to ring or anything—just walked in there.

Q. Where did you find Linda or Bessie?

A. I think Linda was finishing up the dinner work, if I remember rightly, and Bessie was lying on the couch in the dining-room.

Q. You say you were sitting at the window?

A. Linda said, "I will do my work after awhile, come in and sit down. We went in and sat there talking.

Q. How large a room is the parlor?

A. It is a big room; it is a room I suppose one-quarter the size of this.

Q. Did you talk loud enough for Carrie Hughes to hear you next door?

A. She might have heard voices, but she could not have told the conversation; she had to listen pretty hard. I don't think she could have heard the conversation. No.

Q. Did you ever make an experiment of trying to hear the conversation from Linda's parlor which was going on in the rooms of Carrie Hughes?

A. No; I never have any disposition to listen to other people.

Q. Did you ever in Eldridge's parlor hear voices in the next house?

A. No; when I was in the kitchen I heard voices in the dining-room.

Q. What is there that separates the Eldridge house from Carrie Hughes' home?

A. A partition.

Q. What is there which separates the parlor from Carrie Hughes' home?

A. A hallway.

Q. First we have a partition separating the parlor from the hallway?

A. Yes, sir.

Q. And then a hallway?

A. Yes, sir.

Q. And then a solid wall divides the two houses?

A. Yes.

Q. So, in order for a conversation to be heard, taking place in Mrs. Eldridge's home, it has got to pass through two walls and a hallway, is not that so?

A. That is so.

Q. How wide is that hallway?

A. As I said before, I am not much of a judge to measure space. It is three feet, more than that, possibly, between three and four feet.

Q. Would you say that the hallway was as wide as from the front of the Judge's bench to the wall?

A. It is not as wide as from here across there, about three-fourths of that distance.

Q. Three-fourths of the distance of the length of the Judge's bench?

A. Yes.

Q. How long had you been talking before Charlie Doak came along?

A. About half an hour, I should judge.

Q. I want to know whether when you started for Linda Eldridge's home you expected to meet Charlie Doak?

A. I hadn't thought of him.

Q. Had you any appointment of any character to meet him on that day, to meet him at that place or any other place?

A. Not on that day or at any other time.

Q. Did you ever address a letter to him in your life?

A. I never did.

Q. Or send a messenger boy with any oral message to him to meet you at any time or place?

A. I never did.

Q. When did you first see Charlie Doak that day?

A. Coming along the street.

Q. Which street?

A. Lafayette street. I heard him whistle for the dog and I said there comes Charlie Doak; I am not going to let him have his dog.

Q. What did the dog do, if anything?

A. He was going to run to him.

Q. Where was the dog?

A. On the front proch. I ran out on the front porch and the dog started off, and I called him back. I said if you want your dog you will have to come and take him.

Charlie came over on the front porch, and I said come in, and he did and talked awhile.

Q. Where did he come?

A. In the parlor.

Q. Where did he sit?

A. In the rocking chair. I remember perfectly where he was, and stayed there until he was ready to go.

Q. How long was he there?

A. Not very long. He was not there an hour, probably half an hour, not exceeding that.

Q. When he entered the house what door did he come in?

A. The front door.

Q. What gate?

A. The front gate.

Q. When he departed what door did he leave from?

A. The front door.

Q. And what gate?

A. The front gate.

Q. Where was the dog?

A. Still outside.

Q. You didn't permit the dog to come in?

A. No.

Q. When you left for your home was the dog still waiting for you?

A. Yes, sir.

Q. And the dog went home with you?

A. Yes, sir.

Q. Who were in the house constantly while you were there with Charlie Doak?

A. Linda Eldridge and her daughter, Bessie.

Q. What room other than the parlor was Charlie Doak in while he was in the house?

A. As I said before, he was in no other room but the parlor.

Q. Did you see him upstairs?

A. I did not.

Q. Was he upstairs?

A. He was not.

Q. Were you upstairs?

A. I was not.

Q. Did you commit adultery with Charlie Doak that day or any other day?

A. Not that day nor any other day.

Q. You have stated that Bessie Eldridge was lying on the couch in the dining-room when you entered?

A. Yes.

Q. You have already stated that Charlie Doak was not in any other room than the parlor. Can you recall whether or not while he was in the house he used any other place for a resting place than the chair. Did he sit or lie on anything else than the chair?

A. He was on that chair.

Q. Did he lie on anything?

A. Why, no; he sat on the rocking chair.

Q. From the time he entered the house until he left he remained on that chair?

A. Yes, sir, he did.

Q. Were you alone with Charlie Doak at any time that afternoon?

A. I don't recall that I was.

Q. With the doors closed?

A. No, the door was open that leads into the doorway that goes into the dining-room.

Q. When Carrie Hughes was on the stand she exhibited a modesty about certain conversations that she heard; she didn't tell what the vulgar conversation was, but what vulgar conversation occurred while you were with Charlie Doak that afternoon?

A. I never make vulgar conversations. I am not in the habit of using such language.

Q. Do you swear?

A. I never did.

Q. Say "For God's sake," "Devilish" and such things as that?

A. No, I never was taught to do those things at home.

Q. Your bringing up has had—

A. Has had considerable to do with it.

Q. From early childhood have you attended church and Sunday-school?

A. I always was trained to go to church.

Q. What have been your relations with Carrie Hughes, friendly or unfriendly? You know her?

A. I think I do.

Q. How long have you known her?

A. I never was friendly with her.

Q. How long have you known her?

A. I have seen her around the street to know who she is. I always spoke to her, always did—of course I don't know——

Q. Up to what time did you continue to speak to her and she to you?

A. Until I heard she had said this about me.

Q. And she continued to speak to you until that time?

A. She has been to my house.

Q. When was she last at your house?

A. She came to my house with her brother and her sister-in-law, who is here in court.

Q. What is her name?

A. Gertie. She was Gertie Enterkin before she was married. I played a piece for her brother, Joe Hughes, to sing, and he would come around and rehearse this music and Carrie came along with him.

Q. When was that?

A. That was not last winter, it must have been before.

Q. Was it after your visit to Mrs. Eldridge's when Charlie Doak was there?

A. It was in the spring of 1903; no, it was before that.

Q. Since the occurrence of May 23, 1903, the alleged occurrence, has Carrie Hughes been in your house, that you know?

A. Not to my knowledge.

Q. Since that time has she continued to speak to you or not?

A. She certainly has.

Q. Do I understand you stopped speaking to her or she stopped speaking to you?

A. I could not tell you which way it was. I didn't give her another look; I never looked to see.

Q. When did you learn that her name was associated with this case?

A. I guess Mr. Hildreth, the attorney, told me about these libels.

Q. When you learned that Carrie Hughes' name was associated with this case, it was through your conference with Mr. Hildreth?

A. Yes.

Q. That was after the proceeding had been commenced?

A. Yes, sir.

Q. I want to know if up to that time, whenever you saw Carrie Hughes on the street, if you had spoken to her or she to you?

A. She always spoke to me and I to her.

Q. Did she ever at any time come to you and ask for any explanation of your visit at the residence of Mrs. Eldridge?

A. She never did.

Q. Could you observe in any way any different bearing on the part of Carrie Hughes toward you after you had visited Linda Eldridge's residence when Charles Doak was there?

A. No; to tell the truth, I never noticed much about her, to notice whether she did or not.

Q. You say you told your husband that you were going to Linda Eldridge's house that afternoon, and your husband has admitted that he was so informed. What time did your husband, Mr. Farrow, reach Linda Eldridge's home that afternoon?

A. The middle of the afternoon.

Q. By that you mean what?

A. About 3 o'clock.

Q. Before or after Charlie Doak had gone?

A. Charlie Doak had been gone some time. I think Will got there a little after three and Charlie had gone a half hour.

Q. Something has been said about your grandmother coming. Was she there that afternoon?

A. My grandmother has never been to Linda Eldridge's house, but—I don't believe that afternoon—one day I was at Linda's and saw my grandmother going by. She had been to Sallie Stites, which is on the same street, and I ran and halloed to her but I don't remember whether it was the same day or not. It don't make any difference; if she went by I suppose I called to her that day, or when I saw her.

Q. Before Mr. Farrow reached the house that afternoon I want to know whether any one had been refused entrance into Linda Eldridge's home?

A. Not a soul.

Q. I understand, Carrie Hughes, that your daughter Octavine was denied entrance. Was she denied entrance or not?

A. She was not.

Q. Do you remember whether or not you remained at Mrs. Eldridge's home until after school had been dismissed?

A. I did; stayed until about 5 o'clock.

Q. What children had Mrs. Eldridge at school that afternoon?

A. They were all there except Bessie. I don't know about Charlie. I forgot about him. They were all at school; at least I suppose they were.

Q. Did they come in the house?

A. Yes, sir; ran in and out.

Q. Which of the children did you see at the house?

A. I saw all of them; I don't just remember; I suppose they all ran in and out. I know they were there.

Q. Was any door in the house of Mrs. Eldridge on the afternoon in question locked or kept closed against the entrance of any one who wanted to call?

A. Not to my knowledge; I didn't go to the back door; I don't know whether it was locked or not.

Q. Now we will take up the testimony of Carrie Hughes in detail. She says Mrs. Edmunds, Mrs. Farrow's grandmother, came up the street. They told this fellow if the grandmother came in to go upstairs. Did that occur?

A. It did not; no such conversation.

Q. "The man was in the back." Was the man in the back?

A. He was not.

Q. "The man went upstairs when Mr. Farrow came—they all went upstairs." Is that correct?

A. That is not.

By the Vice Chancellor:

Q. Did Mr. Farrow come in Mrs. Eldridge's house on the same afternoon that is referred to by Mr. Doak in his testimony as the afternoon when he joined you at the front door of Mrs. Eldridge's house, because of the presence of the dog?

A. Did he come because of the presence of the dog?

Q. No, I want to know whether Mr. Farrow came to Mrs. Eldridge's house on that same afternoon?

A. Yes, sir; he did.

Q. Did Mr. Farrow come over to Mrs. Eldridge's house on any other afternoon when you were there, when Charles Doak was there?

A. I never saw Charles Doak there at any time except that one afternoon.

Q. Did Mr. Farrow ever come on any other occasion than the one mentioned, to Mrs. Eldridge's house?

A. Yes.

Q. I want to know if there was any other afternoon on which Mr. Farrow came there, to which this testimony refers. Mr. Doak said he came across the street at the time when the dog was there, and sought to get the dog away.

A. Yes.

Q. Was the dog there on the occasion when you say Mr. Farrow came?

A. Yes, sir.

Further direct.

Q. "Mrs. Farrow and the fellow went into the front

bedroom." Did you and the fellow go into the front bedroom?

A. I did not, nor he did not.

Q. "Mrs. Farrow and the fellow were in the front bedroom from two until five o'clock." Were Mrs. Farrow and the fellow in the front bedroom until five o'clock?

A. We were not there one minute nor one instant.

Q. "Didn't see the man when he left. Mrs. Farrow left about 6 o'clock." What time did you leave?

A. I left about 5 o'clock. I had to get home to get supper; it was time to go home. I took my little girl with me.

Q. "I heard her (referring to Mrs. Farrow)—I am reading from the notes of the testimony—"I heard her (meaning you) call out to Linda if it is all right." Did you call out to Linda any words of that sort?

A. I don't remember of any such conversation. I might have said that, but I don't know; I don't know what it means, because I don't remember; I don't know what she has reference to about its being all right.

Q. "Linda was then in the back of the house and Mrs. Farrow was then in front of the house, standing in the hall." Do you remember the position of the parties at that time?

A. I do not. I was upstairs with Linda that afternoon.

Q. Were you upstairs at any time while Doak was in the house?

A. Not once; I didn't leave the parlor while he was there. I sat and talked with him.

Q. Did Bessie leave the house while Doak was there?

A. She did not.

Q. "When Mrs. Farrow called out to Linda if it was all right Linda said she didn't know, she would see; then

she went downstairs and called everything was all right." Did that occur?

A. I have no recollection of any such conversation; no, it did not.

Q. "Mrs. Farrow said he could not come down, for he was sick."

A. There was no such conversation; no, he had gone, if she has reference to Charlie Doak.

Q. When he went was he sick or not?

A. Not to my knowledge; if he was sick I didn't know it.

Q. Did he complain of being sick?

A. I don't remember such conversation.

Q. Had anything occurred at the house to make him sick?

A. No; I don't know about his feelings.

Q. When Mr. Doak was in the house was he dressed fully or not?

A. He had on his regular street clothes—a suit of clothes—I could not tell what kind they were.

Q. Did he put his arms around you, or touch you in any way, shape or form?

A. Did he touch me?

Q. Yes, in any way, shape or form?

A. I don't know that he didn't touch me as he brushed by me; he may have done that, but to put his hands on me he did not.

Q. Did he have any part of his clothing disarranged?

A. No.

Q. Did you have any part of your clothing disarranged?

A. No.

Q. Was there anything of an animative character occurred there that afternoon?

A. Not in the least.

Q. How long did you say you had known Charlie Doak?

A. Ever since I was first married.

Q. You have said that while you were there Mr. Farrow came to the house. Did he have any trouble getting in the house that afternoon?

A. **Yes.**

Q. Tell us about it.

A. Linda and I were upstairs; we were making the beds, as I told you before; she hadn't finished her work, and she used to leave her beds to air in the morning, and she always goes upstairs after dinner and makes up her beds; so after Charlie had gone we went upstairs to finish up the work. I said I would help her. We were making the beds, we thought we heard somebody downstairs on the front porch. I went into the front bedroom and I said, "There goes Will." I went to the front door and said, "Hello Will, here I am," and I hollered to somebody, I forget who it was, to tell him I was there. The person did, it was a man or boy, I just forget, and Will came back and came into the house, sat down in the dining-room until Linda came downstairs. I don't remember whether Bessie was in the room or not, I don't remember that. Any way, they sat down and talked about what his errand was to see me—if I wanted to go driving, he said it was such a nice afternoon, and he said, "Don't you want to go out to drive?" I said, "I guess not," and he said, "I guess I have had enough, I guess I will put the horse up." So he went out. He didn't stay.

Q. Now, I want you to state just as fully as you can, please, when you first became acquainted with Charlie Doak, and what your whole relations with him have been, regardless of time and place, how you met him, and all about him, reserving nothing?

A. I have known Charlie Doak from the time I was married to Will Ware, and I have seen him playing around there on the golf grounds and all around there with the boys. And the spring before my first husband died I moved near his house, right across the street. I used to see him coming in and going out a dozen times a day. I have always known him in that way, but not intimately. Then after I married Will Farrow, the way I got better acquainted was through a dog, Bloakey, that Judge Carrow refers to occasionally. We did think a great deal of the dog, not only we but everybody in town; he was a beautiful dog, he was much admired, and we used to coax the dog home, I did, as well as my little girl and as well as Will himself. I recall one afternoon Will and I were out driving and Charlie came along on his wheel, and put his hand over on the wagon and rode along with us on his wheel and Will said, "Charlie, I would like to have that dog of yours." Charlie said, "You can't have him, I think a whole lot of him." Will said, "How much will you take for him?" Charlie said, "He is not for sale." I think Charlie made a mistake when he said $25. I think Will offered him $50, but I am not sure. Charlie said he was not for sale, but Will said he will steal him anyhow, and I said I will get your dog—just laughing about it; and we were always friendly, and the time the dog got hurt was the time that Frank Miller told about.

Q. About when was that?

A. That was the first time Charlie ever came to the house.

Q. About when was it?

A. I don't recall the date.

Q. Did you at any time at 505 Hughes street, either in the year 1903, 1904 or any other time, have any adulterous relations with Charles Doak?

A. I never did.

Q. Did Will Farrow know that Doak called there?

A. He certainly did.

Q. Did he ever see him there?

A. He used to bring him home with him; certainly, he brought him himself.

Q. How often did he bring Charlie Doak to the house?

A. I gave music lessons after school, and when I was giving music lesons Will would generally go out and this would be between four and five and I got through a little after five, and the first fall Charlie was not working and he used to bring him around about the time I was giving these music lessons, just toward night.

Q. Was Charlie Doak ever alone in the house with you at night?

A. Never.

Q. When did he usually call?

A. About supper time.

Q. Did you ever let Charlie Doak or Harry Oliver or any other man in clandestinely in the back door?

A. Never.

Q. Do you recall any instance when two men whistled from the yard of Mrs. Williams, jumped over the fence and were permitted to come in your back door?

A. I never did.

Q. About what hour of the day was it that Charlie Doak would call at your house?

A. I said before, about supper time.

Q. Just notice me. If there is any one diverting your attention from the evidence, you may call the attention of the court to it.

The Vice Chancellor:—Your business is to speak to Mr. Edmunds.

Q. About what hour of the day would Doak come—would he come in the front gate or how?

A. Come in the front door.

Q. Your residence is in a very public part of Cape May City?

A. Certainly is.

Q. About what time would he come?

A. Sometimes noon, sometimes supper time.

Q. How long would he stay?

A. Not to exceed half an hour.

Q. Who would be at home, if any one?

A. Octavine, generally.

Q. Can you recall any time when he was in the house when there was no one there either in the day time or night?

A. He was there one day alone with me, and my aunt came in while he was there; my little girl had had her picture taken with this dog to which we referred occasionally, and I think he came around to get one of the pictures.

Q. How long was he there that day?

A. My aunt came in.

Q. How long was he there?

A. He did not sit down.

Q. Did he insult you?

A. No.

Q. Did he attempt to insult you?

A. Never.

Q. Did he at any time or place attempt to make any improper approaches to you?

A. No.

Q. Did you at any time make any improper suggestions to him?

A. I never did.

Q. Did you ever see Charlie Doak at any place or at

any time when he was not fully and completely covered by proper clothing?

A. I never did.

Q. Now tell us about the occurrence when you and Mr. Farrow spoke to Charlie Doak about not coming to the house. About when was that, if you can recall?

A. I think it was getting toward the summer of 1903 —no, it was earlier. I am not sure about the date.

Q. Do you know whether it was before Charlie Doak was at Linda Eldridge's house?

A. I think it was after that.

Q. After you had had this conversation with Charlie Doak when Mr. Farrow was present, did you have any meeting with him of the least secret character?

A. Never. I talked to him since.

Q. And you still talk to him?

A. I do.

Q. If you were to meet him on Washington street to-night would you talk to him?

A. I certainly would.

Q. When was he last at your house?

A. One night when Will went down to the band pavilion for Octavine—it came on to rain and he said he would go down to get her. He took an umbrella for her and took one for himself, and he went down for her, and when he came back he had Charlie Doak with him, and I was sitting on the porch with Linda Eldridge, and we just started to go in the house and they came in the front gate —came in the house. I guess Charlie stayed there an hour and a half any way.

By the Vice Chancellor:

Q. Was that precedently to the time when you say your husband and yourself had a few words with Mr.

Doak, in which it was suggested that he should not call at the house?

A. It was not before. It was after.

Q. That is, the incident was before?

A. Yes, sir; it was after that conversation about his staying away.

Q. It was after the conversation when he came to the house with the umbrella?

A. Yes.

Further direct.

Q. Tell about the conversation when Mr. Farrow asked him not to call when he was not at home. Where did you meet Mr. Doak?

A. Met him on Washington street somewhere about Ocean.

Q. Was it in the day time or evening? What hour of the day?

A. I don't remember.

Q. Tell what occurred.

A. I don't remember how the conversation opened about it. I don't remember that. I know that Will said to him, "I think the best thing for you to do, if there is any talk going on, why, when I am away from home don't come around. I don't think there is anything wrong, I don't think that Eth would do anything wrong, but I would not come around if I were you; we don't want to have any talk; we will be the same friends as ever. Come around when I am at home."

Q. Do you know whether Will Farrow and Doak continued to be friends until this separation?

A. They did, as far as I know.

Q. After the conversation was over, did they part friendly or unfriendly?

A. Friendly.

Q. Now, in the first examination of Will Farrow, Sr., Chief of Police, he said that since these proceedings have commenced Charlie Doak has been in your house. Has he been in your house since these proceedings commenced?

A. No, indeed; he would have been shot if he had.

Q. Have you known that since the commencement of these proceedings that you were being shadowed night and day?

A. I do not understand.

Q. Have you known since the commencement of these proceedings that you were being shadowed night and day?

A. Oh, yes.

Q. When did you first become conscious of the fact that your footsteps were being watched?

A. Well, Will was always peeping around the corner somewhere or running around blocks, and would be at the next block and then I saw him in the yard watching, and would be at certain person's houses—Mrs. Wales', when he watched out back.

Q. When was it that you first became convinced that he was watching you?

A. The first time I can't recall.

Q. About how long after the proceedings commenced?

A. The night that he followed me, that I told you about.

Q. And that was about when?

A. The 28th of April.

Q. The same witness, Wm. Farrow, Sr., says that on the 28th of July, 1904, he saw you and Charles Doak under the shadow of a tree near a barn standing off Lafayette street, about opposite the cottage of Charles Foster. I want to know whether on the 28th of July, 1904, or at

any other time, you were ever with Charles Doak in such a place or anywhere near such a place?

A. I never was; never.

Q. You are familiar with the territory of Cape May City?

A. Perfectly.

Q. Can you tell us how many policemen there were in Cape May City on duty, or on the pay rolls of the city on the 28th of July, 1904, under the control and supervision of the Chief of Police?

A. I could not tell you positively as to the summer arrangement, because in summer time they have more. In winter they have two, Mr. Baldwin and Mr. Hickey. In the summer they had an extra force—I suppose he has ten, I could not tell.

Q. How far is this spot fixed by the Chief of Police as the place of the clandestine meetings from the headquarters of the police, where they report for duty?

A. About two squares.

Q. About how long would it have taken for him to have gone to police headquarters and called for assistance in order to apprehend you and Charles Doak if you were in the commission of an adulterous act?

A. I think if he had seen me it would not have taken him long to have found out and brought somebody there.

Q. How long would it have taken from that location where he says he saw you, over to the police headquarters, to get assistance?

A. I guess he would have to hurry, and that would have taken ten minutes.

Q. To have gone two squares?

A. I think he would have gone quick.

Q. What was the distance?

A. About two squares.

Q. Are the squares of Cape May long or short?

A. Ordinary squares.

Q. You were not arrested that night by the Chief of Police?

A. I have never been arrested.

Q. And at no time and no place has any officer of the law, or any individual put his hands, or her hands on you and said, "I caught you in the act?"

A. Never. No one ever thought of such a thing.

Q. Do you know a great many people in Cape May?

A. Perfectly acquainted with most of them, I think.

Q. You have lived there you say all of your life, except when you lived at West Cape May on the old farm. How long have you lived at Cape May City?

A. Twelve years.

Q. In addition to playing as organist at the Presbyterian church, what do you have to do with the public concerts given among the churches and at the hall at Cape May City?

A. I was generally the player—pianist.

Q. In preparing the various participants for the performances on the programme, training of the children, for singing, either in solos or chorus, what part did you have in that?

A. I rehearsed them, individually and collectively.

Q. And continued to do that until this separation?

A. Yes, sir.

Q. How long had you done that before the separation?

A. I have done that since I have been a little girl—I have done that kind of work.

Q. Were you ever up an alleyway leading off Washington street by the Camden Bottling Brewing Company with Charles Doak?

A. I never was.

Q. Were you ever up that alley with any living man?

A. Never.

Q. Do you know whether or not you were ever up that alley by yourself?

A. I never was.

Q. What has been your custom, if anything, with reference to resorting to the dark alleys of Cape May?

A. What has been my custom?

Q. Yes.

A. I have no use for them.

Q. Do you go up the dark alleys of Cape May?

A. I do not.

Q. What has been your custom, if any, in endeavoring to hide your presence from any living soul in Cape May or elsewhere?

A. I have never endeavored to do so at any time.

Q. Mrs. Williams testified that when your husband was away you had your blinds down.

A. I had them down whether he was away or not.

Q. Why do you have them down when he is away, if you do?

A. For the same reason that I do when he is at home, to keep my neighbors from looking in the windows, and passers-by.

Q. You have heard the testimony of Mrs. Williams in this case?

A. I have.

Q. I want to know if during the investigation that was being made on your behalf, and during the efforts which were being made by practically both parties to bring about a reconciliation between the parties—I want to know if you went with me to call upon Mrs. Williams?

A. I did.

Q. When was it?

A. Shortly after Will had left me.

Q. Do you remember the day of the week when it was?

A. No, I don't recall it.

Q. Can I assist your recollection if I tell you that it was on Sunday afternoon; what was my custom in coming to Cape May?

A. It was Sunday, because you went out in the afternoon, and if you came down during the week you would have gone on the morning train.

Q. Did we call on Mrs. Williams?

A. Yes, sir.

Q. Where was she sitting?

A. On the front porch. She was alone.

Q. What occurred when we got on the porch?

A. I introduced you to her and she said "Come in." We went into the parlor and sat down. Shall I tell the conversation?

Q. Yes.

A. You said, "Mrs. Williams, I am here on a sad errand; I guess you understand the domestic difficulty in which my niece has gotten with her husband?" She said, "Yes, she believed she had heard something about it." You said, "Now, Mrs. Williams, I want to know if you know anything in regard to this affair. I want to know if you have seen anything in regard to Ethel that you think is improper; but before you say anything I want to tell you that it was at Ethel's suggestion that we should come, and that she is perfectly willing for you to make any disclosure that you have to make in regard to this affair, for or against her." And I said so too. I said, "Mrs Williams, if you have anything to say for me I would like to hear it; if you have anything against me now is the time to say it, for my uncle wants the truth," and you kept saying yes, it is the truth we want, for you said, "Mrs. Williams, if this girl is wrong I shall certainly

stand by Will." She said, "Mr. Edmunds, I don't want to have anything to say about it;" she said, "I am too old a woman to undertake to get into such an affair, and as I am a friend of Ethel and Will both I don't care to have anything to say on the subject, and I don't care to be drawn into this affair, don't care to go to court, therefore I have nothing to say." That was the result of the conversation.

Q. Do you recall whether or not Mrs. Williams said that she didn't propose to say anything to either party?

A. That is what she said.

Q. That is what she testified to in this case. Now, what had been your own personal relations with Mrs. Williams up to the time of her appearance on the witness stand?

A. As far as I know we were friendly.

Q. Did you have any conversation with Mrs. Williams? You were friendly. In what way was your friendliness manifested? How long has she been a neighbor of yours?

A. Ever since I have lived there.

Q. At any time, could you observe before this trial or before you and I called at her residence—could you observe any difference in her demeanor toward you?

A. Not once. She was always very nice to me.

Q. In what way did she exhibit her agreeable treatment?

A. I needed a pair of scales when I was putting up fruit, I said let me have your scales; she said yes. I recall one instance they ran out of coffee, and she asked me to let her have some coffee. I played for her daughter Helen often since Will left. Her daughter has come to the fence—no, she sent a woman who was doing the work—and wanted to know whether I would let them have my clothes line to put clothes upon, they had extra washing.

I played for Helen at the church social. I never knew of any unfriendliness whatever.

Q. Mrs. Farrow, I want to know whether at any time you had your curtains lowered at your home for the purpose of keeping the outside world in ignorance of any improper acts taking place in your home?

A. There were no improper acts inside, and I therefore did not.

Q. Now she says that she saw another man in October, 1903. I think it was October. Was in the little sitting room, heard some one whistle, two men jumped over the fence and went in. Mrs. Eldridge was there; saw a third man go there. What recollection have you, if any, of any such occurrence?

A. Never have any such recollection.

Q. Was there any such occurrence?

A. Never.

Q. Have you had many conversations with Mrs. Williams since October, 1903, or have you frequently seen her since October, 1903?

A. I suppose I saw her every day she was home.

Q. When you would see her would she treat you respectfully or otherwise?

A. Always respectfully.

Q. Did she treat you as a woman of bad character?

A. Never. Not even since Will left me.

Q. You haven't answered my question. I want to know if she treated you as a woman of bad character or as a woman of good character, after October, 1903?

A. She treated me as a woman of good character.

Q. Now she says, not fixing the time as far as my notes go, she saw a man go away at 3 o'clock in the morning. He went out of the back door; don't know the man. What do you know about that?

A. I don't know anything about it, not one thing.

Q. If any man left your house, either by the gate or the front door, or the back gate or the back door, at any hour of the night, will you say whether or not his errand in your house was a proper or improper one?

A. Always proper.

Q. Do you recollect any man going out of your back gate at 3 o'clock in the morning?

A. I never had any one go out that way.

By the Vice Chancellor.

Q. Did your husband ever leave at such hours?

A. No; I have known him to come home from the boat; I have known him to come at four.

Q. If he had come in, do you know that he went out and came in again. Can you tell when he came home at four o'clock in the morning?

A. No; if I had gone upstairs previously he might have gone out the back door for something. I don't know.

Further direct.

Q. As far as your husband coming home at night, if he came home after the retiring hour, you would be asleep?

A. I would.

Q. And what he might have done around the house is a matter you could not have any knowledge of?

A. That is true.

Q. In any way, shape or form, have you tried to cover your tracks since you have been the wife of Will Farrow?

A. Never in my life.

Q. You had a servant in your house?

A. Yes, sir, I had.

Q. Colored or white?

A. Colored.

Q. And ordinarily did you have a servant or were you generally doing your own housework?

A. I haven't kept any help since the spring of 1902, the early summer, July.

Q. Who was the last servant you had?

A. I think Annie Turner was the last that worked for me.

Q. Do you recall any other servant who stayed with you at night?

A. Yes.

Q. Who was it?

A. I had a Mary—I forget her last name.

Q. Colored or white?

A. An oldish lady.

Q. Did you permit your servants to have a key so that they could come in at any time they wanted to?

A. I didn't let any one have a key but Annie Turner.

Q. Annie Turner had a key?

A. Yes, sir.

Q. And as far as she was concerned she could go in or out at any time she wanted to?

A. She could?

Q. How long was she in your employ?

A. Off and on for two years.

Q. Was she married or single?

A. Married.

Q. Was she married when you first engaged her service?

A. I think she was.

Q. What kind of work did she do at your home?

A. General housework.

Q. What was her custom about staying at your house?

A. She stayed.

Q. Did she always stay at your house?

A. I have known her to go out and not come back for several days—she was supposed to come back.

Q. I understood her to say when she was on the stand that when Mr. Farrow was there she did stay at the house and when Mr. Farrow was away she did not?

A. My house was kept just the same when he was away as when he as there; she stayed there just the same when he was away as when he was at home; there was nothing different.

Q. Did you ever ask her any time when her husband was away not to come back that night?

A. I never did. I always said be sure to come home, Annie.

Q. When you were alone?

A. Yes, sir.

Q. Referring to Annie Turner, you say she left you in the spring of 1902. Have you seen her since the spring of 1902?

A. I saw her lots of times.

Q. Up until the trial of this case what was her treatment of you?

A. Always friendly.

Q. She says that one night about 8 o'clock she saw you and Doak standing at the corner of Corgie and Jefferson streets, down in the colored neighborhood. This she said after she had been away from the witness stand for two weeks, and it was about eight o'clock in the evening, and when you saw her, before she had spoken a word you called out, "for God's sake don't tell Will." Did that occur?

A. I never made any such expression at that time nor any other time.

Q. Did she see you at the corner of Jefferson and

Lafayette at eight o'clock with Charlie Doak, either on that occasion or at any other time?

A. No, she did not.

Q. Did you ever meet Charlie Doak down there at the corner of Jefferson and Lafayette?

A. I don't recall ever meeting him there, no.

Q. Did you ever meet him anywhere in Cape May City by appointment?

A. Never.

The further hearing was then adjourned until Thursday, December 15, 1904, at 10 o'clock a. m.

CAMDEN, N. J., Dec. 15, 1904.

The further hearing in this cause was continued pursuant to adjournment at the time above stated. Appearances as heretofore noted.

ETHEL FARROW.

Direct examination.

Continued by Mr. Edmunds.

Q. Are you familiar with the neighborhood of Lafayette and Jefferson streets, Cape May?

A. I am.

Q. You used to live on Lafayette street two or three blocks below that locality?

A. I did.

Q. Will you state whether or not Lafayette street in that locality and down towards Skellinger's Landing is wholly given over to colored people, is that correct?

A. No, it is not correct.

Q. Is it not true that along Lafayette and between Jefferson and Skellinger's Landing and on both sides of the street some of the most aristocratic people of Cape May reside?

A. That is true.

Q. Is that locality at Lafayette and Jefferson a public one, or is it a secluded and retired spot?

A. Public.

Q. Is the neighborhood largely occupied with residences?

A. Lafayette and Jackson?

Q. Lafayette and Jefferson?

A. No, there is a house right on the corner and houses all along there.

Q. Is it a lonely neighborhood?

A. No.

Q. Is it a good neighborhood for trying to hide one's head in?

Objected to.

The Vice Chancellor:—An opinion is sought for by that question, not a fact.

Question withdrawn.

Q. Will you say whether or not that locality is widely traversed?

A. It is.

Q. Both day and night?

A. Both day and night.

Q. How long did you live down Lafayette street beyond this point?

A. About four years.

Q. Do you know whether or not Lafayette street is protected at night by the use of electric lights?

A. Just the same as the other streets.

Q. What are the two main streets of Cape May running from the city to Skellinger's Landing?

A. Washington street and Lafayette.

Q. Do you know the colored woman who appeared on the witness stand?

A. Yes.

Q. What service did she render in your home? 10

A. She washed for me two or three times.

Q. Did she do the washing at your house or was it brought to your house?

A. She came after the clothes and brought them back.

Q. And that occurred three or four times?

A. It did.

Q. Not much more than that?

A. It may have been half a dozen, not much more.

Q. When did she do washing for you? 20

A. It is over a year ago, I don't just recall, I think along in 1903, early in 1903, probably in the winter of 1902, I think it was in the spring of 1903, early in that year.

Q. She says that at least a dozen times in the neighborhood of eight o'clock in the evening she saw you talking with Doak at the corner of Corgie and Jefferson streets, Cape May City; did you have as many as twelve conversations with Doak at the place indicated?

A. I never had but one. 30

Q. And that was when, please?

A. It was about noon, it was not at night.

Q. When was it?

A. I don't remember that. It was in the summer time, because I know there was a colored woman who

lived in that neighborhood that I had occasion to see. Her name was Mrs. Lucas.

Q. How near this particular locality fixed by Mrs. Jefferson was it that Mrs. Lucas, the colored lady, lived?

A. Right in that same neighborhood, near where Mrs. Jefferson lived.

Q. How near to Corgie and Jefferson streets, about?

A. About three or four doors.

Q. What was your errand with Mrs. Lucas that day?

10 A. She did some sewing for the people who boarded at the Carroll Villa and I had some alterations to be done for my little girl and she did it, and I went down at noon to see her about it, and when I came out I met Charlie, I think he just left Frank Cassidy.

Q. Was that meeting with Doak at the time indicated by you an accident or a prearranged affair?

A. It was an accident.

Q. How near to that locality is the residence of Doak?

20 A. A little over a square.

Q. What is the character of the neighborhood, is it respectable or otherwise?

A. Very respectable.

Q. What class of people live in that immediate neighborhood, decent or indecent?

A. Very decent.

Q. Good or bad?

A. Mr. Stevens lives right on the corner.

Q. Mr. W. T. Stevens?

30 A. Yes, sir.

Q. Did you ever have any conversation with Mr. Doak, or can you recall ever having been with him at Jefferson and Corgie streets at any other time than the time you have mentioned?

A. Never recall any such time or any such conversation, or any conversation; I don't think I ever was.

Q. Did you ever meet him there at night?

A. Never.

Q. Can you say whether or not that locality is a public or a quite public locality?

A. It is public. It is not traveled quite as much as Washington and Lafayette streets, but it is a public place. Everybody is going along there.

Q. How far is Corgie street from Washington?

A. One square.

Q. A short or long square?

A. A short square.

Q. Does Corgie parallel Washington or run perpendicular?

A. Runs right along the same way.

Q. Parallels it?

A. Yes.

Q. When Mr. John Bennett was on the stand he testified that one morning early he saw a man standing at the gate of your home; do you know anything at all of that?

A. Not in the least.

Q. He also said that he didn't see you, and he simply said that a man was standing at the gate—was any one else there?—not a living soul?—this was about December, 1903, he looked like a man, could not say who it was. What knowledge, if any, have you of any man standing at your gate at two o'clock in the morning during the month of December, 1903?

A. Never up at that time, and I don't know anything about it. I was sleeping.

Q. During the month of December, 1903, Mrs. Farrow, had any man been in your house either during

the presence of Mr. Farrow or during his absence, on any improper errand?

A. Never.

Q. Day or night?

A. Never.

Q. Referring again to the Chief of Police of Cape May, when he was first on the witness stand he said that he had seen Charlie Doak in your house since these proceedings commenced. Is that true or not?

Objected to.

Q. Has he been in your house since these proceedings commenced, Mr. Doak, I mean?

A. No indeed. He would have been shot.

Q. Has Mr. Doak been in your house at any time since the 7th of April, 1904, the day that Mr. Farrow took his trunk and left?

A. Not once.

Q. But Mr. Farrow, Sr., says he saw it?

A. No matter if he did see it, he didn't.

Q. Elwood Rowland testified that he saw you one day talking with Doak on Washington street three squares from Skellinger's Landing?

Objected to, as the witness has been fully examined about that.

The Vice Chancellor:—Counsel having examined is not precluded from again examining about it.

Q. Mr. Rowland testifies that one day he observed you talking with Mr. Doak three squares from Skellinger's Landing. The hour of the day he didn't indicate, but it was during broad daylight. Do you have any recollection of that talk with Doak at the time indicated?

A. I certainly do.

Q. Tell about it.

A. I was on the way to the landing, had Octavine and our dog with us; it was about noon and I had got almost to the landing, as he said, about three squares from there I met Charlie; he was on his wheel. He just halted long enough to say something about a dredge. He didn't get off his wheel; I was on one side and he was on the other.

Q. Was any act of adultery committed at that time?

A. Never.

Q. Elwood Rowland testified that at times you would parade back and forth Washington street in the block in which the business house where Doak was employed is located and as you would pass this tobacco store you would look in; now just tell us about the parading that you were accustomed to engage in along Washington street for the purpose of attracting the attention of Charles Doak to your perambulations?

A. I walked by there I suppose a thousand times. I never go down Washington street unless I go by there, because you have to go by there to go down the street, if I have had any errand. I have never stopped because he is in that store.

Q. Have you ever passed or stopped for the purpose of attracting his attention?

A. No.

Q. Is it a public place?

A. Yes, sir.

Q. In going to the post office do you pass there?

A. Right by.

Q. You have a free delivery of mail in Cape May now?

A. Yes.

Q. What is the custom, your own custom, relative to

going to the post office, do you depend entirely upon the free delivery system for your letters?

A. No, we don't get the free delivery at night at our house.

Q. In other words, if you want the evening mail you must go to the office every day?

A. That is true.

Q. Before the pistol episode, will you say what objection, if any, was ever raised by Mr. Farrow, the complainant in this case, to the fact that when you met Charlie Doak on the street you spoke to him; did he object to that?

A. He did not.

Q. When, if at all, did you first learn that he charged you with improper relations with any man?

A. Well, he accused me of it the night that we had the fuss, April 6th, but even after that he said he didn't hardly believe there was anything wrong; even after that he said so himself; told my grandmother; I think he told you.

Objected to.

Q. Never mind what he told others.

The Vice Chancellor:—That depends; if the witness was present when he did the telling she is entitled to tell what he said.

Q. Were you present when Mr. Farrow said to your grandmother or to any one else that he didn't believe that you had done wrong?

A. No.

Q. You were not present?

A. No, he said that to my grandmother at other times.

By the Vice Chancellor:

Q. From whom did you know that he told her that?
A. My grandmother told me.
Q. Did Mr. Farrow ever tell you that he had told your grandmother that?
A. No, I don't think he did.

Further direct.

Q. Until the night of April 6th, 1904, had he ever charged you with adulterous relations with any living man at any time or place?
A. No, he had not.
Q. Now, going back to this point on Lafayette three squares from Skellinger's landing, is that—
A. That is Washington street.
Q. Is that a public or private place?
A. Public.
Q. Very much traveled or otherwise?
A. All the travel is right along Washington street.
Q. On what street do the trolleys run at Cape May?
A. Washington.
Q. Were the trolleys running along Washington street at the time indicated?—if it is indicated— let me see what the time is— last winter. Did you have trolleys running down Washington street?
A. Yes, all last winter.
Q. Now you have testified in reference to this alleged alley occurrence alongside of the Camden Bottling Brewing Company, have you not?
A. I think I did.

Q. I understood you to say that as a matter of fact you had never been in there?

A. Never, day or night.

Q. Is the Camden Bottling Company, alongside of which this alley runs, located in a public or in a secluded part of Cape May City?

A. It is on the public street between Perry and Jackson.

Q. Where is the post office located with reference to the Camden Bottling Company?

A. Sort of catti-cornered across the street.

Q. Will you say whether or not that it is a very public and conspicuous part of Cape May City?

A. It is the main part of Cape May City.

Q. Is it much traveled or otherwise?

A. Much.

Q. Day or night?

A. Day and night.

Q. It has been testified that one evening with reference to this alley affair, you walked across Congress Hall lawn leaning on the arm of Charles Doak. Did you do that?

A. Never at any time.

Q. When, if at all, did you ever lean on Charlie Doak's arm?

A. Never.

Q. Did he ever take you to any entertainment, to any place, or to any function of any character whatever?

A. Never went anywhere together, excepting skating.

Q. And when you went skating, what do you mean by saying you went with him?

A. He was in the party.

Q. How many others were in the party?

A. About twenty.

Q. Did you go with him or with the party?

A. We all went together.

Q. Did he call for you at your house?

A. He came to the house, the same as the rest; they met at my house.

Q. Name the parties who met at your house to go skating?

A. Mrs. Howell and her daughter, Charlie, Harry Oliver, his sister—

Q. What is her name?

A. Mayme, Minnie Farrow, Mrs. Wales, Mrs. Eldridge, Mr. Farrow himself.

Q. You mean the complainant himself?

A. Yes, sir.

Q. You always went in a party?

A. Yes, sir.

Q. In going over would you use the trolley or walk?

A. Sometimes we went in a bus, sometimes two bus loads, sometimes by trolley.

Q. Did you ever receive any presents of any kind from Charlie Doak?

A. Never.

Q. Or from Harry Oliver?

A. Never.

Q. We will come to Mr. William Lewis or John Lucas, unless there is some new name for him. But as far as Harry Oliver and Charles Doak are concerned, you never received any gift, token or souvenir of any kind that you can recall, did you?

A. No, I did not.

Q. Did you ever move along on the arm of Harry Oliver, as far as you can recall?

A. No.

Q. About how many times can you recall having seen Doak on the ice pond?

A. I think he went with us about three times.

Q. Minnie Farrow said that he would go skating nearly every day. Did you see him going skating nearly every day when there was ice on the pond?

A. He didn't skate.

Q. And he had employment during the day, didn't he, which was active even during the winter time?

A. He did.

Q. When Mr. Farrow, the complainant, was on the stand he said that he saw you talking one day with Harry Oliver on the street. This was about a year ago, "I think it was evening, talked with her about it, she said if I felt that way she would have nothing more to do with me." What do you recall of that alleged conversation?

A. I don't believe he ever had it.

Q. Do you recall such conversation?

Q. On two occasions he says—

Judge Carrow:—Is it proper to call the witness's attention to somebody else's testimony?

The Vice Chancellor:—If this witness has any acquaintance with the facts it is entirely proper to call this witness's attention to it and ask her whether that fact happened.

Judge Carrow:—I had gotten the idea that it was improper to rehearse testimony that had been given by other witnesses to a witness under cross-examination.

The Vice Chancellor:—I think not. The testimony has been brought before the Court, and counsel thinks that it is erroneous and untrue. How that particular statement is to be referred to without calling the attention

of the witness to it I don't quite see. I think it is the proper examination.

Q. The complainant has testified as follows: "On two different occasions I saw him (meaning Oliver) coming to the house when he thought I was not at home; he came around one night and asked me if his sister's skates were there; on another occasion he asked if his sister's music was there." Now, I want to know whether or not at any time you undertook to deceive Mr. Farrow concerning any expected call from Harry Oliver?

A. I did not.

Q. He says that when he called on those two different occasions she (meaning you) thought I was not at home. What, if anything, had you done which would justify him in entertaining such a thought?

A. Hadn't done anything.

Q. And both of the calls referred to by witness occurred when, day or night, when he came for his sister's skates and music?

A. I think it was just after supper time.

Q. Was Mr. Farrow home on both occasions?

A. He says he was there.

Q. Referring again to the evidence of the complainant. I want to ask you the plain and direct question whether or not during your married relations with him you communicated to him any secret or venereal disease?

A. I never did.

Q. I want to know whether or not at any time, or by any physician in Cape May or elsewhere, you were treated for any venereal disease which in any way reflected upon your virtue?

A. I never was.

Q. I will ask the question in this way: I want to know whether or not at any time you were treated for any venereal disease?

A. I never was.

Q. Did your husband or not, at any time, before the developments in this case accuse you with having caused any pollution of his own body?

A. He did not.

Q. Now we will take up the story of the detectives. You have testified already that during the summer of 1904 you kept your home. Will you tell the court, please, in your own way whether or not you were out—I want you in your own way to state whether or not you were out of Cape May during the month of August, 1904, as far as you can recall?

A. I was not away from the city.

By the Vice Chancellor:

Q. Do you mean you were not in that month away from Cape May City proper and that you didn't at any time go to Cape May Point?

A. Of course I was at Cape May Point.

Q. You consider that within the city?

A. Yes.

Further direct.

Q. Were you down at the Delaware Bay House during the summer of 1904?

A. I was not off the cars.

Q. Tell the court what you mean by Cape May Point?

A. The only time I was at the Delaware Bay House last summer was one afternoon with two ladies. I was

not there even at night, at the Delaware Bay House, and the time I went in the cars I was not off the cars.

Q. How far is the Delaware Bay House from Cape May Point? That is the station on the trolley road known as Cape May Point—

A. How is that?

Q. How far is the Delaware Bay House from the station on the trolley road known as Cape May Point?

A. It is right there. You get off the cars and go on the porch.

Q. Is there a trolley station at Cape May Point?

A. Yes.

Q. Where is the trolley station? I am not talking of the steamboat landing.

A. The station is right alongside the track.

Q. How far from the steamboat landing?

A. Between five and ten minutes' walk.

Q. You say that you were over at Cape May Point. When you would get off at Cape May Point, at what point would you leave the trolley cars? What street, or station, or where?

A. I didn't get off the car.

Q. I understood you to say to the Court that you were over at Cape May Point last summer?

A. I went to the Delaware Bay House, but I didn't get off the car.

Q. Was that the only time you were over there last summer?

A. Yes.

Q. That was the only time?

A. That was the only time.

Q. About what was the hour of the day?

A. It was in the afternoon some time, I forget at what time.

Q. Are you sure it was before nightfall?

A. I am sure of that.

Q. Are you sure it was before you had had your supper that evening?

A. Sure.

Q. Do you recall who it was that you went over with?

A. I do.

Q. Who was it?

A. I went over with May Oliver and Miss Essie Newbold, who lives here in Camden.

Q. Since Mr. Farrow separated from you, you have continuously lived at 505 Hughes street?

A. All the time.

Q. I asked you to tell the court in your own way what Mr. Farrow did in the summer of 1904 to prevent you from renting your house at an advantageous figure?

Objected to.

Mr. Edmunds:—I propose to show the cruelty with which this defendant has been treated from the sixth of April, when the pistol was placed to her head, until this very hour.

Judge Carrow:—You misstate the facts. It is not her house, it is his house.

The Vice Chancellor:—I am not called upon to try anything but the issue touching the adultery charged against this defendant. Cruel treatment, efforts to prevent the defendant from earning a living, interference with the management of her household, seeking to prevent the people from going to her house and taking board there, or if the landlord turned her out, it seems to me have no bearing on the question I am here to in-

vestigate. The whole line of such testimony is not pertinent to anything set up in the pleadings or brought out in testimony.

Mr. Edmunds:—I withdraw the offer.

Q. Will you say to the court, please, what was the method by which you spent your evenings during the summer of 1904, or in the months of July and August, 1904?

A. During the month of July I guess I didn't have very many people at the house, so that at evenings if I wanted to I could go out, and I very often did.

Q. Where?

A. Took a walk down to the boardwalk and back, probably down Washington street, probably to the Stockton, to the Band Pavilion, or Sewell's Point, but during August I was not able to go as much, but I went out, but I had people at the house.

Q. Whom did you have to assist you in your domestic work there?

A. No one at all.

Q. Do you remember whether or not from the middle of August until its close, referring to last summer, your house was full or not?

A. During August?

Q. Yes, the latter part, from the middle to the end?

A. Yes, it was full then.

Q. How many rooms did you have for your guests?

A. Seven.

Q. Just give us the location of those rooms, and name them, whether there was a parlor, or dining room, or kitchen, or not; I want to know what rooms were there for your guests?

A. The third floor Mrs. Wiley had, she and her daughter, and then on the second floor there are four bed rooms. They were all occupied. Downstairs on the first floor is the parlor; Mrs. Hapgood had that, and unless I was full, unless some one came in for Sunday, I slept in the dining room myself, otherwise I would go out in the kitchen and rent those rooms.

Q. Who cared for those rooms, doing the chamber work and sweeping?

A. I did myself.

Q. What about Mrs. Wiley?

A. She kept her own room.

Q. The other ones you cared for yourself?

A. Yes, sir.

Q. Was Octavine living with you during the summer?

A. She lived with me, of course.

Q. When you say in the month of August, if you had a chance after the work was done to go out, that you did go out of evenings, tell the Court where you would go, what time you would return, and a full statement of your evening movements, from the middle of August until its close, covering the seventeenth of August and the twenty-fourth of August?

A. On Saturday nights I never went anywhere in August, unless to go to the grocer's to do my marketing for groceries, because that night I had so many people there and strangers coming in that I thought it was best to stay home at nights. So Saturday nights and generally Sunday nights I was mostly home. Monday nights I had a music lesson to give.

Q. To whom?

A. Ella Falkenburg.

Q. That would be at what time?

A. A little after seven.

Q. How long would it last?

A. It lasted a little over an hour.

Q. Where did you go then?

A. Probably went to Band Pavilion a while and then took Octavine and then came home.

Q. And by the Band Pavilion you refer to the pavilion just off the beach?

A. Yes, sir.

Q. A very public place?

A. Yes, sir.

Q. How long would you stay?

A. I might stay until it was out; if I got tired I went home. I went to Sewell's Point, went walking, and never went alone. Always took Octavine and went out on the Pier several times.

Q. Who was with you when you went out on the pier?

A. Octavine.

Q. When you took the child with you, will you say whether or not you would dismiss her and let her go home alone, or would you remain together during the evening?

A. Always stayed together.

Q. Do you recall whether or not I asked you whether you had been hugged and kissed by Harry Oliver at Sewell's Point?

A. I don't know whether you have or not since I have been on the stand.

Q. Have you been hugged and kissed by Harry Oliver at Sewell's Point?

A. No.

Q. I want to know whether or not when you were at Sewell's Point, or engaged in any of these entertainments that you referred to, that you withdrew for a time leaving your child alone, for the purpose of meeting Harry Oliver; did you do that?

A. I never did.

Q. Now, you say it was your custom to go down to Sewell's Point about once a week. How often did the change in the program occur at Sewell's Point?

A. Once a week.

Q. What was the entrance fee to this show at Sewell's Point?

A. Ten cents.

Q. You had a trolley fare to pay before you could get there? Is that so?

A. Twenty cents altogether.

Q. What time would you usually return to your home after having gone to Sewell's Point?

A. We would leave there about ten o'clock. It would take about fifteen minutes to come up on the trolley, and then get ice cream or something like that,—usually went to bed about ten o'clock.

Q. What beer saloon did you patronize when you returned from Sewell's Point?

A. Not one.

Q. Even that one that they said you were at,—did you patronize that?

A. Not one.

Q. What men did you have tagging after you in the summer of 1904, if anybody?

A. I didn't see anybody.

Q. Now, on the seventeenth of August it is charged by a single witness, Charles Wagner, that you were under a beach tent at the foot of Ocean street, Cape May. Were you under a beach tent that night?

A. I was not.

Q. Will you state to the court, as best you can, when you were last under a beach tent, and the circumstances which took you under a beach tent, either day or night?

A. I used to take my little girl, when she was small

enough to play with a shovel and pail, and go there and sit there,— haven't been under one since.

Q. Day or night?

A. Neither day or night.

Q. Were you ever at any time, apart from August 17th, under a beach tent with any man for any improper purpose, either day or night?

A. I was not.

Q. Do you know where you were on the 17th of August, 1904?

A. I do not honestly know where I was. I tried my best to think since this occurrence.

Q. When did you first learn that you were charged with offence as on the 17th of August, 1904?

A. Mr. Hildreth, my lawyer, told me about this new amendment.

Q. And you got that information when?

A. Just since he got it. I don't recall the day; he let me know right away about it.

Q. Without reading to you the horrible vulgarity of that statement, I want you to say whether—

The Vice Chancellor:—Were you present and did you hear the testimony of Charles Wagner, which was the incident on the beach August 17th, on the beach near the music pavilion?

A. I did.

Q. You heard every word of it?

A. Yes, sir.

Q. Will you state to the Court what part of the testimony represents any actual occurrence in so far as August 17th, 1904, is concerned?

A. There was not one word of it true.

Q. Did any of the things he said occurred occur?

A. They did not.

Q. But you don't know where you were that evening?

A. No, but I am almost sure that I was home. I will tell you why. It happened on Wednesday night, he said, and Wednesday I always went to the baseball, and when I came back from the baseball I most always stayed home, I was generally tired, and I had a little boarder, if you recall, besides Octavine, a little boy that took his meals with me.

Q. What was his name?

A. Mrs. Hapgood's little boy, and I had to prepare extra for him, and I most always stayed at home when I came home from baseball. I do not suppose there was one night on Wednesdays that I went out last summer.

Q. You have heard the testimony of Alfred Sague and Charles Wagner relative to an alleged occurrence at Delaware Bay, near the Delaware Bay House, on the evening of August 24th, 1904? You heard all of their testimony?

A. Every word.

Q. I want to know what parts, if any, of their testimony associating you with that locality on the night in question represents or stands for anything which actually occurred?

A. They told the biggest lie—

Q. Don't put it in that way.

The Vice Chancellor:—State whether any of the narration by either of those men represents the truth as it happened?

A. Not one bit of truth.

Q. You have already stated that you haven't been at

Delaware Bay except on one single occasion when you went in the afternoon and returned?

A. That is true.

Q. Are you personally acquainted with the motormen and conductors of the trolley cars running between the Delaware Bay House and Cape May City, and Cape May City and Sewell's Point?

A. I am.

Q. You know them every one?

A. Yes.

Q. And they have known you for years?

A. Yes.

Q. Where were you on the evening of the 24th of August, 1904?

A. That night I was at home.

Q. How do you know that you were at home that night?

A. On account of playing over at the Ebbett. On August 25th there was to be a musicale to be given at the Stockton and Mr. McConnell, who has charge of the Ebbett, came to see me. Mr. Harry Hughes brought him.

Q. Not a brother of Carrie Hughes?

A. No, it is not that Hughes tribe.

Q. Go on.

A. I can't talk—

Q. Are you annoyed in any way while you are on the witness stand. If so, call the Court's attention to it and the Court will prevent it.

A. There is a little talking going on back there which annoys me.

The Vice Chancellor:—If persons have come here to listen they must keep silence. If they do not we will have to send them out. It seems to me this duty is so

plain that it ought not to be necessary to warn attendants in court. If they want to converse they must go elsewhere. If they stay here they must keep silence.

Q. Tell the Court how you know that you were home on the 24th of August, 1904?

A. As I said before, Mr. Hughes brought Mr. McConnell to my house I think it was the Monday before the 25th, the 25th came on Thursday, and he came to see if I would accompany this Miss Girard singing at the Stockton. (The rest of the answer was ordered stricken from the record by the Vice Chancellor.)

Q. In order that we may expedite matters, don't bring in any conversation between yourself and any one else when the complainant was not present. You may refer to the fact that there was conversation for the purpose of identifying the time and place, but don't give the conversation. Go on from that point. You were about giving the conversation which took place between you and Mr. Hughes. Go on. My question is how do you know that you were home on the 24th of August?

A. Because on the 24th I was to go there to rehearse with her. He was to have a little parlor concert.

Q. With Miss Girard?

A. Yes, sir. They were to have a parlor concert on the 24th.

Q. Before we go into that I want to ask this question: How do you know the date was to have been the 25th of August for the concert at the Stockton Hotel?

A. It was advertised in all the papers.

Q. Have you the paper with you?

A. I have—Octavine has the paper.

Q. I hand the witness a copy of the Cape May *Wave,* dated Wednesday, August 24, 1904, and ask her to find and read to the Court any announcement appearing in

that paper of a concert to be given at the Stockton Hotel on the evening of August 25, 1904.

A. Shall I read it?

Judge Carrow:—How is it possible for that to be evidence? How can that be evidence unless she saw the paper at the time?

The Vice Chancellor:—Do you dispute the fact that this is a publication made on the 25th of August in the Cape May *Wave?*

Judge Carrow:—No.

The Vice Chancellor:—What is your ground of challenge of the question?

Judge Carrow:—It is not evidence. She don't say that she saw it. He is asking her to fix the date in the testimony now, and she must do it from her recollection. She produces a newspaper of the date of the 24th; there is no showing when she saw that paper or when her attention was called to it. Merely being in the newspaper is no evidential fact of the occurrence.

The Vice Chancellor:— That may be so, but I would like to take the testimony, that the portion which is not objected to might be put in, and the portion which is objected to might be considered separately. As I understand there is no denial of the fact that the paper here produced is a publication of the daily Cape May *Wave* as of the date of Wednesday, August 24, 1904. Is that so?

Judge Carrow:—I don't understand, if your honor please, that I can either affirm or deny that fact at this time.

The Vice Chancellor:—Then, Mr. Edmunds, if you propose to use the paper in question you must prove that it is a publication of the date named and offer it in evidence.

Mr. Edmunds:—I understood Judge Carrow to say that he did not object to the publication.

Q. Mrs. Farrow, how long have you been familiar with the publication of a paper in Cape May City during the summer months known as the Cape May *Wave?*

A. Ever since I can remember, I guess.

Q. I want you to examine the paper handed to you and marked by the Court D No. 1, and say whether or not that is the publication regularly published and known as the Cape May *Wave?*

A. It is the regular publication of that paper.

Q. Where did you get that paper from?

A. At the *Wave* office.

Q. And when?

A. Since this occurrence.

Q. Why?

A. I wanted to fix in my mind exactly where I was August 24th, and I racked my brain to find out where I was; did everything I could think where in the world I was August 24th.

Q. When were you first advised that on the 24th of August this charge was over your head,—that you had committed this adulterous act over at the Delaware Bay House?

A. At the same time that the amendment was given.

Q. From whom did you get the information?

A. From Mr. Hildreth.

Q. No information prior to that time?

A. Not in the least.

Q. That was how many weeks after the 24th of August?

A. It was not long since when he got word.

Q. Was it in the month of September or October?

A. September.

Q. You were in Court before the Chancellor about the 13th of October?

A. The 17th of October.

Q. Was it before or after the 17th of October?

A. It was afterward.

Q. Was it before or after the amendment to the libel referring to John Lucas appeared? Were you informed before or after the amendments to the libel were made about John Lucas?

A. Not until after the amendment was filed.

Q. Now, the amendment as first introduced named one John Lucas. Do you know any one by the name of John Lucas?

A. I do not.

Q. Is there any one living in Cape May of the name of John Lucas as far as you know?

A. No.

By the Vice Chancellor:

Q. Or in Wilmington, Delaware?

A. Not to my knowledge. I don't know anybody in Wilmington.

Further direct.

Q. Whatever might have been done in the way of tracing John Lucas in Wilmington, Delaware, was done by other parties?

A. Yes.

By the Vice Chancellor:

Q. Are you acquainted with any such person?

A. No.

Q. Or had you ever heard tell of any such person?

A. No, I never heard tell of him until this amendment.

Further direct.

Q. We will take the name of John Lewis. Where did the name of John Lewis first appear? We got to William Lucas and now we will take the name of John Lewis, as is given by Charles Wagner. Do you know any one of that name?

A. No, no one at all.

Q. Did you see such a man in any place in Cape May or elsewhere during the summer of 1904?

A. I did not.

Q. How about William Lewis?

A. Nor William Lewis, either.

Q. Do you know any man by the name of Lewis living in Delaware, either in Wilmington or any other place?

A. Bessie Foster married a Lewis. That is the only Lewis I know of.

Q. Where does he live?

A. I don't know. She was from Chicago.

Question repeated as follows:

Q. Do you know any man by the name of Lewis living in Delaware, either at Wilmington or any other place?

A. No I don't.

Q. Do you know any man by the name of Lucas living in any part of the state of Delaware?

A. No.

Q. Do you know of anyone of either of such names living in Delaware at any time during the month of August, 1904?

A. No.

Q. Can you fix the date when you got that newspaper from the *Wave* office?

A. I got it before we came up to this other trial.

Q. Prior to October 17th?

A. No, I didn't know anything about it then.

Q. After October 17th?

A. Yes, sir.

Q. And you got it at the office of the Cape May *Wave?*

A. I did.

Q. Is that their publication office?

A. That is where it is published.

Mr. Edmunds:—Now I ask, may it please the Court, that the witness call to the attention of the Court any article appearing in the Cape May *Wave* of August 24, which assists her in fixing the place where she was on the evening of the 24th of August.

The Vice Chancellor:—I think the testimony should include an offer of the particular exhibit here marked and identified by the witness, as the one which she ob-

tained at the office. If you will make that offer, I will entertain it.

Mr. Edmunds:—I offer in evidence the Cape May *Daily Wave,* of Wednesday, August 24, 1904, marked by the Court Exhibit D, No. 1, in which, on the third column of the first page near the end of the column appears an article entitled, "Stockton Musicale."

Judge Carrow:—I say that such testimony for the purpose of assisting the memory is limited to a memorandum made by the party himself or herself.

The Vice Chancellor:—There is a plain and obvious contradiction between the witnesses who have been introduced on the part of the complainant and those who have been introduced on the part of the defendant, touching the presence of the defendant at or near the Delaware Bay House on the evening of August 24, 1904. The testimony that has been offered by the complainant shows that she was then and there present and committed an adulterous act, and on the other side the defendant claims that she was not there present and therefore could not have participated and committed this act. The previous testimony which has been adduced here shows that on the evening of the 25th of August a concert was to have taken place and the defendant was invited to participate, and to make the precedent preparation on the 24th. Several witnesses have been called who have recognized and shown the existence of these facts. This newspaper, published in evident good faith, contains an advertisement of the proposed concert on the 25th, the identity of the newspaper itself has not been disputed, but it is claimed that it has no relation to the case and no proof of this character should be admitted unless it be a memorandum made by

this witness. The very object of the offer is to aid this witness' memory in locating herself as to her presence at the time and place when and where she is charged with this offense.

One of the most difficult things to accomplish is to recall what occurred at some previously named exact time. I doubt if there is a person present who can on three days' study say what he did on the 24th day of August last, unless on that day he went away from home, or participated in some incident which remarkably impressed that date itself upon his memory. I doubt if one of us could say what we had for breakfast on any named day during the last year. The daily events and incidents which happen to us all run into the common current of our lives and do not impress themselves upon the memory. The courts have recognized that, and therefore any means whereby an undisputed incident may be tied to, thereby enabling the witness to fix the time of a certain happening, have been admitted in evidence, although in themselves they have nothing to do with the case. They are like monument stones, to which the failing memory of the witness may be tied. I take this to be just such proof. Here is an undisputed publication which was obtained long after it was published, as a finished thing, and could not have been changed. It contains a narration of events which tends to corroborate the testimony of this witness as to certain dates. Other proof coincides with the date named in the publication. The witness by seeing the date named in the paper is able to state her whereabouts on August 24th. I think the witness may use and refer to the paper to fix her memory of the date, and that the paper itself is proof that there was a public advertisement that a concert would be held on August 25th. The paper is admitted for the purposes named.

Q. I want to know whether or not you saw, prior to

the evening of the 24th, the article identified in this paper entitled "The Stockton Musicale."

A. I did.

Q. And whether or not the article has been of service to you in refreshing your recollection as to where you were on the evening of August 24?

A. It certainly has. May I read it?

Q. Read it to the stenographer.

A. A STOCKTON MUSICALE.

The musicale at the Stockton on next Thursday evening at 8:30 o'clock promises to be one of the best of the season. The soloists who are to appear are well known, a few of them being Mademoiselle Gerard of the Italian opera, Paul Volkman of the Fortnightly Club, Miss Hitt, Misses Bispham, Miss Bertha Fitzgerald, D. D. Barlow, Charles Fitzgerald, Mr. G. S. Barstow, Miss Marie Moore.

Q. I want to know whether or not the lady named in this article as Mademoiselle Gerard is the lady for whom you volunteered to play in advance of the concert?

A. She is the one.

Q. I want to know as near as you can recall just what occurred on the evening of August 24, 1904—before I ask that question I want to know whether or not you went away from your house that night?

A. I was not out; not once.

Q. Were you outside of the gate that night?

A. I was not off the porch.

Q. Tell the court what occurred on that evening.

A. After supper I suppose I did my regular work, and my aunt came in and my uncle, and Mrs. Skellinger, Mrs. Wiley and Helen were there; Octavine was gone a while. I think she went to McCray's, in the neighborhood; she came back about half-past nine, and we suggested—I don't know who suggested it—that we should have ice

cream, and Octavine and Helen went around to Essen's and got some ice cream, came back and went out in the kitchen, sat there eating the ice cream, and that was all. After that we went to bed.

Q. What time did you retire that night?

A. About eleven.

Q. With whom did you retire?

A. Octavine.

Q. Do you recall any incident relative to a phone call that evening?

A. Yes.

Q. What is your recollection on the subject?

A. I said I was not off the porch. I was. I went in to the Glenwood. It was just about nine o'clock. It might have been a few minutes before or after.

Q. What took you there?

A. A phone call from Mr. McConnell from the Ebbett.

By the Vice Chancellor.

Q. What was going on at the Ebbett House?

A. It was this 24th. I told them I would come if I could, if my hand was able to play.

Q. For this Mademoiselle Gerard?

A. Yes, and I said if I was not there by nine o'clock don't look for me. Just about nine Marcy Ludlam, who keeps the Glenwood—at least he did last summer—told me I was wanted at the phone. So I went over and Mr. McConnell was there. I recognized his voice and asked if I could not come. I had made so many excuses to him in the afternoon that I could not come, that I finally said I have company. Then he said you can't possibly come? No, I said, I can't possibly come over to-night, and I went back home. In fact, I didn't get dressed.

Further direct.

Q. How long were you in the Glenwood?

A. I suppose it took five minutes from the time I left the porch till the time I returned.

Q. Apart from the time you were in the Glenwood, where else were you that night?

A. I didn't go to a place.

Q. That is, you stayed at your own home, 505 Hughes street?

A. Yes, sir; at my own home.

Q. What was the matter with your hand?

A. Well I don't know whether it was rheumatism, or whether it was caused by ironing. I used a liniment on it which helped it, and I stopped ironing for about a week and it got better. It has not annoyed me very much. At that time I had the house full, and it required a great many sheets and towels. I had to wash and iron, and in order to keep a fresh supply I had to do it.

Q. Did you do the washing and ironing?

A. I did that.

Q. You had no washerwoman to help you?

A. Only in my place, and Octavine, I had to do the other matter.

Q. Why were you expecting to go to the Ebbett House that evening; the concert was to take place at the Stockton the following evening, what was to occur at the Ebbett?

A. Just a little parlor concert. Mr. McConnell thought it was a nice thing, these singers were there and he thought it was very nice.

Q. Were you to be paid any price, or was the service rendered a voluntary one?

A. Just a voluntary one.

Q. If you can think of anything else that I have not covered, I think the Court will be quite willing to permit you to testify concerning it. Can you recall anything that has been testified to by any of the witnesses.

A. There was only one mistake, after I got home last week, I found a mistake I made in my testimony. You remember you asked me whether Carrie Hughes came to my house after she had heard that mumbling for two or three hours?

Q. Yes.

A. Well, she did, she was there last winter. Her brother Joe was to sing, and she came with her brother and Gertie, her sister-in-law, it was last winter she came. And that was in the spring of 1903, so it must have been after.

By the Vice Chancellor:

Q. Did the supposed mumbling, in which she said or thought you had participated happen in the spring of 1903.

A. Yes. sir.

Further direct.

Q. Is there any other statement you desire to put on the record?

A. I can't think of anything else.

Mr. Edmunds:—I think I have covered the ground. If it hereafter appears that I have not, I know the Court will indulge me to the proper extent, so I will hand the witness over for cross-examination.

By the Vice Chancellor:

Q. Have you been present all the time?
A. Yes, sir.
Q. Did you hear the charges made against you with the various persons with whom it is said you committed adultery?
A. I did.
Q. Did you, with any of those persons, ever commit the act of adultery?
A. I never did.

Cross-examination.

By Judge Carrow:

Q. How often have you sent notes, enclosed notes, that is notes enclosed in envelopes, by your daughter to Charles Doak to his place of business.
A. I never sent one, not even one.
Q. Now then did you send envelopes, notes enclosed in envelopes with your daughter and Bessie McCray,—you know Bessie McCray?
A. I do.
Q. And Bessie McCray to Charles Doak to his place of business?
A. I never did.
Q. Never sent one.
A. Never sent one.
Q. How long have you known Bessie McCray?
A. Ever since she has been a little girl.
Q. Is she in the court room?
A. She is right here.

Bessie McCray was directed to stand up.

Q. You say you never sent as many as one note?
A. I say it; I never sent one.
Q. Bessie McCray was intimate with your daughter, was she not?
A. And is.
Q. And is still?
A. Yes, sir.
Q. Did she ever stay at your house all night?
A. Lots of times.
Q. I ask you now whether on any occasion when Bessie McCray stayed at your house and slept in the bed with Octavine, your daughter, at about ten o'clock, or between nine and eleven, or at any other time in the evening, after you had put Octavine and Bessie McCray to bed and told them to go to sleep, whether in the room below or in one of the rooms on the first floor of the cottage, you entertained Charles Doak?
A. I never did.
Q. You remember on one occasion when you had put Bessie McCray and your daughter to bed that Linda Eldridge and Charles Henry and you and Charles Doak occupied the rooms below in the cottage, do you remember any such thing?
A. Charlie Doak and Charlie Henry were never there with Linda Eldridge in their lives.

By the Vice Chancellor:

Q. Never at your house on Hughes street?
A. Never, not once.

Further cross.

Q. That is your answer?
A. That is true.

Q. Do you say that Linda Eldridge and Charles Henry were not at your house?

A. Lots of times they have been there?

Q. Together?

A. Lots of times they have been there together,—not them, the two, I have been there too.

Q. I am speaking of those two.

A. Many times they have been there together.

Q. I ask you now whether on this night, about one year ago, in the absence of your husband, whether, after Linda Eldridge and the man Henry had gone from the house, you didn't entertain Charles Doak in the room below, after you had put these children to bed and told them to go to sleep?

A. No; I did not.

Q. But you say that it is so that Bessie McCray was there, and did frequently come there and sleep with your daughter?

A. Yes; lots of times she has done that.

Q. You say that what Mr. Farrow, Sr., says with reference to seeing you in a certain neighborhood going in the direction of the Doak barn,—you recollect what he said?

A. You mean the Chief?

Q. Yes; I ask you where you were that night, July 28th?

A. I could not tell you to save my life where I was on July 28th

Q. I ask you were you in the neighborhood or in the locality where the Chief says he saw you?

A. I don't know whether I was or not, I might have been.

Q. What would your errand have been if you had been there?

A. I might have been down at Mrs. Mary Ware's.

Q. If at any time of the night, in that locality, you had been in that neighborhood?

A. What time did he say?

Q. Any time that night; I ask you this, what would your errand have been at any time after dark?

A. The same as anybody else on the public highway, to walk the street.

Q. To walk the street?

A. I was probably going down to Mrs. Ware's.

Q. Did you cross any lots in that neighborhood?

A. No; I did not.

Q. Did you cross the Fasset lot that night?

A. I don't know where that is.

Q. Corner of Queen and Lafayette streets, opposite Harry Davis; did you cross that lot that night between the hours of eight and nine?

A. No; I didn't cross any lot.

Q. I will ask you again, if at any time on the night of the 28th of July last, between the hours of eight and nine o'clock, you were on Queen street?

A. I don't know whether I was or not, I don't know where I was on July 28th, I haven't any diary of the things that happened during the summer, I wish I had.

Q. But you do say that you crossed no lot on the corner of Queen and Lafayette?

A. I don't know where there is any lot there.

Q. Next to Joe Henry's house, did you cross a lot there that night?

A. No

Q. How many times did you say you met Charles Doak at Corgie and Jefferson?

A. I recall once.

Q. Is your memory so defective that you can only recollect one occasion?

A. That is the only time I recollect it.

Q. Did you meet him on the corner?

A. I think I did, just about the corner.

Q. Did you stand and talk with him on the corner?

A. I might two or three minutes, yes.

Q. Had you ever met him before there?

A. No.

Q. Did you meet him afterward?

A. I say I don't recall any other time; no.

Q. Now, if I understand you, this street, this Corgie street, is the last street from the ocean in the direction of West Cape May?

A. No, it is not.

Q. Don't it run the same as Washington?

A. It does exactly.

Q. Washington street is the central street of population and business?

A. Exactly so.

Q. Coming away from the sea the next street is Lafayette, is it not?

A. Yes, way off from the sea, one square from Washington street.

Q. It is one square further away from the sea than Washington street?

A. Exactly.

Q. This Corgie street is a square further away, is that between Lafayette and Washington?

A. Washington is between Lafayette and Corgie.

Q. Where is Corgie street?

A. To the right of Washington going down toward the landing from the city.

Q. Do you say, Mrs. Farrow, that Corgie street lies between Washington street and the Atlantic Ocean?

A. It does; it is a good bit nearer Washington street than the Atlantic Ocean because it is only one square from it.

Q. Where does it begin?

A. It begins at Franklin.

Q. Now, with reference to East or West Cape May, with reference to Sewell's Point or Cape May Point, which direction does it lie?

A. Toward Skellinger's Landing.

Q. Where does it begin?

A. Franklin and ends at Madison avenue.

Q. Tell us where Franklin is, is that above Ocean street?

A. Yes, one square above.

Q. Is that the little street on which Mr. Brook's stables are?

A. No stables on that street.

Q. Any stable on Corgie street?

A. Way back, way in the back there are stables.

Q. Is it the little street that goes off of Franklin street below Washington street, runs parallel with Washington street, beginning at Franklin street and running toward Sewell's Point?

A. Is Corgie the little street that begins on Franklin and goes to Madison avenue?

Q. Yes.

A. Yes, it is only two squares long, but it is just as wide as the rest of the streets.

Q. Do you say that street is thickly built up with houses?

A. On one side of Corgie street.

Q. Which side is that?

A. It is entirely filled with residences on the other side of the street, just what I am talking about is, the whole block, where one house is situated on the block, occupying the whole block.

Q. Whose house is that?

A. Mr. Dougherty's.

Q. And one house, with its lawn and trees and foliage, occupies the whole square?

A. It does.

Q. Now, in Jefferson street, is the gas tank anywhere near Corgie and Jefferson?

A. The gas tank is right alongside of those stables.

Q. And the stables are where?

A. About half a square down from Corgie, way in back.

Q. If I understand you, Mrs. Farrow, at Corgie and Jefferson there is one house which occupies a whole block; there are in that neighborhood—

A. I did not say that.

Q. Didn't you say that?

A. I didn't say right by Decatur.

Q. I didn't say that, I say at Jefferson and Corgie there are stables?

A. Not on the corner.

Q. I didn't ask you on the corner, but in the neighborhood, are there any stables?

A. What do you call in the neighborhood?

Q. I thought you said they are there on Jefferson?

A. I said about a half block away.

Q. All right, then, then there is a gas tank?

A. Yes, right alongside of those stables.

Q. Now, Mrs. Jefferson says that in that neighborhood she saw you on twelve different occasions after dark, in conversation with Charlie Doak; what is your answer to that?

A. I answer that it was not true, I don't believe she said in that neighborhood, she said under that light, that is what she did say, but I was not even under the light.

Q. You know Mrs. Jefferson?

A. Yes.

Q. How long have you known her?

A. Since she washed for me.

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By the Vice Chancellor:

Q. Is she the colored woman who said she lived at your house?

A. No.

Q. How long has she known you?

A. Since then.

Q. Is she not an old resident of Cape May?

A. Indeed, I don't know; no, I don't think she is; no, she is not.

Q. On another occasion a boy by the name of Walter Church—do you know Walter Church?

A. I do.

Q. How long have you known him?

A. From the time he was born.

Q. Does he know you?

A. He does.

Q. Do you know the Wilson boy?

A. Yes, sir.

Q. What is his name?

A. LeRoy Wilson.

Q. How long have you known him?

A. Since he was a little fellow; he is not very big now.

Q. Now, they say on an occasion, or rather Walt Church says that on an occasion he and LeRoy Wilson saw you go into the Camden Bottling Office, the office of that Camden bottling concern, or store, saw you come out and go down an alley, saw you there with a man, saw you afterwards come out of another alley through which this alley led, and that you and the man—they recognized the man as Charles Doak and you as the

woman, Ethel Farrow. They say you took Charles Doak's arm, walked across the street, over on the lawn, across the lawn of the Congress Hotel Company; they followed you from then down to the beach?

A. My answer is that I was not there.

Q. Do you know Mr. Gibson, in Cape May?

A. I have seen Mr. Gibson.

Q. Do you know Mr. Lewis C. Gibson?

A. I do.

Q. How long have you known him?

A. Several years, I don't know how long.

Q Did you have a conversation with him last Friday night after the trial in this room?

A. I don't recall it; tell me what it was, if I did I will say so.

Q. Did you meet him on the street and in the presence of other people say, "Your mother-in-law is the biggest liar in Cape May?"

A. I think I did tell him that one day, I think—

Q. That is all.

A. I think I did. I will say it now.

Q. Do you mean to say that except on the occasion you have mentioned, a single time, at Corgie and Jefferson streets, that you never met Charles Doak on the street at night after dark, and either walked or talked with him?

A. On any street?

Q. Yes, alone?

A. On any street, I talked with him lots of times on the street.

Q. Where?

A. Washington street, Decatur street.

Q. After dark did you ever walk with him?

A. I might, I don't recall that I have; I might have walked down Washington street. Very likely I have.

Q. When was that?
A. I never made note of it.
Q. Last spring?
A. I haven't since Will left.
Q. Before Will left?
A. Yes, I expect I have.
Q. Clear up to the time he left?
A. Very likely.
Q. You walked and talked with this man?
A. Very likely I did.
Q. Whom your husband had cautioned to keep away from your house, if I understand you?
A. I am mistaken that it happened clear up to the time he left—clear up to the time that he objected to him coming around.

By the Vice Chancellor:

Q. You are asked whether you did it after your husband had forbidden you from seeing him at your house?
A. No, I did not then.

Further cross.

Q. Do you recollect an occasion when Bessie McCray was at your house, you went to the door and held a conversation with Harry Oliver, and after he had left you told Bessie McCray and your daughter that while he was there talking to you something had stung him on the thumb. Do you remember any such occurrence?
A. No, I don't, tell me more about it; maybe I can.
Q. I will ask you another question then: Is it not the truth that clear up until the time of the separation between you and your husband, that on frequent occasions during the absence of your husband, while Bessie

McCray was visiting your daughter in the house that you entertained Charles Doak?

A. I did not.

Q. You say that never occurred once?

A. While Will was away aboard the boat?

Q. Yes, at night?

A. I say it never occurred once.

Q. Did you have a conversation with Walter Church on Thanksgiving Day?

A. I was away on that day, Thanksgiving Day.

Q. You were away?

A. Yes.

Q. You had no conversation with Walter Church on Thanksgiving Day?

A. No.

Q. Do you recollect on any day recently having a conversation with Walter Church in regard to his testimony, only after court the other day? I mean before that?

A. No.

Q. When he came to your house for an order for Crawford's store?

A. I did not, never talked to him anything about it.

Q. Did you ask him on that occasion when this boy was there at your house to get the order for groceries, whether or not he knew anything about you, whether he and LeRoy Wilson had followed you on the night that they had testified?

A. I did not; I will tell you what I did say.

Q. You did talk with him about it?

A. Not about this case, my affair was not mentioned to him.

Q. Didn't this Church boy then tell you exactly what he told on the witness stand?

A. No indeed, he didn't.

Q. That he saw you go into the bottling place, saw you come out, saw you go in the alley back, go out of the alley, and go across?

A. He did not.

Q. Didn't you say to him if you swear to that I will swear that it is a lie, and he said you can't do that, because LeRoy Wilson was with me when it occurred?

A. LeRoy Wilson's name was not mentioned or anything of the sort.

Q. What did he say to you?

A. I will tell you just exactly what was said. He had been with a girl and had her down by the Stockton, and my friend, Mrs. Eldridge, in company with another lady—

Q. About the conversation?

A. This has got to be brought in in order to tell you about it.

Judge Carrow:—I object to that.

The Vice Chancellor:—Counsel sought to draw an admission from the witness in the nature of a recognition on her part of a conversation said to have taken place between her and the Church Boy. She said she had an explanation to make, which the counsel at first refused to take. The witness is now asked what was said to her. Her answer should not be interrupted because it may not suit the examining counsel.

Judge Carrow:—She is detailing no conversation.

The Vice Chancellor:—I think she is entitled to give to the Court the position of the parties with relation to the conversation asked for, so that what was said may be properly understood.

A. (Continuing.) In company with another lady was walking down and they saw Walter with this girl, and she, Linda, thought it was her daughter, and made up her mind that they would follow, because she told me about it. She came to find out it was Walter with this girl, and when he was at my house I was asking him about it. I said, "You are a great one," just kind of goading him. He said, "That is all right, I might say something, too." Now what the something is, or what he has told here, that is all that was said.

By the Vice Chancellor:

Q. In the conversation between you on that occasion was the "something" defined and referred to?

A. No, except in the general way that I have stated, just about such a way as that.

Further cross.

Q. That was all there was?

A. That was about the amount of it. I can't say it was every word, it was about the amount of it. Nothing was said in reference to this case.

Q. Do you know Linda Eldridge?

A. I do.

Q. How long have you known her?

A. From a little girl.

Q. Is she married or single?

A. Married.

Q. What is her husband's name?

A. Daniel.

Q. Is she living with her husband?

A. Yes.

Q. Where does she live?

A. Lafayette street.
Q. What is the number?
A. I don't remember.
Q. Does she live next door to Miss Hughes?
A. Yes.
Q. Is she in the court room?
A. Yes.
Q. Has she been here every day since the trial began?
A. Yes, you subpœnaed her.
Q. Has she been on the stand yet?
A. No.
Q. Was she with you in the back part of the house on the night when Mrs. Williams, her neighbor, says that she saw two men jump over your fence and go in your back door?

The Vice Chancellor:—You mean the back part of Mrs. Farrow's house?

A. Was she with me when the men came in?
Q. Yes.
A. The men didn't come in, she might have been in the house, she has been lots of times, but no men came in.
Q. The men didn't come in that night?
A. No, didn't come in any night.
Q. I ask you again, Mrs. Farrow, whether on any occasion, either during the day or night, you ever met Charles Doak in West Cape May?
A. I never met him there, day or night.
Q. You and Linda Eldridge are very intimate friends, are you not?
A. Very intimate?
Q. Yes.
A. She comes to my house.

Q. And has been coming to your house right along here down to now?

A. Yes, sir.

Q. Was she in your house yesterday?

A. No.

Q. Were you in her house yesterday?

A. No—yes, I was there yesterday.

Q. You were at her house?

A. Yes.

Q. She was at your house on Saturday?

A. No.

Q. You have been coming and going together in the train ever since this case has been going on?

A. No, we have not.

Q. Taking lunch together?

A. We have.

Q. She has been sitting with you and with your friends and witnesses during the progress of this trial has she not?

A. I don't know who my friends are, I could not tell you whether they are my friends or not.

Q. That is all.

Re-direct.

Q. You say that Mrs. Eldridge has been in the court room constantly, and I understand you to say under subpœna of Judge Carrow, is that correct or not?

A. That is correct:

Judge Carrow:—If she said that I move it be stricken out; she has no information.

A. I have seen the subpœna.

The Vice Chancellor:—I do not think it should be stricken out, if she saw the subpœna that is evidence. The subpœna may be produced if there is any question.

(Mr. Edmunds called upon Mrs. Eldridge to produce the subpœna.)

By Judge Carrow:

Q. Do you say it is in my handwriting?

A. I don't know your handwriting, I saw the subpœna.

Q. Why do you associate my name with it?

A. You are counsel for Mr. Farrow. I should think you would have considerable to do with it. I haven't heard anybody else say a word, I haven't heard Mr. Eldridge say a word.

Mr. Edmunds:—I hand the Mr. Carrow a subpœna dated November 16, 1904, and ask him whether he will admit that to be the subpœna served upon Mrs. Eldridge in this case; if not, I will offer formal proof of it.

Judge Carrow:—I don't see that I am called upon either to admit or deny it, I refuse to do either.

Further direct.

Q. I hand witness a subpœna bearing date the sixteenth day of November, the subpœna produced is on the ordinary printed form of subpœnas of this court, and appears to notify Linda Eldridge to appear and testify in this cause here, and is tested as of the sixteenth day of November, 1904, by the hand of Howard Carrow, solicitor, E. C. Stokes, clerk, and is marked Exhibit D

New Jersey State Library

2. Being shown witness, she is asked where she first saw that subpœna and when?

A. I can't tell you the exact date, but I heard that she had been subpœnaed in this case; I was over there talking to her and I said, "Linda, I would like to see one of those things, I never saw one." She said, "I will get it for you." I don't remember whether she got it or whether one of the children got it for me.

Q. Is this the subpœna you looked at?

A. Yes, sir.

Q. Did you know prior to coming to court on the 23d of November, 1904, that Mrs. Eldridge had been subpœnaed by counsel for the other side?

A. Yes, sir.

Q. Do you know of your own knowledge whether or not her presence here during the past four or five days of the trial in this case has been under your subpœna or under subpœna of counsel for the complainant?

A. Counsel for the complainant, I know that.

Q. What do you base your knowledge on?

A. From what she has told me, she said she was coming to court because she was subpœnaed by Mr. Farrow.

Q. Just one other question. During the home relations between your husband and yourself, and prior to the 6th of April, 1904, did you ever give him any presents?

A. Any what?

Q. Any presents?

A. To Will?

Q. Yes.

A. Did I ever give Will Farrow a present?

Q. Yes.

A. Why, certainly.

Q. Did you give him a ring at one time?

A. Well, yes, a Christmas present you mean?
Q. Yes.
A. Yes.
Q. What kind of a ring was it?
A. A diamond ring.
Q. On the occasion when he took from you your jewelry, did you undertake to take from him the ring you had given him?
A. No.
Q. Have you ever demanded from him the ring which you gave him?
A. No.

Re-cross.

Q. Did you suppose that Linda Eldridge would be called as a witness for the complainant in this case before you had any knowledge in regard to this subpœna?

Mr. Edmunds:—The suppositions of the witness are of no advantage here.

The Vice Chancellor:—I do not see what fact is to be disclosed by the reflections of the witness on this point. It is possible that her mental conception may have something to do with the case, but I do not see that it has.

Question overruled.

Q. Did you know that Mrs. Eldridge had made an affidavit when this divorce suit was begun against you in which she swore that you and Charles Doak went up to the front bedroom in the second story of her house in the month of May, 1903, and that you committed adul-

tery there; did you know that she had made an affidavit before you knew about this subpœna?

Mr. Edmunds:—That is a very cowardly way of undertaking to get something in—

Judge Carrow—I won't stand for that—

Mr. Edmunds:—I withdraw the word cowardly, but it is a very indirect and impertinent way to get what might be and might not be a pertinent fact, on the record. The witness is asked whether some third person did something; if some third person did something, which is evidence of that which that person did, that person could be brought here in a direct and straightforward way and be a witness. If it could be made to appear that anything that Mrs. Eldridge did was done with the assent of this witness, there might be some force in that question, but I submit this record ought not to be burdened with any such question. If Mrs. Eldridge has done that, she is here in court, let her go on the witness stand. I submit it is not fair.

The Vice Chancellor:—I do not see what relation the knowledge that this witness has subsequent to the time that this suit was commenced, touching what some other person declared, by affidavit or otherwise, with relation to the incidents which were then pending in this suit, has to the case. If I take the testimony of this witness as to whether she knew whether Mrs. Eldridge had sworn with relation to these charges, then I will have to go into an inquiry as to whether she did or did not know. I do not see that it has anything to do with the case. It does not establish a fact or the admission of a fact. If it is predicated on that and the question be asked whether

this witness did not make any admission or statement, it may have some pertinence. But it is a question whether she knew some witness had taken an affidavit adversely to her.

Judge Carrow:—We accuse this woman of adultery; she pretends she was innocent of all knowledge of the accusations—

The Vice Chancellor:—I did not understand it so. On the contrary, the proof shows this woman has understood that she was under the most intense accusation and scrutiny. Her testimony and the testimony of everybody else shows that she has been acting with the knowledge that she was accused. There is no attitude in which this woman has denied or claims to deny that she did not know she was accused, ever since her husband left her. All the case goes to show that her husband and those of his mind have maintained their accusations with vigor, and she claims that her conduct has been open and aboveboard in denial. It may be true that she was not frank and candid, but there was no pretence that she has claimed that she was not aware of the fact that she was charged. She did know that undoubtedly, the proof is clear. So that proof which is predicated on the assumption that her attitude is that of one who never even suspected that she was charged with this crime, is unnecessary. There is no such proof. I think the question seeks rather to introduce in this fashion the contents of an accusing affidavit which if presented directly would not be admissible. I overrule the question.

Q. That is all.

Mr. Edmunds:—We offer in evidence Exhibit D 2, marked by the Court, the subpœna dated November 16,

1904, directed to Linda Eldridge. Marked Exhibit D 2.

Defendant rests.

BESSIE MECRAY, sworn for complainant in rebuttal.

Direct examination.

By Judge Carrow:

Q. Where do you live?
A. 215 Decatur street, Cape May.
Q. What is your father's name?
A. John Mecray.
Q. What is your mother's name?
A. Eunice Mecray.
Q. How old are you?
A. Fourteen in January.
Q. Do you go to school?
A. Yes, sir.
Q. Do you know Octavine Ware?
A. Yes, sir.
Q. Do you know Mr. Farrow, the complainant in the case?
A. Yes.
Q. Do you know Mrs. Farrow?
A. Yes, sir.
Q. Did you ever visit the Farrow's?
A. Yes, sir.
Q. Who was your friend there, Octavine?
A. Yes, sir; Octavine.
Q. Did you ever stay there all night?
A. Yes, sir.

Mr. Edmunds:—I gather from the character of the cross-examination of Mrs. Farrow that an endeavor is here to be made by counsel for the complainant to go into the question of occurrences at the home of Mrs. Farrow prior to the inception of this divorce proceeding. I haven't any objection to any witness whose testimony relates absolutely to what the court recognizes as rebuttal, but I object to any testimony from this or any other witness in rebuttal which related to the main charge which the complainant has sought to maintain in this case. My position is that it was the recognized duty of counsel for complainant to face the defendant with every charge that the complainant thought fit to urge, before they closed their case. If the testimony of this witness is to open the field of the alleged adulterous desire of the defendant or the alleged adulterous acts of the defendant, I say that on that branch of the case the hour is entirely too late.

The Vice Chancellor:—I agree with the statement of the law as to the proper mode of conducting a case, which is made the basis of the objection of the counsel for defendant. Up to the present time I have not seen that the testimony has progressed beyond the possibility of what may be a simple contradiction, and, therefore, admissible in rebuttal. I will say to Judge Carrow, however, that the opportunity for the complainant to present his primary case has gone by with the closing of his testimony.

Judge Carrow:—It will be in rebuttal.

The Vice Chancellor:—The complainant may not reserve evidence which goes to show the essential facts upon which he carries the burden of proof, until the defendant goes on the stand, and may not then ask her as

to the happening or non-happening of some fact, which, if it has been produced in the complainant's principal testimony, would have been either admissible to show disposition to or the commission of an act of adultery, and, having drawn from the defendant when on the stand a denial of the happening of that fact, subsequently offers them apparently in contradiction, but really in support of the complainant's main case. It is the duty of the complainant to make his main case, and close his main case, and after that simply rebut such testimony as the defendant may offer in refutation of that main case. The complainant may not make his main case over again by testimony previously admissible as part of the main case, offered apparently as contradiction. I will admit this question because it does not yet appear to be the introduction of a fact admissible as part of the complainant's main case.

Q. When you were at the Farrow house at night, as you say, do you recollect any occasion when Charles Doak was there?

Objected to.

The Vice Chancellor: — I will admit that, I think Judge Carrow, in order to enable the Court to distinguish whether this testimony is admissible or not, you ought to ask this young lady what the time was when this incident she was about to relate happened.

Q. When was it?

A. I stayed there most all my life.

Q. But you remember the occasion when Mr. Doak was there, about a year ago?

A. About, over a year ago.

Q. Was it before or after the separation between Mr. and Mrs. Farrow?

A. Before.

Q. Who else was in the house besides Charles Doak?

Mr. Edmunds:—I will object to this. The Court has my thought. If the Court thinks that the time has arrived for the application of the principle very clearly announced by the Court, I will be submissive; if the Court thinks it is premature, I will still be more submissive.

The Vice Chancellor:—What do you propose to prove by this witness?

Judge Carrow:—I want to prove by this witness that on a night about a year ago, before this separation occurred, during the absence of Mr. Farrow, this child was visiting Octavine Ware, the daughter of the defendant, and about ten o'clock in the evening these two children were put to bed by Mrs. Farrow and told to go to sleep, that she then went downstairs and entertained Charles Doak; that this child and Octavine Ware, her daughter, sat at the register and listened, and heard the defendant and Charles Doak in conversation in the room below.

The Vice Chancellor: Was this made the subject matter of reference in any of the pleadings?

Judge Carrow:—No, sir; it is not one of the occasions that we say show a specific act of adultery.

The Vice Chancellor:—What is claimed now is to prove disposition to commit the crime of adultery.

Judge Carrow:—Yes; we didn't know what Mrs. Farrow would say, and I will say now with all our diligence, we never discovered this testimony, or I never knew anything about it until this morning.

The Vice Chancellor:—Obviously this is an effort on the part of the complainant at this time by the testimony of this witness to prove one of the numerous acts, which were properly presentable as part of the complainant's main case to show disposition toward the perpetration of the crime. It is brought here, however, under the cover of the claim that this is in contradiction of the defendant's testimony. Every incident of the married life of the defendant may have been made the subject matter of cross-examination, and if the cause now taken be permitted, every denial the defendant may have made touching her predisposition to the perpetration of the crime of adultery may, by this method, be presented in contradiction. The whole case of the complainant might, if this principle which is here sought to be enforced is accepted and applied, be held back until the defendant denies it on the stand and then be offered under the claim that it is contradiction. While it is obvious that the purpose and object of the complainant is not to contradict the witness, but to present a reserved portion of the main case against her, to show her predisposition to commit the crime of adultery. I think the principle is quite clear that the testimony sought by this question and opened by the complainant's cause is not in the proper sense contradiction. It is the making of the complainant's main case which ought to have been made before, more particularly as the incident is narrated to have happened before the suit was commenced. I will overrule the question opened by the complainant seeking to introduce this evidence.

Q. Did you ever see, while Mr. and Mrs. Farrow were living together, before the separation, did you ever see Mrs. Farrow hand notes, enclosed in envelopes, to Octavine to be carried, to be delivered to Charles Doak, and did you go along with Octavine and see her deliver those notes to Charles Doak at his store?

Mr. Edmunds:—My objection relates to the same principle.

The Vice Chancellor:—It is probably objectionable on the ground that it is not a contradiction; there has been no proof covering these subjects as asked by the question.

Judge Carrow:—I asked her that question. I asked the defendant on the stand whether or not she had sent her daughter and Bessie Mecray with these notes to Charlie Doak, and she said no.

The Vice Chancellor:—You are by this question asking this witness much more than Mrs. Farrow denied. You have involved in your inquiry that which was not asked of the defendant.

Question withdrawn.

Q. I ask you now whether you saw the defendant in this case, Mrs. Farrow, while she and her husband were living together, hand to Octavine notes directed to Charles Doak, with the instructions that she, Octavine, and you go and deliver the note or notes to Charles Doak, and whether or not you and Octavine went—

The Vice Chancellor:—Why not stop at that place, and

do not have the question involving so many different incidents?

Judge Carrow:—All right.

Q. Did you see Mrs. Farrow hand any notes to Octavine Ware?

Objected to on the same ground.

The Vice Chancellor:—I will allow Judge Carrow to get in the offer so that he shall have the benefit of any mistake that I may make. I understand this question is part of the proof which you opened to the Court a few minutes ago, of your intention to contradict the defendant touching the sending of notes.

Judge Carrow:—I haven't opened it up to your honor yet.

The Vice Chancellor:—You have asked the question, anyway I will admit the question whether the little girl presently on the stand saw the defendant give notes to Octavine.

Q. Did you see the defendant give a note to Octavine?
A. Yes, sir.
Q. What did Octavine do with the note?

Objected to.

The Vice Chancellor:—That does not seem to contradict anything proven by defendant.

Q. Who was the note to?

Objected to.

Q. Who was the note directed to?

Objected to.

The Vice Chancellor:—It has not been proven that the witness saw to whom it was directed.

Q. Did you see the directions?
A. I didn't see who it was directed to, I saw her give it to her.
Q. Did you hear Mrs. Farrow say anything, did you hear anything said in regard to whom the note should be delivered?

Objected to.

A. No, sir.
Q. What was done with the note?

Objected to. Question overruled.

Q. Did you on any occasion take a note, or did you go with Octavine Ware when she was conveying a note from the defendant, Mrs. Farrow, to Charles Doak at his place of business on Washington street in Cape May?

Objected to.

The Vice Chancellor:—The question is overruled for the reason above stated that the testimony is of a character which should have been introduced as part of the main case of the complainant, and if I open the case for such

proof, I shall have to open it for the defendant to rebut this new proof, this will be impracticable for it would amount to a re-trial of the case.

I will ask you whether on any of the occasions while you were at the Farrow house, stayed there at night, during the absence of Mr. Farrow, while Mr. and Mrs. Farrow were yet living together, before the separation, whether or not you ever saw Charles Doak at the house?

10

Objected to.

The Vice Chancellor:—The defendant introduced in rebuttal of the claim that the association of the defendant with the man Doak was criminal, testimony as to his visits at defendant's home. The denial of improper visiting has been as broad as possible. I think it is admissible to prove in rebuttal that Mr. Doak did visit the house, as it may show the innocence of the visits.

20

Mr. Edmunds:—Is the Court under the impression that no evidence was offered by the complainant in this matter?

The Vice Chancellor:—No, but the denial was broader than the evidence of the complainant. She has denied that Doak ever visited the house since her husband told him not to come. I will admit the question.

A. Yes, sir.

Q. When?

30 A. Lots of times I saw him there, about a year ago, over a year.

Q. Do you recollect when the separation occurred between these parties. I don't mean the day, do you know about when it was?

A. Yes.

Q. When was it?

A. It was about, a little, not quite a year ago.

Q. Was it before or was it after; was it about the time or near the time of the separation when you saw Doak there?

A. It was about, near the time.

Q. Near the time of the separation?

A. Yes, sir.

Q. How many times did you see him there?

A. I seen him there lots of times.

Q. Would Mr. Farrow be home?

A. No, sir.

Q. Was it in the day time or in the night time?

A. Night time.

Q. Do you recollect anything occuring; anything that Mrs. Farrow said or did with you, on any occasion when Charles Doak was there?

Objected to.

The Vice Chancellor:—I do not know that that is in contradiction of anything that was introduced by the defendant, or which was introduced by the defendant as rebutting proof on their part. I cannot see that it relates to anything of that kind and for that reason I overrule the question.

Judge Carrow:—I would like to make an offer here.

The Vice Chancellor:—I think you had better ask questions, I can not rule a testimony on an offer.

Q. I want to ask you on any of the occasions that you have mentioned prior to the separation of these parties, whether or not on any of these occasions at night about

ten o'clock, you and Octavine were not put to bed by the defendant, Mrs. Farrow, and told to go to sleep, that she had something she wanted to do downstairs, and said she was going downstairs to fix fires, and going to bed herself, and she disrobed, and went downstairs, and while she was downstairs, you heard talking between some men and her, and you and Octavine, her daughter, went to the register to listen and find out who it was and that you heard the voice of Charles Doak down there and Mrs. Farrow?

Objected to as not rebuttal and leading.

The Vice Chancellor:—Mr. Carrow, this witness is called by you. To narrate a set of various circumstances in this way to your own witness and ask her whether the facts you state are not true, is leading and suggestive in the last degree. Obviously the framing of this question is improper.

Q. I will ask you whether on any of these occasions, when you say Charles Doak was at the Farrow house he was there in company with the defendant after you and Octavine had gone to bed?

Objected to.

The Vice Chancellor:—I think that is within the principle previously stated by the Court, a fact which was provable and ought to have been proved in making the main case of the complainant, to show disposition on the part of the defendant to the commission of the crime of adultery with the man Doak, and the testimony ought to have been then submitted. Under the objection I am not justified in taking it. Question overruled for that reason.

Q. Were you at the house at any time of Mrs. Farrow's when Harry Oliver called there?

A. Yes, sir.

Q. When was that.

A. That was about a little over a year ago, but I didn't see him; Mrs. Farrow told me that he was there.

Q. Did she say anything else about him?

A. She said that he was standing at the door talking to her and something stung his finger; that is all she said.

Cross-examination.

By Mr. Edmunds.

Q. Your home is just around the corner from Mrs. Farrow's home?

A. Yes, sir.

Q. You have always been kindly treated by Mrs. Farrow, haven't you?

A. Yes, sir.

Q. You and Octavine are on quite intimate terms?

A. Yes, sir.

Q. And your parents know that you visit Mrs. Farrow's home, do they not?

A. Yes, sir.

Q. They have known since these proceedings started that you were visiting Mrs. Farrow's home?

A. Yes, sir.

Q. They have never objected to your going around to Mrs. Farrow's and spending time with Octavine?

A. Not since this thing happened.

Q. You have been doing that since this thing happened?

A. Not as much as I used to.

Q. Who plays for you at the cantata at the different entertainments; who trains you for singing at Cape May City?

A. Now?

Q. Yes.

A. I haven't any one particularly that trains me, but Mrs. Edmunds trains me when I have one.

Q. Who trained you before that?

A. Mrs. Farrow.

Q. Up to what time did she train you?

A. Till Mr. Farrow left.

Q. Has she not taught you since then?

A. No, sir.

Q. Are you sure?

A. Yes.

Q. Did she teach you for the cantata last August?

A. Mrs. Georgianna Edmunds played.

Q. Didn't Mrs. Farrow teach you?

A. The first part of it, but not the last part.

Q. Where did Mrs. Farrow give you instructions for that cantata, at her home on Hughes street?

A. The Presbyterian Church.

Q. She has been giving music lessons to your sister until a very recent moment?

A. Yes, sir.

Q. And your parents have known of this?

A. Yes, sir.

Q. Is it not true that your sister did not commence to take music lessons of Mrs. Farrow until after Mr. Farrow had left her?

A. I don't really remember when she did start it.

Q. It may be true, however?

A. Yes, sir.

Q. That is all.

LEROY WILSON, sworn in rebuttal for complainant.

Direct examination.

By Judge Carrow:

Q. Where do you live?
A. Cape May City.
Q. What is your father's name?
A. Stephen Wilson.
Q. How old are you?
A. Sixteen.
Q. Do you go to school?
A. Yes, sir.
Q. Do you know Charles Doak?
A. Yes, sir.
Q. Did you have a conversation with Charles Doak in reference to your testimony on this trial?

Mr. Edmunds:—I think we ought to have an offer of what he proposes to prove.

The Vice Chancellor:—I cannot recall that anything was asked of Doak, regarding the conversation.

Judge Carrow:—On the first page of Doak's testimony I asked him this question, "Do you recall seeing LeRoy Wilson in the month of July last in Cape May City and asking him if Farrow had ever said anything to him concerning the time he and Walter Church followed him." Answer, "No, sir." Question, "You didn't say that?" Answer, "No, sir; not that." Question, "What did you say to him." Answer, "I asked him if Will Farrow had ever said anything to him." Question, "What did you

have reference to him, saying anything about what?" Answer, "The boy knows himself."

The Vice Chancellor:—You mean to the extent that the question was put to Doak and he denied it or said he didn't recollect it; you may ask this witness whether Doak did not on such an occasion say so and so. What is asked now is whether he didn't speak with reference to the testimony at the trial.

Judge Carrow:—That is a preliminary matter.

Q. Any time during the last fall or summer, did Doak meet you anywhere in Cape May, and ask you if Farrow had ever said anything to you about the time you and Walter Church had followed him?

A. He said to me—

By the Vice Chancellor:

Q. No, did he meet you?

A. Yes, sir.

Q. And spoke to you about that subject?

A. Spoke to me.

Further direct.

Q. What did he say to you?

Mr. Edmunds:—Objected to. I object not so much on the ground as to whether or not the foundation for rebuttal testimony has been technically laid, but I say it is part of the complainant's case in chief. It seems to me it is clearly the duty of the complainant's in this case to lay before the Court in its main case every fact which

can possibly be of a convicting character, and through the offer of so-called rebuttal, the effort is here made to simply have an endless chain, and bring the parties back time and again and prevent the close of the testimony in this case.

The Vice Chancellor:—I do not think this is of that class, if the question is properly framed. If it is properly framed it is whether Mr. Doak did not in that conversation with this witness say something touching the issue here presented, which on the stand he denied he said; but it is not proving a new incident. It only proves, if the question is properly framed, that Doak did say that which he denied he said. I am quite sure that a proper question, which is properly admissible at this stage of the case, may be framed to ask this witness whether Mr. Doak did not on the occasion named say something different from what he on the cross-examination said he said. As it stands I think the question is admissible except that Judge Carrow has altered the time slightly by broadening it.

Judge Carrow:—I can strike that out.

The Vice Chancellor:—Make it the month of July, and I think it is clearly admissible. You may reframe the question and ask this witness whether he, Wilson, did not converse with Doak in July last in Cape May City, and whether Doak didn't ask him whether Farrow hadn't ever said anything to him concerning the time he and Church followed Doak. Do you recall such a conversation?

A. Yes, sir.

By the Vice Chancellor:

Q. Did he on that occasion ask you if Mr. Farrow, the complainant in this suit, had ever said anything to you concerning the time when you and Walter Church followed him, Doak?

A. He did not say the time; he said had Will Farrow ever said anything to me.

Q. That is what Mr. Doak said to you?

A. Yes, sir.

Further direct.

Q. In regard to what?

A. He didn't say in regard to what; that is all he said.

Q. Have you given us everything he said?

A. Yes, sir; that is all he said.

Q. That is all.

Mr. Edmunds:—No cross.

Judge Carrow—I want to ask you another question; come back.

By Judge Carrow:

Q. Are you the LeRoy Wilson that Walter Church said was with him on the occasion he says he followed the defendant and Charles Doak?

Objected to on the same ground.

The Vice Chancellor—Of what significance is it?

Judge Carrow:—To show that it has some identification with the transactions involved in this controversy, that the witness, is not a stranger, who had no relation to any of the facts in the case. I am not going to ask him what he saw, but merely to prove that he is the LeRoy Wilson referred to by Walter Church.

Objection withdrawn.

The Vice Chancellor:—Whether you are the boy that was with this other boy when he saw Mrs. Farrow?

A. Yes.

WILLIAM FARROW, JR., re-called in rebuttal on the part of the complainant.

Direct examination.

By Judge Carrow:

Q. On the morning after the separation between you and your wife, or at any other time after that separation did you offer Harry Oliver $300, or any other sum of money, or any jewelry?

A. No, sir; never.

Q. Was any money or any jewelry ever the subject of any conversation on that occasion or any other occasion after the 7th of April between you and Harry Oliver?

A. None whatever.

Q. Did you have the jewelry with you on that occasion?

A. No, sir.

Q. What had you done with it?

A. I gave it to my father.

Mr. Edmunds:—Mr. Oliver didn't say that any diamonds or jewelry were offered; he simply said he was tendered cash—

A. He did; he even mentioned the kind of box they were in.

Mr. Edmunds:—I am simply referring to the testimony of Mr. Oliver. I don't recall that any diamonds were offered to him. He said he was simply offered a consideration by this witness.

The Vice Chancellor:—It is impossible where so many witnesses are called for me to carry in my mind all of the evidence. It seems to me at the same time counsel on the respective sides insist upon their rcollection—

Mr. Edmunds:—I don't insist upon looking up the record.

Q. Did you go to the residence or to the home of your wife after the beginning of this suit?

A. Never; haven't been there.

Q. Did you ever go to her house except the one occasion that you said when you went there for your clothes?

A. Never; if I had listened to her uncle—

Q. Just wait a moment, on any occasion did you put your arm around your wife and say, "I hardly believe this?"

A. Never; she knows I did believe it.

Q. She says that in reference to the grass which you say you found on her hair and back, that there was only one piece of stuff, and that was excelsior, not grass. I want to know now whether there was any excelsior on her or whether it was grass?

Mr. Edmunds:—The witness was examined and cross-examined on this very point.

The Vice Chancellor:—But the question of excelsior was introduced by you on your defense and has not been touched upon by this witness. When he gave his testimony he said the object on the dress was grass or something of that kind. She says it was in fact on her dress, but it was not grass but excelsior, which she claims she picked up by sitting down in the parlor. This is a new element which you introduced, and the testimony so far as it addresses itself to the contradiction of the fact that there was any excelsior there is admissible.

A. There was dead grass and part leaves, there was no excelsior about it.

Q. Was there any excelsior in the house?

A. Not to my knowledge; there might have been some; I didn't know it.

Q. Do you know the difference between excelsior and grass?

A. I think I do.

Q. And she says there was but a single piece of this excelsior?

A. Her eyesight must have been a little bad.

Q. What is the truth of that, how many pieces were there of the grass?

A. I don't know; she was full of it, the whole back of her dress and up in her hair.

Q. And she says this was down on her dress, a single piece; it was green stuff that came in some toy; is that so or not?

A. It is not so.

Q. Mr. Perry Edmunds says that the day following

the separation he came down to Cape May; do you recollect seeing him that day?

A. Yes, sir.

Q. And that you told him that Mrs. Hughes had told you some things in regard to the defendant; did you tell him?

A. I did.

Q. Did Mrs. Hughes tell you what you told him?

A. She did.

Mr. Edmunds:—I ask that the answer be stricken out, for whatever Mrs. Hughes might have told this witness, apart from the presence of the defendant, I can't see how it can be of any advantage. As to the examination of this witness at Mrs. Hughes' home, when Perry Edmunds went to see her in company with the defendant and the complainant, I have no objection.

The Vice Chancellor:—I cannot see how what Mrs. Hughes told the witness, even if she afterwards denied it, is admissible in rebuttal. The witness has already been examined and cross-examined on the point. Mr. Edmunds is brought here, and testifies that this witness, Farrow, told him something which Farrow said Mrs. Hughes had told him. It is not proposed to show that Farrow did not tell Mr. Perry Edmunds that Mrs. Hughes had narrated this incident, but what is now asked is whether Mrs. Hughes told Farrow. That is not contradiction. I cannot take what Mrs. Hughes told Farrow, nor Farrow's statement that she did tell him. It is conversation which took place between Farrow and Perry Edmunds which the complainant has a right to contradict. I think the question as asked is clearly admissible. I understand the question relates to the conversation which took place in the presence of Perry Edmunds, Mrs.

Hughes, and this complainant now on the stand. I think it is admissible.

Question withdrawn.

Q. At any time after the separation, when you were in the company of Perry Edmunds on the train coming from Cape May to Philadelphia, or anywhere else, did you ever say to Perry Edmunds that you didn't believe the statements affecting your wife's virtue?

A. Never did, nor to her grandmother or uncle or none of them.

Q. Did you ever meet your wife in Cape May after the separation, walk with her at night, with your arm around her, and say that you were being forced on to this thing, that you didn't believe these things but that you were being led into these accusations?

Mr. Edmunds:—Objected to. Mrs. Farrow didn't so testify; didn't say that he walked with his arm around her, and that this witness said that he was being drawn into it by his family.

The Vice Chancellor:—I don't remember; the intimation given in the testimony was to the effect that subsequent to the time of the separation, Mr. Farrow had met her, and there spoken to her, intimating that he was in grave doubt about these charges and hoped that he might not be compelled to prosecute them. I don't recollect any testimony that they walked together with his arm around her.

Judge Carrow:—And that they both cried.

The Vice Chancellor:—I do not remember that. The testimony of your witnesses was undoubtedly that in the conference of the complainant and herself, subsequent to the formulating of this accusation, he met her and spoke regretfully to her.

Mr. Edmunds:—I don't object to that part of the question. I object to it because it undertakes to put Judge Carrow on record that it was said to her by him that he was being driven into this thing by his folks. Mrs. Farrow didn't say anything of the kind.

Judge Carrow—I remember it: that he was driven into this.

Objection withdrawn.

The Vice Chancellor:—I will admit it; while I cannot remember the particular incident, I do remember that in substance she did declare and give the Court the distinct impression that subsequent to the suit, at least to the formulating of the charges against her, Mr. Farrow had met her and substantially admitted to her that he was very doubtful about it or regretted that it had been undertaken. To this extent it is contradictory.

A. No, sir, I did not, never.

Q. Did you, during the summer, last summer, did you go around watching your wife?

A. No, sir; I could not help to go by the house once in a while, if I went to the beach; it is right on the main street. There are lots of times I was in the neighborhood, but I didn't see anything of her, but as far as dogging her, I never did.

Q. That is all.

Not cross-examined.

At this point a recess was taken of one hour.

WILLIAM FARROW, JR., re-called for complainant.

Direct examination.

By Judge Carrow:

Q. I want to ask you what hour on the 7th of April you took your wife's jewels and gave them to your father?

A. I got them; it was about 2 o'clock in the morning.

Q. What time did you give them to him?

A. After I left her the next morning and went around home.

Q. At what time?

A. I suppose somewhere around in the neighborhood of seven o'clock.

Q. Have you ever seen the jewels since?

A. No.

Q. Have you ever had them in your possession since?

A. No, sir.

Q. During the cross-examination of Henry Oliver in this Court in this cause, did you observe that he did anything while on the witness stand?

A. Yes, sir.

Q. What did he do?

A. I saw him wink at Mrs. Farrow.

Cross-examination.

By Mr. Edmunds:

Q. You saw him wink at Mrs. Farrow?
A. I did.
Q. You were sitting over at this end of the table?
A. I was.
Q. You were sitting at the end of the table occupied by your counsel?
A. No, sir; it was occupied by me.
Q. You say on the day following your separation from Mrs. Farrow, you gave your wife's jewels to your father; is that correct?
A. That is correct.
Q. And then you admit that they were your wife's jewels, do you?
A. No.
Q. Did you give to your father the engagement ring which you had given to your wife?
A. I gave him the whole business.
Q. That engagement ring did not belong to your wife?
A. No, I don't consider it does.
Q. Are those jewels still in your father's possession?
A. They are as far as I know.
Q. When did you last see them?
A. When I gave them to him.
Q. As a matter of fact what was the last day when you saw those jewels?
A. When I gave them to him.
Q. You haven't seen them since?
A. No.
Q. You don't know where they are?
A. No, sir.

Q. Then the testimony you gave in direct-examination is not correct?

A. It is correct.

MARIA L. SAYRE, sworn for complainant in rebuttal.

Direct examination.

By Judge Carrow:

Q. Where do you reside?
A. Cape May City.
Q. Whereabouts in Cape May City?
A. 837 Queen street.
Q. How long have you resided in Cape May City?
A. Thirty years.
Q. Are you married?
A. Yes, sir.
Q. What is your husband's name?
A. Edmund Sayre.
Q. On the night of July 28th last, between the hours of eight and nine o'clock, did you see the defendant, Ethel Farrow, crossing a lot at the corner of Queen and Lafayette in the city of Cape May?

Mr. Edmunds:—Objected to. This is part of their examination in chief. You will recall the testimony of Mr. Farrow, Sr., and it simply goes to what I regard as the main charge. It was within the duty of the complainant to corroborate Mr. Farrow in any way that it was possible.

The Vice Chancellor:—I have already ruled that this subject was in substance a matter of proof in the complainant's main case, and that it may not be re-opened by the complainant recalling the witness after the defendant's testimony is closed, upon the theory that the subject matter is again to be proved to contradict the defendant's denial of her presence at the time and occasion because she has said that she was not there. I take your present effort to refer to the same instance regarding which Chief Farrow has testified, is not that so?

Judge Carrow:—Yes, I called the witness's attention specifically to this matter, and she said since the request of her husband regarding Doak that she had never seen Doak outside.

Mr. Edmunds:—No, she didn't say that.

The Vice Chancellor:—I understand this to be offered in support of the incident testified to by Chief Farrow when the complainant was offering his main case, to have taken place July 28, 1904. I am of opinion that it cannot be offered at this time, that it should have been offered in support of the main case. If it is in corroboration of that, the Chief's testimony, it should, I think, be rejected. The whole question has been passed upon this morning. I stated then the principle; I do not care to elaborate it each time a witness is put upon the stand.

Judge Carrow:—I offer it now in rebuttal.

The Vice Chancellor:—I hold that it is not rebuttal, but it is the main case of the complainant, and that it cannot be re-introduced under the pretense that it is contradiction of statements made by the defendant when she

denied the incident previously narrated by Chief Farrow. Nor can the main case be corroborated by the production in the rebuttal testimony of additional witnesses, under the claim that it is refutation of the defendant's denial. It is the main case and should have been so in the beginning, and I so rule. If it were not so then the complainant in this case might have waited until the defendant went on the stand and asked her as to whether on the 17th of August she was not on the beach near a pavilion under a tent, and there committed the act of adultery, and might have also have asked her as to whether on the 24th she was not near the Delaware Bay House and committed the act of adultery, and upon her denial the complainant might have offered in what he calls rebuttal the witnesses who were the sole observers of these two alleged acts of adultery. Of course if such proof were admitted as rebuttal, I should have been obliged to allow the defendant to produce witnesses to contradict this alleged rebuttal testimony, otherwise the defendant would not have had any opportunity to make any substantial denial of these detailed charges. It is quite obvious to me that such a method as that could not be permitted. For that reason rules regarding the order of offering proof must be enforced, when counsel insists upon it. The order of testimony must be adhered to where substantial rights are affected, and I think this is one of those cases.

Q. That is all.

Not cross-examined.

WILLIAM FARROW, SR., re-called in rebuttal on the part of the complainant.

Direct examination.

By Judge Carrow:

Q. Did you see any jewels in the possession of the complainant after the 6th of April, 1904.

Mr. Edmunds:—I object, because there is no testimony offered on the part of the defendant showing what became of those jewels after they were taken from this defendant. We don't know where the jewels are, we simply know that our jewels have been taken by the defendant. We have not undertaken to locate the place to which they were carried.

The Vice Chancellor:—What significance has it?

Judge Carrow:—Henry Oliver said on the day after the separation the complainant came to Oliver, and offered him $300 and these jewels, and he went into details showing the kind, to some extent at least, how the jewels were fixed in a box. I propose to show that on the morning of the seventh the jewels were taken out of the possession of the complainant and haven't been in his possession since.

The Vice Chancellor:—We will have to look at the testimony.

Mr. Edmunds:—I will withdraw the objection.

The Vice Chancellor:—The question is not objected to then.

A. The morning after the separation I was coming up after I had made—

The Vice Chancellor:—The question does not call for any such answer at all.

Q. (Last question read.)
A. I did not.
Q. Do you know what became of the jewels?
A. I do.
Q. On the morning of the 7th of April?
A. I do.
Q. What time in the morning?
A. As near as I can tell between half past six and a quarter to seven.
Q. What was done with them?
A. My son came and handed me something and he said, "Take care of those." I said, "What is it." He said, "Those diamonds; she is not going to sport around with them."
Q. Have you had them ever since?
A. They have been in my possession and no one knows where they are, to the best of my knowledge.

Cross-examination.

By Mr. Edmunds:

Q. Let someone know now; where are they?

Judge Carrow:—Objected to. It is a matter of no significance. I put this witness on to contradict Oliver—Well, I withdraw the objection.

Q. Where are they now?
A. I think at home locked up.
Q. In what part of your home?
A. They are in the box that I keep all my valuables in.
Q. What kind of a box?
A. An iron box.
Q. How large a box?
A. About *that* big square.
Q. Who has the key to the box?
A. I have it.
Q. In what part of the home is that box kept?
A. In my book-case.
Q. When did you last see those jewels?
A. I don't think I have seen them probably, to the best of my knowledge I haven't seen them in a couple of months.
Q. What jewels have you?
A. I have the ring and ear-rings.
Q. The same jewels which Mrs. Farrow, the defendant, describes?
A. I suppose so.
Q. You have her engagement ring?
A. I could not tell you about that.
Q. Have you a solitaire diamond ring?
A. I think there is.
Q. And a pair of diamond ear-rings?
A. And a pair of diamond ear-rings.
Q. And a turquoise ring surrounded by sixteen diamonds?
A. I think so.
Q. May I ask you your authority for keeping in your possession the property of this defendant?
A. I don't know anything about that; my son gave them to me to take care of them, and I have taken care of them ever since now.

Q. I ask you now if you will deliver to this defendant her property?

Objected to.

The Vice Chancellor:—What is the pertinence of that. I do not see that it has anything to do with the case. Question overruled.

Q. That is all.

Complainant rests.

Case closed.

IN CHANCERY OF NEW JERSEY.

Between

WILLIAM FARROW, JR.,
Complainant,

and

ETHEL FARROW,
Defendant.

On Bill for Divorce.

Final Decree.

This cause coming on to be heard in the presence of Howard Carrow, of counsel with the complainant, and James M. E. Hildreth, of counsel with the defendant, and the pleadings and proofs having been read and the arguments of respective counsels having been heard and considered, and the Court having duly considered the said pleadings, proofs and arguments, and it appearing to the Court that the complainant is not entitled to the relief sought and prayed for by him in his bill of complaint.

It is on this fourteenth day of February, nineteen hundred and five, by William J. Magie, Chancellor of the State of New Jersey, ordered, adjudged and decreed that the complainant's bill be and the same is hereby dismissed with costs.

W. J. MAGIE,
C.

Respectfully advised.

M. P. GREY,
V. C.

IN CHANCERY OF NEW JERSEY.

Between

WILLIAM FARROW, JR.,
Complainant,

and

ETHEL FARROW,
Defendant.

On Bill, etc.

Divorce.

Notice of Appeal.

The Complainant hereby appeals from the final decree made in this cause on the fourteenth day of February, A. D. nineteen hundred and five, dismissing the bill of complaint filed herein with costs, and from the whole and every part thereof, to the Court of Errors and Appeals in the last resort in all causes.

Yours truly,
HOWARD CARROW,
Solicitor for and of Counsel with Complainant.

Dated April 20, 1905.

To
HON. J. M. E. HILDRETH,
Solicitor for Defendant.

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

HOWARD CARROW,
Of Counsel with the Complainant.

(Served and filed April 21, 1905.)

NEW JERSEY COURT OF ERRORS AND APPEALS.

WILLIAM FARROW, JR., *Complainant and Appellant,* and ETHEL FARROW, *Defendant and Respondent.*	On Bill, etc. Divorce. Petition of Appeal.

To the Honorable Court of Errors and Appeals in the last resort in all causes:

The petition of William Farrow, Jr., the appellant in the above stated cause, respectfully shows that your petitioner finds himself aggrieved by a final decree made in the Court of Chancery of New Jersey by his Honor, William J. Magie, Chancellor of the State of New Jersey, bearing date the fourteenth day of February, A. D. nineteen hundred and five, wherein your petitioner, William Farrow, Jr., was complainant and the respondent, Ethel Farrow, was defendant, in this respect, to wit: that the said decree adjudges, decrees and orders that the said complainant's bill of complaint be dismissed with costs. And your petitioner humbly appeals from that part of the said decree of the Chancellor which decrees as aforesaid, for that the evidence shows that the said Ethel Farrow was guilty of adultery as charged in the bill of complaint, and the supplemental bill of complaint.

Your petitioner therefore prays that the said decree of the said Chancellor may be, in the particulars aforesaid, reversed, set aside and for nothing holden. And your

petitioner may have such relief in the premises as to this Honorable Court shall seem meet.

HOWARD CARROW,
Solicitor for and of Counsel with the Appellant.

(Served and filed April 21, 1905.)

NEW JERSEY COURT OF ERRORS AND APPEALS.

WILLIAM FARROW, JR., *Complainant and Appellant,* and ETHEL FARROW, *Defendant and Respondent.*	On Bill, etc. Divorce. Answer to Petition of Appeal.

This respondent, not acknowledging all or any of the matters which in the said Petition of Appeal are contained, to be true, for answer thereto, nevertheless, says and admits that a decree was on the fourteenth day of February last past made and entered in the Court of Chancery in the cause for that purpose mentioned in the said petition, as therein stated; but as to the substance and form thereof, this respondent prays to refer thereto when the same shall be produced.

And this respondent is advised and believes that the said decree is agreeable to equity, and she prays that the

same may be affirmed, with costs to be adjudged to this respondent.

JAMES M. E. HILDRETH,
Solicitor for and of Counsel with the Defendant and Respondent.

IN CHANCERY OF NEW JERSEY.

Between

WILLIAM FARROW, JR.,
Complainant,

and

ETHEL FARROW,
Defendant.

Syllabus:

1. Where the defendant in a suit for divorce is accused of numerous acts of adultery, and the credible testimony fails to prove that she had any disposition to commit the crimes charged, it will not be inferred that she did commit those crimes because it was possible that she might have done so.

2. The testimony of detectives employed by the complainant after the cause is at issue to discover evidence which might be made the basis of new charges to be presented at the hearing, will be received with careful scrutiny. If the narration of the detection of the defendant in the actual crime of adultery is circumstantially denied by the defendant, is improbable in itself, wholly uncorroborated, and its incidents are inconsistent with the undisputed testimony of disinterested witnesses, it should not be made the basis of a decree for divorce.

IN CHANCERY OF NEW JERSEY.

Between

WILLIAM FARROW, JR., *Complainant,*

and

ETHEL FARROW, *Defendant.*

On Bill for Divorce, Answer and Proofs. Opinion.

The bill of complaint and its numerous amendments and the supplemental bill set forth alleged adulteries claimed by the complainant to have been committed by the defendant wife. The answers of the defendant explicitly deny all the charges and assert the entire innocence of the defendant.

The complainant has been married to the defendant for something over six years. The parties have resided during their whole married life in the city of Cape May. It is undisputed that their marriage relations were uninterruptedly happy until about the opening of the year 1903. The business of the complainant was that of a Delaware River pilot. He was ofttimes absent from home for periods running from a week to ten days. Before his marriage he had shown a tendency to drunkenness, and since his separation from his wife he acknowledges that he has shown the same weakness.

His wife, the defendant, taught music, and was the organist in the Presbyterian Church in Cape May. She had lived for so long a time in that city that her personality was familiar to almost every permanent resident.

The first suggestion that anyone entertained any doubts of the propriety of the defendant's conduct, was disclosed

to her by her husband with relation to her permitting one Charles Doak to visit at their house, because he said people were talking about his attentions to the defendant. It is undisputed that the complainant in opening this subject to his wife declared that he did not doubt her, but wished her to avoid any appearance of intimacy with Doak in order that gossip about them might cease. It is also undisputed that the wife accepted the husband's suggestion obediently, that they together requested Mr. Doak not to call at their house. The testimony does not indicate with precision the source from which the husband received this unfavorable account of his wife, but it is undisputed that his father, who is the chief of police of the City of Cape May, had for some time before the breach between the complainant and his wife habitually spoken of her by using a phrase which declared she was unchaste, without, however, narrating any incident within his knowledge which justified such language.

The complainant and defendant continued their married life, apparently with all confidence in each other, until the month of March, 1904, when the complainant claims that his wife, on going out one evening, told him she would spend the evening at the house of a neighbor. He testifies that she did not go to that place, that he subsequently saw her coming along the street from a different direction, brushing and arranging her dress, that he followed her to their house and then noticed little pieces of grass upon her dress.

It is substantially undenied that the husband, in a great rage, then forced his wife into an upstairs room, drew a pistol, and with it threatened her with death unless she confessed that she had committed adultery. The defendant was so frightened that she begged for her life, and, as the complainant himself admits, she declared she would confess to anything if only he would not kill her.

The complainant appears to have been prevented from further violence by the beggings and pleadings of his wife and of her daughter, a little girl about ten years old. He left the house that night, went to his father's house, where he has since resided, and within a week or two afterwards filed his bill in this suit for divorce, because of the alleged adultery of his wife.

The cause is peculiar because of the frequent changes which the complainant has made since filing his bill of complaint of his accusations against his wife, especially in the addition, after the cause was at issue, of new charges based upon alleged discoveries made by detectives employed by the complainant to find evidence to be used on the trial of this cause. These additional charges were permitted to be added by way of supplemental bill in order that every accusation which the complainant makes against his wife might be disposed of at one hearing.

The bill of complaint as originally filed on April 26, 1904, charges that the defendant in May, 1903, at No. 603 Lafayette street, in the City of Cape May, and on different days from January to October, 1903, and April 25, 1904, at No. 505 Hughes street, in Cape May, committed adultery with Charles Doak.

The house No. 603 Lafayette street is the residence of Mrs. Linda Eldridge, the house No. 505 Hughes street is the residence of the parties to this suit.

The defendant's answer, filed May 11, 1904, explicitly denies that the offenses charged were ever committed at any time or place.

On May 23, 1904, the complainant, upon notice, obtained an order to amend the bill by adding a charge that the defendant committed adultery with one Harry Oliver at No. 505 Hughes street, Cape May, on divers days of the year 1903, but did not actually file such an amendment.

The defendant on June 10, 1904, filed an amended answer, denying the charge of adultery with Oliver.

The cause was on these issues set down for hearing on October 17, 1904.

On that day the complainant obtained leave to file the supplemental bill above referred to, in which he restated the original charges and in addition thereto alleged that the defendant committed adultery with Charles Doak on the 17th of August, 1904, on the beach at Cape May, between the "Iron Pier" and the "Music Pavilion"; and also that she committed adultery on August 24, 1904, with a person named John Lucas on the beach near the steamboat landing in Cape May City.

The hearing of the cause was postponed until these supplemental charges should be answered.

Answer was filed by the defendant to these supplemental charges on November 7, 1904. The cause came on for hearing on November 23, 1904. After testimony had been taken for a day or two, the complainant again, on December 8, 1904, offered several additional amendments to the bill and supplemental bill, charging new offenses. Those which had been brought to the attention of the defendant by the pleadings or by notice some six months before the hearing were admitted, as follows: One charging that the defendant committed adultery at No. 603 Lafayette street, Cape May City, in April or May, 1903, with an unknown man. Another that she committed adultery in March and April, 1904, with one Harry Oliver, at 505 Hughes street, Cape May City; another that the adultery charged in the supplemental bill to have been committed on August 24, 1904, on the beach near the steamboat landing in Cape May, with one John Lucas, was in fact committed with a man named William Lewis.

Answer was filed denying all these additional charges, and the hearing of the cause proceeded.

Samuel F. Eldridge and Howard Carrow for complainant.

J. M. E. Hildreth and Charles C. Edmunds for defendant.

GREY, V. C. The evidence offered by the complainant in support of these various charges arranges itself into two classes. The charges alleging acts of adultery to have been committed on August 17th on the beach, near the Music Pavilion, and on August 24, 1904, on the beach near the steamboat landing, originated in and are supported solely by the testimony of the detectives Wagner and Sague (employed by the complainant after this suit had been brought), for the purpose of discovering evidence which would incriminate the wife as an adultress and which the complainant when he employed these detectives hoped and expected to produce on this hearing.

This detective testimony is also differentiated from all the other proof, because it is claimed to show that on August 17 and 24, 1904, the defendant was seen in *flagrante delictu*.

In examining the charges made against the defendant, I will consider first those on which the suit was originally brought, and last those based on the testimony presented by the detectives.

There are certain general characteristics which attend upon all of the charges made against the defendant by the non-professional witnesses which should, I think, be noticed. None of them testify that they saw the defendant in the act of adultery, or in any such position or relation that the narration of it suggests a reasonable inference that the act of adultery had been committed.

It is well settled law that it is not necessary to prove

that a defendant was seen in the act of adultery in order to justify a decree.

If it be proven that the defendant and the alleged paramour were amorously inclined towards each other, and disposed to commit the crime charged, a showing that they had an opportunity to gratify their desire under circumstances which indicated that they then committed the crime charged, will support a decree of divorce.

In this case, though many witnesses testify that they saw the defendant in the company of one or more of the alleged paramours, not a single witness (except the detectives) narrates one incident which indicates that the defendant manifested at any time amorous feeling for any of the alleged paramours. No caresses, no words or acts of endearment, no assumption of familiarities indicating secret understanding or privileges, are testified to by any witness (other than the detectives), to have proceeded from the defendant towards any of the alleged paramours, at any time.

Another peculiarity of the testimony submitted against this woman is, that during the time that the alleged acts of adultery (except those narrated by the detectives) are claimed to have been happening, the defendant was living happily with her husband, looking after the business of her family, he contented with her, and she with him.

Still another oddity is that the accusations of the pleadings, and the proofs brought forward to sustain them, attempt to show that the defendant was in frequent adultery, substantially at the same time, with two men with whom she was known to be acquainted, and with another one John Lucas or William Lewis, who is not shown to have even been heard of, save on the single occasion of the evening of August 24, 1904, when (it is claimed by the detectives) he and the defendant were caught in the attempt at adultery on the beach near the steamboat land-

ing under circumstances of shameless publicity. These charges of manifold adulteries could only be true because the defendant is a woman of the most degraded type. Yet it is undisputed that during all this period she was the organist in a church and gave music lessons to little girls, and during the earlier portion of the time, up to March, 1903, she was in happy association with her husband. A feeble attempt was made to prove that she had lost to some extent her social standing, but it was shown that the very persons who narrated incidents now claimed to be inculpatory had continued to send their children to her home and to receive her in their own, and not a single instance was proven of any extension of social ostracision towards her, unless that course was taken by the family of the complainant, whose head, the chief of police, had privately, for a long while, denounced the defendant as a bad woman, without giving any incident to support his accusation.

With this notice some of the general peculiarities of the evidence of the local witnesses, I will examine their testimony given in support of particular charges.

The first charge to which the testimony of local witnesses was directed was that the defendant committed adultery with Charles Doak in April or May, 1903, at the residence of Mrs. Eldridge, No. 603 Lafayette street, Cape May City. The same charge is repeated in one of the amendments to the bill, wherein adultery at that time and place is related to have been committed with some unknown man. This charge depends entirely upon the testimony of a single witness, a Miss Hughes, who lived next door to Mrs. Eldridge. Miss Hughes testifies that she, being in her own house, heard voices in conversation in Mrs. Eldridge's house next door. She testifies that these voices were those of Mrs. Eldridge and the defendant, which she recognized, and of an unidentified man,

She says she heard all three of them go upstairs, and that she heard the defendant and the man go into the front bed room; that she heard the mumble of indistinguishable conversation of two voices, and that this mumbling continued for two hours off and on.

This witness does not testify that the man whose voice she heard was Mr. Doak, whom she appears to have known. She claims to have recognized the voice of the defendant when engaged in a mumbling, indistinguishable conversation, but does not say that she recognized the voice of Mr. Doak, who is claimed by the complainant to have been the man of the occasion. The witness saw nothing of the incidents stated. She bases her whole narrative upon what she says she heard, and this includes nothing but inarticulate mumbling, which had to come through two doors and across a hallway and through the house wall to reach her ears, and she says that what she heard was so indistinct that she could not even distinguish the character of the conversation.

The testimony of a witness who was under such disadvantage in receiving her impressions, which are in themselves so uncertain and indefinite, must be quite unreliable. She saw nothing at all. She heard nothing that was inculpatory. Her characterization of the mumbling does not indicate that the parties whom she overheard were either disposed to or did commit an act of adultery.

It appears by other witnesses that the defendant called on Mrs. Eldridge on the afternoon of the day when Miss Hughes, from the next house, heard the sounds which attracted her attention. That the complainant called for the defendant at Mrs. Eldridge's residence, asking if she wanted to go driving, which she declined. That Doak also stopped there that afternoon, and sat chatting with the defendant and other persons in the parlor. Nothing in the evidence indicates that there was any wrongful

purpose in the defendant's call upon Mrs. Eldridge that afternoon. It was made in broad daylight, at about the time when the children were coming home from school. Her husband, the complainant, knew or readily discovered that the defendant was at Mrs. Eldridge's residence. The defendant did not try to hide her presence there from him, but frankly met him at the door. Her little child Octavine, nine years old, was with her. Mrs. Eldridge's little girl, somewhat older, was there. Mr. Doak stopped casually, leaving his dog (well known to be his) on the front door step while he went into the parlor. Both the defendant and Doak deny under oath that any improper action was intended or performed; both deny they left the parlor or went upstairs that afternoon, and they are corroborated by the testimony of both the children. All the other testimony touching the incidents of that day supports their denials of the defendant's misconduct.

The testimony offered on the part of the complainant as to this charge of adultery in May, 1903, at No. 603 Lafayette street, Cape May, is quite insufficient to sustain it, either as an allegation of the defendant's adultery with Mr. Doak or with an unknown man. If it suggests a suspicion against the defendant, it is wholly dispelled by the testimony above referred to presented on the part of the defendant.

The next charge is that the defendant committed adultery with one Harry Oliver. The allegations are that this was in the year 1903 and in the months of March and April, 1904, at the defendant's home, No. 505 Hughes street, Cape May.

The proof submitted in support of this charge is of the least possible weight. No showing is made of any disposition whatever on the part of the defendant to favor the alleged paramour Oliver. Not a witness testifies to any exhibition by the defendant of any amorous prefer-

ence for or interest in Mr. Oliver, except that one of the detectives testifies that on August 16, 1904, he saw the defendant at Sewell's Point accept caresses from Oliver. I will discuss this detective testimony hereafter.

About all that is proven regarding this alleged offense with Oliver is, that some opposite neighbors claim to have seen Mr. Oliver leave the defendant's house very early one morning immediately after the defendant had come out of her front door and looked up and down the street. From this it is argued an act of adultery between the defendant and the man Oliver must be inferred.

The inference suggested would be violent in the extreme, in view of the absence of all proof of an adulterous disposition between the defendant and Oliver. It is much more likely that some mistake in the identity of the parties was made, by which the witnesses were mislead. Both Oliver and the defendant explicitly deny that any such occurrence took place, and further deny that they ever had any improper relations of any kind at any time or place. Nor is it probable that any woman who had harbored her paramour over night would in daylight herself come out to the front of her home, openly exhibit anxiety lest some one should be looking, and then bring him directly into view of her own front door.

The incidents attending the acquaintance of the defendant and Mr. Oliver show that they were friends from early childhood, that Mr. Oliver visited at the Farrow house just as many other people did, with Mr. Farrow's knowledge and approval, and, except the testimony of Detective Wagner (hereinafter discussed), not a suggestion is made that there ever was any disposition on the part of either the defendant or Mr. Oliver to overstep the line of decorum.

These charges constituted the whole case on which the complainant originally filed his bill of complaint and the

amendment thereto. No other offenses are stated in the pleadings and supported by any testimony, except those brought against the defendant by the professional witnesses, long after the cause has been at issue and noticed for hearing.

It is true that there is some testimony, notably that given by Chief of Police Farrow (father of the complainant), which is claimed to show that the defendant misconducted herself with Mr. Doak in July, 1904.

These incidents are none of them aided by any proof which would in any way support a charge of adultery. Most of them narrate instances when the defendant and Mr. Doak were seen in each others company in places more or less public. But they state no attending inculpatory conduct on the part of either of them. Evidence of mere presence together, unless under circumstances which indicate an adulterous disposition, is of no weight to prove adultery. The story of Chief of Police Farrow that he saw Mr. Doak and the defendant on the night of July 28, 1904, talking together, and then walk under the shade of a tree across lots, where they disappeared, is supported by no other testimony. As narrated by Chief Farrow, it did not carry a conviction of its truth. He came back to tell it, after he had been once examined and dismissed from the witness stand. If it were true, it offered no proof leading to an inference that an act of adultery was then committed. It is alleged to have taken place on July 28, 1904, long after this suit had been commenced, and after the time when Chief Farrow is shown to have manifested active hostility to the defendant. Yet this supposed offense was not named or included in any pleading, although a supplemental bill was filed after July 28, 1904, which might have charged it as a breach of the marriage vow. Of course, this incident could not be made the basis of a decree, but it might be evidence to

support the other charges, if the circumstances narrated were true and showed an adulterous disposition.

Chief Farrow narrated the story that he saw his daughter-in-law and Mr. Doak (who were by his son then being prosecuted for adultery) meet and walk off together into the shade of a tree, within a block or two of the police station. He neither pursued them or called anyone else to do so.

Both the defendant and Mr. Doak deny the whole incident. There is no testimony which in any way supports Chief Farrow's story, and I cannot find that as told it is of any significance.

The incident told by Miss Farrow, the sister of the complainant, to the effect that she and others saw the defendant and Mr. Doak leave a skating pond one afternoon together and go off into the woods, staying half an hour or more, is of the same character. Nothing is narrated touching their behaviour towards each other then or at any other time which indicated that they were in any way disposed to commit the crime of adultery. The mere possibility that an adulterous act might possibly have been committed, without any proof that the parties were amorously inclined towards each other, is of no significance.

The only witness who testifies to the skating pond occurrence is Miss Farrow. She says others saw it, but no others are called, in this hard-fought trial, to corroborate Miss Farrow's testimony. Both the defendant and Mr. Doak deny this incident.

Another accusatory story is told by Mrs. Annie Turner, a colored woman, who formerly worked for the defendant. After she had once testified for the complainant to some unimportant incidents and had been dismissed from the witness stand, and an adjournment had intervened, she was again called by the complainant, and on this second

examination testifies that she had seen the defendant and Mr. Doak meet and talk for some time under or near an electric light, and that afterwards the defendant begged her (the witness) not to tell her husband of this meeting. Nothing in the alleged meeting of the defendant and Mr. Doak, as stated by Mrs. Turner, gives the least indication that any criminal intent existed. No statement is made that on that occasion either showed any sign that they were criminally disposed by either action or speech. They met, it is said, under the glare of an electric light. The alleged request by the defendant that the witness should not tell her husband of this meeting is the only inculpatory incident. If the witness did tell Mr. Farrow all she narrated on the stand, it ought not to have excited a suspicion of his wife's guilt. The manner of this witness in telling this story did not assure the listener that she was stating what she actually saw and heard. No other witness supported her, and both the defendant and Mr. Doak deny the whole story.

Several other accusatory incidents of meetings in alleys and stores between the defendant and Mr. Doak have been submitted. None of them, even if true, present incidents which show the existence of an adulterous disposition or purpose. None go to prove that an act of adultery was committed. All of them are denied so far as they are accusatory by both the defendant and Mr. Doak.

The Court of Appeals, in Osborne *vs.* Osborne, has characterized cases such as this one is, so far as it rests upon non-professional testimony. That Court disapproved of a construction of the evidence which would hold "that opportunity is tantamount to guilt," and declared that a decree could not be based upon a crime charged and but half proven. 17 Stew., 261.

This principle applies to and controls the estimate which must be made of all the evidence offered in this

case which has been heretofore under examination. None of it proves any act of adultery, none of it shows that the conduct or speech of the defendant indicated that she was disposed to commit that crime.

The charges that acts of adultery were committed by the defendant with Mr. Doak on August 17, 1904, on the beach near the Music Pavilion, and on the 24th of the same month on the beach near the steamboat landing with John Lucas or William Lewis, remain to be considered.

The incident of Aug. 17, 1904, is told only by Detective Wagner. He was employed by the complainant, through a Philadelphia detective agency, several months after the charges in the bill of complaint in this cause had been filed and answer thereto had been made, and amended charges had been added and they also answered, and an order made setting the cause down for hearing. His employment was to find evidence which the complainant might use to convict the defendant of the crime of adultery when the hearing of this cause should come on. Wagner came to Cape May on the fifteenth day of August. He testifies that on the evening of August 16th he saw the defendant (whose personal appearance and residence had been described to him by the complainant's solicitor) leave a public entertainment at Sewell's Point and accept a hugging from Mr. Harry Oliver. This incident, if true, is of considerable significance. It is the only proof in the whole case that the defendant ever showed any amorous feeling for Oliver. It becomes of great importance to ascertain whether Wagner's narrative can convey with it a conviction of its truth. He claims to have made written daily reports of everything that he saw. His report of August 16th was produced and handed to him, and he was asked to show anything on it referring to any hugging of the defendant by Oliver at

that time, and he was unable to do so. The defendant's counsel then called for any report which narrated the hugging, and none was produced, though repeatedly called for.

The concert which Detective Wagner testifies the defendant attended at Sewell's Point was a public show. The defendant had lived all her life in Cape May. Oliver was engaged as a car starter at the most public place in that city. They two were probably better known than the average residents. Detective Wagner, in his testimony given in this cause, admits that he knows that a detective's claim to have discovered the evidence which he sought for needs corroboration. But not one person is called as a witness to aid this story in any particular, or even to show that either the defendant or Oliver were seen at Sewell's Point on the night of the 16th of August.

Detective Wagner further testifies that on August 17th he saw the defendant leave her house in the evening, alone, saw her join Mr. Doak on the boardwalk; they had a short conversation; Mr. Doak left the boardwalk, going toward the shore; the defendant continuing on the boardwalk till she came to Ocean avenue, when she left it and went into one of the beach tents, where Doak joined her. The detective says he was about twenty-five feet from them under another tent; that he watched the defendant and Mr. Doak caressing each other from eight o'clock until ten-fifty, and finally saw them commit an act of adultery; that Mr. Doak shortly after went towards Jackson street; that the defendant went alone to the Lafayette Hotel porch; stayed there alone about half an hour, and got home at twelve o'clock that night.

No other witness supports this testimony in any degree. Both the defendant and Mr. Doak say it is false in every particular.

In telling this incident of the night of August 17th, when Detective Wagner says he saw the defendant commit adultery with Mr. Doak, the detective frequently varied in his statements. He testifies that the defendant left her house at eight o'clock in the evening, and again that it was "six or eight o'clock when they met," and again, "she met Doak at eight-thirty"; that he (Wagner) looked at his watch and put that in his report.

He testified with assurance that a Mrs. Wiley was the defendant's mother, and when confronted with the suggestion that the defendant's mother had been dead for twenty-five years, he readjusted his statement by saying that a next-door neighbor of the defendant had told him that the lady pointed out was her mother.

The defendant first heard of this new charge on October 17, 1904, in an application for leave to file a supplemental bill. She testifies, without qualification, that every incident narrated by Detective Wagner is utterly false, yet she says she has been unable to recall just where she was and what she was doing during the evening of August 17th, but she is certain she was not on the beach under a tent with Mr. Doak. The latter also flatly denies this accusation. The testimony of Mr. Doak's employer and that of a casual visitor prove that during a large part of the time when Detective Wagner says that Doak was continually on the beach with the defendant he was in fact in his employer's store in Cape May.

The testimony of this detective regarding this incident which he says he saw on August 17th shows that for several hours he kept in sight of the defendant and Mr. Doak while their conduct gave strong indications that they were not only adulterously disposed towards each other, but that in all probability they would actually commit the crime of adultery before they parted that night. He had no reason to believe that the complainant's solic-

itor or the chief of police of Cape May, the father of the complainant, would hesitate, if requested, to furnish an additional witness of the defendant's fondness for oDak. If his story was true, he would in all probability have secured the arrest of the parties in *flagrante delictu*. Though he says he had hours of opportunity, he did not call anyone else to view the evidences of the defendant's unfaithfulness which he says he watched; and he gives no reason for his omission to secure a verification of his observations, though his testimony shows that he knew that usually a detective's testimony needs corroboration.

Detective Wagner also testifies to another act of attempted adultery which he says he and his comrade, Detective Sague, saw the defendant commit on the night of August 24th, on the beach at the steamboat landing, with a man named John Lucas or William Lewis. Wagner had brought Sague down from Philadelphia in order that both might at the same time discover some evidence of the defendant's adultery, and thus corroborate each other in their testimony when they were called as witnesses in this cause.

Detective Wagner, in his examination in chief, testifies that the defendant left her house at nine o'clock in the evening of August 24th. On cross-examination he said she left the house at seven-forty. When reminded of this variance, he was entirely willing to change the hour again, apparently seeking rather to adjust his statements into a consistent story than to relate events from an actual recollection of them. Then he tried to explain the discrepancy by stating that the defendant had returned to her house, an entirely new incident. He further testified in chief that they saw the defendant meet a young lady (a person not in any way identified) on the boardwalk; saw them take a trolley car for Cape May Point and go into a pavilion there, where they got drinks and were

joined by two men. He says the defendant left by the back way with one of these men, the other woman with another. The detectives followed the defendant. She and her man went up the beach some little distance from the steamboat landing, and there, Wagner says, they saw the defendant and this man lay down on the sand and open their clothes to commit adultery. He testifies that they interrupted them before the crime was actually committed; that the defendant threatened to shoot him (Wagner); that they demanded the man's name and he replied, "William Lewis," of Wilmington. As the supplemental bill, when filed, charged this offense, the man named was alleged to be John Lucas. This was amended at the hearing to change it to have been William Lewis.

Detective Wagner, on cross-examination, testifies that on the 25th of August he saw Mr. Eldridge, the complainant's solicitor, and, speaking of the incident of the evening before, said to him, "We got the woman last night at eleven o'clock."

This incident of the evening of August 24, 1904, as narrated by the detectives, happened at Cape May Point, about four miles from Mrs. Farrow's home, at about eleven o'clock in the evening. This time and place are of importance in view of the rebutting testimony hereinafter considered.

The testimony of the other detective, Alfred Sague, is confined to the narrative of the events of the evening of August 24th. He came to Cape May as a partner of Wagner to secure evidence to be offered on this hearing, which should prove that the defendant was an adultress. His testimony followed that of Wagner, and he had the opportunity to arrange his narration of times and events to make a consistent story. Sague, however, differs from Wagner in the most essential point of the incident of August 24th, which they both claim to have witnessed,

for while Wagner states it in the clearest terms as an interrupted attempt at adultery, Sague declares that the crime was in fact accomplished. Their descriptions of the narrated incident are not fit for recital, but, in my view, no two truthful persons whose attention was concentrated on such a performance could possibly vary so radically in their statement of its details.

There are several other circumstances which attend upon the testimony of these detectives which are worthy of notice. Neither detective in any way identifies either the woman who they say joined the defendant on the boardwalk or either of the men who were their companions at the steamboat landing. They say the man who was with the defendant declared his name was William Lewis, of Wilmington. But they evidently told the complainant's solicitor that the man's name was John Lucas, for that name was the one given in the supplemental bill. No explanation was given for this change of names from John Lucas to William Lewis. No testimony has been given which shows that there ever was such a man as John Lucas or William Lewis, nor has the man said to have been the defendant's partner in the attempted adultery on that night (August 24th) been in any way identified. It is a necessary inference from Wagner's testimony that this man could not have been either Mr. Doak or Mr. Oliver giving a false name, for Wagner testifies that he previously identified Oliver by the Sewell's Point incident on the 16th of August and Doak by the incident of August 17th near the Music Pavilion. If the man were either Doak or Oliver, Wagner would have known him. Neither Wagner nor Sague claims to have known the man Lucas or Lewis. Nor does any evidence in the cause, save the testimony of these two detectives, show that there ever was any such man. He appears to have

come into existence upon this occasion only for the purposes of this cause.

The result is that these detectives claim that within eight days they saw the defendant publicly drinking liquor in saloons late at night, and also saw her almost as publicly accept the lecherous embraces of three different men. Not another witness in the cause ever saw any such conduct on the part of the defendant.

In delivering this testimony, these detectives did not give the impression that they were narrating incidents seen by them which they were recalling from their memories. Detective Wagner, the principal professional witness, when close pressed on cross-examination, indicated an anxiety to vary and adjust the exact times when he claimed to have seen the defendant to any hour which would make his story consistent.

These incidents, as the detectives present them, were not discovered by penetrating hidden resorts; they say they took place at times and under circumstances when corroboration, by the arrest of the guilty parties, or by calling the attention of the bystanders who were readily accessible, would have established the complainant's case, which the detectives were employed to support, and which they knew would probably need the aid of non-professional witnesses. Take the incident of the evening of August 24th. The detectives say it took place within 300 yards of a hotel porch on which twenty-five or thirty people were sitting. If it ever happened, nothing would have been easier or more natural for the detectives who were employed to prove the defendant's guilt, than to have arrested both the defendant and her paramour, and to have called the attention of disinterested bystanders to the evidence of their crime. Nothing of this kind was attempted. Detective Sague testifies that the reason they did not call the attention of the people at the Delaware

Bay House to the defendant's crime was that they did not want to expose the woman, etc. A claim of delicate consideration for the defendant, which is wholly inconsistent with his threat to "bat her in the face," which he says he made to her that evening in response to her threat to shoot him.

Not one witness in any degree supports the improbable narrations of these detectives, and I am unable to accept them as credible testimony. This result I have reached without considering the rebutting evidence presented on the part of the defendant.

When that testimony is examined it conclusively shows that the detective story of the accusing incident of August 24th is a fabrication. In the first place, the defendant, in the most explicit terms, denies each and every detail of that story. It is also proven by the undisputed testimony of disinterested witnesses that it had been arranged that a vocal concert should be given at the Stockton Hotel, in Cape May, on the night of August 25, 1904. Mrs. Farrow, the defendant, was invited to attend a rehearsal for that concert, which was to be held at the Ebbitt House on the evening of August 24th, at which rehearsal it was desired that Mrs. Farrow should supply the accompaniment on the piano. She was at half past eight to half past nine, on the evening of August 24th, called out of her house to come into the Glenwood House, next door, to answer a telephone message from the manager of the Ebbett House, inviting her to come that evening to that house for a rehearsal. She went into the Glenwood House and answered the message, declining the invitation, because she had a wounded hand. Thence she went home and sat on her own porch with a Mrs. Wiley and her daughter until about ten o'clock in the evening, when her daughter, Octavine Ware, came home, and then Mrs. Farrow's daughter and Mrs. Wiley's daughter went for

ice cream, leaving Mrs. Farrow on her home porch with Mrs. Wiley. At about twenty minutes after ten the children returned with the ice cream to Mrs. Farrow's porch, where she and Mrs. Wiley still were. The ice cream was eaten at Mrs. Farrow's house, and she was still there when Mrs. Wiley and her daughter retired to bed at eleven o'clock that evening. That is the very hour at which Detective Wagner testifies he told the complainant's solicitor (speaking of his claim to have seen her, the defendant, about to commit adultery with William Lewis at Cape May Point), "We got the woman last night at eleven o'clock."

There is no reason to doubt that the defendant's witnesses have accurately fixed her presence at her home in Cape May during the whole of the period when the two detectives falsely testified that she was at Cape May Point, four miles away. The defendant's witnesses are entirely disinterested; they testify without hesitation and with entire frankness. They show, I think, that the detective testimony, which cannot have been given under mistake, is a fabrication without foundation in truth.

Reviewing the whole of the testimony on the part of complainant, it may, I think, be justly said that, so far as the incidents narrated are credible, they are lacking in force to support a conviction that the defendant has been guilty of the crimes charged; and so far as those incidents would, if credible, prove the complainant's case, they are shown to be entirely unworthy of belief. This view leads to the rejection of the whole of the detective story, for the demonstration that they created a false story regarding the incident of August 24th must be taken to prevent the acceptance of all their testimony in the whole case.

I will advise a decree dismissing the complainant's bill, with costs.

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