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DEPARTMENT OF COMMERCE
BUREAU OF PATENT AND TRADEMARKS

OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARKS
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DEPENDENT'S CLAIM PETITION FOR
COMPENSATION.

NEW JERSEY DEPARTMENT OF LABOR.

WORKMEN'S COMPENSATION BUREAU,
TRENTON, N. J.

10

ELIZABETH HALBEISEN,
 Petitioner, }
 vs. } Claim Petition No.
H. KOPPERS COMPANY, } June 10th, 1919.
 Respondent. }

Attorney for Petitioner, WESCOTT & WEAVER,
301 Market St., Camden, N. J. 20

*To the Workmen's Compensation Bureau of New
Jersey:*

The claimant respectfully alleges the following
facts:

1. What was the full name of the decedent? 30
Charles J. Halbeisen, Jr.
2. Where did decedent live? 420 Bellview Ave.,
Camden, N. J.
3. Sex of decedent, male.
4. Date of birth of decedent, August 13th, 1897.
5. Give below, in reference to each person claimed

2 *Dependent's Claim Petition for Compensation*

to be dependent upon the deceased at the time of accident or death:

Name of Each Dependent.	Age at Last Birthday.	Date of Birthday.	Relation to Decedent.
Charles J. Halbeisen, Sr.	55 yrs.		Father
Elizabeth Halbeisen	48 "		Mother
Loretta A. Halbeisen	24 "		Sister
Elizabeth Halbeisen	14 "		Sister

10 6. By whom was decedent employed at the time of accident? (Give name and business address).

H. Koppers Company,
Front and Chestnut Streets,
Camden, New Jersey.

7. What was the business of the employer? Manufacturer of chemicals.

8. Did the decedent give a written notice to the employer at the time of hiring, or later, that the compensation law was not to apply to him? No.

20 9. Did he receive such notice from the employer? No.

10. Did the employer have knowledge of this accident? Yes.

11. Did you notify the employer of this accident? No.

12. If so, on what date?

13. Have you made claim to the employer for compensation? Yes.

30 14. What was the regular occupation of the decedent, and what kind of work was he doing at the time of the accident? Mixing chemicals.

15. When did the accident happen? Wednesday, June 19th, 1918, 11 A. M.

16. Where did the accident happen? At the plant of the employer.

17. What was the nature of the accident, and how did it happen? Chemical with which decedent was

Dependent's Claim Petition for Compensation 3

working took fire and decedent was so badly burned that he died.

18. Did deceased work any after the accident? No.
19. If so, give date he was compelled to stop work.
20. Give date of death. June 19th, 1918.
21. Were his wages fixed by piece work? No.
22. If so, what was his average weekly wage?
23. If wages were fixed by the hour, state rate per hour. 10
24. Give number of hours in an ordinary working day. Eight hours.
25. Give number of days in an ordinary working week. Seven days.
26. State the amount of weekly wages. Twenty dollars.
27. How much money have you received from the employer as compensation (not medical aid) since the accident? None.
28. Has the employer promised to pay any compensation? No. 20
29. If so, how much?
30. Was medical aid required? Yes.
31. If so, was this service furnished by the employer? No.
32. What other sum did you expend for medical, surgical or hospital services? Twenty dollars.
33. Give name and address of physician and hospital. Cooper Hospital, Camden, New Jersey.
34. What other facts are there which you believe important? 30
35. Are you willing that the Compensation Bureau endeavor to secure compensation for you, by agreement, before calling for an official hearing? Yes.

Your petitioner therefore prays that your Honorable Bureau will determine the amount of compensa-

4 *Dependent's Claim Petition for Compensation*

tion due to your petitioner from the said defendant, under the act entitled "An Act prescribing the liability of an employer to make compensation for injuries received by an employe in the course of the employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder" approved April 4th, 1911, and the acts supplemental thereto
10 and amendatory thereof, and that your petitioner may be awarded his costs in this proceeding, and such other or further relief as may be proper.

And your petitioner will ever pray, etc.

(Signed) ELIZABETH HALBEISEN,
420 Bellview Ave., Camden, N. J.

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

ELIZABETH HALBEISEN, of full age, being duly sworn according to law on his oath, deposes and says that he is the petitioner named in the foregoing petition; that he has read the same and is familiar with the contents thereof, and that the matters and things therein set forth are true according to the best of his knowledge and belief.

(Signed) ELIZABETH HALBEISEN.

30 Subscribed and sworn to before me this 9th day of June, 1919, at Camden, N. J.

(Signed) ETHAN P. WESCOTT,
Master in Chancery of N. J.

Dependent's Claim Petition for Compensation 5

This affidavit may be sworn to before a deputy commissioner or a compensation referee or any other person authorized to administer an oath.

To the Respondent:

The foregoing claim petition has been presented by the petitioner to the Workmen's Compensation Bureau for hearing and determination in accordance with the provisions of the Workmen's Compensation Act. 10

We hereby notify you that unless an answer shall, within seven days from the date of this notice, be filed with the secretary of the bureau in the State House at Trenton, the facts alleged in the petition will be deemed to be admitted and no testimony will be required from the petitioner to prove such facts.

WORKMEN'S COMPENSATION BUREAU,
Secretary.

I, W. E. Stubbs, Deputy Commissioner and Secretary of Workmen's Compensation Bureau, do hereby certify the foregoing to be a true and correct copy of the claim petition in the above case. 20

W. E. STUBBS.

**RESPONDENT'S ANSWER TO DEPENDENT'S
CLAIM PETITION.**

NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU,
TRENTON, N. J.

10

ELIZABETH HALBEISEN,
Petitioner,

vs.

H. KOPPERS COMPANY,
Respondent.

PITTSBURG BY - PRODUCTS
COKE COMPANY,
Attorney for Respondent.

Claim Petition No.
283.
Philadelphia, Pa.,
June 17, 1919.

20

In answer to claim petition filed in this cause:

1. What was decedent's name? Charles J. Halbeisen, Jr.

2. Where did decedent reside? 420 Bellview Avenue, Camden, New Jersey.

30 5. Do you question the dependency, age or relation of any of the persons named in question No. 5 of the claim petition? If so, specify the dependency of the four persons named as dependents in the claim petition as denied.

6. Was the decedent in your employ at the time of the accident? Yes.

7. State your business. Manufacturer of chemicals.

8. Did you receive written notice from the dece-

dent at the time of hiring, or later, that the Compensation Law was not to apply to him?

9. Did you give such notice to him?
10. When did you first have knowledge of this accident. 7/3/18.
11. Did you receive notice of this accident from the petitioner?
12. If so, on what date?
13. Has any claim for compensation been made? 10
14. What was the regular occupation of the decedent, and what kind of work was he doing at the time of the accident? Tester.
15. When did the accident happen? June 19, 1919.
16. Where did the accident happen? Assured's laboratory.
17. What was the nature of the accident, and how did it happen? Benzol vapors caught fire after having been spilt on floor.
18. Did the decedent work any after the accident? 20
No.
19. If so, give date he stopped work.
20. Give date of death. 6/19/19.
21. Were his wages fixed by piecework?
22. If so, what was his average weekly wage?
23. If wages were fixed by the hour, state rate per hour.
24. Give number of hours in an ordinary working day.
25. Give number of days in an ordinary working week. 30
26. State the amount of weekly wages. \$19.25.
27. How much have you paid as compensation (not medical aid) since the accident?
28. Have you promised to pay compensation? No.
29. If so, how much?
30. Was medical aid required? Yes.

8 *Respondent's Answer to Dependent's
Claim Petition*

31. If so, did you furnish all the medical, surgical or hospital services, or other expense of last sickness?

32. Between what dates was service rendered?

33. Give names and address of physician and hospital rendering service at your direction. Dr. Kain, Fifth and Pine Streets, Camden, N. J. Cooper Hospital, Camden, N. J.

10 34. What other facts are there which you believe important? If you deny that compensation is payable in this case, explain fully your reason for this conclusion.

(Signed) H. KOPPERS COMPANY,
Pittsburgh By-Product-Coke Co.
By TRAVELERS' INSURANCE COMPANY,
415 Walnut Street, Philadelphia.

Signed by E. B. BRANDIFF.

20

STATE OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss.

30 E. B. BRANDIFF, of full age, being duly sworn according to law, on his oath deposes and says, that he is the respondent named in the foregoing answer to claim petition; that he has read the same and is familiar with the contents thereof, and that the matters and things therein set forth are true according to the best of his knowledge and belief.

(Signed) E. B. BRANDIFF.

Subscribed and sworn to before me this 17th day of June, 1919, at Philadelphia, Penna.

(Signed) CHARLES J. McDERMOTT.

*Respondent's Answer to Dependent's
Claim Petition* 9

This affidavit may be sworn to before a deputy commissioner or a compensation referee, or any other person authorized to administer an oath.

I, W. E. Stubbs, Deputy Commissioner and secretary of the Workmen's Compensation Bureau, do hereby certify the foregoing to be a true and correct copy of the answer in the above case.

W. E. STUBBS. 10

20

30

**DETERMINATION OF FACTS AND RULE FOR
JUDGMENT.**

NEW JERSEY DEPARTMENT OF LABOR.

WORKMEN'S COMPENSATION BUREAU.

TRENTON, N. J.

10

ELIZABETH HALBEISEN,
Petitioner,

vs.

H. KOPPERS COMPANY,
Respondent.

On Petition for Com-
pensation. Deter-
mination of Fac-
and Rule for
Judgment.

Claim Petition No.
218.

Date of Judgment
September 2, 1919.

20

A petition was filed and served in the above en-
titled cause praying for compensation for injuries
sustained by Elizabeth Halbeisen, the petitioner, be-
cause of the death of her son, Charles Halbeisen.

30 An answer was filed by the respondent and the case
was set down for a hearing, which hearing took place
on the first day of August, nineteen hundred and
nineteen, when the said cause came on for hearing
before Charles E. Corbin, Referee of Compensation
in the Camden District Court Room, Court House,
Camden, N. J., in the presence of F. D. Weaver, at-
torney for the petitioner, and E. B. Brandiff, attor-
ney for the respondent.

After hearing the evidence offered by and on be-
half of the petitioner and the respondent, I am of the

Determination of Facts and Rule for 11
Judgment

opinion that neither the petitioner herself nor any other person or persons whom she represents is shown by the evidence to have been dependent upon the deceased at the time of his death.

It is therefore on this second day of September, nineteen hundred and nineteen ORDERED that judgment enter in favor of respondent and against petitioner, and that the prayer of petitioner be denied and the petition dismissed.

CHARLES E. CORBIN,
Referee.

10

20

30

STATEMENT OF FACTS AND OPINION.**NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU.**

10	ELIZABETH HALBEISEN, <i>Petitioner,</i>	}	On Petition for C o m p e n s a - t i o n . S t a t e m e n t o f F a c t s a n d O p i n i o n . C l a i m P e t i t i o n N o . 218.
	vs.		Date of Judgment September 2, 1919.
	H. KOPPERS COMPANY, <i>Respondent.</i>		

20 The facts in this case show that Charles Halbeisen was the son of petitioner and that he died on June 19, 1919, as a result of an accident arising out of and in the course of employment by respondent. During the year preceding the accident decedent had attended Rutgers College as a student, during which time he paid nothing toward the support of his family. In June, 1918, he returned to his home for his summer vacation. About a month after his return

30 he secured a position with respondent at a salary of \$19.25 a week. He had only been in the employ of respondent for one week when he had an accident which resulted in his death, and had not at that time received his weekly salary. The family consisted, besides decedent, of father and mother and two sisters. The father was employed as a painter and

earned between four and five dollars a day. One sister twenty-four years of age was working and earning \$900 a year, a part of which money was used toward the support of the family. The other sister was still in school. In 1907 decedent had been given \$300 by his grandmother, which money was placed in the savings bank, and the petitioner had withdrawn from time to time sums from this account with the permission of decedent for general household expenses. The deceased intended to return to college in the fall if he made enough money. 10

The question in this case is whether there is evidence to prove that the father and mother and daughter, or any of them were dependent upon the decedent's income within the provision of the Workmen's Compensation Act.

After hearing the testimony in this case, I fail to find sufficient evidence to prove that petitioner or any of the family was dependent upon the deceased's earnings. The facts show that in the past year the deceased had contributed nothing from his earnings toward the support of the family, and that in his present employment had received no compensation as yet. And therefore one could only form a conjecture as to what he would do with the money that he earned while working for respondent—whether the decedent intended to use this money toward his expenses on his return to college, or whether he intended to use it toward the support of his family. For the past year the family in no way had been dependent on the decedent's earnings, which might tend to prove that decedent's salary was not necessary to the maintenance of the household. In fact from the evidence, there is nothing that shows dependency on decedent's earnings except possibly an expectation by the petitioner that the salary which 20 30

the decedent was receiving from the respondent would be given toward the support of the family, while to offset that, we have the evidence that decedent intended to return to college in the fall if he earned enough money, which leads me to the opinion that the money he earned during the summer he intended saving toward his college education in the fall.

I am of the opinion, therefore, that the petitioner has failed to produce sufficient evidence to form a conclusion that dependency existed, and I will therefore dismiss the case.

CHARLES E. CORBIN,
Referee.

20

30

NOTICE OF APPEAL.

**NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU.**

ELIZABETH HALBEISEN,
Appellant,
vs.
H. KOPPERS COMPANY,
Respondent.

On Petition for
Compensation.
Notice of Appeal.

10

The appellant hereby appeals to the Court of Common Pleas of Camden County from the whole of the judgment heretofore entered in this cause, which judgment consists of the finding by the Referee that dependency upon the deceased had not been shown and for that reason said Referee dismissed the petition.

20

WESCOTT & WEAVER,
Attorneys for Appellant.

30

NOTICE OF HEARING.

NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU.

10	ELIZABETH HALBEISEN, <div style="text-align: right;"><i>Appellant,</i></div> <div style="text-align: center;">vs.</div> H. KOPPERS COMPANY, <div style="text-align: right;"><i>Respondent.</i></div>	}	On Petition for Compensation. Notice of Hearing.
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20 Application having been made to me for that purpose and good cause being shown, it is on this twenty-fourth day of September, nineteen hundred and nineteen, ordered that the above entitled appeal be heard before the Common Pleas Court of the County of Camden and State of New Jersey on the fourteenth day of October, nineteen hundred and nineteen.

JOHN B. KATES,
Judge.

30 On motion of
WESCOTT & WEAVER,
Attorneys for Appellant.

ORDER.

**NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU.**

<p>ELIZABETH HALBEISEN, <i>Appellant,</i></p> <p>vs.</p> <p>H. KOPPERS COMPANY, <i>Respondent.</i></p>	}	<p>On Petition for Compensation. Order.</p>	10
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Application having been made to me for that purpose and good cause being shown, it is on this eighth day of October, nineteen hundred and nineteen, ordered that the hearing of the appeal in the above-entitled cause be adjourned from the fourteenth day of October, nineteen hundred and nineteen, to the second day of November, nineteen hundred and nineteen.

JOHN B. KATES,
Judge.

On motion of
WESCOTT & WEAVER,
Attorneys for Appellant.

20

30

NOTICE OF HEARING.

NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU.

10	ELIZABETH HALBEISEN, <div style="text-align: right;"><i>Appellant,</i></div> <div style="text-align: center;">vs.</div> H. KOPPERS COMPANY, <div style="text-align: right;"><i>Respondent.</i></div>	}	On Petition for Compensation. Notice of Hearing.
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20 Application having been made to me for that purpose and good cause being shown, it is on this thirteenth day of November, nineteen hundred and nineteen, ordered that the above-entitled appeal be heard before the Common Pleas Court of the County of Camden and State of New Jersey on the twenty-sixth day of November, nineteen hundred and nineteen.

JOHN B. KATES,
Judge.

30 On motion of
WESCOTT & WEAVER,
Attorneys for Appellant.

CONTINUANCE.

**NEW JERSEY DEPARTMENT OF LABOR.
WORKMEN'S COMPENSATION BUREAU.**

ELIZABETH HALBEISEN,
Appellant,
vs.
H. KOPPERS COMPANY,
Respondent.

On Petition for
Compensation.
Continuance.

10

Application having been made to me for that purpose and good cause being shown, it is, on this second day of December, nineteen hundred and nineteen, ordered that the hearing of the above-entitled appeal be adjourned from the twenty-sixth day of November, nineteen hundred and nineteen, until the eighth day of December, nineteen hundred and nineteen, before the Common Pleas Court of the County of Camden and State of New Jersey.

20

JOHN B. KATES,
Judge.

On motion of
WESCOTT & WEAVER,
Attorneys for Appellant.

30

OPINION.

CAMDEN COUNTY COURT OF COMMON
PLEAS.

	ELIZABETH HALBEISEN		
10	vs.	}	Opinion.
	H. KOPPERS COMPANY.		

This is an action under the Workmen's Compensation Act on appeal from the findings of the Referee.

All the facts are admitted with the exception of the question of "dependency." As to this question, the facts appear to be, the decedent was under age and employed by the defendant. He had just entered their services after the close of his college term. It was debated as to whether he would return to college at the beginning of the fall term of the college. The mother testified that it was uncertain whether he would return, as the family could not afford it. If it was the purpose for him to return, it could hardly be claimed that he had dependents. But this question was undetermined and for that reason I feel constrained to come to the conclusion that there were dependents, and that the matter should be decided on the occupation of the decedent at the time of the accident and not speculate as to the future. He might or might not have returned to college if he had lived, and it appears that while he was in college, support came to him from a sister, and it also further appears that the parents were in a

financial position to require support from their son, the decedent.

It was agreed before the Referee that while the mother was the petitioner, any award made should be in favor of the father.

Under the circumstances, the findings of the Referee will be reversed.

Following the rule as laid down by the Court of Errors and Appeals in Havey vs. Erie R. Co., 96 Atlantic 995, judgment will be entered in favor of the father for 25% of weekly wages for 300 weeks, the minimum of which would be five dollars weekly for the period of time.

JOHN B. KATES,
Judge.

10

20

30

DETERMINATION OF FACTS AND RULE FOR JUDGMENT.

CAMDEN COUNTY COURT OF COMMON PLEAS.

WORKMEN'S COMPENSATION BUREAU.

10

ELIZABETH HALBEISEN,
Petitioner,

vs.

H. KOPPERS COMPANY,
Respondent.

On Petition, Etc.
On Appeal from
Commissioner's Determinations.

Determination of
Facts and Rule for
Judgment.

20

30 A petition having been filed in the above-stated matter, praying for the compensation to which the petitioner may be entitled by virtue of the terms and provisions of an act of the Legislature of the State of New Jersey entitled "An Act prescribing the liability of an employer to make compensation for injuries received by an employe in the course of the employment establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April 4, 1911, together with the several supplements thereto and acts amendatory thereof, and a time and place for the hearing of the said petition having been fixed, and it appearing to the Court that said petition and the order fixing the time and place

of said hearing having been duly served upon the respondent, and the petitioner and respondent having appeared on the eighth day of December, nineteen hundred and nineteen, the date set for the summary hearing herein, the petitioner being represented by Wescott & Weaver, her attorneys, and the respondent by Howard L. Miller, its attorney, and the Court having heard the testimony offered on behalf of the parties hereto, and counsel having been heard; 10

I do find and determine from the evidence taken in this cause as follows:

First. That the petitioner's decedent was, on the nineteenth day of June, nineteen hundred and eighteen, in the employment of the respondent as a workman at its plant in Camden, Camden County, New Jersey.

Second. That at the time of the injury the petitioner's decedent received as wages in said employment twenty dollars per week. 20

Third. That on the nineteenth day of June, nineteen hundred and eighteen while in the course of his employment, and while engaged in mixing chemicals, said chemicals took fire and petitioner's decedent was so badly burned that he died within a few hours.

Fourth. That the respondent herein had knowledge of said accident or that it had proper notice of the same. 30

Fifth. That the decedent is survived by his father, mother and a sister who were dependent upon said decedent.

JUDGMENT.

CAMDEN COUNTY COMMON PLEAS COURT,
THE STATE OF NEW JERSEY.

January 23, 1920.

10

<p>ELIZABETH HALBEISEN, <i>Petitioner-Appellant,</i></p> <p style="text-align: center;">vs.</p> <p>H. KOPPERS COMPANY, <i>Respondent-Appellee.</i></p>	}	<p>On Petition.</p> <p>On Appeal.</p> <p>WESCOTT & WEAVER, <i>Attorneys.</i></p>
--	---	--

Judgment rendered against H. Koppers Company, the above-named respondent-appellee, in favor of Elizabeth Halbeisen, the petitioner-appellant, therein in an action on petition for compensation on appeal from the judgment of the New Jersey Department of Labor Workmen's Compensation Bureau in the Common Pleas Court in and for the County of Camden for the sum of five dollars per week for a period of three hundred weeks from the third day of July, A. D. nineteen hundred and eighteen and also the sum of eighteen dollars and twelve cents costs of suit.

20

30

Judgment entered and signed this twenty-third day of January, A. D. nineteen hundred and twenty.

JOHN B. KATES,
Judge.

The Court: You have a copy of the testimony, have you?

Mr. Miller: Yes.

The Court: I would be glad to hear counsel on that question. All the other elements are admitted, the employment—

Mr. Wescott: Well, we will have to take a little bit of testimony. 10

The Court: Yes, well, call your witnesses now. In other words, the case is confined to the sole question of dependency?

Mr. Wescott: Yes.

ELIZABETH HALBEISEN, SWORN. 20

By Mr. Wescott:

Q. What is your son's name?

A. Charles Joseph Halbeisen.

Q. How old was he?

A. Twenty years and ten months.

Q. Where did he live?

A. At home with his parents.

Q. And where was the home? 30

A. 1420 Bellview Avenue?

Q. Where?

A. Bellview Avenue, 1420.

Q. In Camden?

A. Yes, sir.

Q. And what did your family consist of?

A. Three children, my husband and myself.

Q. The three children younger or older than the one that was killed?

A. One is older and one is younger.

Q. You all lived together?

A. Yes, sir.

Q. What was your husband's business?

A. Well, painting and decorating, everything that
10 can be done with a paint brush.

Q. Was he in steady employment?

A. No, sir, not when the weather was against him.

Q. Now, what did this boy do toward supporting the family?

A. Well, his earnings were brought to me, helped.

Q. What?

A. His earnings were brought to me; he brought them to me.

Q. And they were used how?

20 A. For the general support of the home.

Q. Did you find that necessary?

A. Yes, sir, absolutely necessary.

Q. Now, did your boy have any money outside of what he earned?

A. He did have, yes, sir.

Q. How did he get that?

A. Through a gift of his grandmother and smaller gifts from different members of the relationship.

Q. I don't understand you.

30 A. From his grandmother, a gift was the largest sum.

Q. How much was it?

A. Three hundred dollars.

Q. Where did he keep it?

A. In bank, in trust, Broadway Trust.

Q. Have you the bank book?

A. Yes, sir. I must have left it back there; has your son got it?

Q. Yes, is that the bank book? (Handing witness book.)

A. Yes, sir, that was his bank book.

Q. Now, how old was he when he got this money?

A. Why, I think he was about ten years old.

Q. And what became of the money?

A. It was used in the home.

10

Q. Why was it used in the home?

A. Because it was necessary; the income wouldn't meet the expenses.

Q. Did your boy work?

A. Yes.

Q. What did he do with his wages?

A. Brought them home to me.

Q. And they were used, as you stated, in support of his family?

A. Yes.

20

Q. And I understand that was necessary?

A. Yes, sir, it was necessary.

Q. Well, tell us why it was necessary?

A. Well, because my husband didn't have steady work, and then when he was in business himself, of course it didn't go as it ought to have gone, and he had to add really rather than return anything from what he was making.

Q. How was that—I didn't catch it?

A. There was a loss sometimes in his business, 30 and of course that made it harder on the family.

Q. Now, have you any idea what your husband's income was?

A. No, sir, because it is too uncertain. You see, every week it wasn't alike, on account of the days he worked.

Q. Well, have you an idea how much it was?

A. Well, I couldn't even hardly tell you that; it was a little over four dollars a day when working.

Q. When he was working?

A. Yes, sir.

Q. Well, was it enough to support the family?

A. No, sir, it wasn't near enough.

Q. So you had to use the income of the boy?

A. Yes, sir.

10 Q. Does this show how the money was drawn out?

A. Yes, sir.

Q. Have you got the checks there?

A. Yes, sir, these were his sister's checks, not my checks.

Q. What do you mean, his sister's checks?

A. His sister supplied him with money at college.

Q. No, I mean your own bank account—how did you get that out of the bank to use it?

20 A. Why, in small amounts, I took it out as it was needed.

Q. With the consent of your boy?

A. Yes, he knew it and the grandmother knew it.

Q. Now, when your boy went to this new job, what was the understanding about his wages?

A. Well, that he would bring them home to me.

Q. Just the same as he had been doing?

A. Yes, sir.

Q. How long did he work there before he was killed?

30 A. He started on Wednesday and the following Wednesday he was killed.

Cross-examination.

By Mr. Miller:

Q. Mrs. Halbeisen, your son was going to college, wasn't he?

A. Yes, sir.

Q. And had been going to college in the preceding year?

A. Yes, sir.

Q. Rutgers College?

A. Yes, sir.

Q. He had no income from that source?

A. No, sir, not at that time, he wasn't quite able to work just then.

Q. Well, that is a year preceding his death, wasn't it?

A. Yes.

Q. And he was returning to college, wasn't he?

A. Yes, he had returned one month and one day. 20

Q. When did this accident happen?

A. On the 19th of June, 1918.

Q. Then he was returning to college in the fall of 1918?

A. Well, that was in doubt; there was nothing certain whether he could go back.

Q. Well, wasn't the general feeling that he would return to college?

A. Well, if it was possible, if we could do without him and there was sufficient money; that was in 30 doubt.

Q. Well, wasn't that the understanding that the money that he made, if he made any, was to be used in his fall return to Rutgers?

A. Well, you see if we needed it in the home he couldn't have taken it all.

Q. He wasn't making any then, was he?

A. When, the year previous?

Q. No, I mean the year he died, June, 1918.

A. No, he hadn't made any money that year.

Q. He hadn't made for the preceding year?

A. He couldn't, he had an operation on his arm and he couldn't work, but he intended to work.

Q. I understand, so that during that time he had no occupation and was receiving no income?

A. I didn't want him to go to college because we couldn't afford it. I fought to the bitter end with him; I didn't want him to go to college and that is why he tried so hard for a scholarship.

Q. As a matter of fact he was really going to college and had no other income than this position at the time of his death?

A. He told me he wouldn't go back if the money wasn't there.

Q. What is that?

A. He told me he wouldn't go back if we hadn't the money, if the money wasn't in the home to do with. He told me that just about a couple of days before the accident happened.

Q. Now, as a matter of fact he had received no income from his employer?

A. Not a penny, no, sir.

Q. So that you received no income from him from that source at the time of his death?

A. No, sir, he didn't know just when he was going to be paid; they didn't tell him the day.

Q. Yes, I understand. Now, I understand this was a trust fund?

A. Yes, sir, it was given to me in a trust fund.

Q. It is a fund that is derived from some source other than the boy's services?

A. Yes.

Q. Some money given to him, I suppose?

A. Yes, his grandmother.

Q. Now, there were two withdrawals there in 1911 of a hundred dollars each, one in March, I believe, and one in April?

A. Well, I guess there is; I didn't look at the details.

Q. What was that money used for?

A. To give to my husband to pay his men in business.

Q. That was put into your husband's business?

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A. Yes.

Q. The entire fund was three hundred dollars, wasn't it?

A. Yes, sir, the original amount.

Q. So that two hundred dollars of the fund was used in your husband's business?

A. Yes.

Q. What is the balance there now, Mrs. Halbeisen?

A. Well, I don't know, I haven't figured it; you see, it was the different years that it had been running.

Q. Is there anything left in it at all?

A. No, sir.

Q. So that when you refer to him working you are referring to a period beyond 1918 or rather preceding 1918—he hadn't worked, as a matter of fact, for the preceding year, had he?

A. Yes, he hadn't worked that summer, because he had been sick.

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Q. Well, and hadn't worked while he was at college, had he?

A. No, but we needed him badly, that is the reason I didn't want him to go to college.

By Mr. Wescott:

Q. Just a word; how were your boy's expenses paid when he was in college?

A. Through his sister.

Q. You weren't able to pay him anything?

A. No, sir, I couldn't pay anything.

Q. And have you checks there to show?

A. Yes, sir.

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Mr. Wescott: I offer these in evidence.

Q. These are your sister's checks, are they?

A. His sister's checks.

Q. Now, one other thing, did he have a scholarship there?

A. Yes, he had a scholarship for \$170 a year.

Q. How long was he in college?

A. Ten months, from September 15th until the
20 18th of May.

Q. What did he do when he was home during the period that he was in college?

A. You mean previous to that?

Q. Well, yes, let's have it that way, before he went to college?

A. Well, he collected bills for his father and delivered signs and helped me about the house and helped to take care of me when I was sick and everything that he possibly could do.

30 Q. And during the ten months that he was in college when he was home, what did he do?

A. He did the same as just when he hadn't gone to school.

Q. Helped you about the house and helped your husband?

A. Yes.

Q. Was that worth something to you?

A. It certainly was, helped a whole lot. I miss him to this day.

BOTH SIDES REST.

The Court: All right; I will decide the matter later.

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WRIT OF CERTIORARI.

NEW JERSEY, ss:—The State of New Jersey to the Court of Common Pleas in and for the (Seal) County of Camden, and F. F. Patterson, Jr., and Elizabeth Halbeisen, Greeting:

We being willing for certain reasons to be certified of and concerning a certain determination and judgment rendered on the 22nd day of January, 1920, by the Honorable, John B. Kates, Judge of the said Court of Common Pleas, in and for the said County of Camden, in certain proceedings brought on behalf of Elizabeth Halbeisen, petitioner, against H. Koppers Company, respondent, for the determination and recovery of compensation under an Act of the Legislature of the State of New Jersey entitled "An Act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, 1911, and the acts amendatory thereof and supplemental thereof, we command you that the said determination and judgment, together with all proceedings for the

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making of the same, and all things touching and concerning the same, as fully and entirely as before you they remain, or are in your custody and control, you do certify and send, together with this writ, to our Justice of our Supreme Court of Judicature at Trenton on the 17th day of February, 1920, that therein may be caused to be done what of right and according to law ought to be done.

Witness, the HONORABLE WILLIAM S. GUMMERE,
 10 Chief Justice of our said Supreme Court at Trenton,
 this day of Febraury, 1920.

ENOCH L. JOHNSON,
Clerk.

HOWARD L. MILLER,
Attorney for Prosecutor.

[ENDORSED]

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This writ is allowed; let it be sealed.
 Allowed upon condition that it be brought on for hearing at February Term, 1920, at the option of the respondent.

Thomas W. Trenchard,
 Justice of the Supreme Court.

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RETURN.

*To the Honorable, the Chief Justice and Associate
Justices of the Supreme Court:*

The determination and statement of facts and judgment, together with all proceedings for the making of the same, and all things touching and concerning the same as fully and entirely as before us they remain, or are in our custody or control, whereof mention is within made, we do hereby certify and send under our seal, in the schedule hereto annexed, as within we are commanded. 10

JOHN B. KATES,
*Judge of the Camden County
Common Pleas.*

F. F. PATTERSON, JR., 20
*Clerk of the Court of Com-
mon Pleas.*

REASONS.

NEW JERSEY SUPREME COURT,
CAMDEN COUNTY.

10	ELIZABETH HALBEISEN, <i>Petitioner-Respondent,</i> vs. H. KOPPERS COMPANY, <i>Defendant-Prosecutor.</i>	}	On Certiorari. Reasons.
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The prosecutor presents the following reasons for setting aside the proceedings, determination and statement of facts and judgment brought before this Honorable Court by the writ of certiorari in the above entitled cause:

First: Because there are no facts in proof to justify an award.

Second: Because there was no proof of dependency.

Third: Because there was no proof of dependency, at the time of decedent's death, to which the act could attach.

Fourth: Because the said proceedings are in divers other respects irregular, unjust, illegal and oppressive to the prosecutor.

HOWARD L. MILLER,
Attorney of Defendant-Prosecutor.

RULE FOR JUDGMENT AND ORDER OF AFFIRMANCE.

NEW JERSEY SUPREME COURT.

ELIZABETH HALBEISEN, <i>Petitioner-Respondent,</i>	}	On Certiorari.	10
vs.		Rule for Judgment and Order of Affirmance.	
H. KOPPERS COMPANY, <i>Defendant-Prosecutor.</i>			

This cause having been duly argued at the February term, 1920, of this Court, by Howard L. Miller, of counsel for the prosecutor, and Wescott and Weaver, of counsel for the respondent, and the Court having considered the same, and finding no error in the record or proceedings in the Court of Common Pleas: 20

It is, thereupon, on this 25th day of May, 1920, ordered and adjudged that the judgment of the Common Pleas Court of the County of Camden, removed by the writ of certiorari in this cause, be affirmed with costs; and the record be remitted to the Common Pleas Court of Camden County to be proceeded with in accordance with this judgment and the practice of said Court.

Entered May 25, 1920. 30

On motion of

WESCOTT & WEAVER,
Attorneys for Respondent.

A true copy.

ENOCH L. JOHNSON,
Clerk.

NOTICE OF APPEAL.

NEW JERSEY SUPREME COURT.

	ELIZABETH HALBEISEN,	} On Certiorari. Appeal. Notice of Appeal.
	<i>Petitioner-Respondent,</i>	
	vs.	
10	H. KOPPERS COMPANY,	}
	<i>Defendant-Prosecutor.</i>	

To Wescott & Weaver, Esqs., attorneys for respondent-petitioner:

Take notice, that the defendant-prosecutor appeals to the Court of Errors and Appeals from the whole of the judgment entered in this cause on the following grounds:

20 1. That the Supreme Court erred in giving judgment for the petitioner-respondent instead of the defendant-prosecutor.

2. That the Supreme Court erred in finding proof of dependency, at the time of decedent's death, to which the act could attach.

HOWARD L. MILLER,
Attorney of Appellant.

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[ENDORSED]

Service hereof hereby acknowledged
this 3d day of June, 1920.

Wescott & Weaver,
Attys. Petitioner-Appellee.

OPINION PER CURIAM.

(Filed May 20, 1920)

NEW JERSEY SUPREME COURT.

FEBRUARY TERM, 1920.

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ELIZABETH HALBEISEN,
Petitioner-Respondent,
vs.
H. KOPPERS COMPANY,
Defendant-Prosecutor. } On Certiorari, etc.

Submitted March 17, 1920; Decided May 20, 1920. 20

Before JUSTICES TRENCHARD, BERGEN and KALISCH.

For the prosecutor in certiorari, HOWARD L. MILLER;
For the respondent in certiorari, WESCOTT & WEAVER. 30

Per Curiam:

The writ in this case brings up for review a judgment of the Camden County Court of Common Pleas

for compensation under our Workman's Compensation Act on account of the death of Charles J. Halbeisen, Junior, an employee of H. Koppers Company.

Every element necessary to support the judgment was admitted in the court below except dependency; in other words, the sole question submitted to the Court below was whether or not there were dependents of the decedent's, and that is the sole question argued here. The record shows that it was also
10) agreed that while the mother was the petitioner, any award made should be made in favor of the father.

The trial Judge found that dependency existed, and therefore a finding for the petitioner necessarily followed, the trial Judge further saying (finding 6) "that by law Charles J. Halbeisen, the decedent's father, was alone entitled to compensation at the rate of twenty-five per centum of decedent's wages."

We are inclined to think that the finding of the
20) trial Judge upon the question of dependency has evidence to support it, and that being so, on familiar principles, the judgment must be affirmed.

The evidence tended to show that the decedent was a minor between twenty and twenty-one years of age, and that he is survived by a mother, father and two sisters, one of whom is a minor. The decedent lived at home with his parents. His earnings were brought home and turned over to the mother, who used such earnings for general household expenses.
30) These earnings were necessary to meet the household expenses. As a sidelight, there was evidence tending to show that at one time the decedent had \$300 in bank; that with the consent of the decedent, part of this sum was withdrawn in small amounts and used in the home for general expenses, and that

this was necessary because the father did not always earn enough to meet household expenses.

The evidence also tends to show that while the decedent had not worked for H. Koppers Company long enough to receive wages (he had worked but one week at the place where he was killed), yet he had agreed to bring his pay home and give it to his mother.

The evidence also tended to show that during a period when the decedent had no employment, he collected bills and delivered signs for his father and helped his mother about the house. 10

In view of all this evidence we think that the finding of the trial Judge had evidence to support it.

The judgment will be affirmed, with costs.

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