

INDEX.

	PAGE.
Last Will and Testament of Pierre Arnault, deceased.....	1a
Caveat of Clothilde J. Lang.....	2a
“ “ Helene Arnault.....	3a
“ “ Clara Alice Arnault.....	4a
Citation.....	4a

TESTIMONY.

Caveator's Witnesses :

Helene Arnault,	
Direct.....	5
Cross.....	14
Re-direct.....	35
Re-cross.....	36
Recalled.....	51
Peter Cartier (stricken out),	
Direct.....	39
Charles J. White,	
Direct.....	39
Cross.....	40
Clementine Leserteur,	
Direct.....	41
Cross.....	43
Re-direct.....	48
Sophie Thompson,	
Direct.....	49
Cross.....	49
Re-direct.....	50
Philip C. Pfister,	
Direct.....	100
Cross.....	102
Re-direct.....	103

Proponent's Witnesses :

Theodore Connoly (sole surviving sub- scribing witness),	
Direct..	2
Cross.....	3

Re-direct.....	88
Re-cross.....	89
Eliza Strasheim Arnault,	
Direct.....	55
Cross.....	63
Re-direct.....	75
Edmund Braekeleer,	
Direct.....	80
Cross.....	81
Wencesles Fortier,	
Direct.....	83
Cross.....	84
Edward P. Tyson,	
Direct.....	84
Cross.....	85
James A. De Buchy,	
Direct.....	86
Cross.....	87
Dr. Louis De Place (family physician),	
Direct.....	90
Cross.....	92
Re-direct.....	94
William H. Van Ojen,	
Direct.....	94
Cross.....	95
Eugene Dennison,	
Direct.....	96
Cross.....	97
Felix Depuy,	
Direct.....	97
Cross.....	98
Re-direct.....	99
Separation Agreement of Pierre Arnault and Helene Arnault, his wife.....	106
Decree of New York Court.....	107
Decree denying Probate.....	108
Petition on Appeal.....	109
Answer on Appeal.....	111

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Last Will and Testament

of

PIERRE ARNAULT,

dec'd.

80
81
In the name of God, Amen.

I, PIERRE ARNAULT, of the City of New York, mer- 10
chant, declare this to be my Last Will and Testament.

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I.—I hereby revoke any and all wills at any time
heretofore made by me.

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II.—I give and bequeath unto my wife Elise Strasheim
Arnault, the good will and benefit of the business of im-
porter and dealer in wines, spirits and liquors, which I
am now carrying on in the City of New York, and all
my capital, stock in trade, fixtures, assets and effects
belonging thereto, and the benefit of all contracts sub-
sisting in respect to said business, and all debts and 20
moneys due me in respect thereof.

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and testament, and hereby direct that she shall not be required to give security as such.

In witness whereof I have to this my last will and testament subscribed my hand and set my seal this twenty-ninth day of March, one thousand eight hundred and eighty-six.

[L. s.] P. ARNAULT.

10 The foregoing instrument was subscribed, sealed, published and declared by the said testator as and for his last will and testament in our presence, and we, at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses this twenty-ninth day of March, one thousand eight hundred and eighty-six.

I. HAYS,

66 East 92d St., New York.

THEODORE CONNOLY,

No. 30 East 35th St., New York.

20

To James O'Neill, Surrogate of Hudson County :

I, CLOTHILDE J. LANG, one of the children and heirs-at-law of Pierre Arnault, late of Jersey City, Hudson County, New Jersey, deceased, hereby caveat and protest against admitting to probate any paper purporting to be the last will and testament of said Pierre Arnault until examination and decree thereon by the Orphans' Court of the said County of Hudson.

30 Dated January 3d, 1892.

CLOTHILDE J. LANG,

By BABBITT & LAWRENCE,
Proctors.

Filed January 3d, 1892.

JAS. H. LILLIS,

Deputy Surrogate.

HUDSON COUNTY ORPHANS' COURT.

In the Matter

OF

The Admitting to Probate of a certain
paper in writing, purporting to be
the last Will and Testament of
PIERRE ARNAULT, deceased.

10

To JAMES H. O'NEILL, Surrogate of the County of
Hudson :

I, HELENE ARNAULT, widow of Pierre Arnault, late
of Jersey City, in the County of Hudson, deceased,
do hereby caveat and protest against admitting to pro- 20
bate any paper purporting to be the last will and tes-
tament of said Pierre Arnault, until examination and
decree thereon by the Orphans' Court of said County
of Hudson.

Dated January 4, 1892.

HELENE ARNAULT,

By WALLIS, EDWARDS & BUMSTEAD.

Filed January 5, 1892.

JAMES H. O'NEILL,

Surrogate.

30

40

SURROGATE'S COURT,

HUDSON COUNTY.

In the-Matter

OF

10 The admitting to Probate of a certain
 paper in writing purporting to be the
 Last Will and Testament of PIERRE
 ARNAULT, deceased.

20 I, CLARA ALICE ARNAULT, widow and sole devisee
 and heir-at-law of Alcide P. Arnault, deceased, a son
 of Pierre Arnault, deceased, hereby caveat and protest
 against admitting to probate any paper purporting to
 be the last will and testament of said Pierre Arnault
 until examination and decree thereon by the Orphans'
 Court of said County of Hudson.

Dated February 4, 1892.

CLARA ALICE ARNAULT,

By JAS. P. NEUMANN,
Proctor.

Filed February 5, 1892.

JAS. H. LILLIS,

Deputy Surrogate.

30 STATE OF NEW JERSEY, } ss.:
 County of Hudson.

To Helene Arnault, Clothilde M. Lang, Elise Strasheim or Elise Strasheim Arnault and Clara Alice Arnault, Greeting:

40 We cite and command that you and each of you personally be and appear before the Judges of the Orphans' Court to be held at the Court House in Jersey City in and for Hudson County, on Friday, the third day of June, A. D., 1892, at the hour of 10 A. M.,

to answer unto the several caveats of Clara Alice Arnault, Helene Arnault and Clothilde M. Lang against admitting to probate a certain paper writing purporting to be the last will and testament of Pierre Arnault, deceased, and to abide the judgment and decree of the said Court in the premises.

Witness,

JOB H. LIPPINCOTT, P. J.

ALBERT HOFFMAN, }
JOHN KENNY, } Judges.

10

Dated May 23, 1892.

JAMES H. O'NEILL,

Surrogate.

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40

To insert into the several copies of Clara Alice
Aunt Helen Annals and Charles W. Lang against
claiming to produce a certain paper written purport-
ing to be the last will and testament of Helen Annals,
and also to give the same to the heirs and assigns of the

Witness

JOHN H. LITTLEWOOD, J.

ALBERT HORTON, J.
JOHN LAMONT, J.

Done May 23, 1882.

JAMES B. GIBBON

Attorney

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Hudson County Orphan's Court,

JULY 1st, 1892.

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In the Matter

OF

The Probate of a paper purporting to
be the last Will and Testament of
PIERRE ARNAULT, deceased.

On caveats filed.

For Proponent: MR. J. S. PARRY with MR. EMILE 20
SCHULTZE, JR., of the New York
bar, of Counsel.

BABBITT & LAWRENCE for Clothilde
Lange and Clara Alice Arnault,
contra.

WALLIS, EDWARDS & BUMSTEAD, by
MR. NORTHROP, for Helena Ar-
nault.

MR. NORTHROP: When this matter was before the 30
Court last there was some talk about an administrator
and a bond. Counsel for the proponent and for cav-
eators have agreed that the administratrix shall be
appointed *pendente lite* and give bond in the sum of
\$10,000, and that two weeks time shall be given to
prepare that bond.

THE COURT: A decree may be entered to that
effect.

40

THEODORE CONNOLY being sworn for the proponent, testifies as follows :

DIRECT EXAMINATION BY MR. SCHULTZE :

I reside in New York City, 30 East 35th street; I am a lawyer; I am assistant corporation counsel of the City of New York; have practiced my profession 20 years; I knew Pierre Arnault four or five years before his
 10 death; I am one of the subscribing witnesses to this will which you show me which was executed on the 29th day of March; this instrument was executed in my office, 7 Beekman street, New York City, on the day of its date; there were present at the time of its execution, besides myself, Mr. Isaac Hayes, the other witness, and the decedent; I asked Mr. Arnault whether he made, declared and published that as his last will and testament, and whether he requested us to sign as witnesses, and he said he did; he made that
 20 statement to me after I asked him the question, and he said: "Yes, all right."

Q. Was that declaration made in the presence of those who became subscribing witnesses? A. Yes, sir; and the witnesses signed in the presence of each other and in the presence of the decedent.

Q. By whom was the instrument drafted? A. I dictated it to one of my clerks, the original was made on a typewriter; this is a copy made out of my office, I think.

30 Q. Did Mr. Arnault read it before he executed it? A. Yes.

Q. Before the execution of it did you have several interviews with Mr. Arnault about it? A. Yes; two or three.

Q. How long a period of time was covered by these interviews before the execution of the will? A. Several weeks.

40 Q. About what was Mr. Arnault's age at the time of the execution of the instrument? A. He appeared to be a man of fifty or fifty-five.

Q. As to his mental understanding, how was that, and was he under any restraint whatever? A. Under no restraint so far as I know, and of sound mind; his mind appeared to be clear and all right.

Q. I call your attention to the signature P. Arnault, do you recognize that as his signature? A. Yes; that is his signature, I am familiar with his writing, I had frequently seen him write his name, and that is his signature, he always signed "P. Arnault."

10

CROSS-EXAMINATION BY MR. LAWRENCE :

Q. How long had you known Mr. Arnault before the date of this will? A. Since about the middle of the summer of 1885; about nine or ten months, I should say.

Q. How intimately had you known him during that nine or ten months? A. I suppose I saw him on an average of once in six weeks or two months, professionally at my office.

Q. That was your only acquaintance with him? A. 20
Yes; up to the time of the execution of the will.

30

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HUDSON ORPHANS' COURT,

November 17th 1893.

In the Matter

OF

10 The Probate of a Paper purporting to
be the Last Will and Testament of
PIERRE ARNAULT, deceased.

} On caveats filed.

MR. PARRY, for Proponent, with
MR. EMILE SCHULTZE, JR., of New York bar, of Counsel,
MR. SIMPSON, for the widow of the deceased.
MR. LAWRENCE, representing Clothilde Lang, a daugh-
ter of the testator, and Clara Alice
20 Arnault, the widow of a son of the
testator.

Proceedings in open Court on this November 17th,
1893, Mr. Justice Hudspeth, presiding, with Associate
Justices Hoffman and Kenny.

MR. LAWRENCE: There are three caveats to this will,
one is the caveat of Helene Arnault, the widow of
Pierre Arnault, whom Mr. Simpson represents, another
the caveat of Clothilde Lang, a daughter of the testa-
30 tor, whom I represent, and another the caveat of Clara
Alice Arnault, who is a widow of a son of the testator,
whom I represent, and I desire to state to the Court,
that I agree that there be one hearing only, on the
caveat of Helene Arnault, and that the adjudication
upon that caveat shall be entered on the other two.

THE COURT: The one caveat will apply to all.

MR. SIMPSON: I state the ground that we expect to
have the will broken on, is the ground of undue influ-
ence, and the first witness we will call will be the
40 widow of the testator.

HELENE ARNAULT, being sworn, testified as follows .

DIRECT-EXAMINATION BY MR. SIMPSON :

I am the widow of Pierre Arnault, whose will is in question now, and was married to him in January, 1870, in the Church of St. _____ in New York, and lived with him about 11 years. During all this time, his health was never very good ; he had nervous fits and epileptic fits ; we had to use all kinds of sedatives for him so that he could breathe ; he did not know what he was saying nor what he was doing. He was unconscious during these fits, but not very long first off, but later he had them longer, about a quarter of an hour or half an hour. In the first years, these periods of illness were not so frequent, but during the latter part of my residence with him, they occurred every three months, then every six months and then he had them all the time. In the last year that I lived with him, he had these fits about six times. 10

Q. As to his general conduct, did you notice anything in his general conduct that led you to remark it ? 20

A. Well, not in the first years.

Q. In the later years ? A. Certainly. He was not the same man at all.

Q. Why wasn't he the same man—what do you mean by that ? A. I mean that he done things that he never—(Interrupted).

Q. What did he do ? A. For instance, he illtreated me. He never done that before.

Q. I mean anything else that he did that led you to remark his conduct ? A. I don't understand what you mean. 30

Q. Did he do funny things ? A. Certainly he did.

Q. Just tell us what.

THE COURT : She must state facts in regard to his conduct.

Q. I ask you what things he done that you call funny or peculiar ? A. He took me bodily and dragged me all over the room and dumped me down like a ball. 40

Q. What did he drag you by? A. Took me and bumped me from one place to another.

Q. Where did he have hold of you? A. (Illustrating). Like here and like there, just like a ball.

Q. Do you know whether any accident ever happened to him? A. Certainly. He was three times sunstruck. The first was in '76.

Q. Do you remember any other times? A. After that he had been sunstruck twice. The last one was in '79.

10 Q. Do you know a Lizzie Strassheim? A. Yes, I know her.

Q. Do you know whether or not this woman that you know, called Lizzie Strassheim, holds herself out as the wife of your husband? A. Yes, she did.

MR. SCHULTZE: I object to the question.

THE COURT: I think I will admit that to show the relation between the parties.

Q. Do you know whether or not this woman held herself out as his wife? A. Yes, she did.

20 Q. When was the first time you met her and how did you meet her? A. I engaged her as a servant in '74, and she was not four months in the house before parties in the house told me—

Q. I don't care about that. While she was in your house did you notice whether or not she had any conversation with your husband? A. Certainly; and she had her own way; and when she had a new dress on she turned around. She had a new dress on, and he turned her around, like that, and looked at her, and he
30 never done such a thing to me.

Q. Did you say anything to him? A. I did not at that time.

Q. How long did she remain in your house? A. Ten months. Then some working men told me, "Mrs. Arnault—" (Interrupted).

THE COURT: Never mind that.

Q. How did she come to leave your house? A. I found my husband coming out of her room. It was on a Sunday night. I always noticed that when I was
40 going out she stayed home and when I stayed home

she went out; and one evening I came home and knocked at the basement door, and the door was not opened; and I went through the hall, and there the door was always kept locked. We had a fine to pay, five cents, whoever left the door open. The door was wide open, and I went in the basement and I went up the stairs, and when I came up he came out of her room, and she said, "Oh, Mr. Arnault, what will Mrs. Arnault say when she comes?" And I said to her, "You clear out to-morrow morning," and I had to pay up hermonth's wages and——" (Interrupted by objection). 10

Q. She left you, then? A. Yes.

Q. Did you see her after that time? A. Yes, sir.

Q. Where and when? A. First off I received letters that he——

Q. (The Court.) Where did you meet her after that?

A. I saw her in the evenings meeting my husband; she was across the way as a servant, and then she had put a light there between eleven and twelve o'clock, and that was the sign, and he went out and locked the door and she came down and off they went. 20

Q. (The Court.) How do you know? A. I saw them together going away at eleven or twelve at night, two or three times.

Q. After that you say your husband beat you; when was it he beat you, was it before this woman came, or afterwards. A. Afterwards; before he was kind and good to me and done every thing for me, and as soon as that woman came in the house he did begin to illtreat me. 30

Q. How long did he illtreat you? A. He illtreated me from the time she was there till I had to leave him.

Q. What did he do to you? A. Once he knocked me down out of bed and marched on me and broke my knee-cap; another time he gave me a black eye and I had to have a doctor; another time he wanted to throw me out of the window, only for my step-son he would have thrown me out; another time he laid me on the 40

lounge and beat me so my spine was hurt ; that was all after that woman came ; I stood that treatment till '79.

Q. Did you leave him then ? A. Well, I went to a lawyer, and he made me go and leave my house and home.

Q. Did he ever try to get a divorce from you ? A. After that he turned round and wanted to get rid of me by saying that I was cruel and inhuman to him.

Q. (Showing paper to witness.) Did you get this
10 certified copy of the record of the New York Court ?
A. Yes.

MR. SIMPSON : We offer that ; it shows that the divorce proceedings terminated in favor of the witness.

Mr. Schultze objects to it.

THE COURT : The only purpose I see in offering this would be the statement of counsel that undue influence was alleged. Here is a woman employed in this house as a servant ; here is the statement of the witness that
20 up to the entrance of this woman into their house the husband was uniformly kind and considerate ; here is the evidence of this witness that she caught her husband coming out of this woman's room, their meetings, the fact that he changed his whole course of treatment toward her after this woman came. Now, the fact that he attempted to obtain a divorce from her on the charge that she was cruel and inhuman, and the result of that, I think, is something that the Court ought to have in this case in regard to undue influence on the part of this lady. I admit the paper.

30 Q. Did you ever attempt to go back to your husband ? A. Yes, I went with two witnesses.

Q. How did that attempt terminate ? A. He took a policeman to put me out.

Q. Then where did you go when he put you out, where did you go to live ? A. Where did I live ; I was away from him already.

THE COURT : In whose favor is this will made ?

MR. SIMPSON : In favor of the illegitimate child of this woman.

40 MR. PARRY : The will is made in favor of the

daughter of Mrs. Arnault, as he calls her ; this lady is the trustee.

THE COURT : The will was made in favor of her daughter ?

MR. PARRY : Yes.

THE COURT : All the estate ?

MR. SIMPSON : Yes ; everything.

Q. After you left your husband's house, did you ever see this woman, Miss Strassheim, again ? A. Yes.

Q. Where did you see her ? A. 133d street, between 8th avenue and St. Nicholas avenue, Mr. and Mrs. Strassheim, traveling agent. 10

Q. Who was this so called Mr. Strassheim ? A. Mr. Arnault called himself, and they were called Mr. and Mrs. Strassheim ; I went to the police station, 126th street.

Q. You found them there together, living as Mr. and Mrs. Strassheim ? A. Yes, found them in bed at six o'clock in the morning.

Q. After that what became of them, do you know ? 20
A. They went to Marion.

Q. From Marion where did they go ? A. They went back to his place then ; she came entirely in his house.

Q. When was that, when she came entirely in his house to live with him ? A. After my step-daughter married.

Q. Did she live with him till the time of his death ?
A. Certainly.

Q. Do you know how long a period that was ? A. 30
From the time that she went in the house ; I couldn't exactly say ; maybe it is '83 or '82, I can't remember ; when my step-daughter married, then she came in the house.

MR. PARRY : If they were living apart how could she know about it ?

Q. (The Court.) How do you know about what you are now testifying ? A. Because I had my nephew in the business, and he knew it, from the time that Clothilde was away, that she came in the house. 40

Q. (THE COURT.) You don't know, only from what he told you? A. He is here.

Q. Haven't you been to the Ogden avenue house where they lived? A. Yes.

Q. Was she there? A. Certainly she was there all in mourning.

Q. Who were the children of Pierre Arnault; were there any other children that you know of? A. His son is dead, his name was Isaac Arnault.

10 Q. Wasn't there a daughter? A. She is in Switzerland, Clothilde Arnault; she is still living; she is a daughter of Mr. Arnault.

Q. Do you know the name of the widow of the dead son? A. Her first name I don't know. I know where they are.

Q. Don't you know the last name? A. Alice.

Q. (THE COURT.) Madam, you say that before this lady came into your household that your husband's conduct toward you was kind? A. Yes.

20 Q. (THE COURT.) How did he customarily address you, what did he used to call you? A. Helene.

Q. (THE COURT.) Use any words of endearment to you at all, always Helene? A. Ma Chere—my dear.

Q. (THE COURT.) Anything else? A. I don't remember.

Q. (THE COURT.) Kiss you? A. Oh, yes.

Q. (THE COURT.) And how long had you been married up to the time this lady came to the house? A. About four or five years—about four years I guess.

30 Q. (THE COURT.) And from the time of your marriage up to the period I have alluded to was his conduct always the same toward you? A. Yes, it was good until she came.

Q. (THE COURT.) Did you go out together? A. Yes, sir.

Q. (THE COURT.) Where? A. To parties; we went to New York bay somewhere in the carriage, and to Hoboken and Jersey City somewhere.

Q. (THE COURT.) Places of amusement together?

A. Not often, because he was a man working day and night.

Q. (THE COURT.) When you say parties what do you refer to? A. I mean we had two wagons full of people, picnic parties on the Fourth of July; that was the only time, because he was working day and night; he was not a man for pleasure.

Q. (THE COURT.) After this woman came into the house, how about his treatment of you then, was there a change? A. A great change, I had to stay home 10 and he went out; after that he went out with other people, with his son and his wife that is living, and then left me home.

Q. (THE COURT.) Do I understand you to say that after this woman came to your house, that instead of taking you out with him he would take her out? A. She was away, he was always visiting her.

Q. (THE COURT.) How do you know? A. I know it by Mrs. Morgan, I know the lady where they boarded. 20

Q. (THE COURT.) Did you ever see them together? A. Yes, one morning I found them in bed sleeping; I went to the Police Court, the sergeant said—(interrupted by question).

Q. (THE COURT.) You found them sleeping together where? A. No, she was up; I went in and rushed to the bedroom and opened the door, and I said to the policeman "Here he is, he is asleep there."

Q. (THE COURT.) In whose bedroom was that? A. Their bedroom. 30

Q. (THE COURT.) How do you know? A. Because they were living there as Mr. and Mrs. Strassheim.

Q. (THE COURT.) That was after you separated? A. Yes.

Q. (THE COURT.) Before you separated and after this woman came to the house you say his treatment of you changed? A. Certainly.

Q. (THE COURT.) You have testified to the fact that he ceased taking you out, now what else? A. 40

Everything I done was not right, he found fault with everything.

Q. (THE COURT.) Did he ever refer to this woman by name? A. No.

Q. (THE COURT.) Never mentioned her? A. Oh, no, kept that still.

Q. (THE COURT.) Do you mean to say that before this woman came that he never struck you during your married life? A. No.

10 Q. (THE COURT.) Or called you names? A. No.

Q. (THE COURT.) Did he call you names after that? A. Oh, certainly.

Q. (THE COURT.) What names did he call you? A. You could not translate them, they are French epithets of all kinds.

Q. (THE COURT.) Tell the interpreter? A. Dirty cow, and other words that were not translatable; good for nothing, and vile words, I don't want to repeat them; bitch and such things; whore, ass, goat, horse; 20 half a hundred more; I can't remember any more.

Q. (THE COURT.) And what would cause him to call you these names that you refer to? A. Not the least occasion; I had to get up at a quarter to five in the morning, and I made the breakfast for all the working men and for him first, and then he went out.

Q. (THE COURT.) What would cause his calling you all these names? A. When he came home and the working men had left one tool not in the right place, then he flew up and called me all kinds of names.

30 Q. That is in the case of a working man leaving a tool out of the way, that was generally the cause of his calling you names? A. When one thing was not done like he wanted to have it done, because I was superintending the business, keeping the correspondence in three languages, I was dispatching the goods, making the invoices.

Q. What was your business? A. Wines and liquors; I was three years in the basement without fire.

Q. You worked in the basement during your married 40 life? A. Day and night.

Q. Was he a widower when you married him? A. He had his wife, but she had gone away, and I had to wait till he was divorced; I was there as a governess in the house, so I got acquainted with him by an advertisement for a governess.

Q. And his wife had left him and there was a divorce? A. Yes.

Q. And after this divorce you married him? A. Just half an hour after I was married.

Q. And you lived with him up to the time of the 10 separation, and during that time aided him in his business? A. Yes, day and night.

Q. What, if anything, did he say was the reason for his beating you; did he express any reason at all? A. Well, for the least thing; for instance, they came home when I was out, and then they had suppers, and they were laughing and singing, and every day they had something else to torment me.

Q. Who was "they?" A. The two children; and after that they put an alarm clock at three o'clock, so 20 that I should jump up; they wanted to work on my nervous system to put me in the crazy house; that is what they wanted to do.

Q. Did he express any reason for beating you or maltreating you? A. No, not a bit.

Q. Did you occupy the same room as man and wife while you were married? A. Certainly.

Q. When did you cease to occupy the same room together? A. When I had the summons, then I 30 locked my door.

Q. Was this while you were living in the same house? A. Certainly.

Q. How long did you live in the same house and not occupy the same room? A. It was on my birthday, the 18th of August, when I got the paper, and the 13th of September I left the house.

Q. You occupied the same room together till you got the papers in his divorce suit? A. Yes.

Q. And then you ceased? A. Yes.

CROSS-EXAMINED BY MR. SCHULTZE :

Q. Where did you first meet Mr. Arnault? A. Through an advertisement I saw in a paper, I wrote a letter to teach his children German.

Q. Was it an advertisement for a governess? A. Yes.

Q. And what salary did you receive there? A. He promised me \$25.

10 Q. Did you get it? A. The first months.

Q. How many? A. Five or six months.

Q. After that time why didn't you get it? A. Because we were engaged to be married.

Q. About five months after you went to his house you were engaged to be married to him? A. Yes.

Q. You knew at that time he was a married man? A. Certainly, but he had a divorce, and the divorce was not right.

Q. You knew he was a married man? A. Yes.

20 Q. Had he been divorced when you became engaged to him? A. He showed me his papers that he was a divorced man.

Q. Then you married him half an hour after? A. No, that was not a right divorce; I waited—(interrupted).

Q. You became engaged to him before he was divorced, didn't you? A. I can't answer that, because he was divorced in his mind but not in my mind.

30 Q. In your mind he was not divorced when you became engaged to him? A. Yes, because he got the divorce after.

Q. Then you lived with him from January, '78, when you were married to him? A. '70.

Q. Until '89? A. '79.

Q. In 1870 you remember there was the Franco-Prussian war, wasn't there? A. Yes.

Q. You are a German, are you not? A. Yes.

Q. Mr. Arnault was a Frenchman? A. Yes.

40 Q. Didn't you have a great many disputes about the

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Franco-Prussian war? A. No; my husband knew that I came from Mayence, in Germany.

Q. You never had any conversation with him about it? A. Never.

Q. Did you ever appeal to the police for protection when he rolled you around the floor and maltreated you? A. Never.

Q. Ever apply to any of your friends? A. Never.

Q. Complain to anybody about it? A. Oh, yes; I complained to a lady. 10

Q. What lady? A. She is here in court, Mrs. Lesarter; she saw me all black and blue.

Q. Anyone else? A. No.

Q. Was she your most intimate friend? A. Yes.

Q. Everything you would tell to anybody you would certainly tell to her? A. No.

Q. You did not tell anyone else ever? A. What?

Q. Of this maltreatment? A. Oh, I suppose I did other people, but I can't remember.

Q. Who else lived in the house? A. When? 20

Q. When this cruelty occurred, when he maltreated you and rolled you around? A. There were tenants in the house.

Q. Did they ever come rushing in? A. No.

Q. Did they ever complain to the landlord of the disturbance that went on in your apartments? A. No.

Q. Did the police ever come in from the street? A. No.

Q. What was Mr. Arnault's temperament? A. It 30 was very quick.

Q. And apt to get excited very easily? A. Yes.

Q. But he was a kind man? A. He was kind before.

Q. Always treated you kindly, did he? A. Yes, before that woman came.

Q. But his temperament was very nervous and easily excited? A. Yes.

Q. So that over very small causes he would lose control of himself? A. Yes. 40

Q. Do you remember any one occasion on which the person that you call Miss Strassheim was the direct cause of any disagreement or row between yourself and your husband? A. No, I don't.

Q. You don't recollect that she was the direct cause? A. No, because he kept it secret.

Q. But when he saw anything wrong about the business, in respect to tools of the workmen and matters of that kind he became excited and lost control of himself? A. Yes.

Q. Did you ever speak to him about his relationship with this person you call Miss Strassheim? A. Yes, I did, I found a letter.

Q. Never mind the letter; you spoke to him about it? A. Yes.

Q. On what occasion; tell the Court, if you please, any one occasion that you refer to? A. In the evening when I met them meeting together; I was standing on the corner and I saw her sign at the window.

Q. Where was this? A. 26 West Houston street, and she was at 27, across the way.

Q. Where were you? A. I was in South Fifth avenue.

Q. Was that back of Houston street? A. It is not far away.

Q. Is it back of Houston street? A. It is in another direction altogether; it crosses.

Q. You could plainly see her window? A. No; I went to watch them on the corner.

Q. And from the corner you could see her window? A. Yes.

Q. And you could see this light blaze up? A. Yes, and she had the light there, and then he came out, and he locked the door, and she went down and they went off together.

Q. Did you follow? A. No. And then after, when he came home, I spoke about it; and one day he wanted to throw me out of the window, and only for his boy came just from school—it was on the vacation

he wanted to throw me out—and he took him back again or he would have pitched me out.

Q. Were you about the same size that you are now?

A. No; I was not as stout as I am now.

Q. Mr. Arnault was a very slight man? A. He was a very strong man.

Q. How much did you weigh about that time? A.

150

Q. How much did he weigh? A. He weighs more.

Q. You were in your full physical powers? A. Yes. 10

Q. Good strong woman? A. I was never very strong. I looked good and strong.

Q. What was the occasion of this attempt to throw you out of the window? A. Because I had found a letter in his pocket, where he stated "My wife is in the country." I said, "I was never in the country. Who is that?"

Q. Whom was the letter addressed to? A. It was a sketch from him, a letter written to send away, but he had not sent it. 20

Q. Just the rough draft? A. The draft, yes, sir. It was addressed in the country. I had not been in the country.

Q. It did not refer to Miss Strassheim? A. He referred to her.

Q. Her name? A. No, but it was her.

MR. SCHULTZE: I move to strike that all out.

THE COURT: I understand what she means; that it was not alluding to her.

Q. Where was Miss Strassheim at the time of the 30 letter? A. I don't know.

Q. You said something in your direct about finding them in bed together. A. I found them—not in bed together. I did not say that. I saw Mr. Arnault coming out of her room the day I came home.

Q. Did you see either of them in bed? A. She was in bed. I saw her in bed, and she spoke.

Q. The other time, when they were living as Mr. and Mrs. Strassheim, at six o'clock in the morning?

A. That was in 133d street. I went to the police 40

station and I said, "Do you know that gentleman?" "Oh, yes," he said; "that is Mr. Strassheim." "No; I beg your pardon; that is Mr. Arnault, and I am his wife. Will you please give me a policeman?" "Providing you won't make a fuss, I will give you one." And I went there, and I was in her room at six.

Q. Had you ever been there before? A. Yes.

Q. Had you ever been to her room before? A. No,
10 but Mrs. Morgan told me about her.

Q. And Mrs. Morgan escorted you to her room? A. Yes.

Q. And said, "this is Mrs. Strassheim's room?" A. Yes, and then I went on and opened the bed-room door and saw him in bed, and she too.

Q. Who was in bed? A. He was asleep; he never saw me.

Q. Was she in bed with him? A. She was up in the room, where she received me.

Q. And he was in her bed in that room? A. Yes.
20

Q. (THE COURT.) Both in the same room? A. In the bed-room.

Q. (THE COURT.) Both in the same room? A. Yes; she was in the room there, and there was the door, and I opened the door and he was laying there.

Q. You did not know whose room this was? A. It was her apartments; her bed-room.

Q. Was it Mr. Arnault's room too? A. Certainly, Mr. and Mrs. Strassheim's room, he went by the
30 name of Mr. Strassheim.

Q. (THE COURT.) What time of the day or night was this? A. Half-past six in the morning.

Q. (THE COURT.) How was she dressed? A. In her morning costume, she was dressed.

Q. You separated from Mr. Arnault? A. My lawyer told me.

Q. Answer the question? A. Yes, I separated.

Q. How much did he pay you a week? A. He gave me eight dollars; he had to give me \$14.

Q. How much did you actually get? A. Only \$8.
40

Q. You receipted for that? A. I did; but the last one he was dead; I wrote to him and he was a corpse, and she confiscated my letter and she—(Interrupted).

Q. You said enough about him before his death, don't say anything about him after his death, if you can help it; answer the questions. You lived apart from him how long? A. I lived apart from '79 till he died.

Q. During which time he paid you regularly each week, \$8? A. Yes. 10

Q. During all this time you knew that he was living with this Lizzie Strassheim? A. Yes.

Q. Did you ever apply for a divorce during that time? A. No, sir.

Q. Did you ever apply for a separation? A. No, sir; I was bound to keep the peace so I could not do anything but take my \$8.

Q. You were bound to keep the peace by whom? A. By the written agreement that I signed.

Q. Did you think that was a just demand, to ask you to sign any agreement to keep the peace? A. He knew very well that I would not like to harass him. 20

Q. Is that why you are contesting the will now? A. No, it is because I am poor, and I have nothing to support me now. I have to give lessons.

Q. Will you describe these fits that Mr. Arnault had? A. When he had these fits he would—(illustrating).

Q. Who was your physician at that time? A. We had several physicians. 30

Q. Who were they; do you remember the names? A. One was in Prince street; I don't remember his name no more; he died.

Q. You consulted a physician when these fits came on? A. Not after that; he told us what to do, and we did not need none.

Q. Was Mr. Arnault ever in an asylum? A. No.

Q. Mentally, he was perfectly all right? A. His actions was so that I was compelled to write down-town to the merchants, that I could not understand 40

what was the matter with him, that he was not rational at times; I even wrote a letter to the down-town merchants to come up, and that was the time they put him in business with his brother.

Q. Was that before or after you separated from him?
A. Before; he was not quite right.

Q. What was Mr. Arnault's business? A. Wine and liquors.

Q. And he conducted it himself? A. Well, at that
10 time he did conduct it; he was outside and I was inside; I was the soul of the business.

Q. Did he have anything to do with the business; the place of business itself? A. Certainly, when he was home.

Q. What do you mean when you say you were inside and he was outside? A. Because he went away in the morning at six o'clock and came home at eleven.

Q. And then he did not work about the business all
20 day long from morning till night? A. No.

Q. You don't know what he did about the business?
A. He served his customers in the day time; he was away on his wagon all the time.

Q. You never raised any objection to his driving about in New York on his wagon. A. Certainly not.

Q. Notwithstanding the fits and irrational conduct otherwise? A. No.

Q. Did the physician ever say that he should not do
30 that? A. We never spoke about that to the physician; we only spoke about the fits and the sunstroke; he was sunstruck once, and then twice after; in '79 the second time, and the third time I don't know; there was three sunstrokes.

Q. And these were mentioned to the physician? A. Yes, in '76.

Q. Were they mentioned or were they not mentioned to the physician? A. How do I know; his brother done that.

40 Q. These were before you were married? A. No.

Q. When was his first attack? A. In '76, but I was not home; I had a branch business in 46th street, and he came only twice to the branch business, and then he was boarding with his brother, so I was called at 12 o'clock in the night, and he was unconscious; he was sunstruck.

Q. What time of the year was it, do you remember?
A. It was in the vacation.

Q. Winter vacation? A. Yes; I don't know exactly. 10

Q. Along about the Christmas holidays? A. No; the vacation came on the first of September; I gave the business up again, and came back again.

Q. Then he had two other strokes after that, or were they just relapses? A. And then I was not in the business; he was in partnership with his brother, that is the reason I can't testify to it; I have people to testify to it.

Q. In regard to this first sunstroke, you were not there when he was taken, you were sent for? A. 20
Yes.

Q. So that they told you about it? A. Yes.

Q. What did you see when you actually got there?
A. He was asleep, it was 12 o'clock at night.

Q. And he slept quietly as he would ordinarily? A. When I was there he was asleep; he was in bed about a week after that sunstroke.

Q. Did he ever say to you that these sunstrokes affected his business capacity? A. No, he did not.

Q. It was not spoken of? A. No, only I found a 30
difference in his ways of acting in everything and every respect he was different.

Q. Did not change any of the modes of business in any respect, affect the carrying on of your business?
A. No; I cared too much for him, that is all; if I did not care too much for him I would not be to-day here poor like I am.

Q. How many men did you have employed in your business? A. Three men and three boys.

Q. Are they alive now? A. Oh, we changed often the men.

Q. At the time that these sunstrokes occurred about '76 and '79, what, exactly, was Mr. Arnault's entire business day; after the sunstrokes what did he have to do, what would he do in the morning after getting up, in regard to his business after '76 and '79? A. He got his breakfast and went out of the house with the wagon.

10 Q. Delivered to customers? A. Yes.

Q. How many customers did he have to visit a day? A. A few hundred a day.

Q. Did any of the customers ever come to you and complain of Mr. Arnault's conduct as being peculiar? A. No.

Q. None of them ever came to you of these hundreds of customers? A. No, only from that time up he acted funny, he wanted that the people should think that he sold so much wine.

20 Q. He was a very energetic business man? A. Certainly he was.

Q. Tried to push his business? A. Certainly.

Q. Tried to enlarge it, didn't he? A. Certainly he did.

Q. And he was was ambitious to make it a good business? A. Yes.

Q. Often spoke to you about what he intended to do about his plans? A. Certainly he did.

Q. You kept all the books? A. I did.

30 Q. When you first married him how much of a business did you have? A. Very little.

Q. How much, about, a year? A. He had \$1,200; when I came to him he was worth \$1,200, and had a few barrels of wine.

Q. When you first came there what was the income of the business; the first year, for instance, if you remember? A. I don't know.

Q. Was it \$10,000? A. I don't think so.

Q. Was it \$2,000? A. May be that.

40 Q. Was it \$5,000? A. It may be that.

Q. Did you keep the books? A. Yes.

Q. Do you remember the monthly sales? A. No, I don't remember.

Q. Well now, when did you first notice an increase in the business that you remember? A. When I went to Wooster street; I was there three years working day and night and it increased.

Q. What was the income after those three years? A. I could not tell.

Q. Was it more than \$5,000? A. I took to the bank myself \$500, \$700 and \$1,000 in the holidays.

Q. This was in your personal account? A. No, business, every week; it was me that brought it there, \$500, \$700; in the holidays it was.

Q. What year was this about, that you took all this money to the bank? A. It must have been in '73 and '74.

Q. You don't remember how much the income was a year? A. No, I don't remember that.

Q. Take another year, take the year 1880, do you remember about what the business was bringing in then? A. In '80 I was not there, I left in '79.

Q. Take the last year that you were in the business, '78 was it? A. No.

Q. '77? A. No, it was three years before; till '76 in May I was there.

Q. Why weren't you there from '76 in May till the end of the time? A. Because he had his brother a partner for three years.

Q. Was he dissatisfied with the way you had managed things? A. Yes, but the gentlemen were not satisfied because he had too many creditors.

Q. What do you mean by the gentlemen? A. They were not satisfied because he gave the goods recklessly.

Q. Just gave them away? A. Yes, sir.

Q. And in your last year there, '76, how much of a business did he have, as you remember it? A. That is just what I told you, I can't tell you any more, I can only tell you what I brought in the bank, \$500 and \$700 a week, myself I brought it to the bank.

Q. That was a much more flourishing business than it was in the beginning when you came? A. Certainly.

Q. Very much so? A. Yes.

Q. And this business was built up— A. Through me.

Q. You went out to see the customers too, sometimes?

A. He sent me a half day off to go to those customers.

Q. He would give you a half day and then you would go around to build it up? A. Yes.

Q. Did you make the sales to customers? A. When they came, certainly.

Q. Most sales of goods were made through Mr. Arnault? A. When I was in the house they could not be made by him.

Q. The outside customers? A. Certainly.

Q. What proportions did the sales made by you bear to the sales that Mr. Arnault made, just roughly?

A. I can't estimate that.

20 Q. Did he sell twice as much as you? A. Oh, yes.

Q. Did he sell ten times as much as you did? A. I don't know.

Q. How much did you ever sell, do you remember?

A. I don't remember.

Q. A few hundred dollars? A. I only know New Year's day I had \$1,000 I took in there.

Q. You engaged Lizzie Strassheim as a servant, did you? A. Yes.

Q. Did she do her work well? A. Slovenly.

30 Q. Did Mr. Arnault have anything to say about engaging her? A. Oh, yes; he had, when he saw her he made fun of her face.

Q. He cast slurs on her, didn't he? A. Yes, sir.

Q. Didn't he tell you that he wanted to have her put out? A. When?

Q. He was displeased with her? A. Yes.

Q. Did he ever say to you to dismiss her from the service? A. No.

Q. Did you ever, on account of her slovenliness, tell

her? A. I told her; I let her have her own way; he said be kind to her.

Q. Would he say at one time "be kind to her," and then make fun of her face? A. That was when he first saw her he made fun; that is the reason I didn't think there was intimacy between them.

Q. Mr. Arnault was away all day, of course, from the house? A. Yes.

Q. When would he come home at nights? A. About eleven o'clock or twelve o'clock, and I would be in the store. 16

Q. You would see him when he came in? A. I made his supper.

Q. Would he sit down with you and eat it? A. No, he ate alone.

Q. Would he sit at table with you? A. Certainly.

Q. How much time would you spend together, then? A. Until he was done, an hour.

Q. Till one o'clock, and then you went to bed together? A. One o'clock, two o'clock; sometimes I stayed up all night with my books. 20

Q. You went to bed, when you did go to bed, with him? A. Yes, sir.

Q. In the morning he would get up when? A. I got up at a quarter to five and he got up half an hour later.

Q. When he was in bed with you at night did he ever leave your bed and go away anywhere? A. Not the first time, but later he was up all nights; he would not get up out of bed and walk around the house. 30

Q. How often would he see Lizzie Strassheim during the day? A. He would see her in the evenings when he came home?

Q. You mean waiting on the table? A. No, we had a stable built in the yard, and he had to go through, and Lizzie took her slop pail and went down in the back yard, turning round to meet him there.

Q. Wasn't it her business to go with the slop pail in the back yard? A. She done that to see Mr. Arnault; then when he was sitting down writing she was going 40

to bed and she turned round and said "Good evening, Mr. Arnault," three or four times till that man opened his eyes and said "Good night."

Q. They did not have any further conversation than that? A. Didn't I tell you he turned her round and looked at her when she had a new dress on.

Q. He turned you around, too? A. No, he did not; never.

10 Q. Then the testimony that you gave about his catching hold of you and turning you around is not so, is it? A. I did not say that; that was when he turned me around like a ball and bumped me in the whole room about 20 times.

Q. Who lived below you? A. I don't know.

Q. Did they ever come up to complain? A. No.

Q. And still he bumped you on this floor? A. Certainly.

Q. How high were the ceilings in this house that you lived in? A. Common tenement house.

20 Q. Ever hear the people walk above you? A. Certainly; there was a saloon down there.

Q. Did the saloonkeeper ever object on account of the noise? A. No.

Q. Was there any opportunity for Mr. Arnault at this time to see Miss Strassheim while you lived with him? A. Yes, when I went out; the workmen told me.

Q. When you went out, then he would see her? A. Yes.

30 Q. And you went out during the day? A. Sometimes.

Q. Mostly at night? A. No; in the daytime.

Q. And that is the same time that he was out on his wagon all day? A. But he had one day in the week when he came home in the middle of the day and stayed two or three hours.

Q. And you always selected that day to go out? A. Yes, certainly; I could not go out when he was not in.

Q. And then when he was in you were out? A. Yes.

Q. And that once a week was his opportunity for seeing Miss Strassheim, wasn't it? A. He could see her other times.

Q. Was there any other time? A. I don't know.

Q. You know that that was the only time that he could see her, that once a week, that half a day? A. Yes; but he could see her when I was out; on Sunday when I went out he would stay at home. 10

Q. Did you go out alone on Sundays? A. No; with my daughter and with my son.

Q. Did Mr. Arnault ever go out with you Sundays? A. No; he always worked day and night; it was very seldom that he went out.

Q. When you first noticed the growing attachment of your husband for Miss Strassheim why didn't you dismiss her? A. I wanted to be sure, so I watched.

Q. Now, what did you want to be sure of? A. Because the people in the house told me that if they were me they would pack her off, so I watched her. 20

Q. And you never dismissed her, did you? A. I did when I found my husband come out of her room.

Q. Where was her room? A. In the garret; when I came in that Sunday night when I did not find him in the basement I came up and found him in the room; he did not say a single word and he put down his eyes, and had a light in his hand and passed me, and I went up to her and said, "Now I caught you; to-morrow you leave my house." 30

Q. Did she go? A. Certainly she went.

Q. After you separated from your husband you were content to live on this eight dollars a week? A. Yes; because he compelled me.

Q. Did you ever go to see him at all? A. No; he bribed the lawyer and it has been dismissed; I did not get more than \$8.

Q. Did you ever go to see him? A. No; once or twice I took a policeman and I told the policeman, "I am the wife, he has no right to put me out." I told him 40

I could not get on with \$8. I agreed to take \$8 because the lawyer forced me to ; he kept me six weeks without a cent, and he said in eight days we will get you more, and I wanted it, and the case was dismissed and I did not get more.

Q. Did you go into mourning for your husband ?

A. Yes, I did.

Q. Are you wearing mourning now ? A. It is two years.

10 Q. How long did you keep it on ? A. All the time, but I have no black clothes ; I have to take what I have ; I am too poor to buy black clothes.

Q. Have you that agreement with you, under which you received the \$8 a week ?

MR. SIMPSON : Yes ; I have it down at my office ; I will try and find it by next trial day.

Q. (THE COURT.) Was this \$8 a week under divorce proceedings or by him ? A. Only by him.

MR. SCHULTZE : They mutually agreed to live apart.

20 THE COURT : I want that agreement introduced.

Q. Did Mr. Arnault ever write to you finding fault with the language you used in some of your letters to him.

MR. SIMPSON : Those letters would be the best evidence.

A. (THE WITNESS.) Have I to say the reason why I wrote those letters ?

30 Q. (THE COURT.) You can explain it ; did he ever write you such letters ? A. Yes, once ; because twice he did not send me my check and she insisted that she had sent it, and so that is the reason I sent him that letter.

Q. (THE COURT.) Who is "she ?" A. Her, Mrs. Strassheim.

40 Q. You received money from Mrs. Strassheim ? A. No. Mr. Arnault sent it to me every week, and once or twice I was obliged to send a letter to him, and she signed Lizzie Arnault, and I objected to that, and that is the reason I wrote him an insulting letter ; she has no right to call herself Mrs. Arnault.

Q. Did you ever threaten to do bodily harm to your husband or Mrs. Strassheim? A. No.

HELENE ARNAULT'S cross-examination resumed December 1, 1893:

Q. Did you notice the peculiarity of conduct of Mr. Arnault that you speak of immediately after the sunstroke of 1876, or sooner? A. Not sooner.

Q. You said you saw him coming out of Lizzie Strassheim's room? A. Yes. 10

Q. How did you come into the house that night? A. I knocked at the basement door, didn't receive any answer, went up through the hall to go into the store and found the door open leading into the yard; we had a fine every time we left it opened; I came into the store and nobody was in, and I went up the stairs.

Q. You have testified that every time that you were in Lizzie Strassheim went out, and whenever you went out she staid in? A. Yes. 20

Q. How often was she allowed to go out? A. I guess every second Sunday, but any time if she had asked me I would give her leave to go out.

Q. Did she have the right to go out whenever she liked? A. No, only every second Sunday, and when I gave her leave.

Q. So that your statement that whenever you staid in she went out is not correct? A. When I went out on Sunday she staid in and would say: "I will take my other Sunday." The Sunday I went out she staid in; when she staid in, I went out. 30

Q. She went out whenever she liked? A. I was not so very particular with her, if she wanted to go out I would let her go if she asked me, but not otherwise.

Q. Did she, every time, ask you to go out when you were in? A. No, whenever she wanted to go I let her go and I staid home whether it was her Sunday or not; I was very lenient.

Q. Whenever you were in did she go out when she 40

liked? A. No, not unless she asked me, and the second Sunday.

Q. Then your statement that she went out whenever you were in, is not correct, is it? A. It is not in that sense; it is in the sense that I am talking, when she wanted to go, I let her go, and I staid in.

Q. How frequently during the week did she ask you to go out when you staid in? A. I don't remember.

Q. Seven times? A. I can't tell.

10 Q. Six times? A. I don't remember.

Q. Five times? A. I don't remember. When she found I wanted to go she would say she would stay in and she staid in?

Q. And when you were in she went out? A. Yes.

Q. Always? A. No.

Q. How frequently a week? A. It is not in the week that I speak of, it is of Sundays. In the week I let her go when she asked me.

Q. How many times did she ask you during the
20 week to go out? A. I don't remember.

Q. Was this before or after the sunstroke? A. Before.

Q. When you say you came in that night who had the key to the door that was unlocked? A. It was a latch key and the door was wide open.

Q. Whose business was it to see that the door was closed? A. Mr. Arnault's.

Q. He had the key? A. Yes.

Q. And he went up to this room and left the door
30 unlocked? A. He left it open. It way a latch key.

Q. When he came out of Lizzie Strossheim's room did he close the door? A. I met him in the garret coming out of her room.

Q. Did he close the door when he came out of the room? A. I don't know; I was standing before her room and I said she had to leave the house to-morrow morning. Mr. Arnault went past me when he came out of her room and I don't know whether he closed the door behind him or not. The garret was a big

place and her room was partitioned off, and as I rushed up he came out of the room.

Q. Was there another door at the head of the stairway? A. Yes, he came through that and I saw him come out of her room, and he passed by me; he came through the open door; I was in the garret, it was a big garret; he walked by me, I didn't say a word to him, I said to her, "Now, I caught you," and she said—(Interrupted.)

Q. Where was she? A. In her bed, I saw her in 10
bed, I went to her door and saw her in her room in bed through the door; after Mr. Arnault passed me I went to the door and spoke to her and she was in bed; it was 11 o'clock at night, and she said, "Oh, I told Mr. Arnault what will Mrs. Arnault say when she comes home," she said that to me, and she said, "I told him to go away," and I said, "You must clear out to-morrow," and then she said nothing.

Q. What did she first say? A. She said, "I said what will Mrs. Arnault say when she comes home," 20
she said that to me when I told her I caught her she said, "I told Mr. Arnault to go away, what will Mrs. Arnault say if she finds you here."

Q. Did you knock at the door when you came up?
A. No.

Q. Did you ask what business he had there? A.
Not a word.

Q. Was there anything to indicate that he had been there on any improper errand? A. I think that was 30
enough when a man comes out of a woman's room at 11 o'clock at night. My opinion was that they had been intimate; I was too excited to notice anything particular I saw him coming out of her room.

Q. You were asked by the Court, where did you meet her after that, and you said you saw her in the evening meeting your husband, that she was across the way as a servant and she would put a light between 11 and 12 o'clock. You went out after them. When was that? A. April, 1876, I went out of the business, 40
I went to my home South Fifth avenue.

Q. How did you get out of the house after he locked the door? A. He locked the door of the business across the way. The business was not in that house, we were living private. Since 1876 I was not in the business. I left before he was sunstruck.

Q. He broke your knee cap once. What doctor did you have? A. I don't remember his name, it was the same one I had when I had the black eye.

10 Q. How often was this doctor in your house? A. I went to him.

Q. You testified that it was through the lawyer that you left your house and home? A. I told the lawyer how he abused me, and the lawyer told me to leave him, to get out of the house.

Q. Did any lawyer tell you to contest this will? A. No.

Q. You blamed the lawyer for leaving your house and home? A. Yes, I have found out it was wrong. A wife should never leave her house and home.

20 Q. Is this paper which I show you the agreement under which you separated? A. This is my signature, but he gave me another one to read; the lawyer presented me another one. I don't know what is in this agreement. I know what is in the one that I have.

MR. SIMPSON: We will produce the other one at the proper time.

30 Q. Did you live apart from him after signing the other paper? A. Yes. The one that I have that he signed said as long as my wife is away from me I will pay her \$8.

Q. What church were you married in? A. Holy Ghost, 23rd Street, between 7th and 8th Avenues, I guess.

Q. How soon after the divorce? A. The same day; he showed me the divorce just when it was granted; he came home and made me dress myself, and his lawyer and Mr. Steiner, and we went off and we were married in the priest's house, next to the

church. Mr. Schmidt, the lawyer, and Mr. Steiner were the witnesses.

Q. Have you a certificate of marriage? A. Yes; I got a certificate of marriage, and paid 50 cents for it.

MR. SIMPSON: We will produce it later on.

Q. Did you ever have any intercourse with Mr. Arnault before your marriage to him? A. No, sir.

Q. With any one else? A. No, sir.

Q. Didn't you know a doctor? A. Yes, many years before.

10

Q. Did you live for five years with a doctor? A. No, sir.

Q. I show you a letter; is this your handwriting? A. Yes; she stole that letter. It has nothing to do here.

Q. What was your name before you were married? A. Mrs. Tariff.

Q. You sometimes signed letters H. T.?

THE COURT: What is the purpose of this?

MR. SCHULTZE: I am going to show she is not worthy of belief; that Mr. Arnault applied for a divorce; he did not get it; then separated by mutual agreement, he paid her a stipulated amount; and by this letter that she admits she committed perjury; it all affects the credibility of the witness.

20

THE COURT: If this correspondence that you have gave information to her husband which was new to him and was an element of influence which led him to seek the divorce and separation, then it is material; otherwise it is not.

30

Exception.

Q. Were you ever married before you married Mr. Arnault? A. Yes; but my husband was dead. I was a widow when I married Mr. Arnault.

Q. Did you consider yourself the wife of this doctor that you lived with?

Objected to, and objection sustained. Exception.

40

Q. Did you ever live with a man named Weiss? A. No, sir.

Q. Did you ever commit perjury?

Question objected to, and objection sustained.
Exception.

Q. Did you ever say that you committed perjury?
A. No, sir.

10 Last question objected to, and objection sustained. Exception.

Q. Did you ever write that you committed perjury?
A. No.

Last question objected to, and objection sustained. Exception.

20 THE COURT: The issue here is undue influence exerted over the testator at the time of the making of the will, and before that time. Please confine yourself to matters which relate to that issue. This witness' former character for chastity or veracity is not pertinent here, unless it was brought home to the knowledge of the decedent and influenced him to the course that he took in dealing with his wife.

30 MR. SCHULTZE: I am seeking to attack the credibility of this witness as a witness. I am trying to contradict her direct testimony. I am trying to show what her character as a woman is, and I think I should be permitted to bring these matters to the knowledge of this Court.

Q. After you left Mr. Arnault, how long before you saw him again? A. I don't know; I left him on September 10th, 1879.

Q. Then did you see him in 1880? A. I don't know; I only met him once or twice after that.

Q. How often did you see Lizzie Strassheim after that? A. Only twice, to my belief.

Q. Were you very cruel to the children? A. Never.

40 Q. Then why did they want to put you into a crazy

house, as you have testified? A. Because they wanted to help their father; they wanted to enjoy their life and have perfect freedom; the daughter said that she did not allow her father to visit his wife; she only allowed him to have a mistress. The bottom of it was, they wanted the money; they wanted to be free, and me not to interfere with their way of living; and when their father would die they would have all the money to themselves, and they wanted me to be out of the way; that is the reason that they wanted to help their father. 10

Q. Were you always agreeable with the children?

A. I loved them like my own, and they loved me more than they did their father when they were little; I was their only mamma.

RE-DIRECT EXAMINATION BY MR. SIMPSON:

Q. Did Mr. Arnault ever get out of temper and beat you before this Strassheim woman came? A. Never. 20

Q. Did he show you divorce papers before you were engaged to him? A. He told me he was a divorced man; then I became engaged to him.

MR. SIMPSON: I now produce the marriage certificate and the agreement of separation; I produce them in obedience to the order of the Court.

HELENE ARNAULT, recalled by Mr. Simpson, testifies as follows: 30

Q. When you signed the paper that was shown to you the last time you were here you referred to some other paper that you read before signing that paper; is this the paper which I show you, the one that was read to you before you signed the other paper? A. Yes, that is the paper that was read over to me; the man showed me two papers; one paper he read, this one, to me and he said they were both alike, and then I signed the other paper. 40

Q. You did not read the other paper ? A. No.

Q. Who was the man that told you that ? A. It was the lawyer with one arm, I don't remember his name any more.

Q. And this is the paper you read before you signed the other paper ? A. Yes.

CROSS-EXAMINATION BY MR. SCHULTZE :

10 Q. (Showing witness two papers.) Which paper was the one that was read to you ? A. This one (pointing to one) the paper I signed ; they were both exactly in the same handwriting.

Q. Do you remember what was in it ? A. I read the one that was signed by Mr. Arnault.

MR. SCHULTZE : She picks out this as the one she read and signed.

MR. SIMPSON : No, she does not.

20 Q. I show them to you again , now look them over and see which is the one you signed ? A. I cannot read it good ; that time I did not read it ; he showed me one paper.

Q. Did you read either of those papers at the time ? A. No, my eyes were full of tears, and the lawyer said "Sign it and then get more, sign it and get more." I was so excited I didn't know what I was doing.

Q. Which one did you sign ? A. This one that has my name on it, that is my signature.

30 MR. SCHULTZE : That is the one they both signed. The following examination is by the Court :

Q. Go on and explain how you signed that paper ? A. The man was standing before me and was reading me a paper, and I was crying.

Q. What man ? A. Mr. Moore, that was the man I engaged as lawyer.

MR. SCHULTZE : We object to the one that has not been signed by both.

40 THE COURT : The papers with both signatures she said she signed, but she claims the other paper was the one that was read to her.

Q. This one is marked "A," and this one is marked "B;" now, I will leave them both to you, and then you can tell me which one was read to you?

THE WITNESS: Are they alike, are they different?

MR. SCHULTZE: No, they are not alike.

THE WITNESS: I thought they were both alike.

The Court directs Mr. Schultze to read both papers to the witness, and then she can be asked which was the one that was read to her at that time. Mr. Schultze reads both papers 10 to the witness.

THE WITNESS: I signed that paper where he says I should not annoy him in the business; now I don't know which one it is.

MR. SCHULTZE: That is right; that is ours.

Q. It was your lawyer, Mr. Ash, wasn't it? A. No, it was not Mr. Ash, it was Mr. Moore.

Q. Was he your lawyer? A. Yes, I took him for a lawyer.

MR. SCHULTZE: That is ours; that is the one we offered in evidence. (It is marked B.) 20

MR. SIMPSON: No, it is the other one that is marked A. I want the Court to understand that the witness has identified the agreement by its having in it that she was not to annoy the man in his business, and that appears in both of them; the same remark is in one and in the other, and it is not fair to admit B and not admit A, when they are both proved in the same way.

The following examination is by the Court: 30

Q. Who was present when you signed agreement of separation from your husband? A. My son.

Q. Was Mr. Moore or Mr. Ash present? A. Mr. Moore was.

Q. Who signed the paper as witness that you signed? A. I don't know; I only saw Mr. Moore coming in my room and told me; "Sign that; that is for the \$8 a week, and I said, "I cannot get on with \$8 a week;" and I cried bitterly, and "I will not sign it," 40

I said, "because I have a boy 14 years of age, and how can I get on with \$8?" and he says, "Sign it, and I will get you more; sign it," and he read just a little bit, and I signed it.

Q. Was the paper read to you? A. No, only part.

Q. Was this the paper that you signed on that occasion? A. The one that I put my signature to was the one that I signed.

10 Q. And you signed it under the circumstances that you have testified to? A. Yes, he had two papers in his hand.

Q. Did Mr. Ash submit that paper to you which you have in your hand? A. No.

Q. Did he read it to you? A. No.

Q. Did Mr. Moore submit that paper to you? A. He showed it to me.

20 Q. How do you identify that paper as being the paper he showed to you on this occasion, and also this paper as the one you signed? A. He had the two papers in his hands, and he says, "Sign this one."

Q. Did he read both papers to you? A. No, he read one paper to me.

Q. Was Mr. Moore your attorney? A. Yes.

Q. Was Mr. Ash your attorney? A. No.

Q. Mr. Moore brought two papers to you? A. Yes.

Q. And read both papers to you? A. I don't remember; he only read one and said sign that.

30 Q. And you signed the paper he asked you to sign? A. I could not see anything; the tears were running down and I could not see the paper.

Q. What is the difference between the two papers? A. I don't know if there is any difference.

Q. Do you know what objection you have to the paper that it is claimed you signed? A. No.

MR. SIMPSON: I have interposed the objection.

THE WITNESS: I supposed the two papers were alike.

40 Q. Who gave you that paper A? A. Mr. Moore gave it to me at the same time, and at the same time he took away the other paper.

THE COURT: Both papers, A and B, will be received in evidence.

PETER CARTIER, being sworn on the part of the caveator, testifies as follows:

DIRECT EXAMINATION BY MR. SIMPSON:

Q. You knew Pierre Arnault in his lifetime? A. 10
Yes, I was two years in his service.

Q. Did you notice anything peculiar in his actions?
A. Sometimes when he gave orders he was very brutal.

Q. Do you remember a particular instance of his cruelty to a horse? A. I worked for him in 1879-1880-1881.

MR. SCHULTZE: This was five or six years before the will was made, and we object to it as too remote.

THE COURT: Holds the objection good.

20

CHARLES J. WHITE, sworn on the part of the caveators, testifies as follows:

DIRECT EXAMINATION BY MR. SIMPSON:

I knew Mr. Arnault in his lifetime. I worked for him about two weeks on a wagon. He was a hard man to get along with, and during that time he had a sunstroke, after which he seemed to be absent-minded and to tell you one thing and wanted you to do another thing immediately afterwards. His memory was very poor, and he sometimes spoke without finishing his sentence. I remember his having a fit and falling off his feet once when I was there. One time in 1885, when the business was in Prince street, I came there and got a gallon of wine. Mr. Arnault was there with that lady; the name she went by was Mrs. Arnault; she ordered the wine and I gave her the wine; I did not see him and I had no conversation with her. I never saw her after that. Mr. Arnault did not have 40

his proper senses; he acted like a crazy man; you could not work for him; I was not quite two weeks with him and left him because he was too crazy to work for.

CROSS-EXAMINATION BY MR. SCHULTZE :

My business now is Manhattan Elevated brakeman. During the two weeks that I was at Mr. Arnault's place very little of the time was spent around the business place coming in contact with him. I was
 10 on the wagon with him; my duty was to watch the wagon; I saw him but very little coming in any contact with his customers. I did not speak to him much; he was not the kind of a man I would speak to. Sometimes we would ride for hours, without speaking a word and I would not know what for. He spoke broken English, and you could not very readily understand him. I could understand him, but would miss perhaps, one or two words. What I noticed peculiar about his actions, was that he seemed to be
 20 crazy. You could not do anything right for him; if you drove one side of the way, he would want you to drive the other; he was a hard man to work for. I could not count the customers that he visited, but they were a great many. He directed the wagon; that was his business; he knew the customers; I would drive ahead till he would say the reverse; he did not get tangled up very much during the day visiting these customers. He made a mistake sometimes and made me drive back; lost about an hour or so sometimes. I
 30 was served with a subpoena to attend here to-day. I know nothing about his family matters; I merely saw him during the day on the wagon. He had a small memorandum book, in which he kept track of the sales to customers, made from the wagon. I did not have anything to do with that; I was only a boy of fourteen, about fourteen years of age at that time.

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CLEMENTINE LESERTEUR, sworn on the part of the caveator, testifies as follows :

Q. Did you know Pierre Arnault, deceased, in his lifetime? A. Yes ; I have known him for more than 20 years.

Q. How intimately did you know him? A. I have known him very well, because my husband worked for him ; I first became acquainted with him in 1866, and have known him since that time. 10

Q. How did your husband work for him? A. Shoemaker.

Q. You saw Mr. Arnault frequently? A. Nearly every day.

Q. State whether or not you noticed any conduct on his part that led you to notice anything peculiar?

MR. SCHULTZE : When?

THE WITNESS : After his sunstroke he was crazy.

Q. When was this sunstroke? A. I think it was in 1874 or '75, I don't remember very well. 20

Q. What do you mean when you say he was crazy ; what led you to believe he was crazy? A. He took a servant and this servant chased the wife out.

MR. SCHULTZE : We object to that answer.

Q. Do you know that of your own knowledge? A. Yes ; he brutalized his wife, he beat her, he pinched her. It was almost impossible to work for him.

MR. SCHULTZE : This is all proof toward testamentary capacity. The charge here is undue influence.

THE WITNESS : It was impossible to work for him, 30 he had become so silly, so crazy, it was impossible to do anything for him.

Q. How do you know? A. Because we were neighbors.

Q. Did your husband work for him? A. Yes.

Q. Is that how you know what you are talking of? A. Certainly.

Q. (THE COURT.) Do you know these facts of your own knowledge? A. Yes, certainly I know it, because I myself have replied to Mr. Arnault when he 40

wanted shoes made that were impossible to be made, I have replied to him myself.

Q. Why was it impossible to work for him? A. Because he wanted things made that would not go on his feet.

MR. SCHULTZE : We object to this shoe business.

THE COURT : Strike it out.

Q. Do you know any other acts of Mr. Arnault's that led you to form this conclusion as to his sanity?

10 A. Since he had this servant he did such acts to his wife that made it impossible for her to live with him, and he was vexed with us because we held to Mme. Arnault.

MR. PARRY : This is merely hearsay, it is what she learned from her husband.

Q. How intimately did you know Mr. Arnault, did you visit his house in his lifetime? A. No; we never were in his house.

20 Q. Did they ever visit you? A. Very often, very often.

Q. Did Mrs. Arnault ever visit you? A. Very often.

Q. Have any other of the family ever visited you? A. Yes; we worked for them.

Q. Did Mrs. Arnault ever show you any marks of violence on her body? A. Yes; on her breast and on her arms, all over.

Q. What was the character of the marks? A. Bites.

30 MR. PARRY : This is simply hearsay.

Q. What was the character of these marks? A. They were bites; the arms were full of them, and the moment that he had this other servant, all was finished.

Q. Do you remember when this servant came into the Arnault family? A. I don't recollect exactly; it may have been 1874, '75 or '78, about that time; I know when she came, but I cannot fix the date; I saw her there all the time.

40 Q. Can you tell whether it was before or after her

coming that you were shown these bites or bruises?
 A. After this woman had been in the house.

CROSS-EXAMINATION BY MR. SCHULTZE :

Q. You were never in the house? A. Yes, very often.

Q. Did you ever see any brutality by Mr. Arnault to Mrs. Arnault? A. (in English). Yes, for this lady.

Q. Where? A. (in English). I told you she bite here (pointing to the arm); she pinch; everything. 10

Q. At what place; in your house? A. No, it was not in my house.

Q. Where? A. At Mme. Arnault's.

Q. Did you see these bruises after the sunstroke?
 A. It was after the sunstroke.

Q. When was the sunstroke? A. I don't recollect the year, but I know he had two of them, and after the second one he became crazy.

Q. How do you know it was after the second one, if you don't know when the second one was? A. Be- 20
 cause he came to us several times.

Q. You didn't notice it before that time? A. No, never; it was impossible to continue to work for him because he had become crazy.

Q. Do you know when the other servant came?
 A. No.

Q. Did she come before or after the sunstroke?
 A. I think it was at the same time; I don't recollect exactly.

Q. How many servants did you ever see there? A. 30
 Only this one.

Q. During all the time you knew Mr. Arnault, you knew only this one servant? A. There was one that came quite a while before this one to keep house there; the other servant got along very well with Mme. Arnault.

Q. How long was the other servant there before this one came? A. About three years before.

Q. Was it before the sunstroke? A. Yes.

Q. You never saw any of these bruises until after 40

the sunstroke? A. Never before; I saw them several times after the sunstroke.

Q. You have always been very intimate with Mrs. Arnault? A. Yes, she is a very nice woman; I have known her for more than twenty years.

Q. Did you know her before her marriage to Mr. Arnault? A. I knew her in the same year, just after she was married.

Q. You came here as a matter of friendship to Mrs. Arnault? A. Yes, in the interest of truth.

The following examination is by the Court:

Q. Have you, during your intimacy with the Arnaults, been in their house? A. Very often; more than three times a week.

Q. What were you doing there? A. He served us with wine; I went there to order him to send us wine.

Q. Did you go there for any other purpose? A. Yes, I went very often to see Mme. Arnault at her house.

Q. What part of the house would you see her in? A. I have seen her in her own room and in the store more than twenty times.

Q. How long would you stay ordinarily? A. Half an hour or three-quarters of an hour.

Q. Doing what? A. I talked with Mme. Arnault.

Q. During these visits did you see Mr. Arnault? A. Yes, always talked with him there.

Q. Did Mr. Arnault visit your house on other occasions than for business? A. He always came about business, about his shoes, about his bills, and so on.

Q. Converse with you? A. Yes, very well.

Q. Did he speak of his wife Mrs. Arnault? A. After he once had this servant he said all kinds of things about his wife.

Q. Who do you mean by this servant? A. The woman calls herself Mme. Arnault.

Q. What would he say about his wife after this person came in the house as you say? A. He said she

was not good for anything ; he used a great many ugly words about her, that she was impotent ; he said she was an old beast, that she was not good for anything ; he said a great many ugly words that one would use when he was grieved or angry ; I can't very well repeat all the words ; he called her a horse, and that she was always sleeping, and that she could not do any business, and that she was not good for anything.

Q. Did this occur more than once ? A. Very often.

Q. This was after this servant came ? A. Always 10 afterwards.

Q. How do you determine that fact ? A. Because he always came in our house, into our place.

Q. How do you determine the fact that it was after this so-called servant came into the house ? A. Because after that Mme. Arnault could not stay any more in her house on account of ill treatment.

Q. How do you fix the time ? A. You know it is very difficult to fix that, but I know very well that Mme. Arnault was ill treated.

20

Q. How do you recollect that it was after Lizzie Strassheim came to the house as a servant ? A. Because we were working for Mr. Arnault and for Mme. Arnault and we know very well when she came.

Q. Before Lizzie Strassheim came to the house, did Mr. Arnault call upon you at your house ? A. Yes, always, we had known him since 1866.

Q. Before this did Mr. Arnault ever speak of his wife, Mrs. Arnault ? A. He never spoke bad of his wife before the arrival of Mrs. Strassheim.

30

Q. Did he ever speak of his wife at all before Lizzie Strassheim came to the house ? A. Oh, yes ; he liked his wife very well, he was satisfied and contented.

Q. Did he ever say harsh things of her before that time ? A. No, never ; he always said that she was always a good bookkeeper, he said she was a good wife, a good woman.

Q. After Lizzie Strassheim came to that house, did you ever see her there ? A. Yes, very often.

40

Q. Did you talk with her? A. Yes; I went and ordered wine.

Q. Did you see her in the living apartments of Mr. Arnault? A. I only went in the store when she was there.

Q. Did Lizzie Strassheim wait upon you in the store? A. I think she served me once or twice with wine, but there were boys there.

Q. What was Lizzie Strassheim doing about the
10 establishment when you saw her there? A. She worked there just the same as if she was the mistress.

Q. What led you to think so? A. Because she would just act in the same way as Mme. Arnault did before in the store, and she was very free with Mr. Arnault. I noticed a great many things that a woman will remark. She would take Mr. Arnault by the arm and joke with him, and sometimes she said "my dear."

Q. Did you observe how Mr. Arnault treated Lizzie
20 Strassheim? A. He treated her not like a servant, but like a woman that one is pretty friendly with, or stands well with. He would take her by the waist and call her his dear, and so forth.

Q. On these occasions where was Mrs. Arnault? A. She was always in her rooms. I saw likewise these acts two or three times before, when Mrs. Arnault was still in the store.

Q. What did Mrs. Arnault say to these actions? A. She did not observe them. She, perhaps, was on one
30 side of the barrels and they were on the other.

Q. Did you observe how Mrs. Strassheim treated Mrs. Arnault in the house when you were there? A. I scarcely saw that.

Q. How did Mr. Arnault treat Mrs. Arnault when you were there? A. He was brutal towards her after Lizzie Strassheim came there; before everything was all right.

Q. What way was he brutal? A. He pushed her and sent her about her business very often.

Q. Was Lizzie Strassheim present on these occasions when he did this? A. Yes.

Q. What, if anything, did she say? A. When Mme. Arnault gave orders to the servant, Mr. Arnault would push Mme. Arnault away, and tell her to leave this woman alone.

Q. Did you see this more than once? A. Yes.

CROSS-EXAMINATION RESUMED BY MR. SCHULTZE :

Q. When were you in the Arnault house when they were living together? A. I don't recollect the year. 10

Q. Do you know when they separated? A. It was after he had his sunstroke.

Q. Were you ever in their house after they separated? A. Yes, several times.

Q. Whom did you come to see? A. I went to get some wine.

Q. Where was this? A. Prince street, New York, between Thompson and Sullivan streets. I don't remember the year. It was either in '80 or '81; I don't recollect exactly. 20

Q. Were you ever in their house in Jersey City after Mr. Arnault moved to Jersey City? A. No.

Q. After Mr. Arnault moved from New York, did you ever speak to him about Lizzie Strassheim or see them together? A. One Sunday I saw Lizzie Strassheim and a little girl in a carriage in New York.

Q. That is all you know about their living together after he left New York? A. I don't know anything after they left New York. 30

Q. How long was Lizzie Strassheim there? A. A long while.

Q. More than a year? A. Oh, yes.

Q. More than two years? A. Yes.

Q. Did Mrs. Arnault tell you she sent her away? A. She wanted to send her away when she was in New York, but as she stayed at the house Mme. Arnault was obliged to leave.

Q. Did Lizzie Strassheim stay there after Mrs.

Arnault went away? A. Yes, during a good many years.

Q. Then from the time Lizzie Strassheim came there until after they moved from New York she was always there? A. Always.

Q. Did you always see her there? A. Always.

Q. How frequently? A. All the time that they stayed in New York she was always with Arnault.

Q. How frequently did you see her there? A. Dur-
10 ing years.

Q. How frequently did you see her there? A. Two or three times a week; my husband very often went there.

RE-DIRECT-EXAMINATION BY MR. SIMPSON :

Q. How do you know Lizzie Strassheim stayed there so long? A. I have seen her there, I know it myself because I have seen her always in the store.

Q. When was the last time you saw her in the store?
20 A. In Prince street.

Q. Was that after Mrs. Arnault left? A. Yes, four or five years after.

Q. When was the time you have seen her there previously to this time you mention, how long before that time? A. As soon as Mme. Arnault left it was finished.

Q. Did Lizzie Strassheim remain there after Mrs. Arnault left? A. Yes.

Q. How often did you see them together after Mrs.
30 Arnault left? A. Two, three, four times a week.

Q. This was in the Prince street store? A. He was in Prince street, then in Houston street.

Q. And it was in the Prince street store you saw her, was it? A. Yes.

Q. When was it you saw them in a carriage together? A. On a Sunday, I don't recollect when.

Q. Was it after Mrs. Arnault left the house? A. A good while after.

Q. Do you remember how long Lizzie Strassheim

was in the house before Mrs. Arnault showed you these bruises? A. It must have been a year or two.

Q. You saw Lizzie Strassheim there in the day time when you went for wine? A. That was in the private room, because Mme. Arnault was sick.

Q. After Mme. Arnault had gone away where was it you saw Lizzie Strassheim? A. Always in the store.

Q. How old are you? A. I am 64 years old.

Q. Was it because Mrs. Arnault told you she was 10 there that you believed she was there all the time?

A. No; Mme. Arnault has nothing to do with what I saw.

Q. Did you see her in the Prince street store yourself? A. Yes.

Q. In the day time? A. Yes.

SOPHIE THOMPSON, being sworn on the part of the 20 caveators, testified as follows:

DIRECT EXAMINATION BY MR. SIMPSON:

I live in Jersey City; I knew Pierre Arnault in his lifetime; I lived in the same neighborhood with him; I have seen Lizzie Strassheim; I know that she lived with Mr. Arnault, and it was reputed in the neighborhood that they lived together there as man and wife, and I know that Lizzie Strassheim stayed there until the death of Mr. Arnault.

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CROSS-EXAMINATION BY MR. SCHULTZE:

I was never inside the house, but lived right near; we had a saloon and I had wine of Mr. Arnault.

Q. Do you know what the relationship was between Lizzie Strassheim and Mr. Arnault? A. I don't understand what you mean.

Q. How were they living together? A. They lived as man and wife together, because I called her Mrs. Arnault; I have been there and she said she was Mrs. 40

Arnault; I heard her call herself Mrs. Arnault, and I knew she was not Mrs. Arnault because we lived with Mrs. Arnault 17 years together in the Schutzen Park.

Q. You knew that she was not Mrs. Arnault? A. Yes, and the neighbors found it out, and they would have nothing to do with her, and she kept all by herself.

RE-DIRECT EXAMINATION BY MR. SIMPSON:

- 10 Q. How many years did you live there? A. I lived there seven years, and I lived another block away eight years; I lived in that neighborhood twenty years, and I know Mr. Arnault nearly all that time, and I know Mrs. Arnault and Mrs. Strassheim.

The following examination is by the Court:

Q. Did you know Mr. Arnault? A. Yes.

Q. Talked with him? A. Yes.

Q. You knew Mrs. Strassheim and talked with her?

- 20 A. I never talked with her; I knew her.

Q. Did you ever hear Mr. Arnault speak of her?

A. Mr. Arnault came into my store and ordered half a dozen chairs for Mrs. Arnault, and my husband would not send the chairs up because they were not paid for; he ask them to be sent to Mrs. Arnault.

Q. Was that after the real Mrs. Arnault had left home? A. That was after he had moved up to Jersey City Heights from New York.

- 30 Q. Do you know whether the Mrs. Arnault he referred to was Lizzie Strassheim or not? A. Yes; he meant her because there was nobody else there but Lizzie Strassheim.

Caveators rest, asking the privilege of calling two other witnesses who are not here now, in corroboration of Helene Aunault.

Mr. Schultze on behalf of the proponent moves that the caveat be dismissed, on the ground that no evidence has been adduced that there was any influence or any undue influence

used by Lizzie Strassheim to induce the testator to execute the will in dispute.

THE COURT: If you have any other evidence you may put it in; we will not decide now. If your case is closed we will take the papers and hear your argument.

HELENE ARNAULT, recalled by Mr. Schultze, testifies as follows: 10

Q. Did you ever tell your husband before you had married him, that you had lived with anyone else?

Question objected to.

MR. SCHULTZE: This is laying the foundation for some documentary evidence I will offer hereafter.

THE COURT: Unless you show the alleged condition of life theretofore led by this lady was concealed from her husband and subsequently discovered by him and his discovery of these facts influenced him in this matter of leaving his wife and making this will, the Court will not receive it. 20

MR. SCHULTZE: That is what I want to do.

Q. Did you ever tell your husband before you married him, that you had lived with other men? A. No, sir.

Q. Did you ever tell him before you married him, that you had committed perjury? A. No, sir, I did not. 30

Q. Did you ever live with any other man before you were married to Mr. Arnault? A. I did with my husband.

Q. Aside from your husband did you have intercourse with any other man? A. No, sir.

Q. Will you look at this letter and read it?

MR. SIMPSON: I object to it.

MR. SCHULTZE: I want to show that she wrote this letter. 40

THE WITNESS : Where did you get that letter?

Q. Is this letter in your handwriting? A. That letter has not been admitted before the Referee.

Q. Is that your writing? A. I think so.

Q. Is that your signature to this letter? A. I think so.

Q. Who is the doctor that it was addressed to? A. That is my business, it has nothing to do with this case.

10 MR. SIMPSON : We object to this.

Q. Who was this doctor? A. I will not answer that.

THE COURT : You must answer the questions that the Court directs you to answer, or you will not be permitted to testify at all, and we will strike out your evidence.

Q. Who was the doctor that you wrote this letter to? A. Dr. Vatnitski.

20 Q. Did you ever have intercourse with Dr. Vatnitski? A. No.

Q. Did you ever write to him that you had lived with him five years? A. No, I did not write that.

Q. You admit that you wrote this letter, and it was addressed to the doctor?

Question objected to.

THE COURT : Before I will allow this to go any further I shall require you to offer proof that the receipt of that letter was known by the testator, that he became aware of its contents, and that it was an im-
30 pelling cause to bring about this separation and the condition of affairs that you are now offering to show.

HELENE ARNAULT, takes the stand for further examination on the part of the proponent, January 12, 1894.

DIRECT-EXAMINATION BY MR. SCHULTZE :

40 Q. How old was Mr. Arnault when you married him? A. 33, I guess.

Q. How old were you? A. I guess I was 36.

Q. Did you ever beat or maltreat any of Mr. Arnault's children? A. Never.

Q. Did you in the latter part of 1872, at the residence in Wooster street, go to the room where your son and Mr. Arnault's son were sleeping after they had gone to bed; and did you there hit Mr. Arnault's son with a stick or rattan? A. I did go into the room, yes, sir—(interrupted).

MR. SIMPSON: We object to it as too remote. The 10
Court sustains the objection.

Q. Did you ever in the latter part of 1872, in the residence in Wooster street, or in 1873 at West Houston street—(interrupted).

Objected to as too remote.

THE COURT: The objection is well taken.

Q. Did you in 1878 tear Mr. Arnault's beard?
A. I did not tear his beard. I fell and, in falling, I grabbed his beard. He knocked me over. I didn't tear his beard. If he knocks me down, I catch him 20
like that (shows). That is not tearing it willingly.

Q. Did you, in the summer of 1873, at the dinner table, at 26 West Houston street, attack Mr. Arnault's son with abusive epithets and blows, scratching his face and drawing blood? A. Never.

Q. Did you, then, attack Mr. Arnault? A. Never.

Q. Did you, in April, 1878, at the West Houston street residence, early in the morning, on the return of Mr. Arnault, his son and daughter from a ball, meet them at the door with abusive and violent language, 30
particularly to his daughter, and did you threaten the daughter so that she went away? A. No, sir; I did not.

Q. Did you, on the 4th of July, 1878, at 120 West Houston street, on the return of Mr. Arnault, with his son and daughter, in the evening, meet them with violent, abusive and threatening language addressed to the daughter, and after that did you tear Mr. Arnault's clothes, pull his beard and scratch his face? A. Never.

Q. Did you ever have any quarrel with Mr. Arnault?

MR. SIMPSON: When?

MR. SCHULTZE: In 1878 and 1879.

A. Certainly, in 1878 and 1879.

Q. Did you ever throw any books at him? A. Never. That is another lie.

Q. Did you, in 1873, at 26 West Houston street, throw books at Mr. Arnault, after a quarrel with him?

10 A. Never.

Q. Were you ever intoxicated when he came home?

MR. SIMPSON: When?

MR. SCHULTZE: In 1877 or 1878 were you ever intoxicated?

A. I was never intoxicated in my life.

Q. In the action brought against you by Mr. Arnault for divorce, did you allege as any defense or as a counterclaim of any kind, his intimacy with Lizzie Strassheim? A. When he brought Mrs. Strassheim,

20 then I said that was his mistress.

Q. Did you make any allegation of defense to that effect? A. I don't remember that point. I think I did.

Q. Was there any allegation of his intimacy made those proceedings? A. Certainly, and with other women, too.

Q. Was there any allegation made as to his intimacy with Lizzie Strassheim? A. I don't remember.

30 MR. SCHULTZE: I now offer in evidence an exemplified copy of the report of the Referee, and his conclusion in that proceeding. The decree has already been received in evidence.

Objected to.

THE COURT: The evidence should be submitted and not the conclusions of the Referee. If you will produce the evidence, that, with the decree, may be received.

MR. SCHULTZE: I want to show the conclusions arrived at by the referee upon the evidence and his find-

ings; I want to show our side of the story, since her side has come into the case.

THE COURT: You may put in the decree and the evidence but the arguments of the Referee we will not consider.

Exception.

Q. When did you first leave Mr. Arnault? A. September 10, 1879.

Q. Had you ever left him before that? A. No, sir.

Q. Lived with him from the time of your marriage until then without leaving him? A. Yes.

Q. In the latter part of 1875 didn't you leave your husband? A. No, sir.

Q. Did you have any lawyears in this proceeding before you had Mr. Simpson?

Question objected to as immaterial.

MR. SCHULTZE: It bears upon the question of allowance. I want to show that this lady had two lawyers who would not proceed with this case before Mr. Simpson took hold of it.

THE COURT: It is immaterial.

ELIZA STRASSHEIM ARNAULT, being sworn on the part of the proponent, testifies as follows:

DIRECT-EXAMINATION BY MR. SCHULTZE:

Q. Look at this letter and say when it first came into your possession and who gave it to you? A. Mr. Arnault showed me that one day to read.

THE COURT: That is as far as you can go, no conversation between the witness and the deceased will be permitted.

Q. Where did he get it? A. I don't know where he got it, he showed it to me one day to read.

Q. (The Court :) When was that? A. I don't remember that, it is so long ago.

Q. After Mrs. Arnault left the house? A. Yes.

Q. Did Mr. Arnault explain the letter to you?

The question is objected to and overruled.
Exception.

THE COURT: It was shown to her after Mrs. Arnault left and cannot now be relevant at all.

MR. SCHULTZE: I offer the letter in evidence.

MR. SIMPSON: I object.

THE COURT: You cannot offer it now.

MR. PARRY: Will your Honor admit statements that
10 Mr. Arnault made in reference to this letter, by parties aside from interested parties.

THE COURT: When you make the offer the Court will hear you and rule upon it.

LIZZIE STRASSEHEIM, called to the stand on the part of the proponent, testified as follows:

20 DIRECT EXAMINATION BY MR. SCHULTZE:

Q. What is your name? A. Lizzie Strassheim Arnault.

Q. Where do you live? A. 72 Ogden Avenue.

Q. Did you know Pierre Arnault? A. Yes.

Q. When did you first become acquainted with him? A. In 1874.

Q. Under what circumstances? A. I took a position in his house.

Q. Who engaged you? A. His wife at that time.

30 Q. Who was living at the house; who constituted the family at that time? A. Mr. Arnault, his wife, his son and her son.

Q. Describe fully what your duties were there from the time you got out of bed in the morning until you went to bed at night? A. Cooked and cleaned; I got up at 6 o'clock in the morning and worked till 8 or 9 in the evening.

40 Q. Begin at the morning and tell us the details of the work? A. Make breakfast, make beds, clean rooms, wash and iron. Lunch at 12 o'clock.

Q. Did you lunch with the rest of the family?

A. Yes.

Q. What did you do in the afternoon? A. Did the housework, what was to be done. The living part was upstairs; the kitchen and cooking work was downstairs. I had supper at half past 6 with the rest of the family, went to bed at 9 or half past 9, just as it was ready, and she told me I could go upstairs.

Q. How frequently would you see Mr. Arnault in the day? A. He generally went off in the morning at 7 o'clock, and came home at 9, 10, 11 and sometimes 12 o'clock at night; he was away all day long.

Q. Was that the way all through the week? A. Mostly; sometimes he would stay home a day, sometimes half a day.

Q. How about Sundays? A. Sundays he was home and worked.

Q. Could you speak French at this time? A. No; neither English; only German.

Q. Did Mr. Arnault speak German? A. No. 20

Q. How frequently did you speak to Mr. Arnault or he to you during those days? A. If I had to ask him anything I would try in a few words English if I could, or I would have to speak to his wife and she would interpret between us.

Q. Do you remember any day that you spoke to him for any length of time; any conversation with him? A. No.

Q. Where was your room in that house? A. Up stairs. 30

Q. Any other rooms on that floor? A. Yes; there was the sleeping room of Mr. and Mrs. Arnault on the same floor.

Q. Did Mr. Arnault ever come into your room while you were in it? A. No, sir.

Q. Were you here when Mrs. Arnault gave testimony that she caught her husband coming out of your room when you were in bed? A. Yes.

Q. Was that true? A. No, sir; she never did.

Q. Did Mr. Arnault ever take any liberties with you during your stay in that house there? A. No, sir.

Q. Did he ever embrace you, put his arm around you, or hug you? A. No, sir.

Q. Or kiss you? A. No, sir.

Q. Did he ever call you my dear, or use any term of endearment to you? A. No, sir.

Q. What was his behavior towards you? A. Like a gentleman.

10 Q. Were you on good terms with Mrs. Arnault? A. Yes; the first time.

Q. Do you recollect any disagreement between Mr. and Mrs. Arnault during your stay there? A. I seen once that she ill-treated the son at the dinner table; I don't know what it was about; they spoke in French; she hit him and threw him down; his cheek was scratched and he ran away from the house. That was in 1874. I was there from May to November.

20 Q. Do you recollect any other disturbance there? A. Once there was a quarrel with Mr. Arnault, that she didn't attend to the business; Mr. Arnault commenced to scold her in French and she took a book and threw it at him, and Mr. Arnault told her to get out of there—to get out of the store.

Q. What was her condition? A. Like she didn't know what she was doing.

Q. While you were there did you ever see Mr. Arnault maltreat his wife? A. Never.

30 Q. Do you recollect any occasion when her knee pan was broken and the doctor had to be called in?

MR. SIMPSON: It was not while this woman was there?

A. No.

Q. What physician came in the house while you were there? A. I never saw any doctor there.

Q. How long were you there? A. From May to November.

Q. Then where did you go? A. Across the street.

40 Q. Had your sister been in that position before you? A. Yes.

Q. Was that how you got there? A. Yes.

Q. Where was your bed room in that house? A. Hall room in the back—two flights up.

Q. Could a light from that bed room window have been seen from the street? A. No, sir.

Q. Could it have been from South 5th avenue possibly? A. No.

Q. Did you burn candles there? A. No; we burned gas.

Q. How long did you stay there? A. A year and 16 a half.

Q. Did you receive any letters from Mr. Arnault while you were there? A. Never.

Q. Did you ever write to him? A. Never.

Q. Did anybody ever carry any message from you to him or from him to you? A. Never.

Q. Did you ever see him during that time? A. I did when I had to go down to his store and order wine or pay a bill.

Q. How often was that? A. I can't say that; 20 maybe three or four months—once in a while.

Q. It was not regular, going across the street every day? A. No, sir; I went there when I was sent to order some wine or to pay a bill.

Q. How long would you stay? A. Just as long as to hand him the money or give the order.

Q. Who did you see there? A. Mr. Arnault or his brother or his son; I would give the order or pay the bill.

Q. How long would that take? A. A few minutes; 30 he was in the office and I was outside; the partition was half wood and half window and I looked through the window; he was in the office.

Q. Who else would be in the store at the time? A. The workmen perhaps, I don't know.

Q. During the year and a half that you were across the street did you ever meet Mr. Arnault in the evening? A. No.

Q. Did you ever go out with him at all? A. No.

Q. Anywhere? A. No; not at all.

Q. Or during the day? A. No, sir.

Q. Did you ever signal to him in any way from your back window? A. No, sir.

Q. Or through any other window? A. No, sir.

Q. Did you ever put any light in the window of that house to signal to anybody? A. No, sir.

Q. Didn't meet him at all except in this business way? A. No, sir.

Q. After that where did you go to? A. Uptown to
10 63d street.

Q. How long did you stay there? A. About a year in that place.

Q. During that year in 63d street did you ever meet Mr. Arnault day or night? A. No, sir.

Q. Ever get any messages from him? A. Never.

Q. Did you ever write to him or send him any messages? A. No, sir.

Q. Did you ever see him? A. No, sir.

Q. After that where did you go? A. To 60th
20 street.

Q. How long were you there? A. About a year and a half; something over a year.

Q. During this time in 60th street did you ever see Mr. Arnault? A. No, sir.

Q. Did you ever receive any letter or any message from him? A. No; his daughter once came and asked me to come as a witness in that separation case, and I went down as a witness and I seen Mr. Arnault before the Referee.

30 Q. Did he say anything to you? A. No, sir; not a word, nor I to him.

Q. Then after that where did you go? A. I went to Europe, that was 1879, and I stayed there one year.

Q. During that year did you get any letters from Mr. Arnault, or any messages from him? A. No, sir.

Q. Did you write to him or send him any messages? A. No, sir.

Q. Did you see him during that year? A. No, sir.

Q. Did you in any way hear from him? A. No,

sir.

Q. Did you ever send anything to him, letter or present, or anything else? A. No, sir.

Q. Up to the time you went to Europe, did Mr. Arnault ever visit you at any place that you were at?

A. No, sir.

Q. When did you come back from Europe? A. 1880, and went to my sister's, in Williamsburgh.

Q. How long did you stay there? A. Seven or 10 eight days.

Q. During that time did you hear from Mr. Arnault? A. No, but his daughter sent word to me.

Q. Did he write to you? A. No, sir.

Q. Did you write to him? A. No, sir.

Q. Did he send any message to you or you to him? A. No, sir.

Q. After that where did you go to? A. I took a place in his house again.

Q. At whose request? A. His daughter's; she 20 came for me.

Q. And asked you to come to that house? A. Yes.

Q. And you went? A. Yes.

Q. What was your position? A. Keep house.

Q. When was this? A. In April, 1880.

Q. How long was it after you came there before you became intimate with Mr. Arnault? A. A couple of weeks.

THE COURT: Do you mean criminally intimate.

MR. SCHULTZE: "Intimate," is the way I put the 30 question.

Q. How did this occur; explain the circumstances?

No answer.

Q. When you came there was Mrs. Arnault in the house? A. No, sir.

Q. They had separated at that time? A. Yes, sir.

Q. Now, give the circumstances; how did the intimacy commence? A. He screwed off the lock of my door and came in my room.

Q. Then how long did you stay in the Arnault house? A. Until September.

Q. Then where did you go to? A. I took some rooms in 133d street.

Q. At whose request? A. Mr. Arnault's.

Q. Were you at that time in the family way? A. Yes.

Q. Then did you after that live with Mr. Arnault until his death? A. Yes.

10 Q. Did you have any children by him? A. Yes, one; a girl.

Q. How old is she? A. Twelve years old.

Q. Her name? A. Adele.

Q. Is she the girl to whom Mr. Arnault left his property? A. Yes.

Q. Did he acknowledge her as his child? A. Yes.

Q. Did he give her his name? A. Yes.

Q. Did he after that give you his name? A. He gave me his name before that.

20 Q. Did he support you and the child? A. Yes.

Q. What did the child call him? A. Papa.

Q. You lived with Mr. Arnault then as his wife? A. Yes.

Q. He introduced you as his wife? A. Yes.

Q. When did you first hear about this will that is being contested? A. The second day after Mr. Arnault was buried.

Q. Had you ever spoken to Mr. Arnault about a will? A. No.

30 Q. Did he ever speak to you about a will? A. Yes, he said he wanted to look out for Adele and me.

Q. Did he bring the will to you after it was made? A. He brought it once to me and told me to keep this, he said I should look at it; I did look at it.

Q. What was it? A. It was a piece of paper in a large envelope; I took the paper out and there I seen "The Last Will and Testament of Pierre Arnault," so I put it in the envelope again and put it on the table, and said I did not want that, and I did not read

40 it.

Q. Could you read it? A. No, sir; I could not.

Q. Did he read it to you? A. No, sir.

Q. Was anything more said about it? A. No, sir.

Q. When was that? A. In 1886.

Q. When did he die? A. In 1891.

Q. What was his health at that time? A. He was delicate, but he worked hard all the time.

Q. How old was Mr. Arnault in 1886? A. About 49 or 50.

Q. Did he ever say anything to you about making 10 this will? A. No.

Q. Did you ever see anybody about making this will? A. No.

Q. Did you ever have any talk with anybody about the will? A. No.

Q. Did you ever meet Mr. Connolly, the gentleman who drew the will? A. Not until after Mr. Arnault was dead I asked him about it.

CROSS-EXAMINATION BY MR. LAWRENCE :

20

Q. Where did you live before you went to the Arnaults? A. I had a position in Tenth street, minding children and doing housework.

Q. With whom? A. I don't remember the name.

Q. That was your business before you went with Mrs. Arnault? A. Yes.

Q. Were you born in this country? A. No, I was born in Europe.

Q. When did you come to this country? A. In 1870.

30

Q. When did you go to Mr. Arnault's? A. In May, 1871.

Q. Where did you live from the time you came to this country before you went to Mr. Arnault's? A. In Tenth street between 1st and 2d Avenues; I don't remember the names.

Q. Any where else? A. No, that is the only place I lived at before I went to Mr. Arnault's

Q. How did you come to go to Mr. Arnault's? A.

40

I seen an advertisement in the paper that he wanted somebody to work.

Q. Did you ever see Mr. Arnault before you went to his house? A. No.

Q. How soon after you went to his house did you see him? A. I don't know if I saw him the first evening or not.

Q. It was your habit to see him in the house every evening? A. Mornings and evenings.

10 Q. Did you take your meals with his family? A. Yes, with his family, but he generally ate in the morning before we ate and went to his work, and in the evening he would come out and eat when we all had supper.

Q. You made his breakfast for him? A. I got his breakfast for him.

Q. Then you saw him in the morning? A. Yes, and sometimes in the evening, too, but not very often. He got his breakfast before the rest of the family.

20 Q. You would have his breakfast for him? A. Yes.

Q. Did you wait on the table? A. Yes, and his wife got the things ready in the office.

Q. You used to see him every day at times when Mrs. Arnault was not present? A. I don't know that.

Q. Mrs. Arnault was not present when he was taking his breakfast in the morning? A. Yes.

Q. She didn't take breakfast with him? A. No, she prepared his books and papers for him to go out; the office was right by the kitchen. Most of the days
30 he went away at 7 or 8 o'clock, and he came home all the way from 7 o'clock to 12 o'clock; sometimes he would stay home a day or a half a day.

Q. How frequently did he come home at 12 o'clock? A. I don't know, I wasn't there, his wife was up for him; I heard from his wife and from his children how late he came home.

Q. You don't know of your own knowledge that he came home at 12 o'clock? A. I saw that also
40 sometimes when there was much to do and I was up working.

Q. Sometimes your work would keep you up until 12 o'clock at night? A. No, but Mrs. Arnault wanted me there for company.

Q. How soon after you went there did you stay up for company with her? A. She got very friendly with me right away.

Q. And remained friendly with you all the time? A. Yes, for a good while, until she wanted to put me down.

Q. How long were you friendly? A. Four or five 10 months.

Q. How long were you there altogether? A. From May to November.

Q. Why did she become unfriendly with you? A. I don't know that; she wanted to make me down.

Q. She didn't tell you why she was unfriendly to you? A. No, she said I had something to do with a low class of men; she wanted to put me down, and I would not like that, and I wanted to go away, but she begged me to stay; she said she didn't say that, that 20 other people said that.

Q. Were you friendly after that? A. Yes, it was all right again after that, because she took back what she said.

Q. What was the occasion for your leaving the Arnaults? A. She said her husband was in my room; it was not so.

Q. She told you to leave, didn't she? A. Yes.

Q. When was this, what time of day was it that she told you to leave? A. On Sunday evening; she 30 was out, and she could not get in the house; she said she had no keys, and she knocked on the door and Mr. Arnault didn't come right away to open it and then she said Mr. Arnault was upstairs; Mr. Arnault opened the door and she rushed upstairs and woke me up out of my sleep, and she said she seen her husband, and she had no key to come in the house, and she said this and that, and she come up and knocked on my door, and she made a noise, and she said I should go out, and I said all right.

Q. Where was your room? A. Up stairs.

Q. What time of night was this? A. About 12 o'clock.

Q. Were you in bed? A. Yes.

Q. Where was Mr. Arnault? A. I don't know.

Q. Had you seen him that evening? A. No, sir.

Q. Had you seen him at all? A. No, sir; I was by my sister's, across the street, and I went home at 10 o'clock, and went right up stairs.

10 Q. Anybody in the house when you went home?
A. I don't know.

Q. Was the door open? A. No; I had a key to the door.

Q. Didn't see anybody at all when you first went in? A. No.

Q. Had Mrs. Arnault before that time complained in any way about your relations with her husband?
A. Nothing said to me.

20 Q. You knew she had complained? A. I heard that afterwards.

Q. And Mrs. Arnault sent you right out of the house? A. Yes; she said I should go and I said all right.

Q. And you went, and didn't make any complaint about it? A. No, sir. I went the next day.

Q. Where did you go? A. First I went to a friend's for a few days in Rivington street and stayed there a couple of weeks.

30 Q. Was Mr. Arnault present when Mrs. Arnault said he had been in your room? A. I didn't see Mr. Arnault.

Q. You didn't hear him say anything on the subject? A. No, sir.

Q. He was about there, wasn't he? A. I don't know; I didn't see him that night.

Q. Don't you know he was in the house? A. I don't know.

40 Q. Where did you go to after being with your friend in Rivington street? A. I took a position across the street again.

Q. Right across the street from the Arnaults? A.

Yes.

Q. What position did you take there? A. Doing housework.

Q. How did you come to take a position there?

A. I had a sister living there and she went to Europe, and so I took her place.

Q. When did your sister go to Europe? A. In 1875, I guess it was.

Q. Had your sister gone away before that? A. No, 10 she went away after I went there.

Q. You saw Mr. Arnault after you took this position across the way? A. Yes, I saw him.

Q. What times would you see him? A. When I had business to attend to, when I was sent down to order wine or to pay a bill.

Q. How much wine would you order when you went there?

Question objected to as immaterial.

A. One dozen I used to order.

20

Q. How long would you remain when you went to order wine? A. A few minutes, as long as it would take to give him the order.

Q. What time of day did you usually go there? A. I don't remember.

Q. You always went to do this, did you? A. No, not always; sometimes the lady herself went there, sometimes the boy from the office was there.

Q. Did you ever see Mrs. Arnault there when you would go? A. No.

30

Q. She was not there at all? A. No, he was in business with his brother and she was put out.

Q. You did see Mrs. Arnault after that? A. No, sir.

Q. Didn't you see Mrs. Arnault after you had left that house? A. I met her once on the street.

Q. How long was that after you had left? A. I don't know, my little girl was with me; it was not while I was living across the street.

40

Q. You did not speak English when you first went to the Arnaults? A. No.

Q. Did you speak French at all? A. No.

Q. Did you learn to speak English or French before you left the house? A. I learned a few common words that you use for the names of things, because we always spoke German.

Q. Who spoke German with you? A. Mrs. Arnault.

10 Q. You could speak some English before you left the house? A. I understood a few words.

Q. How long did you remain in this house across the street? A. A year and a half or two years, I don't know exactly.

Q. During that time do you pretend to say you didn't see Mr. Arnault except in the house? A. No, sir; I didn't see him anywhere else.

Q. Do you say you had not sent him any word nor seen him anywhere up to the time you took your
20 place again in his house? A. Yes.

Q. You were called as a witness in New York? A. Yes.

Q. On his behalf in the court in New York? A. Yes, I was called as a witness for Mr. Arnault and I saw Mr. Arnault before the Referee.

Q. Did you have any conversation with him? A. No.

Q. Didn't talk with him at all? A. No, sir.

Q. And that was the only time you saw him until
30 you went back to his house? A. Yes.

Q. And two weeks after you went back you were intimate with him? A. About that time.

Q. From the time you went back to his house, or from two weeks afterwards, you lived with Mr. Arnault did you not? A. What do you mean; I was at his house until September.

Q. You cohabited with him didn't you, from that time on? A. I don't understand that question.

Q. (THE COURT.) Do you know what cohabitation
40 means? A. No, sir.

Q. Were you intimate with him from that time on ?

A. Yes.

Q. (THE COURT.) Did you occupy the same bed ?

A. No, sir.

Q. But you had intimate relations while you remained in his house ? A. Yes.

Q. How soon after that did you go and take rooms together ? A. The end of September or the first of October.

Q. Then you went and openly lived together ? A. 10
Yes.

Q. Under what name ? A. Mr. and Mrs. Strassheim.

Q. Where did you live ? A. 133d street.

Q. Do you remember Mrs. Arnault coming and finding you living there together ? A. Yes.

Q. She brought a policeman there, didn't she ? A. I didn't see that ; I saw her coming to the door and I didn't let her in.

Q. You knew she was still his wife, didn't you ? 20
A. I didn't know no law of this country.

Q. You knew she was his wife when you went to work there ? A. Yes.

Q. Did you know she was his wife in September, 1880, when you and Mr. Arnault took rooms together ?

A. I knew she was his wife, but I didn't know if they had been divorced.

Q. Who suggested that you live together as Mr. and Mrs. Strosshim ? A. Mr. Arnault told me to do so. 30

Q. But did he give any reason for that ? A. Yes, because his daughter was intending to get married, and his son was big and he didn't want them to know it.

Q. You didn't go back to his house to live with him until after his daughter went away ? A. His daughter was there yet.

Q. How long after that did she go away ? A. A couple of weeks ; from August to October.

Q. She left the house right away after you lived 40

with him at his home? A. She came and told me to come.

Q. Didn't she go away from the house a few weeks after you came there? A. She got married and went away.

Q. When did Mr. Arnault first speak to you about his will? A. I don't know exactly.

Q. The paper that he brought to you, you say that paper had written on it, "The last Will and Testament of Pierre Arnault." You remember that occasion? A. Yes.

Q. How long before that had he spoken to you anything on the subject of his will? A. I don't remember that he spoke about his will; he said he had nobody to look out for but me and Adele.

Q. How long before this occasion did he say that? A. He said that many times; I don't know how often or how long before.

Q. Did he say it soon after you began living together? A. He said it often; I don't know exactly how soon; I don't remember that.

Q. Did you assist in his business after you began living together? A. After the daughter was gone I attended to the store if he went out; I had to look out for everything.

Q. Did you have anything to do with the books? A. No, he always had a bookkeeper; I might look at the books, but he always had a bookkeeper; I never examined the books as to the accounts or anything of that sort.

Q. What did you do in the store when Mr. Arnault was away? A. If somebody came and asked for Mr. Arnault I would tell them, and if a customer wanted something when Mr. Arnault was not there I waited upon them; the bookkeeper had no time.

Q. That continued up to Mr. Arnault's death? A. Yes.

Q. Shortly before Mr. Arnault brought this paper to you had anything happened on the subject of a will? A. I don't remember anything about it.

Q. You don't remember whether anything was said on the subject of making will or not? A. I don't remember that.

Q. State again what occurred when he brought that paper to you? A. He brought a big envelope and said, "Mamma, here is a piece of paper for you," I took the envelope and pulled a piece of paper out and there it was written on, "The last Will and Testament of Pierre Arnault." I said I don't want that and I threw it on the table. 10

Q. Why did you say that? A. Because I did not want it.

Q. What do you mean by you didn't want it? A. I don't know what I meant by that. I didn't want him to make a will or testament and die already; I mean I didn't want to see that paper; that's all.

Q. You said on your direct examination that you first heard of that will two days after his death? A. I did not say that.

Q. Didn't you say you first heard of it two days after his death? A. When you asked me before when the protest against the will was reached in then I answered you that I heard that two days after Mr. Arnault was dead.

Q. I didn't ask you that? A. I understood somebody asked me that.

Q. What do you mean by saying that two days after his death; what was it you heard then? A. That there was a protest against the will reached in.

Q. Two days after his death. A. Two days after 30 he was buried.

Q. Did Mr. Arnault ever talk with you about this property? A. He didn't have any property. Do you mean his business.

Q. I mean his property? A. Where is it? I never heard of any.

Q. Did you understand what he was making a will for? A. For his business.

Q. Then you knew he was making a will to dispose

of his business ; is that what you mean ? A. The testament says that.

Q. But I understood you did not see it when he brought it in ? A. I did not see it at that time.

Q. How did you know it was a will at that time ? A. It says "The last Will and Testament of Pierre Arnault."

Q. What says that ? A. On that piece of paper that I took out of the envelope I read that much, but
10 what was in it I did not know ; I did not read it. Mr. Arnault told me to take this and look at it and I took the paper out of the envelope and looked at it and I saw the title and that was all.

The following examination by the Court :

Q. Any one present at the time ? A. No, sir.

Q. What became of it after you threw it down ? A. He took it up.

Q. When did you next see it ? A. After Mr. Arnault was dead before I heard the will was protested.
20

Q. You never saw it from that time until after his death ? A. No.

Q. Where did you find it then ? A. In his safe.

Q. Had you never been to his safe before that ? A. No.

Q. Where was the will in the safe ? A. In a drawer in the safe.

Q. Was the drawer locked ? A. No ; it was not locked.

Q. You could get at it before ? A. Yes ; I could
30 if I got the key, but when he gave me the keys, I would only look for the things he said he wanted.

Q. Was it locked after his death ? A. I had the key then.

Q. How did you know it was there ? A. I had to look for it. I looked among his papers and found it.

Q. Did you go right to that drawer ? A. Yes. He
40 saved all his papers there ; there was no other place to look for it ; the other place was for books ; that was

the only place I had to look for his papers ; I knew he saved all his papers there.

Q. You mean to say that after his death you had the key to this drawer, and you believed the will was there because other papers were there, and you opened the drawer and found the will? A. After Mr. Arnault was buried somebody—I don't know who—told me that Mrs. Arnault put in a protest against a will in the courts.

Q. What will? A. Mr. Arnault's will. 10

Q. Where was this will? A. I don't know ; she must know that he made a will. So, on the 3d I heard it, and on the 8th I brought that testament to Mr. Schultze—on the 8th of January.

Q. From the time you threw the will down, when Mr. Arnault showed it to you, up to the 8th of January that you now speak of, had you never seen that paper? A. No, sir.

Q. Positive of that? A. Yes.

20

Cross-EXAMINATION BY MR. LAWRENCE resumed :

Q. Do you say that from the year 1874, the time when you left the Arnault house, until the time in 1880 when you came back there, you did not see, hear from, or in any way communicate with Mr. Arnault, except on the occasions when you went into his place of business to order wine, or pay for wine? A. Yes.

Q. During the time when you were living in the house on the first occasion, did you ever complain to Mr. Arnault about Mrs. Arnault's treatment of you, or her complaints against you? A. No, sir ; I never spoke to him on the subject at all. 30

Q. Never spoke with him about Mrs. Arnault at all? A. No, sir ; never.

The following examination is by the Court :

Q. You recall the occasion when you first become intimate with Mr. Arnault, do you not? A. Yes.

Q. When was it? A. A couple of weeks after I was in the house—the end of April, 1880. 40

Q. Who was living with him at that time in the house? A. His daughter.

Q. How old was she? A. Twenty-four.

Q. Was she single? A. Yes.

Q. Did she sleep in the house? A. Yes.

Q. Where was her room and where was yours? A. My room was on a lower floor than hers; her bedroom was on the floor above.

Q. Did she occupy her room alone? A. Yes, she had a bedroom for herself.

Q. Where did Mr. Arnault sleep? A. On the same floor I slept on.

Q. How far from your room? A. There was two rooms between, and the kitchen, too.

Q. This night he first became intimate with you, he did it against your will, didn't he? A. Yes.

Q. Did you make any outcry? A. Who would hear it?

Q. Did you tell his daughter next morning? A. No, sir.

Q. Did you tell her at any time? A. I told her later on. I told her before I went out of the house.

Q. This was in April, 1880? A. Yes.

Q. September you went up to 133rd street? A. Yes.

Q. From that time in April, 1880, up to the time he showed you the will, as you testified to, had you or he spoken to each other about the disposition of his property? A. Mr. Arnault didn't have any property.

Q. About the disposition of his business, then? A. I never asked him about his business.

Q. Did he ever speak to you about the disposition of his property before he died? A. No, I never asked.

Q. Did he ever say anything to you? A. He always said he had only to look out for me and Adele.

Q. Before Adele was born did he say anything to you about it? A. He told me that I should take the rooms, that he will look out and be responsible for everything.

Q. Did he say anything about the disposition of his property? A. No.

Q. Are you sure about that? A. Yes.

Q. When did he first speak about the disposition of his property, if he should die what would become of his property? A. Often I said he should not work so hard, I didn't want the business; he said yes, it belonged to me and he had to look out for it.

Q. Did he say that before Adele was born? A. No, not before.

Q. You are sure of that? A. Yes, I am sure of that.

Q. You remember when he first spoke to you about it? A. I don't remember. 10

Q. How soon after she was born? A. I don't remember.

Q. Where was it? A. I don't remember.

Q. Where were you living when he first spoke to you about it? A. I don't know was it in the Houston or the Wooster street or the Greene street house, he often said that.

RE-DIRECT EXAMINATION BY MR. SCHULTZE:

20

Q. You were asked by Mr. Lawrence about providing breakfast for Mr. Arnault ahead of the family. How far was Mr. Arnault's office away from the breakfast table? A. As far as from me to the Judge's desk.

Q. Was Mrs. Arnault near enough to hear all of your conversation? A. Yes.

Q. During your stay with Mrs. Arnault as a servant you wanted to leave? A. Yes.

Q. And she asked you to stay? A. Yes. 30

Q. Was this before she accused you of intimacy with her husband? A. Yes.

Q. When you say you think you were a witness for Mr. Arnault in his action for divorce in New York why do you think so? A. Because the daughter came up and asked me did I see that time that she throwed a book at him, and that she ill treated her brother, and I said yes.

Q. And you testified to that? A. Yes.

40

Q. And that is what makes you think you were a witness for him? A. Yes.

Q. When you say that while you were living with him that you knew Mrs. Arnault was his wife, what made you think so; why did you think she was his wife? A. She was his wife before and while that divorce proceeding was going on I was not here, I went away.

Q. Then did you, as a matter of fact, know that she was his wife? A. No; I did not know sure.

The following examination is by the Court:

Q. Then why didn't you marry him? A. We was married before God and the world.

Q. Why didn't you marry him if you thought he was divorced? A. I don't know why.

Q. Don't you know why you two didn't get married? A. No; I never asked why.

Q. Did you prefer to live in that condition of lewdness with him to getting married decently? A. I don't know that.

Q. Don't you know why you didn't get married to him? A. I never asked.

Q. Did you ever have any talk with him at all about marriage? A. We had often talk.

Q. Why didn't you marry him? A. Because Mr. Arnault had no right to do it.

Q. Why? A. I don't know, I don't know the laws on that.

30 DIRECT-EXAMINATION RESUMED BY MR SCHULTZE:

Q. Didn't you go through a ceremony with Mr. Arnault at Jersey City Heights? A. We did here in Jersey City in 1881.

Q. What did it consist of? A. There was two gentlemen and they told me that.

Q. Told you what? A. What they asked by a ceremony.

Q. Tell us what occurred on this day; what did they say? A. If I would stay with Mr. Arnault, and if I

would keep to him—I don't know what they asked me.

Q. Where was that? A. On the hill here.

Q. Do you know who the gentlemen were? A. No, sir; one of them was a French gentleman. I don't know his name.

Q. Why did you go to that place? A. Mr. Arnault said that we should get married. I know afterwards he had no right.

Q. But he wanted to get married to you? A. Yes. 10

Q. And you went there for that purpose? A. Yes.

Q. What was the character of the ceremony that was performed? A. They asked me something and I answered yes.

Q. Do you remember what was said? A. I would stay by Mr. Arnault and attend to him if he was better, or weak, or bad, or good, or anything like that.

Q. Were any questions put to Mr. Arnault? A. Yes; the same things.

Q. Then what did you do after that? A. We went 20 home.

Q. One of the two men present asked you the questions? A. Yes.

Q. Did you know him, had you ever seen him before? A. No; I never seen either of them before.

Q. Were they at the house when you went there? A. They were in that house where we went to.

The following examination is by the Court :

Q. In April, 1880, you became intimate with Mr. 30 Arnault? A. Yes.

Q. In September, 1880, you moved to 133d Street, and lived there under the name of Mr. and Mrs. Strossheim? A. Yes.

Q. You knew that was not his name? A. Yes.

Q. You knew that you were living illicitly together, didn't you? A. At that time?

Q. Had you spoken of marriage up to that time? A. I don't know.

Q. How long did you live there? A. About one year.

Q. Had you spoken of marriage during that year?

A. We was to that place during that year over in Jersey City.

Q. You came over to Jersey City? A. Yes; one Sunday evening; Mr. Arnault and I.

Q. His business was in New York? A. Yes.

Q. And you came to Jersey City to have this ceremony performed? A. Yes.

Q. Why didn't you stay in New York and have it? A. I don't know. Mr. Arnault asked me to come here. I suppose he knew the hill better.

Q. Didn't you know at that time that he had a wife? Q. I knew it before.

Q. Didn't you know it then? A. I don't know how to answer you. I didn't know whether he had a divorce between the time I was in Europe or not.

Q. When did you first learn that he hadn't a divorce? A. Later; after.

Q. After what? A. After the little girl was born.

Q. When you went through this ceremony were you under the impression that he hadn't a wife? A. Yes.

Q. Then why didn't you ask for a legal marriage in New York? A. I don't know.

Q. You thought he had no wife? A. Yes.

Q. Then why did you come here to go through this ceremony? Why didn't you go to a clergyman in New York to be married? A. I don't know that.

Q. Did you ask him? A. No.

Q. Did you ask to go to a magistrate and be married? A. No.

Q. Did you ask him to go before a clergyman in New Jersey before you came over here? A. I didn't ask him.

Q. But you went before two strange men and made a contract of marriage? A. I trusted Mr. Arnault, what he said, it was the truth.

Q. You went before two strange men? A. He knows the gentlemen.

Q. Didn't you know they were not clergymen? A. I didn't know that.

Q. Did you think they were clergymen? A. Yes; one of them I thought was.

Q. Where was this place? A. I was not acquainted with the place. It was away back on the hill. I don't know the street. It was on a Sunday evening.

Q. How did you get there? A. With the Hoboken car. We got out on the hill, and walked back to a house. 10-

Q. And met these two men? A. Yes.

Q. You thought one of them was a minister? A. That is what I thought, of course.

Q. Did you ask him? A. No, sir; because I trusted what Mr. Arnault said.

Q. No one present but these two strangers? A. No.

Q. Ever seen them since? A. No. 20-

Q. Did you get a certificate? A. Not that evening.

Q. Did you go back to Harlem, 133rd Street, then? A. Yes.

Q. Did you continue to live as Mr. and Mrs. Strassheim? A. Yes.

Q. Why didn't you live under his name? A. Because he didn't want that on account of his daughter so soon going to be married, and she should not know.

Q. Didn't you believe you had married him legally? A. Yes; but he didn't want them to know that. 30-

Q. When did you first take his name? A. After I went in his house; that was the 19th of August, 1892.

Q. How long after this alleged ceremony? A. About a year or fifteen months.

Q. When was his daughter married? A. In September.

Q. How long after this alleged marriage between 40-

you and Mr. Arnault? A. About a year and a half, something like that.

Q. Then from the time you had this ceremony performed, as you say, up to a year and a half afterward you lived together as Mr. and Mrs. Strassheim in Harlem? A. Yes.

- 10 EDMUND BRAEKEELER, sworn on behalf of the proponent, testifies as follows:

DIRECT EXAMINATION BY MR. SCHULTZE:

Q. What is your business? A. I am in the wine business in New York City; have been in business there about 28 years; I knew Pierre Arnault in his lifetime; I first became acquainted with him about 25 years ago; I saw him frequently, every week or every two weeks or every month; I had business dealings
20 with him from 1868 up to the time of his death, and during that time saw him sometimes two or three times a week.

Q. What was Mr. Arnault's character as a man? A. He attended to business; he had a bookkeeper, but he attended to it mostly himself; he made the purchases himself and attended to the sales, and he attended to the financial part of the business.

Q. Did anyone else attend to it with him? A. No.

Q. State what your impression was of him? A. I
30 always considered Mr. Arnault a very strict, attentive business man, and the greatest worker I ever met in my business career; this was so from the time I knew him until his death.

Q. Was there anything in his business dealings that you thought would indicate any peculiarity of any kind? A. No; he was always very strict, very prompt in his business dealings, and very correct; he made no mistakes.

Q. Did he ever speak to you of his wife? A. No,
40 he only spoke to me of his daughter and his son.

Q. Did you visit his place of business? A. Yes.

Q. Who did you see there besides Mr. Arnault? A. The last years I saw his daughter who was keeping the books, and also his son, and afterwards the lady he said was Mrs. Arnault; this lady in court. (Pointing to Mrs. Strassheim.)

Q. She was there frequently? A. Yes, she was there all the time; she was about the store attending to her child, and so on.

Q. When you talked business with him did she interfere in any way? A. No, the orders were given by Mr. Arnault himself.

Q. She never suggested anything that he changed at her suggestion? A. No.

Q. What seemed to be their relation? A. Like man and wife.

Q. Anything more than that? A. No.

Q. Who was the leading spirit in this business? A. Mr. Arnault.

CROSS-EXAMINATION BY MR. SIMPSON:

20

Q. You supplied him with wine? A. Yes.

Q. Are you supplying his wife now? A. No, never done any business with her since his death.

Q. You knew him 25 years? A. Yes, 30 years.

Q. Did you ever visit his family while Helene Arnault was living with him? A. No.

Q. Did you ever visit his family? A. No.

Q. Never made any social calls upon him whatever?

A. No, I only knew him in a business way selling him wine; he was very agreeable to me, and I knew Mrs. Arnault and his daughter, and that is all.

Q. Did you ever receive his orders by mail for wine?

A. It may be, I don't remember; my business generally was with him personally up to the time of his death, but it may be that we received some orders by mail.

Q. Your calls upon him were short and of a business character? A. Yes.

Q. And all you knew of him was what you learned 40

from these short business calls? A. That is all; sometimes I would see him once or twice a week; during the last five years of his life I should say I saw him once or twice a week. I came over to Jersey City three or four times while he lived in Jersey City, and I called upon him; when he was sick I went there to see him.

Q. You saw Mrs. Strassheim there with him? A. Yes.

10 Q. Were they affectionate toward each other? A. Very affectionate.

Q. Did he seem to think much of her? A. Yes.

Q. In what terms did he address her? A. I don't remember.

Q. Why do you say they were affectionate? A. The way she talked to him, and the child was there and he was very fond of the child, and he used to laugh and play with the child.

20 Q. Did you ever hear any extended conversations between them? A. No.

Q. Ever hear her advise him about business? A. No.

Q. She talked about business? A. When I would call I would see them there together, and he ordered some goods and she might have made a remark that they wanted some goods and he would talk about it.

Q. She took an interest in the business? A. Yes; seemed to.

Q. Did he ever visit you in New York? A. Yes.

30 Q. How frequently during the last five years of his life? A. Not so often; he was always very busy.

Q. Was he a domestic man and stayed at home? A. Very much so; he stayed at home a great deal.

Q. (By Mr. Schultze.) Was he a strong-minded man or a weak-minded man? A. A very strong-minded man.

WENCESLES FORTIER, sworn on the part of the proponent, testifies as follows :

DIRECT EXAMINATION BY MR. SCHULTZE :

I am a bookkeeper for Henry Maillard ; I knew Pierre Arnault in his lifetime ; I was employed by him from 1884 for six years.

Q. He employed you ? A. Yes.

Q. Under whose directions were you there ? A. 10
Himself.

Q. Anyone else ? A. No, sir.

Q. He told you what to do ? A. Yes.

Q. Who conducted the business ? A. Mr. Arnault.

Q. Entirely ? A. Entirely.

Q. Did anyone else ever meddle in the orders which you received, or give you contrary orders. A. Not that I know of.

Q. He was the head of the business entirely and conducted it himself ? A. Yes. 20

Q. Do you recollect any circumstances indicating the character of the man, whether he was strong-minded or strong willed ? A. His business was conducted as well as anybody could conduct it ; he was a business man.

Q. Look at the lady behind you and see if you know her (Mrs. Strossheim). A. Yes ; she is Mme. Arnault, as I knew her during the time I was there ; she lived with him and they had a child.

Q. Did they live in the house where the business 30
was done ? A. Part of the time.

Q. What was their relationship as you understood it ? A. As man and wife.

Q. Did she ever have anything to do in ordering you about and giving you directions ? A. No, sir ; I always had my orders from Mr. Arnault himself.

Q. Did you ever notice any peculiarity in his conduct ? A. No, sir.

Q. Anything in his business to indicate there was anything the matter with him ? A. No, sir. 40

Q. Anything to indicate that anybody had any influence over him? A. Not that I know of.

Q. Did he ever speak to you about his family? A. Sometimes.

Q. What would he say? A. He would speak about his daughter, that was all.

Q. Did he ever mention his wife? A. Not that I know of.

Q. What was your employment there? A. I was
10 bookkeeper sometimes, and other times I was obliged to go out driving the wagon.

CROSS-EXAMINATION BY MR. SIMPSON :

Q. You were merely a bookkeeper in the store? A. Yes ; not all the time.

Q. Where are you employed now? A. By Henry Maillard.

Q. You came here without a subpoena? A. Yes.

December 29th, 1893, the matter was adjourned,
20 and by regular adjournment was continued to January 5th, 1894, upon which date the taking of testimony was resumed and continued as follows :

The proctors of the respective parties all appearing.

EDWARD P. TYSON, being sworn on the part of the proponent, testifies as follows :

DIRECT-EXAMINATION BY MR. SCHULTZE :

30 I am in the California wine business in New York City ; I knew Pierre Arnault ; I first became acquainted about 15 years ago, and knew him up to his death.

Q. How frequently did you see him in a year about? A. I could not tell, 8 or 10 times a year, probably more ; I knew him in a business way ; I was at his business place in Prince street frequently, and he sometimes came to my place of business.

Q. What was his character as a man? A. A man
40 of good business ability, hard working, energetic, ex-

citabile temperament; he attended to his business entirely in his dealings with me; my business was generally with him, excepting with his bookkeeper sometimes.

Q. Did anyone meddle with his orders? A. No, not at all.

Q. Was there anything that you noticed in your business dealing with him to indicate any peculiarity, or mental trouble; anything of that sort? A. No.

Q. Did he ever speak to you of his wife? A. No; 10 not that I remember.

Q. Do you recollect any circumstances indicating the character of the man, whether he was strong minded or strong willed? A. I don't recollect any particular circumstances, not more than the general conduct of the man in conducting his business, that would indicate a strong will, and obstinate in his disposition, very fond of having his own way.

CROSS-EXAMINATION BY MR. LAWRENCE :

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Q. How frequently did you see him in a year? A. In Prince street I saw him eight or nine times, probably oftener; after he moved over on the heights not so often.

Q. Eight or ten times a year? A. Perhaps it might have been twice as often as that; I don't know.

Q. That continued up to what time? A. Until he moved over here; I don't know when that was.

Q. You saw him at his place of business? A. Yes, and sometimes at my place of business, 24 Dey street, 30 New York City.

Q. You found him to be an excitable man? A. Rather excitable temperament when you crossed him; easily excitable, I should judge, like a great many Frenchmen.

Q. Did you frequently notice him during those periods of excitement? A. No.

Q. Have you seen him when under excitement? A. I have seen him excited, but my relations with him were very pleasant.

40

Q. You first saw him about fifteen years ago? A. About that, I should say about 1878-'79.

JAMES A. DEBUCHY, sworn on the part of the proponent, testified as follows :

DIRECT-EXAMINATION BY MR. SCHULTZE :

10 I am importer and commission merchant of wines and liquors in New York City ; I knew Pierre Arnault ; I first became acquainted with him in 1884 in a business way, but I have known him since I was a boy.

Q. How frequently did you see him? A. As a salesman does, I should say twenty times a year; every couple of weeks or so; I had business with him since 1884, and knew him up to the time of his death.

20 Q. In your business dealings with him, do you recollect any circumstances that would indicate the character of the man, whether he was strong minded or weak minded? A. I alway found him strong minded, exact in his business, prompt in his payments; he made no mistakes in his orders; he was clear minded.

Q. How much business did you do with Mr. Arnault? A. I cannot tell from memory; it was a good deal.

Q. Did he do it to your entire satisfaction? A. Yes; I had no fault to find with him.

30 Q. About how much in a year did you do with him? A. \$200, or \$300 perhaps.

Q. Did any one interfere with his business dealings? A. No, sir.

Q. Anyone give any contrary orders? A. No, sir.

Q. In his business dealings with you did anybody consult with him, or did he consult with anyone in respect to his buying and selling? A. No, he was perfectly free in his dealings with me, acted according to his own dictates.

40 Q. Did he ever speak to you about his wife? A. No.

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Q. Did you know Mrs. Lizzie Strassheim Arnault?

A. I knew the lady that was introduced to me as Mrs. Arnault.

Q. Did you ever meet her in your business dealings with him? A. Yes, occasionally when I was in the place, I have spoken to her; she was there as his wife, he spoke to her as Madame Arnault and he so introduced her to me.

Q. Did she in any way ever interfere with any of his business dealings? A. I never saw it.

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CROSS-EXAMINATION BY MR. LAWRENCE :

Q. What did she seem to be doing in the place of business there? A. Helped her husband; put up demijohns once in a while when I was there; she was not always there, but frequently she was.

Q. Where do you mean? A. I knew them in Prince street and on Jersey City Heights; on the heights they lived in that place.

Q. How frequently did you see her at Jersey City Heights? A. I called there every two weeks and she would be in that place generally.

Q. What was she doing then? A. Working in the kitchen, I saw her there.

Q. When did he introduce her to you as Madame Arnault? A. When I first did business with him, in 1884.

Q. Did you observe their relations toward each other, were they affectionate or otherwise? A. Yes, I always thought so, seemed to be affectionate.

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Q. You sold goods to Mr. Arnault and he paid you promptly? A. Yes.

Q. And that is what made the business satisfactory to you? A. Yes, in all my dealings.

THEODORE CONNOLLY, recalled on the part of the proponent :

DIRECT EXAMINATION BY MR. SCHULTZE :

I am an attorney at law, assistant corporation counsel of the City of New York ; I drafted the will of Pierre Arnault ; I have testified here as to the execution of the will.

10 Q. How long a time was spent by you on the preparation of the will? A. The physical dictation only a few minutes.

Q. As to the interviews you had with him in regard to it? A. I saw him several times, during which he mentioned this intended will, but mixed up with other business and I can't tell ; he asked various questions about the law in New York. He always came to my office alone except once or twice when his bookkeeper came with him ?

20 Q. Was there ever a lady with him? A. No, sir.

Q. Did you ever see this lady (indicating) Mrs. Strassheim? A. Only once ; that was in my office after his death. I never saw her before his death.

Q. In Mr. Arnault's interviews with you in regard to the preparation of the will, did he ever consult any memorandum? A. I think not ; his directions were verbally.

Q. Did he ever write to you about it? A. No.

30 Q. Tell us, briefly as you can, just what instructions you received from him? A. Well, it is some time ago. I remember the instructions were to leave the bulk to his wife, Lizzie Strassheim, as he called her, and I think also \$5,000 to his child or children in the event of their marriage with the approval, I think, of his wife, but I am not clear on that. His instructions were very brief. His conversations were with reference to the law of the State.

Q. How did he impress you? A. Perfectly rational.

40 Q. Knew what he was doing? A. Perfectly.

Q. Do you remember his questions with regard to the laws of the State? A. No; they were very general. The impression I got was that he had something in his mind that he didn't tell me; he was fencing round; he never came to the facts; he was talking round.

Q. There was nothing to indicate that he was a man who was influenced by anybody, or was in any way mentally deficient? A. He was not at all deficient; his mind was very clear. 10

Q. Did you come in contact with him after the drawing of the will? A. Frequently.

Q. Did you notice any change? A. When his health got poor he impressed me as a man that was breaking down. When I first saw him he was in perfect health. His mind was always perfectly clear.

Cross-EXAMINATION BY MR. LAWRENCE :

Q. He was not in good health when he came to consult you in regard to the will? A. Didn't appear to be, no; looked haggard. 20

Q. Did you know him before that time? A. Yes.

Q. Had you observed that he was failing in health? A. It was some change in physical appearance, aging very fast, tired or fatigued from business or from other influences very perceptibly.

Q. It was noticeable to you? A. Yes, sir; and more so afterwards. This physical appearance was continuous, but not very striking at the execution of the will, but a gradual change and continuous. 30

Q. You say he did not consult any written memorandum when he consulted you about the will? A. Not at all.

Q. He was prepared with what he wanted to do with his property before he came to you? A. Yes.

Q. He simply came and told you what he wanted? A. He gave me instructions as to what he wanted done. His instructions were very positive and definite.

Q. His inquiries about the laws of New York were 40

not for the purpose of learning to whom he should leave his property? A. No, as to the law of the State; his impression was that the French law and the American law were different as to property and so on.

Q. How many times did you see Mr. Arnault during the preparation of this will and the conversation about it? A. I think I saw him two or three times when the will was mentioned; he simply told me what to do; we had some conversations about it; something
10 about it struck me as peculiar, and I asked for further instructions and he gave directions.

Q. What do you mean by that? A. He gave me directions to leave the property to Lizzie Strassheim, my wife, and I said why don't you call her your wife, if she is; why do you call her Lizzie Strassheim? that throws a doubt upon her. He said he wanted to make her definite. I said calling her wife makes her definite; and I think he said that that was her maiden name, and that is the reason he wanted it. He says, "I
20 know what I am about; I know why I want it in that way, and you put it in as I want it."

Q. (MR. SCHULTZE.) So he knew what he was about, and would not take any suggestions? A. No; no suggestions at all; he took it rather unkindly, my making any suggestions on the subject.

DR. LOUIS DEPLACE, sworn on the part of the pro-
30 ponent, testifies as follows:

DIRECT EXAMINATION BY MR. SCHULTZE:

I am a physician and surgeon; I knew Pierre Arnault; I became acquainted with him in 1878 or '79, and from that time I was his physician—his family physician; I have attended him at different times for asthma and bronchitis.

Q. You knew his general physical make-up? A. Yes. I saw him the day before his death the last time,
40 December 28th, 1891. He had another physician dur-

ing the last month on Jersey City Heights, but from '78 or '79 up to his last illness I never knew of any physician attending him but myself. I think he would have told me if he had. Sometimes we don't know what patients are doing.

Q. Did Mr. Arnault ever have any nervous or epileptic fits? A. Never, that I know of.

Q. Did he ever have any kind of an ailment which would make him act or say things that he didn't know anything about? A. I never observed anything of the kind in Mr. Arnault. 10

Q. Did he ever have any ailment that made him unconscious for any period of time? A. Not that I know of.

Q. How frequently did you use to visit him? A. Sometimes ten or twelve times in a year, depending upon the sickness in the family.

Q. What was his general health? A. He was in general health, except he was subject to asthma and bronchitis. 20

Q. Did either of these troubles affect his mind? A. Not in the least; they could not.

Q. Was there anything the matter with his mind? A. I always found him a man of very sound mind.

Q. Did he have any trouble that could have affected his mind? A. Not that I know of.

Q. Was his mind a strong one or a weak one? A. A strong one.

Q. Did you ever hear of his having a sunstroke? A. Never. 30

Q. Did you hear any of his family discuss his sunstroke? A. They never told me.

Q. Did you ever notice anything in his conduct that would indicate that he had sunstroke? A. Never.

Q. Did you attend him in his last illness? A. I was called the day before his death for consultation, and I examined him alone while I was waiting for the physician who was attending him, and I found Mr. 40

Arnault suffering from chronic bronchitis and heart disease, and dropsy of the legs.

Q. Would either of those three ailments affect his mind? A. I found his mind very strong at that time, he spoke to me very clearly.

Q. Did you ever meet any other physician at the Arnault house during all the time you knew him? A. No.

Q. Did you hear of any one attending him? A. He
10 told me he had a family physician on Jersey City Heights, I don't remember the name.

Q. Do you recollect any circumstances that would indicate that he was a strong or weak minded man? A. I always found him a strong man, a sound man, and very reasonable, always talking with me as a rational man would speak.

Q. Did you ever find him crazy? A. Never.

Q. Did you know anything about his family relations? A. I have attended his daughter that is
20 married. I have always found him very attentive to his wife and children, very kind; when there was anything the matter with them he always called me in promptly.

CROSS-EXAMINATION BY MR. LAWRENCE:

Q. Where do you live? A. 57 East 27th street,
New York City; have been practicing in New York
City since 1877. I came from Belgium to this country
in 1877; I practiced in Belgium from 1866 to 1877, a
30 general practice.

Q. How long before the time the day before Mr. Arnault's death had you seen him? A. Probably three or four months, not more than five months.

Q. Had you noticed that during the last few years of his life he was declining in health? A. I considered him in good health until the last year of his life. He died in 1891; before that I always considered him a strong man.

Q. You don't mean his physical condition was as

strong as when you first knew him? A. No, surely not; I guess we become older every day.

Q. Had he not declined in health considerably? A. Not that I have observed.

Q. How frequently during the year were you called to see Mr. Arnault? A. The times I was called in to his family I saw him, but I cannot tell you how many times, may be 10 or 20 or 40 times in a year.

Q. Those occasions were not to treat Mr. Arnault all the time? A. No, very seldom. 10

Q. When you were treating other members of the family would you have conversations with Mr. Arnault? A. Very often.

Q. Did you see him at his business place? A. Yes, and at his private house where he lived.

Q. You don't mean on all of the visits to his family you had conversation with him, or made any observation of his condition? A. When I was called in there to his family he was always talking with me, always inquiring what treatment I was giving to the members 20 of his family.

Q. How many times did you make any examination of Mr. Arnault's condition? A. I could not tell you exactly. I have attended him different times, always for the same trouble, asthma and bronchitis.

Q. Did you make any complete examination of him in order to find out? A. I made as complete examination as was necessary.

Q. When he was not well he gave you his symptoms and you made an examination in relation to that? A. 30 Yes.

Q. You have said you did not notice anything about Mr. Arnault that would indicate that he was not of sound mind? A. That is so.

Q. You don't mean that you ever made any examination as to Mr. Arnault's mental condition? A. I have never been required to make an examination into his mental condition. I observed that he was always rational with me. 40

Q. You do not profess to be an expert in mental diseases? A. No, I do not.

RE-DIRECT EXAMINATION BY MR. SCHULTZE;

Q. What were the mental characteristics of Mr. Arnault? A. I always considered him a very rational, strong man.

Q. You were his family physician? A. Yes.

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WILLIAM H. VAN OJEN, SWORN ON the part of the proponent, testifies as follows:

DIRECT EXAMINATION BY MR. SCHULTZE:

I am a wholesale grocer in Hoboken; I knew Mr. Arnault in his lifetime; I had business dealings with him for the last 15 or 16 years; I met him frequently during that time up to the time of his death; for the last few years I met him three or four times a week, and before that most every week.

20 Q. Did you see him at his house? A. I seen him when they were living in New York.

Q. And also at your place of business? A. Yes.

Q. In your business dealings with him was there anything to indicate to you whether he was a strong or weak-minded man? A. Yes, I always thought he was all right. At the time he had business with me he came every week and took orders for wines and such things as that and delivered them to me.

30 Q. You did a good deal of business with him? A. Yes.

Q. Was it matters of quite some detail? A. Some weeks a couple of hundred dollars; some weeks not more than \$25.

Q. How did he act in his business transactions with you? A. The same as everybody else would do, on the square; he brought goods there and I paid him his bills.

40 Q. Did he ever make any mistake? A. No.

Q. He was clear minded ? A. Yes, so far as I know.

Q. Did you notice anything in your business dealings with him that would indicate any peculiarity of character ? A. No, sir.

Q. Did he ever speak to you of his wife ? A. Yes, he did.

Q. In what respect ? A. About seven or eight years ago he came to my house and wanted to hire a house of me in Franklin street. I was not home. My wife told me that Mr. Arnault and his wife was here and wanted to hire the house, so, next day, I went to their business place in New York, and seen Mr. Arnault, and I seen the lady and a little child there; he introduced the lady to me as his wife. This Mrs. Strassheim here is the lady he introduced to me as his wife; he introduced me to them as "my wife and child."

Q. Did he ever speak to you about any other wife ?
A. No, sir.

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CROSS-EXAMINATION BY MR. LAWRENCE :

Q. You saw him at his business place in New York ?
A. Yes.

Q. Who else did you see there ? A. The lady and the child.

Q. Was that the first you had met him ? A. No ; I had known him before that ; that was the first time I ever went to Mr. Arnault's place of business in New York ; he always came to my place of business and took orders for goods.

30

Q. On that day this lady was introduced to you as his wife ? A. Yes, on that day I was introduced to this lady who sits here now as his wife. I had never seen her before that time. That must be seven or eight years ago, maybe more. I had never been to his place of business before.

Q. Was Mr. Arnault an excitable man ? A. No, I can't say that he was ; I never saw him excited.

Q. After this introduction, how often did you see this person who was introduced to you as his wife ?

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A. I seen her, maybe, two or three times a year after that.

Q. Then you would see them both together? A. Yes.

Q. Did they seem to be loving and affectionate? A. I never seen anything wrong.

Q. Were they affectionate? A. Yes; I come there very often and the lady was working, and he was in the office, and she attending to the business, helping
10 bottling, &c.; attending to the place, washing bottles; she used to be round there.

Q. She was always taking part in the business, was she? A. Yes.

Q. Did she ever have anything to say to you about the business? A. No.

Q. Did she ever join any conversation between Mr. Arnault and you? A. No, sir.

20

EUGENE DENNISON, sworn on the part of the proponent, testifies as follows:

DIRECT EXAMINATION BY MR. SCHULTZE:

I am in the bakery business in New York; I knew Mr. Arnault since 1871; I knew him until he died; I last saw him in his coffin; before that I saw him last three months before he died, in my house; I did a good deal of business with him; and he used to visit
30 me with his lady and his child; we were on friendly terms.

Q. You came here as a matter of friendship to him? A. As a matter of duty.

Q. Will you state the mental characteristics of Mr. Arnault as they impressed you? A. We were always good friends doing business together; he was upright and intelligent; the first I heard that he was crazy was when he was dead; my dealings with him were always straight; he used to come to my place of business with
40 his bill to collect it, and he was correct to the very

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cent; he was the most intelligent business man I came across; he carried on his business very straight; never made any errors at all.

Q. Did he ever mention his wife to you? A. Yes; he presented his wife to me, this lady here in court, as his wife and child; they visited me at my house in Mamaroneck.

Q. How did he live with them? A. A good family; very happy; he visited me once or twice and they seemed perfectly proper people. 10

Q. Did he ever speak to you of any other wife than this one? A. No, sir; I knew his first wife but never spoke anything about it; he never mentioned his trouble with his first wife at all.

Q. Did you know why they were not living together? A. When the business was in Worcester street I knew also the daughter and the son.

Q. Did you know why he was not living with his first wife? A. I never asked him any questions; I didn't bother with his family matters. 20

CROSS-EXAMINATION BY MR. LAWRENCE :

Q. Were you subpoenaed to appear here? A. No, I came at the request of Mr. Schultze.

Q. Then you didn't come because you thought it was your duty? A. Duty as a man.

FELIX DEPUY, sworn on the part of the proponent, testifies as follows : 30

DIRECT-EXAMINATION BY MR. SCHULTZE :

Q. What is your business? A. I keep a property uptown; two houses. I rent the place out and at the same time I work for a wholesale drug store in New York.

I knew Pierre Arnault: I first became acquainted in 1884 and my acquaintance lasted until his death. I worked for him in 1884, 1885 and 1886, about two years or a little over. The first year I was there I was 40

at his place of business from 7 o'clock in the morning until midnight sometimes ; after that first year I was there from 7 in the morning until 8 o'clock in the evening. I saw Mr. Arnault every day.

Q. Did he during this time say or do anything that seemed peculiar to you? A. No.

Q. Who carried on the business there? A. Mr. Arnault.

10 Q. Did any one else interfere? A. His son was there when Mr. Arnault was not there.

Q. Who was the head of the house? A. Mr. Arnault.

Q. Who gave the orders? He did.

Q. Did he employ you? A. Yes.

Q. Was this lady here in the court there during that time? A. Yes.

Q. Was she introduced to you? A. No.

20 Q. Who did you understand she was? A. At first I thought it was the wife of Mr. Arnault, the mistress of the house.

Q. Did this lady help him in his business? A. She came from time to time, but rather seldom.

Q. Did she interfere with his carrying on business? A. No.

Q. Did she ever give any orders contrary to his orders? A. No.

Q. How many men were employed there about the time you were there? A. Four or five; during the busy season there would be more.

30 Q. Do you know how much business he did? A. No.

Q. What was your work there? A. I worked in the cellar bottling and fixing the demijohns and filling them.

Q. Did he ever give you any orders which made you think he was peculiar or that were wrong? A. No, sir.

CROSS-EXAMINATION BY MR. LAWRENCE :

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Mr. Arnault? A. 1884; I can't tell exactly what time.

Q. Did you see this woman here, who has been pointed out to you in the court room, there on the occasion of your first employment there? A. I did not see her the first day I entered there.

Q. When was the last year of your employment by Mr. Arnault? A. If I commenced in 1884, it must be 1886, but I can't tell positively.

Q. What part of the year was it when you left his employment? A. I can't tell that either. 10

Q. You first thought this woman was his wife? A. Yes.

Q. Why did you think she was his wife? A. With talking with the other workmen there.

Q. What did you see this woman who was living with Mr. Arnault doing about the business? A. She came down stairs, and sometimes she made entries on the books in the office, sometimes she prepared the orders, arranged the demijohns. 20

Q. How frequently did you see this? A. Several times, but I could not tell how often.

Q. Did you ever have any talk with her about the business? A. No; sometimes when Mr. Arnault wasn't there she would give an order to the help what to do, but not very often.

Q. Who asked you to come here to-day? A. Mr. Schultze.

Q. How long since you have seen this lady that was there with Mr. Arnault? A. The last time I saw her here. The other lady asked me to come here for her, in her behalf. 30

Q. Did you talk with the lady when you saw her? A. Yes.

Q. Did she talk to you about this case? A. Yes.

Q. Did she ask you to come here as a witness for her to-day? A. No.

RE-DIRECT EXAMINATION BY MR. SCHULTZE :

Q. When you say you were asked by the other lady 40

to come here, who do you mean? A. Mme. Helene Arnault.

Q. What did she say to you about coming here? A. She came to the shop where I work and told me I must come here to testify. I told her that it would be very inconvenient for me to come here, that I could not come; she told me she would pay me well for coming here.

Q. Did I promise you anything for coming here?
10 A. No.

Q. What did she promise? A. She told me if she gained the suit she would pay me well.

Q. And did you come here? A. Yes.

Q. Were you called upon the witness stand? A. I was here, but I did not come as a witness.

PHILLIP C. PFISTER, sworn on the part of the Caveator,
20 tor, testifies as follows:

DIRECT-EXAMINATION BY MR. SIMPSON:

Q. You knew Mr. Pierre Arnault in his lifetime?
A. I did.

Q. And you knew Mrs. Helene Arnault? A. I do, I am a nephew of Mrs. Helene Arnault.

Q. When did you first visit them? A. It must have been around the end of 1871.

Q. In 1871 and 1872 you visited the house?
30 Yes, and the early part of 1873, during that entire time I visited them a couple of times a month.

Q. Did you have any opportunity on those visits of noticing the relations between Mr. and Mrs. Arnault?
A. Yes, I was present there sometimes three or four hours at a time.

MR. SCHULTZE: We object to this as too remote. It was before the entrance of Mrs. Strassheim on the scene.

Q. You heard Mr. and Mrs. Arnault talking together?
40 A. Yes.

Q. Ever hear him address her in terms of endearment? A. Yes, he called her My Dearie, and I can't remember any certain name, only they always appeared to be very friendly, very loving and very kind.

Q. Did you ever see him strike her? A. No, sir; no attempt.

MR. PARRY: The Court has excluded evidence showing their relations in 1872.

THE COURT: That was as to alleged misconduct towards the boy. 10

MR. PARRY: And as to her pulling Mr. Arnault's beard, and we offer to show that their relations were not then peaceable and harmonious.

Q. What was the conduct of Mr. Arnault toward his wife in 1873? A. Quite friendly, very friendly.

Q. Did he appear affectionate toward her. A. He did.

Q. When did you next visit the family after 1873? 20
A. The end of 1874.

Q. Did you also visit them in 1875? A. I did.

Q. Did you notice any change in the conduct of Mr. Arnault towards his wife then? A. I did, a very great change.

Q. What did you notice? A. I noticed that he was no longer kind and at every possible pretext finding fault, cross and sour.

Q. Ever see him strike her? A. I did in 1875 and 1876 several times. 30

Q. What was the cause of his striking her? He would find fault with something or another, and if an argument was used that didn't just exactly suit him he would flare into a passion and strike her.

Q. Now come down to 1879. Do you know anything of his relations toward her in 1879? A. I know they were exceedingly strained.

Q. How do you know that? A. Mrs. Arnault came to my father and told him,—(interrupted by objection). 40

Q. Were you present at any conversation between Mr. Arnault and any one else in relation to these troubles? A. Yes, he met my father in 1879 in August, my father and I belonged to a society, and we met him in a barroom, they sat down to a table and entered into conversation in the course of which my father upbraided him for his conduct toward his sister and asked him why it was that he cast his wife aside for the sake of a mistress, and told him further-

10 more that Mrs. Arnault had told him all about the subject and that he thought he was doing very wrong in breaking up the entire family; he thereupon said, "Well, I can't say much except that my sister has told me everything that happens," and he said, "Well, my mistress tells me everything that happens, and she tells me that your sister is always drunk between two wines, and she don't pay attention to my food and so forth, and on that account I believe her."

Q. That was in 1879? A. Yes.

20 Q. When was the time that Mrs. Helene Arnault left her husband? A. It was somewhere around that time.

Q. Did you see Mr. Arnault after she left him? A. Yes; several times I saw him, not to speak to him.

CROSS-EXAMINATION BY MR. SCHULTZE:

Q. Where did this occurrence take place when Mr. Arnault struck Mrs. Arnault? A. At the place where they were living—different places. They were living

30 in Houston street and other streets.

Q. Did the striking occur in Houston street? A. Yes.

Q. When? A. 2 or 3 o'clock in the afternoon.

Q. Was their business at that place? A. No.

Q. What day of the week was it? A. Sunday.

Q. In 1876? A. Yes.

Q. And in 1875 also in the same place? Yes.

Q. Where were you when this occurred? A. In the room with them.

Q. What relation are you to Mrs. Arnault? A. I am her nephew.

Q. Did you interfere? A. No.

Q. You sat there and saw him strike your aunt and didn't interfere? A. Yes.

Q. Did he knock her down? A. She was about to rise from the chair and she fell back into the chair.

Q. And you said nothing? A. No, sir.

Q. You heard his reply to the question why he cast his wife aside, that she was always drunk? A. Yes.

Q. Did he say that she did not attend to his business? A. Yes.

Q. Hadn't he put her out of his business before that? A. I don't know.

Q. When the brother came in was not she dismissed from the business? A. She was no longer in the business.

Q. Didn't the brother come into his business? A. I don't know.

Q. What else did he say why he had done this thing? A. No other definite reason.

RE-DIRECT EXAMINATION :

Q. You heard Pierre Arnault say that Helene Arnault was always drunk? A. Yes; he said that to my father.

Q. Did he state how he knew it? A. Yes; he said he knew it from Mrs. Strassheim.

Q. Is it the only time you heard him say that? A. No, it was not. My father said to him, why do you put your wife from you for the sake of a mistress? He said: Well—intimating that she was dearer to him than his wife—inasmuch as she told me all that happened—told him his wife was always drunk between two wines, and that she didn't attend to his affairs properly.

Q. (By THE COURT.) Is that the conversation you referred to before? A. Yes.

RE-CROSS-EXAMINATION :

Q. Was the name of the mistress mentioned in this conversation? A. No direct name; only "that woman."

Q. What woman? A. Mrs. Strassheim. She was not referred to by name. My father told him that my aunt had told him that he had been caught with that woman, and that this woman was now his mistress. That was all in that one conversation. There were other things hanging in and about it which showed that this woman in question was the one that was really meant.

Q. (BY THE COURT.) What woman? A. Mrs. Strassheim.

Q. (BY THE COURT.) What was said that would indicate that Mrs. Strassheim was the person alluded to? A. My aunt had told my father that she had caught Mr. Annualt in criminal connection with another woman, and that woman was her servant. This was part of the conversation, and my father told him: "You know that my sister has found you in bed with this servant of yours, and you know that you have kept up these relations with her, and that she is actually your mistress; why do you put away your wife for the sake of a mistress; why do you break up your home circle for that sake; why don't you try to do what is right," and he shrugged his shoulders and tried to get away from this subject, and finally said: "Well, she tells me the truth; she tells me my wife does this and that, and so on and so forth;" after that the conversation lasted perhaps twenty or twenty-five minutes.

Q. What saloon was this in? A. The New York Turn Verein, 4th street, between 3rd and 2nd avenues, on a week day, about half-past 8 in the evening on the 26th of August. I remember it because it was my birthday.

Q. (BY THE COURT.) Did you go there for the purpose of celebrating your birthday? A. My father and I always took a glass of wine together, and on

such a day as that, which is considered quite an event, he was always quite friendly toward me.

Q. How was it Mr. Arnault was there? A. We met there simply by accident.

Q. (BY THE COURT.) Had you ever seen him in that saloon before? A. Yes, a number of times. It was only about ten minutes walk from his business.

Q. (BY THE COURT.) Did you speak to him first? A. It was in a large bar-room; larger, perhaps, than this court-room, and in coming in he spoke to a few of his friends and stepped up to the bar, and they saw each other and one says: "Hello," or "good evening," and my father says: "Arnault, come, I want to speak to you; come over here and sit down." And they sat down at the table and spoke, and I sat there and listened to them. 10

Q. (BY THE COURT.) Did you hear all of their conversation? A. I would not say I heard everything; sometimes my attention would be attracted somewhere else. 20

Q. What is your business? A. I am a school teacher in 4th street, New York.

Q. How long have you been in that occupation?
A. A little over two years.

CAVEATORS REST.

Evidence closed, reserving to the proponent the right to put in the testimony taken in the divorce proceedings referred to if they desire to put it in. 30

Exhibit "X" on part of Proponent.

SEPARATION AGREEMENT BETWEEN PIERRE ARNAULT AND
HELENE ARNAULT.

Whereas certain unhappy differences exist between
Pierre Arnault of New York City, and his wife Helene
Arnault of the same place, who have been and are now
10 living separate and apart from each other.

Now, said Pierre Arnault hereby agrees to pay his
said wife the weekly sum of eight dollars payable
weekly from date hereof, during the time that she shall
continue to live separate and apart from him and not
annoy him, or his home, or business, such weekly sums
to be paid to her personally or upon her order, and the
same to be in full for her support and maintenance, and
said Helene Arnault hereby agreed to accept said
weekly payments, and carry out faithfully the terms
20 and conditions of this agreement as long as her said
husband shall make her such weekly payments.

Witness our hands and seals at New York City, this
7th day of July, 1879.

P. ARNAULT, [L. s.]
HELENE ARNAULT. [L. s.]

Witness by
WATSON W. MOORE.

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At a Special Term of the Superior Court of the City of New York, held at the Court House in the City of New York, on the 1st day of July, 1879.

Present—HON. JOHN SEDGWICK, Justice.

SUPERIOR COURT

OF THE CITY OF NEW YORK.

10

<p>PIERRE ARNAULT, Plaintiff, AGAINST HELENE ARNAULT, Defendant.</p>

This cause having been referred to William R. Martin, Esq., a counsellor of this Court, by certain orders of reference herein, dated September 30th, 1878, and January 7th, 1879, respectively, to hear and determine all the issues therein; and his report having been duly filed on the 25th day of January, 1879, whereby he finds as conclusions of law :

I.—That the defendant has not been guilty of cruel and inhuman treatment of the plaintiff or of conduct that rendered his cohabitation with her unsafe or improper. 30

II.—That the defendant is entitled to judgment against the plaintiff on the merits, and that the defendant recover the costs of this action from the plaintiff.

And a motion to confirm the said report and for judgment absolute against the plaintiff, with costs, and for costs of the motion, having been made by the defendant, and coming on this day to be heard, and on reading and filing the notice of motion on behalf of the defendant, and the affidavit of Henry Ash on be- 40

half of the plaintiff, and after hearing Ira. B. Wheeler, of counsel for the defendant, for the motion, and F. G. Salmon, of counsel for the plaintiff, in opposition thereto, it is, on motion of Charles S. Spencer, defendant's attorney,

Ordered and adjudged that the said report be and the same hereby is in all respects confirmed and judgment rendered in favor of the defendant and against the plaintiff on the merits, with seventy-five $\frac{31}{100}$ 10 dollars costs and disbursements as taxed, and ten dollars costs of this motion, and that defendant have execution therefor against the plaintiff.

A Copy.

THOMAS BOESE,
Clerk.

[SEAL.]

HUDSON ORPHANS' COURT.

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IN THE MATTER

of

The Alleged Will of PIERRE ARNAULT,
deceased.

} Decree.

30 Caveats having been filed against the admission to probate of the alleged will of Pierre Arnault, deceased, by Helene Arnault, Clotilde J. Lang and Clara Alice Arnault, and the evidence having been taken before the Orphans' Court, and the Court having considered the same, and having heard the arguments of counsel on behalf of the caveators, and on behalf of the proponent,

40 It is, on the 28th day of September, eighteen hundred and ninety-four, on motion of Alexander Simpson and Babbitt & Lawrence, proctors for the caveators, ordered, adjudged and decreed, that the execution of

the instrument in writing purporting to be the last will and testament of Pierre Arnault, deceased, and offered for probate by the proponent Elise Strasheim was procured by means of undue influence exerted over the said Pierre Arnault by the said proponent, and that the said instrument is null and void as the last will and testament of the said Pierre Arnault, deceased, and probate thereof is hereby denied.

R. S. HUDSPETH, P. J.

ALBERT HOFFMAN.

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To the Honorable the Prerogative Court of New Jersey :

The petition of Elise Strasheim Arnault, appellant, respectfully shows that your petitioner finds herself aggrieved by a final decree of the Orphans' Court of Hudson County, bearing date on the twenty-eighth day of September, in the year Eighteen hundred and ninety-four, in the matter of the probate of a certain paper in writing purporting to be the last will and testament of Pierre Arnault, deceased, in that said decree adjudges: " That the execution of the instrument in writing, purporting to be the last will and testament of Pierre Arnault, deceased, and offered for probate by the proponent Elise Strasheim, was procured by means of undue influence exercised over the said Pierre Arnault by the said proponent, and that the said instrument is null and void as the last will and testament of the said Pierre Arnault, deceased, and probate thereof is denied. And this petitioner appeals from the said decree upon the ground that the same is erroneous because said writing purporting to be the last will and testament of Pierre Arnault, was not obtained by the means of undue influence exercised over the said Pierre Arnault, deceased, by your petitioner, and is the last will and testament of Pierre Arnault, and as such should be admitted to probate. She therefore prays that the said decree be reversed, set aside

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and for nothing holden, and that she may have such relief as may be just.

Dated October 19, 1894.

JOS. S. PARRY,
Proctor and of Counsel with Appellant.

STATE OF NEW JERSEY, }
County of Hudson. } ss.:

10 Elise Strasheim Arnault, being duly sworn according to law, says that she is the petitioner named in the foregoing petition of appeal; that the matters and things therein set forth are true, to the best of her knowledge, information and belief.

ELISE STRASHEIM ARNAULT.

Sworn and subscribed to this October }
19th, 1894, before me. }

HORACE L. ALLEN,
Master in Chancery
of New Jersey.

20

Filed Oct. 19, 1894.

HENRY C. KELSEY,
Register.

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NEW JERSEY PREROGATIVE COURT.

ELISE STRASHEIM ARNAULT,
Appellant,

AND

HELENE ARNAULT,
Respondent,

} On Appeal.

10

The answer of Helene Arnault, respondent, to the petition of Elise Strasheim Arnault appellant.

This respondent admits that a decree, of the date, tenor and effect in the said petition of appeal set forth, was made by the Orphans' Court of the County of Hudson; and this respondent is advised and believes and submits that such decree is just and equitable, and, therefore, prays that the said decree may be affirmed by this Court, with costs to be adjudged to this respondent. 20

BABBITT & LAWRENCE,

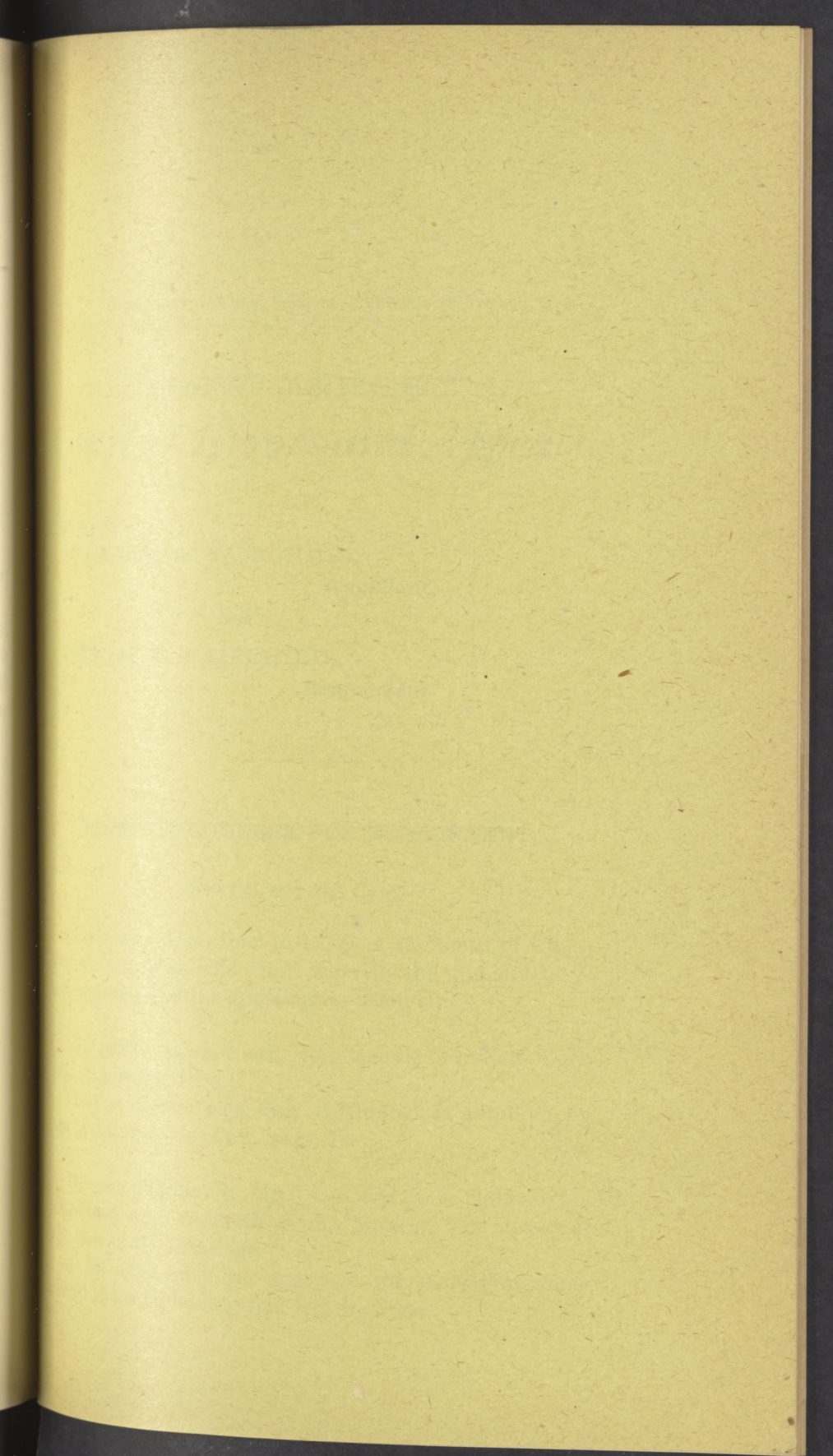
Proctors for and of Counsel with Respondent.

"Filed, January 3, 1895.

"HENRY C. KELSEY,
"Register."

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