

I N D E X

	PAGE
Petition	1
Answer	6
Testimony	14
PETITIONER'S TESTIMONY:	
Dr. Benjamin E. Fennimore—Direct.....	15
Cross	19
Re-direct	21
Re-cross	23
Alice Warren Sachse—Direct	24
Cross	56
Re-direct	90
Recalled—Cross	108
Recalled—Re-direct	111
Recalled—Re-cross	121
Mrs. Arthelia Johnson—Direct	96
Cross	100
Re-direct	104
Re-cross	106
Miss Anna Williams—Direct	123
Cross	126
George A. Bourgeois—Direct	134
Cross	136
Recalled—Direct	150
Mrs. Frederica Warren Ferguson—Direct	141
Miss Nellie Sachse—Direct	142
Cross	153

	PAGE
DEFENDANT'S TESTIMONY:	
Julius Sachse—Direct	162
Cross	180
Re-direct	221
Marvin C. Reed—Direct	222
Cross	225
Trudy Callender—Direct	230
Cross	248
Albert F. Sachse—Direct	270
Cross	304
Re-direct	347
Re-cross	348
 PETITIONER'S REBUTTAL:	
Mrs. Arthelia Johnson—Direct	357
Cross	359
Mrs. Anna Z. Van Valkenburg—Direct....	362
Conclusions	367
Decree Nisi	369
Notice of Appeal	373
Petition of Appeal	374
Answer to Petition of Appeal.....	376

PETITION.

IN CHANCERY OF NEW JERSEY.

(Filed Feb. 23, 1926.)

Between

ALICE WARREN SACHSE,
Petitioner,

and

ALBERT FREDERICK SACHSE,
Defendant.

On Petition for
Divorce.

10

*To His Honor, Edwin Robert Walker, Chancellor of
the State of New Jersey:* 20

The petition of Alice Warren Sachse, of the City of Ventnor City, in the County of Atlantic, and State of New Jersey, respectfully shows:

1. Your petitioner was lawfully joined in the bonds of matrimony to her present husband, Albert Frederick Sachse, the defendant in this suit, on the twenty-first day of June, 1899, by Thomas Yarnall, a Minister of the Gospel, at Philadelphia, in the State of Pennsylvania. 30

2. Petitioner and defendant cohabited at Philadelphia, in the State of Pennsylvania, from the time of their marriage until the year 1909, when petitioner and defendant took up their residence in

Ventnor, in the County of Atlantic and State of New Jersey, where they afterwards resided from 1909 until the present time, living at #23 South Weymouth Avenue, in the City of Ventnor as aforesaid. Petitioner and defendant lived together as man and wife until the 10th day of April, 1925, when petitioner was compelled to separate from the defendant because of his extreme cruelty, as hereinafter set forth.

10

3. Shortly after petitioner's marriage, defendant, who is possessed with a violent and ill-governed temper, began in many ways to torment and humiliate petitioner, and on many occasions assaulted and abused the petitioner. Defendant's conduct towards petitioner became progressively worse and during the latter part of the year 1924, and in the early part of 1925, defendant's conduct became so intolerable as to affect the health of petitioner. Notwithstanding, that defendant is a man of large means, he failed to provide food for petitioner and his daughter, and so conducted himself at the table as to make it impossible for them to eat such food as was provided; refused to provide clothes and other necessities for defendant or her daughter; threatened defendant with bodily harm on numerous occasions so that she has lived in constant fear of defendant, and on the 10th day of July, 1925, violently assaulted petitioner, seized petitioner's arms and bent them back, nearly dislocating them.

20

30

4. Prior to the said 17th day of May, 1925, defendant abused petitioner in their marital relations, breaking the lock on petitioner's bedroom door and entering petitioner's bedroom, subjecting petitioner to marital intercourse two or three times during the

one night, and also attempted to force petitioner to permit the use of her mouth for sexual intercourse; called petitioner a whore and son-of-a-bitch, and unjustly charged her with infidelity with many men on many different occasions.

5. Defendant among other methods of torturing petitioner, devised the scheme of alienating the love and affection of her son, Julius, by means of lavish presents and promises of devising his entire estate to his son. By example and encouragement, he has succeeded in having defendant's son aforesaid act in a manner that would indicate that he has lost all affection for petitioner, and has so dominated the mind of petitioner's son as to wholly deprive her of that natural love and affection that a son should have towards his mother. 10

6. Defendant, on the other hand, adopted towards his daughter Nell, a directly opposite attitude, visiting upon her such forms of cruelty as he could devise to mentally and physically torture her in order to further humiliate and mentally and physically torture petitioner; and that he has likewise refused to contribute to the support and education of his daughter Nell, a minor, or to permit her any of the advantages or opportunities due to a child in her station of life. 20

7. Petitioner says she is the owner of the premises known as #23 South Weymouth Avenue, Ventnor, New Jersey. Defendant, has always lived in the said premises, never having furnished petitioner with any other home. 30

8. Defendant has not for more than two years

last past given plaintiff any money for her maintenance or upkeep, or provided her with any food or clothes, and petitioner was compelled to seek and find work as a professional musician in order to buy food and clothing for herself and her daughter. Defendant during the last two years of his married life with petitioner, and particularly during the past year, has been continuously abusive to petitioner, cursing and swearing at her, threatening her, accusing her of infidelity, alienating the affections of their son, humiliating her before their friends, making it impossible for her to have either visitors or relatives to visit her home, and has so worked and prayed upon the mind and nerves of the petitioner as to seriously impair her health; petitioner is under medical treatment and care of Dr. B. Bertram Fennimore and he has advised petitioner that she will never be well, so long as petitioner remains in contact with and under the fear and apprehension of the continued and repeated abuse and misconduct from the defendant.

9. Petitioner is in fear that the defendant will continue to do such acts as will endanger her health and render her life one of extreme discomfort and wretchedness; that the fear and apprehension induced by defendant's conduct as above set out, has undermined petitioner's health and destroyed her happiness; and petitioner's fear and apprehension of defendant's continued misconduct due to defendant's rancor and hatred towards petitioner, has incapacitated her so that she is no longer able to discharge the duties of a wife towards defendant.

10. Petitioner and defendant are bona fide residents of the State of New Jersey, and were such residents when this cause of action arose, and have

continued to reside within the State of New Jersey, for more than two years last past; to wit, since the year 1909, and have ever since that time been bona fide residents of the State of New Jersey, down to the time of the commencement of this action, residing in the City of Ventnor, County of Atlantic and State of New Jersey.

11. Two children were born of the marriage; to wit, Julius, age twenty, and Nell, age eighteen. Because of his violent temper and exhibitions of hatred toward his daughter, it would be unsafe to permit him to have the custody of his daughter. 10

12. Petitioner has no means of support except from her own exertions.

13. Defendant possesses personal property with a value of more than \$150,000, and has a large annual income, the exact amount which is unknown to your petitioner. 20

14. Your petitioner prays, that the marriage between your petitioner and the defendant may be dissolved for the cause aforesaid, according to the statute in such cases made and provided; that the defendant may be compelled by the decree of this Honorable Court to support her and the infant child of the marriage, and that she may be awarded the custody of said infant child; and that an order be made that defendant pay a suitable counsel fee to petitioner's counsel; and that petitioner may have such further and other relief as may be just. 30

And your petitioner will ever pray, etc.

JOHN C. REED,
Solicitor of Petitioner.

A true copy
THOMAS BARBER,
Clerk.

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

10

ALICE WARREN SACHSE, of full age, being duly sworn according to law, upon her oath, deposes and says that she is the petitioner named in the foregoing petition; that she has read the same and that the matters and things therein stated are true to the best of her knowledge and belief; and that her said petition is not made by any collusion between her and the defendant, but in truth and good faith, for the cause set forth in the petition.

20

(Signed) ALICE WARREN SACHSE.

Sworn and subscribed to before me this 20th day of February, A. D., 1926.

(Seal)

ELLA WYLIE,
Notary Public of N. J.

30

ANSWER.

IN CHANCERY OF NEW JERSEY.

Between ALICE WARREN SACHSE, <i>Petitioner,</i> and ALBERT FREDERICK SACHSE, <i>Defendant.</i>	}	On Petition for Divorce. Answer.	10
---	---	--	----

*To His Honor, Edwin Robert Walker, Chancellor of
 the State of New Jersey:* 20

The defendant, Albert Frederick Sachse, answering the petition of the petitioner, Alice Warren Sachse, says:

1. Admits paragraph one of the petition.
2. Defendant answering paragraph 2 of the petition, admits paragraph 1 of paragraph 2, and denies paragraph 2 of paragraph 2. 30
3. The defendant denies paragraph 3 of the petition, and in further answer to the said paragraph, says that he, the defendant, has always treated the petitioner with kindness and consideration, while on the other hand, the petitioner has separated herself from his company and treated him with disrespect

and humiliation, and encouraged their children to do the same. The defendant says that he, the defendant, is a man of moderate means, that he always maintained and provided a proper home and surroundings, and sufficient and proper food and provisions at all times for the petitioner, the defendant and their son and daughter, and always did conduct himself in a proper manner and with decorum at all times. That the defendant provided
10 money to provide food and for the conducting and carrying on of the home of the petitioner, the defendant and their daughter, with a servant. The petitioner and the daughter were provided with proper and suitable clothes and necessities at all times, until the petitioner and the daughter refused to accept from the defendant, moneys or other things, which was when the petitioner, who is a musician of some renown and recognized ability, entered the employ of the City of Atlantic City as ac-
20 companist or pianist at the Public Radio Broadcasting Station in Atlantic City, for which she has received as compensation, as the defendant is advised and which he believes to be true, an amount upwards of \$100 per week. That the defendant has practically at all times not only provided the petitioner and the daughter, with a proper home and surroundings, with food and clothing, but has further provided for them as well as himself, and they have lived together, the use of a maid servant in the
30 house for cooking and general household work. That the petitioner accepted a position in the Radio Broadcasting Station in Atlantic City, and the petitioner then suggested that the defendant would see to the conducting of the house, providing of food, etc. Which he, this defendant, did proceed to do and continue to do. That after the petitioner ac-

cepted her said position it was her common custom and practice to ignore to a very great extent at least, not only the food and provisions made at their home by the defendant, but the defendant and their home, and she, the petitioner, together with her daughter, who sought other society than that of the defendant, to visit the cafes and restaurants in the City of Atlantic City, and refused to accept the foods and provisions which were made for them by the defendant. 10

4. Paragraph 4 is denied by the defendant.

5. In answering paragraph 5, the defendant says that the petitioner had for a long time past divorced herself from the love and affection of her son Julius, has used toward him, terms and expressions calculated to cause her son Julius to believe that it was the desire of the petitioner to ostracize him, Julius, their son, from her and calculated to cause their said son to leave their home, and her actions were such and would deprive or were calculated to deprive her, the petitioner, of the natural love and affection of their said son, Julius. While on the other hand, she used every effort and means to deprive the defendant of the love and affection of his daughter. 20

6. The defendant denies paragraph 6 of the petition, and in further answer thereto, says that the petitioner has at all times predominated over and controlled their daughter, Nell. Has so abused the defendant to her and in her presence as to cause her, their daughter Nell, to lose respect and regard for the defendant as her father. That the defendant has always provided for his daughter, Nell, 30

wearing apparel, clothing, food, and given her money when she would accept the same from him. But that the petitioner has so predominated in her conduct and manner, and by the providing of an automobile for her, and other unnecessary luxuries, and told her that she would further do so, that their daughter Nell, has absolutely refused to accept of and from the defendant provisions for wearing apparel, and education, and has given back to or returned to the defendant moneys when offered to her and has refused to accept the same. That the defendant is providing an education for their son Julius, in the University of Pennsylvania, and would have been glad to have provided any special education for their daughter Nell, which she might have desired.

7. The defendant in answering paragraph 7 says that the petitioner is the owner of premises known as 23 South Weymouth Avenue, Ventnor City, New Jersey. That the petitioner and the defendant with their two children have always lived in the premises and made it their home. That the said premises and furniture and furnishings was given by the defendant to the petitioner as and for their home, and the defendant has always maintained and kept up the same at his own expense.

8. Paragraph 8 is denied by the defendant and in further answering the same the defendant says that he has at all times provided the petitioner with maintenance, up-keep and support, with food and clothes. That the petitioner is a musician of considerable ability as a pianist. It has always been her ambition and desire to be socially prominent, and to be recognized by the public as a musician of

note. That to satisfy this desire and a desire to be a talked of musician of ability, she voluntarily sought a position of pianist in the Radio Broadcasting Station of Atlantic City. That she sought and secured such a position and used funds received therefrom in providing unnecessarily and extravagantly for herself and her daughter. Her ambition for herself and her daughter being to be that of social prominence and before the public and making a public display and ostentation. The defendant 10 has never cursed or sworn at the petitioner or threatened her, accused her of infidelity, alienated the affections of their son, or made it impossible for her to have either visitors or relatives to visit her home. He says that the petitioner has so treated her son Julius and this defendant in their home, both in front of friends and otherwise, as to try to make them and each of them leave their home and take up other place of residence at some other place. That if the defendant and their son would have 20 friends visiting them at their home the petitioner repeatedly would cause offensive and slurring remarks to be made to the friends and to the defendant and their son so as to embarrass them. If in the winter time, she would open the windows and the doors as well. In the summertime, would close them, and do things, all of which were calculated to destroy harmony and to be offensive. That if the health of the petitioner is in an impaired condition it is from the fact that she has sought employment 30 and has been employed in the Radio Broadcasting Station of Atlantic City, where her duties are arduous and painstaking as a public musician, entailing long and late hours of labor. That for more than two years last past, the petitioner and their daughter Nell have practically wholly ignored the

defendant and there has been little, if anything, in common between them. That their life was such as was made by them and was not caused by any act or action on the part of the defendant.

9. The defendant says that he has not done any act or thing which was calculated to in any wise to place in fear the health, body, liberty or privileges of the petitioner, or which could have or was calculated to have undermined the petitioner's health or destroyed her happiness. That he is without rancor or hatred whatsoever towards the petitioner or her daughter, but on the other hand has always loved and revered them and endeavored to properly provide suitably and properly for the petitioner and her daughter, and hoped and believed that the petitioner and their daughter by his acts of kindness and fair treatment as he has always demonstrated and done towards them, their feeling and actions towards him would have been that of husband and father. That neither the petitioner nor the daughter have had a cause by reason of anything, to have fear or apprehension for any act or misconduct on the part of the defendant toward them. And that the defendant is wholly unable to explain or understand the accusations or charges of the petitioner, unless it be for the purpose and object of the petitioner to be freed from the bonds of matrimony to seek other company or associations.

30

10. Paragraph 10 is admitted.

11. The defendant denies that he has a violent temper or ever exhibited any hatred towards his daughter which would make it unsafe to permit him to have the custody of his daughter.

12. The defendant says that the property 23 South Weymouth Avenue, conveyed by the defendant to the petitioner is of great value with great earning income therefrom, that as the defendant is informed, the income of the petitioner is upwards of \$5,000 per year, voluntarily sought by her.

13. The defendant denies that he is possessed of personal property of a value of more than \$150,000 and denies that he has a large annual income there- 10
from.

14. The defendant prays that the petition may be dismissed with cost and that the defendant may have such other and further relief in the matter as may be just and equitable.

.....
Solicitor of Defendant. 20

TESTIMONY.
IN CHANCERY OF NEW JERSEY.

10	Between ALICE WARREN SACHSE, <i>Petitioner,</i> and ALBERT F. SACHSE, <i>Defendant.</i>	}	On Petition for Divorce. Final Hearing.
----	--	---	---

Atlantic City, N. J., November 15, 1927.

20

TESTIMONY.

Before HON. R. H. INGERSOLL, Vice-Chancellor.

APPEARANCES:

30	For petitioner, JOHN C. REED, Esq., and EMERSON RICHARDS, Esq. For defendant, J. S. WESTCOTT, Esq., and CLAR- ENCE L. COLE, Esq.
----	---

DR. BENJAMIN E. FENNIMORE, SWORN.

Direct examination.

By Mr. Richards:

Q. Doctor Fennimore, are you a practicing physician in Atlantic City?

A. Yes, sir. 10

Q. How long have you practiced here?

A. Four years and nine months.

Q. Did you have occasion to treat Mrs. Sachse for an injury to her hand in July of 1925?

A. It was either in—may I have my book and look it up, please? I can tell you exactly then.

Q. Yes.

A. I treated her once in July, 1925, for the hand and advised further treatment for it, but, due to conditions at the time, she didn't have it treated at that time. She came back for it again in December and I treated her twice, in December once and then once in January of 1926. 20

Q. For what did you treat her in July of 1925?

A. She told me of having been injured —

Mr. Cole: I object to what she told you. We are not trying a damage suit.

Q. Don't say what she told you, but what you treated her for. 30

A. I treated her for an injury to the tendon between the first and second finger on the back of the hand. The tendon had been partially ruptured and she came back to see me again in December stating it was almost impossible to use it for practice on

the piano and it had become very much, it would become very much swollen and bruised appearing when she did rehearse or practice and I noticed that at numerous times since then, although I haven't treated her for it since January of 1926, for that particular condition.

Q. Now, what was the nature of the injury to her hand in July?

10 A. Well, she had, there was an abrasion, much swelling, bruised, inability to use the finger properly, that is the first finger on the left hand.

Q. Could you tell how the injury had been produced?

A. Well, the only way that I would consider an accident of that character would be by a blow, or something had struck it.

Q. Could the injury have occurred by being hit with this fork?

A. It could have been, yes, most assuredly.

20 Q. With the prongs of the fork or the body of the form?

A. Well, there was an abrasion of the skin, on the surface of the skin, which, of course, would more than likely be caused by the sharp point.

Q. Such as this fork had?

A. Could be by that, yes.

Q. Now, Doctor, had you occasion to see Mrs. Sachse prior to—by the way, what date was the date you treated her in July, does your book show?

30 A. About the eighteenth. She said that she did not come to me on the day that the accident occurred.

Q. It wasn't a fresh one when she came to you?

A. No, it was two or three or three or four days old.

Q. Now, Doctor, had you occasion to note the

condition of Mrs. Sachse's health during the months preceding July of 1925?

A. Well, I remarked to her numerous times that she looked so badly.

Mr. Cole: I object to what he remarked.

The Court: Yes.

Q. Not what you said to her, but what was, from 10 your observation, her condition of health?

A. Quite poor, very highly nervous, unstrung, jumpy, in fact she showed all the symptoms of a typical nervous breakdown at times.

Q. Doctor, did you see her with any degree of frequency in 1925?

A. Well, I have been associated in a sense with her, of course, in music, and I had occasion on numerous occasions I had to go to her house to rehearse.

Q. When you say you were associated with her, 20 in addition to being a doctor, you are also a vocalist, are you not?

A. I do quite a little singing, yes.

Q. Was this singing done for organizations here in Atlantic City?

A. Well, mostly over the radio.

Q. And Mrs. Sachse occupied a position with the radio station?

A. Oh, yes.

Q. What were her duties there, do you know? 30

A. Arrange programs, try out voices as they came to her for auditions, as we term them, to see if they were capable of singing over the radio, and her duties were exceedingly onerous.

Q. I know but, now, did she do anything from a musical standpoint?

A. She accompanied most of the singers that sang for them.

Q. Among others she accompanied yourself?

A. Yes.

Q. The station we are speaking about is the Municipal Station, WPG?

A. Yes, sir.

Q. And you had some official connection for quite a while with this station, didn't you?

10 A. I did a lot of announcing for them at one time, yes.

Q. Therefore, you did see her with considerable frequency?

A. That was the reason for my having come in contact with her more or less frequently.

Q. Now, then, there came a time when she ceased to live with her husband; do you remember about when that was?

20 A. Well, I can't tell you the exact date, no, Senator, I cannot.

Q. You remember the incident that she did cease to live with him?

A. Yes, I do.

Q. Have you noticed any change in her health since that time?

A. Well, I noticed that, as I have remarked to her since then, that her health —

Q. Not what you remarked to her, but what you noticed?

30 A. I noticed that her health has been not so good as it was even preceding that time and wasn't very good then.

Q. Not at the present time?

A. No.

Q. Does it show any signs of improvement?

A. I haven't seen Mrs. Sachse until today for pos-

sibly three months and her appearance to me today is not nearly so good even as it was then, she is pale, of course, only talking with her for probably, over the phone for about two or three minutes, I haven't had an opportunity to look her over.

Q. And you haven't seen her very much during the last three months?

A. Not the last three months, no.

Cross-examination.

10

By Mr. Cole:

Q. Are you now connected with the Atlantic City radio work?

A. I sang for them last Sunday afternoon for the first in possibly seven months.

Q. There was a time when you sang with Mrs. Sachse?

20

A. I sang very frequently for them, Mrs. Sachse accompanying me, also did some announcing for them.

Q. How often does she perform, how often in the week?

A. Oh, Mrs. Sachse performs, well, whenever her duties demanded that, if she had to accompany a singer every day, why she would do so, or every evening.

Q. How long has she been performing on the 30 piano in this work, WPG?

A. I presume since the inception of the station.

Q. At least once a week?

A. At least once a week, yes.

Q. Oftener than that, too?

A. Well, now, I can't tell you that altogether. I

have no radio at the present time and haven't been listening in.

Q. How often did she try the voices that you speak of?

A. I think there is a stated hour at the station, if I am not mistaken it is Tuesday afternoon from two until three or from two until four, that all those that want to be heard over the radio go to her for auditions.

10 Q. And she performed that work regularly during the time you were associated with her in that work, didn't she?

A. She would most of the time, but frequently she couldn't do so because of the condition of her hand.

Q. Who took her place?

A. I couldn't tell you because I wasn't there.

Q. How do you know she couldn't do it?

A. Well, I know that I treated her at different times for the condition of her hand.

20 Q. Somebody had to do that work then for she couldn't do it. Who was it?

A. Possibly she might play with the one hand alone. It is easy to try voices.

Q. I am trying to find out whether you know of any time when she didn't do her work she was assigned to do?

A. My dear sir, I can't answer that question the way it is put to me. I do know that at times she was unable to do her work.

30 Q. Now, will you tell the Court any time when she did not do the work assigned to her to do?

A. Well, she didn't do it in the latter part of December, 1925, in the early part of January, 1926, and there have been a few occasions when I have had to treat her for an extremely nervous condition that she was suffering from and I demanded that she go

out of town for a while and take a vacation from the work.

Q. That had to be done by somebody while she was gone?

A. There were others in the station there who could do that for her.

Q. Do you know who did it?

A. No, I don't know anything about it.

Q. Do you know any time when she was out of town? 10

A. Yes, I do.

Q. When?

A. Want me to look it up? One time I know, at least, I presume she was out of town, because my orders were to go out.

Q. Is that the only way you know, by presumption?

A. Well, a physician can tell a patient to take a certain medicine.

Q. I want to know whether you know she went out of town? Do you know of your own knowledge? 20

A. Not from that standpoint, no.

Q. That is all.

Re-direct examination.

By Mr. Richards:

Q. Question I overlooked, Doctor, I want to ask you. At any time prior to February of 1926, did you go to Mrs. Sachse's house to rehearse? 30

A. Well, I know that I have been to the house during the winter of 1925 and 1926 to rehearse.

Q. Now, what condition was the house with regard to cold or heat?

A. Well, you had to wear an overcoat anyhow.

Q. In the house?

A. In the house.

Q. The house was so cold that you had to keep your overcoat on?

A. Usually kept my hat and overcoat on, afraid to take cold in my head.

Q. Now, on this question of this rehearsal business were there other people at the radio who were capable of accompanying the singers as well as

10 Mrs. Sachse?

A. Oh, yes, for on two or three occasions I have substituted for her myself.

Q. Who else connected with the station was able?

A. Mrs. Fowler could do so.

Q. How about Mr. Brooks?

A. Mr. Brooks could do it at any time.

Q. Were there any other people who did that?

A. I don't recall about any of the girls in the office that would do it, Mr. Richards.

20 Q. Were there other accompanists who, more or less identified with the station, who some times accompanied those people?

A. Well, the only ones that I recall would be Mr. Brooks, of course, and Mrs. Sachse, and Mrs. Fowler could do it and would do it at times.

Q. She was officially connected with the station?

A. She is officially connected with the station.

Q. Mr. Brooks was the city organist and had his office in the studio in the high school in the same

30 building?

A. Yes.

Re-cross examination.

By Mr. Cole:

Q. How often did you visit Mrs. Sachse's home for the purpose of recital or rehearsal?

A. Oh, possibly once a month, once in three or four weeks.

Q. Through what period was it? 10

A. From late in 1925 up until within the last eight months; I sang on the station about a year and a half.

Q. When was the occasion that you went there and had to keep your hat and overcoat on?

A. It was during the winter I mentioned, all the time, every time I went there, possibly about three or four times.

Q. You said you were there every month?

A. The winter is not more than about four months 20 long, generally speaking.

Q. Every time you went, had to keep your hat and overcoat on?

A. Absolutely. Frequently they would go out and scrape up some old boxes and build a little fire in the fireplace.

Q. Was there ever any time you went there and were not allowed to come in?

A. Well, I possibly have been there once or twice when no one was home and couldn't get in. 30

Q. Did you go there at any time when there was somebody home and you were not allowed to come in?

A. Not that I know of.

Q. You have no recollection of that?

A. No, sir.

Q. You were not told you would not be allowed to come in?

A. No, sir.

Q. For any reason at all?

A. Absolutely. I always enjoyed a pretty good reputation, so there is no reason to keep me out.

Q. What?

A. Always enjoyed a fairly good reputation and there was no reason for keeping me out, you know.

10 Q. I am not challenging your reputation. I am asking you about a fact.

ALICE WARREN SACHSE, SWORN.

Direct examination.

20 By Mr. Richards:

Q. Mrs. Sachse, you are the wife of the defendant, Albert Frederick Sachse?

A. I am.

Q. When were you married to him?

A. June twenty-first, 1899.

Q. Where were you married?

A. In my father's home 508 South Forty-first Street, before two hundred guests.

30 Q. Whereabouts is Forty-first Street?

A. Forty-first is West Philadelphia.

Q. State of Pennsylvania?

A. Yes.

Q. Now, who was your father, Mrs. Sachse?

A. He was Brevet General Elisha Willard Warren.

Q. Was he a man of some means or social standing?

A. He had means and he had social standing.

Q. Had he given you an education suitable to his standing?

A. Yes.

Q. Had he given you any special education?

A. My specialty was music and he disapproved of women earning their own living, it was only for an accomplishment.

10

Q. As an accomplishment; what advantages by way of study did you have in a musical nature?

A. I studied in, out in Illinois, and in Philadelphia, and in Boston, at the New England Conservatory, in 1895, and I have never stopped studying; I am still as interested as ever.

Q. Now, Mrs. Sachse, did you keep up your music with some degree of regularity since that time?

A. Until this injury to my hand which prevents my practicing.

20

Q. Of course, I know such an admission may seem egotistical, but I have got to find out some way; are you an accomplished musician, what is considered an accomplished musician?

A. I am a finished artist.

Q. And can read most music at sight, and so forth?

A. Absolutely.

Q. And can play concert music?

A. Yes.

30

Q. Now after your marriage did you live with your husband as husband and wife?

A. I certainly did.

Q. And where did you live?

A. We lived at 4513 Osage Avenue.

Q. Where was that?

A. In West Philadelphia, pardon me, Philadelphia, Pennsylvania.

Q. How long did you live there?

A. Ten years?

Q. Then where did you go to live after that?

A. We came to Ventnor in order to develop some property, against my wishes.

Q. Nevertheless, you came to Ventnor in this county and in this state?

10 A. Yes.

Q. With your husband?

A. Yes.

Q. Were any children born of the marriage?

A. After an operation, yes.

Q. When were they born and who were they?

A. Julius was my son, 1905, I had been married six years, and Nell was born two and a half years later, August the ninth. They were two and a half years apart to the very day, August ninth, 1907.

20 Q. Both of those children are living?

A. Yes.

Q. Are they both here in court?

A. Yes.

Q. Now after your marriage, while you were still living in Philadelphia, was there any change in your husband's attitude towards you?

30 Mr. Cole: May it please your Honor, I am going to object to any testimony touching—assuming perhaps this question is to show alleged acts of cruelty—to any proof that antedates the effectiveness of the statute of 1925, touching extreme cruelty, that became effective, I think in March, 1923, and it seems to me that that at least ought to be the earliest period to which this proof should be addressed. I don't think we ought to be required to try the life

story of these parties. Separation took place I think some time in 1925, lived together from that time, and I think we ought not to be required to meet anything prior to the statute.

Mr. Richards: Statute says, if your Honor please, "Divorce from the bonds of matrimony may be decreed from extreme cruelty in either of the parties, whether the acts of cruelty were committed prior to or after the passage of this Act."

10

Mr. Cole: I understand what the statute says, but I am basing my opposition on the ground your Honor ought to exercise discretion and limit it to that period.

The Court: I am rather inclined to agree that the testimony should be founded upon a later period than that. It may be that after that testimony is in that it may be necessary to go back and show that it is a continuing act. It would seem to me, however, we should start with that hypothesis at first, perhaps it would be unnecessarily lengthy. I take it there is no specific act back as many years as that upon which you are to base it except, of course, that condonation must be of a continuous nature?

20

Mr. Cole: Of course, I call your Honor's attention to the fact by this petition there is no date laid here as to prior to 1925.

30

The Court: But the allegation is "Shortly after petitioner's marriage defendant was possessed of violent" &c. and so on, "and began to in many ways"—I will not exclude it but suggest as a matter of practice the more recent dates.

Mr. Richards: I can start more recently. I thought the chronological order was probably the more logical.

Mr. Cole: I don't see why the element of condonation don't enter into a case of this sort as well as it would in any other and if the parties lived together it seems to me ought to be some time when the Court would say that she had condoned it.

10

Mr. Reed: That is a defense and it is not pleaded.

The Court: Proceed.

Q. Well, you came to Ventnor to live?

A. Yes.

Q. And you lived in Ventnor with your husband up until what date?

20

A. February twenty-fifth, 1926.

Q. Then what did you do?

A. I was—shall I tell why?

Q. Now tell me what you did first and then I will find out why.

A. I changed the locks on the door and prevented him from coming in.

Q. Was the house that you were living in in Ventnor in your name or Mr. Sachse's name?

A. In my name.

Q. It was your house?

30

A. Yes.

Q. Had Mr. Sachse always lived there prior to the time you changed the locks on this day?

A. Yes, he had.

Q. Now will you tell us why you changed the locks on the house? And detail, if you can, going backward, detail the acts that occurred at that time and

the acts previous thereto covering, we will say, the year 1925 and 1926.

A. He was continually swearing at me. He had a madly violent temper and he took his hands like this (indicating) and banged up and down the keyboard of my piano. He prevented me keeping the house, took the household reins in his own hands, forbid me doing any marketing, because he paid twenty dollars a week he thought I was holding back something out, instead of which I was contributing to in order to have better meals on the table. On one occasion, it was in—it was February ninth, 1926—I was eating my breakfast in the kitchen, the air was very stuffy, I opened the window for some fresh air and he came violently up to me and slammed the window down on my arm and he said, "Get your God damn arm away if you don't want it hurt." Nell was there. July tenth, 1925, Nell was sick and lying on the couch. She couldn't keep anything on her stomach. I smelled something in the kitchen that proved to be lamb stew. She needed nourishment. I went to the kitchen to take some out, to dish some for her, and Mr. Sachse heard me coming, heard me out there dishing this out and he came snorting out, grabbed my hand, wrenched my arm almost out of joint, tore my ligament away from my finger here and Julius said —

Q. Don't say what somebody else said.

A. Nell came running to my, the answer of my screams because I was frightened, he scratched me with the fork, he tore my finger, and it is a permanent injury that never gets better and that steadily gets worse, preventing me from practicing more than about ten or fifteen minutes at a time at the most. One night —

Q. Wait a minute; let me interrupt you; what did you have in your hand at the time?

- A. A plate in one hand and the fork in the other.
Q. Is this the fork?
A. That is the fork.
Q. Was it bent in this shape?
A. Just exactly that way.
Q. What bent it?
A. His wrenching; I had hold of it.
Q. Was the fork straight beforehand?
A. Absolutely straight.
10 Q. Were you struck with this fork?
A. He said, "I want you to understand that the food is to go to the dining room and what is left can be used by Mrs. Sachse and her daughter."

Mr. Richards: We would like to offer this in evidence.

(Fork admitted in evidence and marked Exhibit
20 P1.)

- Q. While we are on this subject of food I want to interrupt you a minute; do you say that Mr. Sachse bought all the food for the house?
A. Yes.
Q. In what quantity would he buy the food?
A. Very niggardly.
Q. Sufficient for the family?
A. No.
30 Q. How much of an allowance did he allow you to run the house?
A. When we became married I had five dollars a week to run the table. When Julius was born it was increased to ten and my monthly allowance taken away from me, which was ten dollars a month for spending money and clothes. He stated that he had more responsibilities now and he couldn't and

wouldn't give me my allowance, consequently had to start and teach music in order to cover my bones.

Q. Now going back to this period about the year before you left him, how much of an allowance was he giving you then?

A. Twenty dollars a week.

Q. Out of that twenty dollars what did you have to do?

A. Pay the girl.

Q. How much was that?

10

A. Well, I think it was ten dollars. That left ten dollars to feed five people.

Q. Did you use that ten dollars to buy food with?

A. I did.

Q. What food did Mr. Sachse buy then?

A. I didn't understand you. Mr. Sachse took the reins of housekeeping away from me and I didn't buy any more food.

Q. Did you still get the twenty dollars a week?

A. Oh, no.

20

Q. Then you got no money?

A. None, not a cent.

Q. How long did that continue prior to the time you changed the locks on the door?

A. From—could I refer to this?

Q. If Judge Cole doesn't object? Apparently he don't. Is this a memorandum to refresh your memory?

A. Yes. Of the dates. I think it was November, 1924.

30

Q. That he stopped that twenty dollar allowance?

A. Yes, around there.

Q. And after that he bought all the food that went in the house?

A. Yes, sir.

Q. And paid the servant girl himself?

A. Yes.

Q. And paid the other bills such as the heating bills, and so forth?

A. Yes, not the telephone, though, and none of the upkeep like the gardener, or the house was in desperate repair after he left and I spent hundreds, I guess almost a thousand dollars to put it in a livable condition.

Q. Where did you get this thousand dollars?

A. Well, why I make money.

10 Q. From teaching?

A. Yes.

Q. Where did you get your clothes from?

A. My own efforts.

Q. Where did you get clothes for the children?

A. I took old pants of Mr. Sachse's, I washed them, I ripped them up, reversed them and made little suits for Julius, even took his shirt tails, cut them off and made dresses for Nell. I have taken the shades from the windows, reversed them and
20 made them do twice the service. I have varnished floors. I have gilded radiators. I have taken old hats —

Q. As far as clothes are concerned, all the clothes the children had you provided out of your own funds, is that right?

A. I did. I even made Mr. Sachse's shirts. I darned his stockings as long as the wool or cotton would wear. I did everything in my power —

Q. Did Mr. Sachse have any means?

30 A. He is retired seven years ago.

Q. What was his business before that?

A. Whole grocer commission.

Q. Did he make money at it?

A. He did.

Q. Now what properties did he have that you know of at the time all these performances were going on?

A. He had five stores at New Jersey and Atlantic Avenue. He had ground, a great many hundred feet of ground in Ventnor, some undeveloped and some developed; he owned about a dozen garages, individual garages, at least a half dozen apartments, I mean individual apartments, and a great many stores.

Q. Have you any rough idea of what he was worth?

A. What he was worth when I was doing all this 10 work?

Q. Yes.

A. I should say a hundred thousand at least.

Q. So that during the year 1925 he was giving you no money at all?

A. None at all.

Q. But he was providing some food?

A. Yes.

Q. Now was this sufficient in quantity or quality?

A. No.

20

Q. Do you remember the Thanksgiving or was it the Christmas dinner of that year?

A. The Christmas dinner. I didn't sit there at the table but Mr. Sachse and Julius had a Christmas turkey. I didn't even see it, but it paraded back and forth from the dining room to attic where they kept it hidden under the eaves, when they had finished their meal to keep it away from Nell and me, so we couldn't have any.

Q. Why weren't you at the table?

30

A. Because I had been hurt mentally, abused, and even my plate thrown at me with the chicken neck on it, with a little dob of gravy, on Mother's day.

Shall I relate that?

Q. What?

A. On Mother's day?

Q. Did he dish up the food?

A. Yes.

Q. Where would he do that?

A. At the head of the table. He has a cancerous growth on this side of his cheek, which he scratched like this all the time, then he blew his nose with these fingers and he would wipe them on anything that came about and then he would proceed, here is the plate, to dip up whatever it was, didn't matter, with his fingers and with his own knife and fork, 10 keeping out the biggest portion for himself, and dividing the rest, fish tails went out to Trudy, and back bones of fishes and so forth, and heads, and so forth came to us, but that was the way he allotted the food for his family.

Q. On these occasions of these holidays where did you eat?

A. My Christmas dinner I ate at Little Rock Inn.

Q. This Thanksgiving dinner where did you eat?

20 A. Thanksgiving dinner I think I ate—No—I don't remember, I think one of those—

Q. Was there an occasion on one of these holidays where he didn't provide even anything special merit himself? Do you remember any such occasion as that?

A. No, but I do remember his yearly habit of going to the American Stores and getting a bag as big, a paper bag, as he could. He would fill it with bulky things like washing soda, Dutch Cleanser, carrots 30 turnips, potatoes, anything, then he would cross over to the butcher counter and he would ask for a big pair of turkey legs, which he would take and tie up at the top of the bag, and they would stick up this way, with a string tied around, and he would march proudly down the street for the neighborhood to see that he was providing turkey for his children and his wife.

Q. When, in fact, of course, there was no turkey there at all?

A. No turkey there at all.

Q. Except the feet?

A. That is right, the feet were there.

Q. Did that occur more than one occasion?

A. Every year; that was a yearly occurrence.

Q. At what time?

A. Just before the holidays, Christmas and Thanksgiving. 10

Q. On this occasion of this Christmas dinner in 1924 were you invited to the table?

A. I don't remember, Senator Richards.

Q. Well, were you invited to participate in the turkey that Mr. Sachse had there?

A. Oh, no.

Q. Was your daughter Nell invited?

A. No, indeed.

Q. To divert for a moment; what was his attitude toward his daughter Nell? 20

A. Very hateful. He refused to buy her anything. In nineteen —

Q. I will go back into that detail afterwards. Now was this food that was provided there at the house by Mr. Sachse sufficient in quantity for your needs?

A. Not at all, no.

Q. What were you compelled to do?

A. Go out and feed myself and toward the end I even had to buy soap and my toilet paper and my towels and wash rags because he kept them locked up, in a fanatic way he would grab his toilet paper and run down the hall with it. 30

Q. These things done with considerable violence of temper just as you have indicated here?

A. Oh, yes.

Q. Did he hold conversations with you on many occasions?

A. No. He would say "come on; get out of the way," to Julius to not have anything to do with me.

Q. Now during this period did he occupy the same bed room as yourself?

A. He never did.

Q. He did not?

A. He said that —

Q. Go ahead.

10 A. Shall I tell you?

Q. Yes.

A. That no man on earth could sleep with me. He might occupy the same room but to sleep was out of the question, because his mind was so filthy.

Q. Then after that you didn't enjoy the society as husband and wife?

A. No.

Q. What else did he do with relation to the house that made it either comfortable or uncomfortable?

20 A. He fastened—one day, it was mid-winter and the house was bitter cold, you could see your breath all over the house. We were in our overcoats and woolen stockings and everything that was warm to keep us to try to thaw us out. I went down—it was on Sunday—I went down to look at the furnace and found the furnace needing coal, so I shovelled coal on and I cleaned it out and shovelled coal on and put the draft on and on my way upstairs I met him going down stairs, I heard him take off the draft, and so I went down again and put it on, and after
30 this, him going down and I going down, I gave up in disgust, and he then fastened the furnace door, where you take the ashes out, down at the bottom, together with copper wire, as big as this (indicating fork) Mr. Reed had it, it is as big as this, almost as strong, and then he fastened the back door, where the draft in the chimney would permit you to put the

draft on or off, he fastened that way up so you couldn't get a particle of draft. He not only did that but he took great hands full of clinkers and put them into the bed of coals to smother it.

Q. So that the house remained cold?

A. Yes.

Q. Now what was the—how long did this condition about the cold house continue?

A. It has always continued all my married life, I haven't had a warm house to live in.

10

Q. During the winter of 1925 and 1926, was this condition aggravated?

A. Oh, yes.

Q. Was the house ever comfortable?

A. No.

Q. Would he permit you to keep a fire in the furnace that would keep it comfortable?

A. No.

Q. Did he wire this door back more than once?

A. He kept it wired—oh, yes, it stayed that way. 20
The fire place needed fire bricks and it would have set the house on fire to have built a fire in the fire-place and consequently our hands were tied.

Q. Now what was his treatment of you when friends called?

A. Very contemptible.

Q. What would he do?

A. Well, he has ordered them out of the house. He ordered Mrs. Filer out of the house. He ordered Mrs. Hammel out of the house. He insulted Miss Van Valkenberg. He has insulted Mrs. Johnson. He has insulted my sister. He threw my mother's trunk clean out, down the stairs, over the porch down into the street, and Julius, who was then a little boy about twelve years old, loved his grandmother dearly, and wouldn't have a thing said about her, although I think he remembers—I won't say 30

it—but he dragged the trunk in underneath the porch and got the clothes line and fastened it to the bottoms of the house so it couldn't be sent away because his father threatened to send it away, he wasn't going to have the damned old bitch in his house.

Q. Did he use profanity?

A. All the time when he was angry, you see, unnecessarily angry.

10 Q. Was his profanity of a violent kind?

A. Yes.

Q. Vulgar?

A. Very. I never had anything nice said about me. If I went through the room he would, "Phew! My! I hate the smell of that damn woman; ugly mug, son of a b."

Q. Those were always remarks he made concerning you?

20 A. Yes, and he told me in 1923 I would have to get out, if I didn't get out he would kick me out, he would have kicked me out long ago but I was cheaper than a nigger—I am sorry, Trudy.

Q. Now, then, during this same time I think you said that he treated his daughter badly; why did he treat her badly?

30 A. When she was born he wouldn't look at her for three weeks, he called her vile names, which he always called women. And he wouldn't look at his own dear little daughter for three whole weeks. My sister can testify to that, I says —

Q. All right, but later on, but what did he do in the last couple of years of your married life? We want to confine ourselves to that.

A. For instance, she went to high school and he would give her, perhaps he didn't have the correct carfare one day, he would give her fifteen cents

for carfare, the next day he would only give her thirteen because he had overstepped the mark by a cent the day before. That was one of the mean acts. It was Thanksgiving of 1922 that she was sitting on the radiator trying to keep warm and she said to her father, "I would like to have a warm coat." We all was desperately afraid of him and terrified that our nerves were broken down and we were scared to really assert ourselves and say what we really wanted, so she said, with a great deal of fear and trembling, "I would like to have a winter coat, daddy," and he said, "The coat you are wearing is as good as the one I have now"—my coat, will you please bring it—and there is the coat he was wearing. (Producing coat.)

Q. And what else did he say on that occasion, anything you know of—was that the coat he was wearing?

A. That is the coat. That is the one he would wear at the table and the rags would drag through the food and I would say, "Won't you please put on a different coat," and I bought him an alpaca coat and asked him to put it on, not to drag these rags through the food because he was always reaching over the table, and the table shook with his great bulky weight and he said, "No, get the hell out of here if you don't like the way I do things; you can get out. Don't want you around here anyway. You are not any more good to a man, you old woman of fifty-two."

Q. Did he on more than one occasion invite you to leave, Mrs. Sachse?

A. Why, yes, he would come in—perhaps I was sitting in the kitchen—do you want me to illustrate?

Q. I would rather you wouldn't, Mrs. Sachse, be-

cause the illustrations don't get in the record. I would rather have your story in the record.

A. I would perhaps be sitting in the kitchen because it was warm, talking to Trudy. It was warm in the kitchen because there was a little bit of hot water stove there and I would sit there talking to Trudy, who was a perfect dear, and she tried to comfort me in my misery.

Q. She the colored girl?

10 A. Trudy is the colored girl, but pure white at heart. And she—Mr. Sachse would come home from the stock market and he would crouch and look at me—and then I was so afraid I would get up and leave the room but I would hear him say, “Mrs. Sachse, the madam is acting queer; we will have to put her away.”

Q. Did he ever threaten to?

20 A. Oh, yes, to put me away, oh, yes. February eleventh, 1926, just before he went out, he said, “Well, now, Trudy, it won't be very long. The madam is acting queer. She has fits every summer, you know, and we will put her away and we will put Nell in the reform school and the madam in the bug house.”

Q. Now, you showed us this coat a little while ago which apparently was mostly rags.

30 A. That coat was given him by the employees of Howell and Barsk because he was so badly dressed that they thought they would shame him in wearing something that is not—by giving him one of those lumber jackets, not thinking that a gentleman would wear it, but he thought it was a great joke to wear it and fool the boys. Then the Ventnor Volunteer Firemen also contributed and gave him one, a black and white one, which he wore.

Q. What were his personal habits? How did he take care of himself?

A. Very slovenly. He never washed his hair. He was always breaking wind in my face or down the street he would go breaking it in time to the tune that he was whistling. He had it down pat.

Q. What about his clothing?

A. Filthy.

Q. Now, did he bathe frequently or how about that? 10

A. Yes, I think he splashed every morning, sounded like an elephant, but I don't think there was any soap used. One day the woman ——

Q. What did he do with his time during these last couple of years? He wasn't in business at this time?

A. He spent his time in the stock market.

Q. Where was that?

A. Halle and Stieglitz.

Q. Philadelphia? 20

A. No, here.

Q. Atlantic City?

A. Yes.

Q. Was he home much of the time or away most of the time?

A. He was home all the time.

Q. Except when he was down at the stock market?

A. Yes, he was always home. He went to bed half-past seven to eight. He would bank the fire at that time no matter how bitter cold the night and would 30 then take the electric switch and he would pull that down so the house was in total darkness, you couldn't read, the only thing left to do was either go out or go to bed.

Q. You started to tell us about his attitude toward Nell about this coat proposition. What else

can you tell us about his attitude towards his daughter?

A. She presented him with a dentist bill of six dollars from Dr. Sharp, Virginia and Pacific Avenue and he said about, "I don't care if your teeth do drop out; you will eat less," so he sent it back to Dr. Sharp.

Q. When was this?

A. I don't remember.

10 Q. Well, was it within two or three years of the separation?

A. Oh, yes, in September, 1925—Trudy was really an amiable creature and she didn't like the horrible orgies that she continually saw at our house. She was forbidden if she did one thing for me that she would be fired. Well, she loved me and she loved to do things for me, but in September she got—she was so disgusted with her place that she left and
20 Mr. Sachse went up to her place on New Jersey Avenue and before her friend, Mrs. Clark, he promised that if she would come back —

Mr. Cole: You can't tell us that.

The Court: No.

Q. You can't tell what happened when you weren't around.

30 Mr. Cole: She has told a good deal that is hearsay, but I didn't want to interrupt. I rather object to that.

The Court: Sustain the objection.

Q. What about Nell's education, what did he have to say about that?

A. Nell, because of the cold house Nell couldn't study at night and she had eight colds the winter of her junior year in high school, one right after the other. I had to take her out because she wasn't able to continue and she said, "Dad, I want to go to business school and the hours won't be so strenuous and I would like to learn how to take care of myself." He said, "I don't want you to learn to take care of yourself. I want you to stay home and do the housework." He said, "You disobey me and I 10 will send you to the reform school."

Q. Did Nell have any talent for music at all?

A. Yes, a great deal and all the time that she was practicing the cello or the piano he was sitting doing this way with his feet (indicating shuffling), rattling newspapers just as hard as he could, just like a fanatic, to prevent her from practicing.

Q. Why did he do that, to prevent her practicing?

A. That is it.

Q. Did he encourage or discourage her practicing? 20

A. Discouraged.

Q. Did he discourage her ever to develop her talent for music?

A. Yes, and he said she was stupid and yet Julius, when he came home in his junior year from college, he said, "Mit"—that was his pet name for her and they were very fond of each other—"won't you work this problem for me," in geometry or trigometry, whatever it was, but Nell had never discovered 30 it in school, yet she had brains enough to do that problem and show him how it should be done. Now, a girl of that high mental calibre can't have an education at her father's expense but at mine.

Q. Now, did he provide sufficient food for Nell?

A. He did not.

Q. What was the general type of the menu that he did provide?

A. Meat cakes, hamburg steak, rice, that would be a good meal, but plenty of gravy.

Q. How was it served

A. Well, with the rags dragging through it and thrown at you.

Q. Now, was there a time—how was it as to quantities, how was it served?

10 A. Very meagre.

Q. So far as yourself and Nell was concerned?

A. I never eat meat cakes, I can't stand them, they don't go down, but he knew that so he got the meat cakes.

Q. How did he apportion between himself and Nell and yourself?

A. If we had—why he would take a half of anything that was brought to the dining room and he would divide the other half for the rest of us.

20 Q. Now, did he adopt a different course of treatment toward his son than he did toward his daughter?

A. His attitude —

Q. Wait a moment; please answer that. Did he adopt a different course of treatment towards his son than he did towards his daughter?

A. Oh, yes.

Q. What was his attitude towards his son in the last year or two before your separation?

30 A. His attitude toward his son was that he didn't want him out of his sight because he knows down deep in his —

Q. No, not what he knows, but just what he said and did.

A. He wanted to keep him away from his mother and sister and all women who were not to be trusted.

Q. Now, did he undertake in any way to alienate his son's affection from you?

A. Oh, yes, I should say so.

Q. What did he do? What course did he adopt to do that?

A. January first, 1925, I bought two tickets for the Apollo Theatre to send Julius and his friend, Katherine Nourse, who had just returned from Switzerland, a perfectly charming, cultured little lady, whom Julius had known since they were children, I gave him those tickets to go to the theatre with his little friend and I said, "You can take my roadster and drive; it will be so much happier to go that way," so he was very happy and he was very agreeable and very sweet. When his father found out that he had gone to the theatre with a girl, "Why never heard of such a thing," and he balled him out so terribly when he got home, he said, "If you ever take another damn cent from that woman I will disinherit you." 10 20

Q. Did he on more than one occasion threaten to disinherit his son if he showed any affection for you?

A. I don't know, Senator. I know when Julius was ill in November, 1924, he was sick in bed two weeks and Dr. Youngman treated him and he was kept a prisoner there, no one saw him but the doctor and Mr. Sachse and one day he wasn't on guard and Nell sneaked in to see her brother and she had only been there a very little while, they were just happy as could be, you know, because he had been kept a prisoner for two weeks, and he heard his father coming, he says, "Hurry up, run, Nell, here comes dad." 30

Q. Now, why didn't you take care of your son on that occasion?

A. I wasn't allowed to. I was locked out.

Q. You mean he locked the door to his son's room?

A. Yes.

Q. What else did he do, if anything, in an effort to separate his son from you?

A. Well, Julius, he had been adorable as a little child and he wanted his mother always, that he refused to speak to me.

10 Q. Was that due to anything that his father said to him that you know of?

A. Undoubtedly.

Q. Well, you don't know?

A. Yes, it did, because his father would, if he would see him come to contact with me he would prance him off. He forbid him driving my car.

Q. Now, on one occasion, I think it was Mothers' Day, did he have a conversation with Julius relating to you?

20 A. Yes, Mothers' Day, May tenth, 1925.

Q. What was the conversation?

A. When the whole world was adoring mothers.

Q. Never mind about that; what was the conversation?

A. Julius—we sat at the table, Julius, his father, Nell and I. Something was said about the mother of one of Julius' college friends and Mr. Sachse said, "It is too bad that you haven't a mother you can be proud of." "It is a shame that your mother can't compare with your friend's mother," and I commenced to cry and he, "Ha, ha, ha," laughed and threw my plate, with the chicken neck and doh of gravy on it to me, and I got up and left—have I broken my arm?

30

Q. I guess not, not that I know of.

A. Will you come and see? (Referring to Dr. Fennimore.)

(The Court then took a recess while the doctor examined Mrs. Sachse's arm.)

Q. When the recess occurred I think we were talking about your husband's relations with your son and whether or not he had undertaken to alienate his affections from you. Will you tell us what he did in relation to that? 10

A. Yes, he bought him costly presents and gave him a Studebaker car, and gave him a boat. He didn't deny him a thing. Whenever I ——

Q. What did he do about his education?

A. He educated him at the University of Pennsylvania.

Q. Now, to your knowledge were any of these things given to him on condition that he would do certain things with relation to you, for instance, such as talking to you, did he ever permit him to talk to you? 20

A. Oh, yes, he wouldn't talk to me.

Q. Your son wouldn't talk to you?

A. Oh, no.

Q. When did he cease talking to you?

A. In the early part of 1925, I think.

Q. Why did he stop talking to you?

A. Because of the hypnotic influence of his father, I think. 30

Mr. Cole: I object to that.

The Court: Yes.

Q. That is not an answer. Did his father say any-

thing that you know of to get him to stop talking to you, if you know?

A. If Julius tried to say anything to me he would say, "Come on, come on," and get him out so he couldn't have any contact.

Q. Now, these acts that you speak of that occurred during these last two years, had there been evidences of such acts prior to, we will say 1923, of a similar kind?

10 A. Yes, but before 1919 when I left him because of his cruelty, he was horrible but —

Q. You left him in 1919?

A. I did, yes, May second, 1919.

Q. At that time did you file any kind of proceedings against him?

A. Yes.

Q. What were they, do you know?

A. For cruelty and for support. I wanted support for myself and my children.

20 Q. Who was your lawyer at that time?

A. George Bourgeois.

Q. Now, was an agreement —

A. An agreement drawn up and was lost among my papers.

Q. In that agreement was that—did you go back to your husband as the result of that agreement?

A. Yes, I went back May 12, 1919.

Q. The agreement itself you say is lost?

30 A. Yes.

Q. Where was it when you last seen it?

A. In my basket.

Q. Now, tell me whether this is a carbon copy of it (handing witness paper) with the exception of these lead pencil marks that appear to be on it?

A. That is it.

Mr. Richards: Offer it.

Mr. Cole: I object to it. It isn't relevant in this issue. I don't care to see it. And moreover there is no proof here it was ever signed by anybody.

The Court: No, until it is proven.

Q. Was the original signed?

A. Yes.

10

Q. By Mr. Sachse?

A. Yes, before Theodore Schimpf.

Q. Who represented him—did he have a lawyer?

A. Oh, yes.

Q. Who was his lawyer?

A. Schimpf was always his lawyer.

Q. Mr. Schimpf?

A. Yes.

Q. He is now deceased?

A. Yes.

20

Mr. Richards: Then we would like to offer this.

By Mr. Cole:

Q. Did you see your husband sign that paper?

A. No.

Q. Why do you say it was signed before Judge Schimpf?

30

A. Because he took it over there to sign and he said he had signed it.

Q. Is that the only reason you know?

A. Yes; I know his signature.

Q. I show you what purports to be an original of that paper; will you look at that and say whether

you ever saw that before? Did you ever see that before, Mrs. Sachse?

A. Wait a minute.

Q. You don't have to read all that, just tell me whether you ever saw that before or not?

A. Of course, I have; that was all written there.

Q. Do you notice that Mr. Sachse hasn't signed that?

A. Well, this isn't the paper.

10 Q. Did Mr. Sachse sign that?

A. It appears not. There is his signature.

Q. The only way you know that your husband signed the paper as you say was because he went over to Mr. Schimpf's to do it?

A. Yes, and because I had a copy of it in my desk.

Mr. Cole: I object to the paper.

20 By the Court:

Q. Did the copy you had have his name signed to it?

A. Surely. We would each have a copy, wouldn't we?

Mr. Richards: I offer it.

The Court: Any further objection?

30

Mr. Cole: I object to it.

The Court: I will permit it to be marked.

(Paper received in evidence and marked Exhibit P2.)

Mr. Richards: If your Honor please, there are one or two things that may interest you in it, in the recital: "Whereas party of the second part with the two children, to wit, on or about the second day of May, 1919, left the home of the said party of the first part because of the unlivable conditions theretofore and then existing in said home, and

Whereas the party of the first part is desirous of making such amends as are at this time possible to be made and having party of the second part and the children to return to him, 10

Now, therefore,"—&c. I don't know the rest is so pertinent.

I would like to also offer the file of the Court of Chancery of New Jersey between Alice Warren Sachse, complainant, and Albert F. Sachse, defendant, bill of complaint for alimony and maintenance, filed May 19, 1919, Jesse R. Salmon, clerk.

Mr. Cole: I object, not revelant in this issue, no reference in the pleadings and can't be offered in support of this petition. 20

The Court: All you are offering is the bill filed in that matter?

Mr. Richards: That is all.

The Court: Sustain the objection.

30

By Mr. Richards:

Q. You went to live with him after this agreement was signed?

A. Yes.

Q. Did conditions improve for a while?

A. Yes.

Q. How long did this improvement continue?

A. Continued up until about 1923, they were fairly comfortable until 1923 when he said he was very ill and he wanted to put his affairs in such a way that he could die in peace and know that his family were taken care of in comfort and that he would like to sell his property at Little Rock and Ventnor Avenue and other properties and transfer them into securities that would be easy for me to take care of. It would be much easier, he said, to clip coupons and to draw dividends than to take care of real estate.

Q. Then did he sell his property?

A. He sold his property June 22, 1923.

Q. Did you join in those conveyances?

A. I did and after doing so his attitude became unbearable and he said, "You damn fool" —

20 Mr. Cole: I object.

The Court: Yes, no question.

Q. After he got you to join in these conveyances of his real estate did he then start in on this same course of treatment that he pursued before in 1919?

A. Exactly, only worse.

Q. Only worse?

A. And much worse.

30 Q. And that kept up until you changed the locks on the house?

A. Exactly.

Q. Now, as the result of all those things you have detailed to us, what happened to your health?

A. Broken down.

Q. Was your health good before that?

A. I think so.

Q. Was it good in 1921 and 1922?

A. Yes.

Q. What became of your condition by February of 1926?

A. What is it?

Q. What became of your condition physically by February of 1926?

A. What changed my condition?

Q. What became of your condition? Did it change? 10

A. Oh, yes.

Q. What was the condition?

A. My condition from 1923 until 1926 was highly strung, nervous, depressed, couldn't sleep, had constant pain at the back of my neck and down my spine, so I could neither sleep or rest. I was given treatments by Dr. Fennimore for—what do you call it?

Q. Neurasthenia, perhaps? 20

A. Not neuralgia.

Q. Neuritis?

A. Neuritis and he said as long as the conditions remain at home as they are, "Neither you nor Nell can be well."

Mr. Cole: I object.

The Court: Let it be stricken.

30

Q. You can't tell what he said. Now, Mrs. Sachse, of course we have to conform to the laws of evidence.

Mr. Cole: Just once in a while observe the rules of evidence.

Mr. Richards: As often as I can. When I can't you will guide me.

The Court: Proceed.

Q. Now, Mrs. Sachse, what finally became your condition as the result of this course of treatment from your husband?

10 A. Absolutely wretched and broken-down in health and nervous, heart also.

Q. Now, was this condition the result of your treatment?

A. Absolutely.

Q. Now, then after you changed the locks on the house and barred your husband from the house he didn't continue to live with you any longer?

A. No.

Q. How long did you remain in your house there?

20 A. Until I could rent it for the summer. I think it was July.

Q. And then what did you do, go to board somewhere?

A. I took an apartment.

Q. What has been your health since then? Has it continued bad or improved?

A. I think my health is better, a great deal better.

Q. Has it showed improvement?

A. Yes.

30 Q. But has there been a marked improvement or just some improvement?

A. A very marked improvement because I have done strenuous work and I am doing a man's job right now. Not now. My position is a man's job, very onerous.

Q. You speak of a job; what is your job now?

A. My job is playing on the radio almost every

night either solos, I am always at the command of necessity, if an artist falls down on the job, I am put in, if a program isn't quite as long as it is scheduled, I am put in. I mean I put myself in to fill in with a piano recital.

Q. You are employed by the City of Atlantic City now, aren't you?

A. City of Atlantic City.

Q. By the department of Public Safety, is that right? 10

A. Yes, that is right.

Q. And connected with the radio station W. P. G.?

A. Yes, sir.

Q. What is your position there?

A. Program director.

Q. Does that mean that you assemble the programs?

A. I make out all the programs.

Q. And undertake to get the artists that sing on 20 them?

A. Yes, I do.

Q. And you accompany them at the piano?

A. I do when I am able and when I am not I try to get substitutes.

Q. But you are able to perform that work now?

A. Yes.

Q. When did you first take that job?

A. When the station opened, January the third, 1925, was it? 30

Q. You had then taken the job shortly before you changed the locks?

A. And Mr. Sachse was very much pleased that I had been honored, that Atlantic City, going out of the city, going to give a Ventnor woman the position of program director of the municipal station, he was tremendously pleased.

Q. That is once he praised you for something?

A. Yes, he praised me. He thought I had pulled a boner.

Cross-examination.

By Mr. Cole:

10 Q. Mrs Sachse, do you have any temper your-
self?

A. I beg pardon?

Q. Mrs. Sachse, do you have any temper your-
self?

A. No, I think I am very meek and mild. I think if I had had very much temper I couldn't have endured twenty-six years.

Q. Just please answer my questions. Now, you took this city position when?

20 A. When the station opened, was it January of
1925?

Q. And you barred the doors against your husband when?

A. 1926, February, the twenty-fifth.

Q. What is your salary?

A. Three thousand dollars a year.

Q. Had that from the beginning?

A. No.

Q. What was it at the beginning?

A. \$2400.

30 Q. When was it increased?

A. —\$2800.

Q. Then to three thousand?

A. Yes.

Q. Did Mr. Sachse object to your taking this position?

A. No, he was very happy about it.

- Q. Praised you?
A. It was the first time I have ever been praised.
Q. Praised you for that?
A. Yes.
Q. He didn't find fault with that?
A. No.
Q. Never objected to your having the position?
A. Not at all.
Q. Keep you out late at nights?
A. Very. 10
Q. Two or three or four o'clock in the morning?
A. Oh no, not excepting on anniversary nights when we operated until seven in the morning.
Q. Then there were some nights you were out two or three or four o'clock, wasn't there?
A. Every third of January.
Q. Well, there were some nights, weren't there?
A. Yes, and also, Judge Cole, on Thursday evening of every week we would have a Stanley Frolic, the theatrical. 20
Q. Mr. Sachse complain to you about that?
A. I beg pardon.
Q. Mr. Sachse complain to you about that?
A. Well, he was always complaining.
Q. I am asking you whether he complained about that?
A. I don't know that he complained about that, every time that I would come in late he would be angry because I had awakened him.
Q. Did he complain also—by the way, did you take 30 your daughter Nell with you sometimes?
A. Always.
Q. And she went where you went?
A. She went where I went.
Q. Did he object to that?
A. Not at all.
Q. Did he object to your having this position and

taking Nell with you because you were going around to drinking places?

A. Drinking places? No.

Q. Answer the question.

A. No.

Q. No objection on that ground at all?

A. Will you state it again?

Q. (Repeated.) "Did he object to your having this position and taking Nell with you because you
10 were going around to drinking places?" Mrs. Sachse, for instance where you and other people were drinking, not necessarily you, but where other people were drinking?

A. But, I didn't go to any places.

Q. Very well, did he object to your doing that, Mrs. Sachse?

A. Why of course.

Q. Did you ever tell him, when you would some-
20 times come home late at night or early in the morning, that you had been to places where you and Nell had been drinking?

A. Why never.

Q. And therefore, he didn't object to your drinking because you hadn't been drinking, is that right?

A. No, never.

Q. How many agreements did you sign?

A. Agreements?

Q. Yes.

A. You mean ——

30 Q. Of this particular agreement that I show you?

A. Judge Cole there were two, there was one for myself and one for Mr. Sachse, they were duplicates.

Q. And you signed only two?

A. Yes.

Q. So of course, Mr. Sachse signed only two?

A. I suppose so.

Q. Is this the one I show you the one of those that you signed, is that your signature?

A. Yes, that is my signature.

(Paper marked D1 for identification.)

Q. Now you say, do you, that you saw a copy of that agreement signed by Mr. Sachse, is that correct?

A. Judge Cole, I ———

10

Q. Pardon me; just answer that question. Look at that again now. Let's be sure about this. Tell me whether you say now that you saw a copy of that paper signed by Mr. Sachse?

A. Judge Cole, I admit I didn't.

Q. Didn't what?

A. Didn't have a copy signed; that was the copy and that has been ———

Q. Pardon me; do you now want to retract what you said a while ago when you swore most positively

20

A. That there were two copies.

Q. No, not that there were two copies but that you saw one signed by Mr. Sachse; you want to retract that?

A. Judge Cole, the copy that I saw signed had not all that writing on it.

Q. Do you remember swearing, Mrs. Sachse, that you saw the agreement that you say was at your house and which you say was removed, you swear that you saw that signed by him, didn't you?

30

A. Yes.

Q. I mean you saw his signature to it?

A. Yes.

Q. Do you still adhere to that?

A. But I didn't see all that writing.

- Q. I don't care about the writing.
A. Yes.
Q. You saw his signature?
A. Yes.
Q. Am I right in thinking that you now say there were only two papers signed by you?
A. Yes.
Q. Therefore, only two could have been signed by him?
10 A. Yes.
Q. Now I show you another —
A. I don't recall another one, Judge Cole.
Q. Pardon me; I am going to show you one, I now want to call your attention to a carbon copy of that agreement and ask you whether that is the copy you had in your home?
A. I never saw this "refused to sign."
Q. I didn't ask you that?
A. They must be.
20 Q. That doesn't have Mr. Sachse's signature there, does it?
A. It is right there.
Q. No, but that is where he refused to sign?
A. Yes.
Q. I am asking you whether where the signature place is it bears his signature?
A. This must be the copy.
Q. His signature isn't on there, is it?
A. It is on it but it isn't there.
30 Q. On it where it says "refused to sign 5/12/19" is that right? That is his signature, isn't it?
A. That is his signature.
Q. Is that the one you intended to swear a while ago he had signed?
A. It must be unless there is another one.

(Paper marked D2 for identification.)

Q. Now I have shown you two of the agreements, one apparently an original and the other a carbon copy, both bearing your signature and neither bearing his, and I ask you did you sign more than two?

A. You ask me now?

Q. Yes.

A. No. I think that was filed so I didn't know that he had written all that stuff. He fooled me into thinking —

10

The Court: No, there is no question now.

Q. Now when you signed that paper you were satisfied to forget the past?

A. Yes.

Q. Begin all over again, weren't you?

A. Yes, I was, Judge Cole.

Q. And you forgave all?

A. I did and tried to forget it.

Q. So that your complaint now is based upon what happened after you say you signed some papers? 20

A. Yes, that is right.

Q. You are not relying on anything before that?

A. Nothing at all.

Q. Now when do you say that there came a renewal—fix the first date—of conduct which you say he had been guilty of prior to the execution of those papers by you.

A. Do you mean depriving us of the comforts of home, is that what you mean? 30

Q. When was that?

A. April twelfth, 1921, he bought a lot —

Q. No, this agreement was signed when?

A. 1919, Judge Cole. April 12, 1921, he bought a lot at Ventnor and Winchester Avenue and we had

to rent our house in order to help pay for it. We had to sell our victrola to buy dining room chairs in order to rent the house. I asked him for money and he said "you go ahead, Alice, and use your own money. I am saving for a rainy day. I am saving for our old age. You enjoy yours," in a big-hearted way.

Q. Coming back to this agreement a moment, Mr. Bourgeois represented you, didn't he?

10 A. Yes, sir.

Q. And you saw him draw this writing?

A. Yes, sir.

Q. Was Mr. Sachse there when he drew it?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. Mr. Sachse was?

A. Was at the ——

Q. At Mr. Bourgeois' office?

20 A. No, I don't think so. No, he came in afterward.

Q. Did Mr. Bourgeois give you these papers?

A. I had one of them.

Q. And you signed these in Mr. Bourgeois' office, didn't you?

A. Of course, I did.

Q. What did you do with them after you signed them?

A. I put one in my desk.

Q. What did you do with the other one?

30 A. I didn't keep both of them. You see Mr. Sachse has just produced them signed.

Q. Mr. Bourgeois must have given you these papers, didn't he? He was your lawyer? Both of them, did he give you both of these papers?

A. No, Mr. Sachse must have had one.

Q. How did Mr. Sachse get one?

A. He has had that one with that writing on it all the time. I never saw it before, never.

Q. Now on the occasion of this fork incident, did you strike Mr. Sachse?

A. I will tell you—shall I tell you?

The Court: No, the question is did you strike Mr. Sachse?

Q. Did you strike Mr. Sachse?

10

A. No, I didn't strike him. I didn't get any where near him.

Q. Did you strike him with a spoon?

A. I struck his pants which were hanging like an awning.

Q. Did you strike him with a spoon?

A. No, didn't touch him.

Q. Did you start to strike him with that fork and did he —

20

A. No.

Q. —undertake to get the fork away from you and did you thereafter strike him with a spoon?

A. I didn't strike him, Judge Cole, because I hit the seat of his pants and it didn't touch him. His pants were hanging like an awning on him, didn't touch him.

Q. You say you have no temper, is that right?

A. Judge Cole —

Q. Now Mrs. Sachse, I am asking you?

30

A. Yes, I have a terrible temper.

Q. What?

A. No, I haven't.

Q. I am asking you, Mrs. Sachse, some perfectly simple questions and if you will kindly answer them I will try and preserve my temper. Do you remember the time you threw a rug down stairs on his head?

A. Oh, yes.

Q. You did do that, didn't you?

A. Yes.

Q. When was that?

A. When did I do it?

Q. Yes.

A. I believe—I don't know; I think Mr. Sachse likely has the date. I couldn't tell you.

Q. Well, was it before or after the agreement?

10 A. Oh, after. It was shortly before —

Q. You threw a rug on his head?

A. Yes.

Q. Were you in temper then?

A. No, I wasn't in temper, no. I just thought it would improve his coiffure.

Q. Did you object to Mr. Sachse giving the boy an education?

A. I think it is very fine.

Q. You commend him for that, don't you?

20 A. I stinted myself all my life, all my married life in order to save for the children's education.

Q. Is it your idea that because Mr. Sachse is trying to educate the son and equip him for life that he did that in order to alienate him from you?

A. Judge Cole —

Q. Answer that yes or no; is that your idea?

A. Is it —

(Question repeated.)

30

A. No.

Q. Now what is the specific thing that you say he did or said that led you to say in answer to your counsel's question that he had sought to alienate your son's affection and love for you?

A. He has said "little boy, you will know some

day. You will know what kind of a woman your mother is. Poor little boy.”

Q. When did you hear him say that?

A. Time without number.

Q. How long ago?

A. 1924 and 1925.

Q. At that time your son was how old?

A. He is twenty-two now.

Q. How old is your daughter now?

A. Twenty.

10

Q. When did Trudy come to work for you?

A. I think it was 1925; yes, it was.

Q. When did she leave?

A. She really didn't leave; she didn't come back after the doors were locked.

Q. How long was she with you, Mrs. Sachse?

A. I suppose a year and a half; a year and a couple of months.

Q. You told her to go take a rest or something of that sort, didn't you?

20

A. I don't think so. I don't remember it.

Q. You locked the door, didn't you?

A. Yes, but I can't say. I never gave her orders, Judge Cole; I wasn't allowed to give her orders to take a rest. I wasn't paying her.

Q. Didn't she come back after you had barred the doors and she couldn't get in, is that the reason she quit?

A. She may have been passing to Mrs. Springer's she worked their place.

30

Q. Did you tell her when she left —

A. Not at all, no.

Q. Did you tell her when she left that you were going to bar the doors?

A. No, it was Thursday she was out, the next day she wasn't well and she didn't come.

Q. Do you know that she didn't come back?

A. Yes.

Q. How do you know it?

A. I didn't see her. She didn't make any noise.

Q. She couldn't get in, could she?

A. She could have made a noise; everybody else could get in.

Q. Of course you barred the doors so that your husband couldn't get in the house?

A. Yes, because I was afraid of him.

10 Q. Did he make any contribution towards the purchase of that house?

A. Yes, he did.

Q. How much did he contribute to it?

A. It was the agreement that I get the house in order to come back to him.

Q. Now, Mrs. Sachse, how much did he contribute toward the purchase of that property?

A. I believe he built the property himself. I think it cost thirty-five hundred dollars and the lot cost
20 thirteen.

Q. Then he put some money into the property, didn't he?

A. Yes.

Q. And put the title in your name?

A. After I fought for it.

Q. Did he do it?

A. Yes.

Q. When was that?

A. Nineteen—no, he did it before that time but
30 he held the deed and taunted me saying that he wouldn't give it to me.

Q. Mrs. Sachse, won't you please answer my question?

A. Judge Cole, I think ——

Q. Was my question plain or not?

A. It must have been 1918, I knew—I don't know.

Q. During this period that you were complaining

about which caused you to go to Mr. Bourgeois to get him to draw up this agreement in which your husband was supposed to have condemned himself for a lot of things —

A. Yes.

Q. —it was during that time that your husband built this home and gave it to you?

A. No. He built it years ago.

Q. He built it years ago and gave it to you when?

A. I can't tell you, Judge Cole. 10

Q. About?

A. It was several years before 1919. It may have been two years before, 1917 we will say.

Q. It was during the period about which you complained to Mr. Bourgeois your husband was giving you such horrible treatment, that he deeded this property to you, wasn't it?

A. Yes.

Q. Now did you ever tell Mr. Sachse, after you began your career in the employ of the city, that he should look after the marketing? 20

A. No.

Q. And providing food?

A. Never.

Q. Did you ever turn that subject over to him at all?

A. Yes, I wanted to do the housekeeping.

Q. When was it you did that? When did you tell him to take charge of the household?

A. I never did tell him. He took it. 30

Q. Took it from you?

A. Yes, he became a perfect old hen huzzy.

Q. A perfect what?

A. Hen huzzy.

Q. Did you ever call him names?

A. Sure.

Q. What did you call him?

A. I don't know but what I have called him a hen huzzy because I think a man that puts on an apron and messes around the home isn't a real man and his wife going out working.

Q. What else did you call him?

A. A hen huzzy.

Q. Anything else? Can you think of anything else you called him beside a hen huzzy?

A. I can't think now of anything else.

10 Q. Would you remember if I told you?

A. Yes, I would love to know.

Q. Did you ever call him "big guts"?

A. "Pig guts?"

Q. "Big guts?" Did you ever call him that?

A. I don't remember ever using such a word.

Q. You say you didn't?

A. I don't remember ever using such a word.

Q. May you have called him that,

20 myself.

Q. You were mad enough at times with him to call him that, weren't you?

Mr. Richards: I object to that.

The Court: Sustain the objection.

Q. You say he wouldn't pay Dr. Sharp's bill?

30 A. No, sir.

Q. Never paid it?

A. Never.

Q. What?

A. Never.

Q. Why do you say that?

A. Because I have bills at home that are receipted that I paid of Dr. Sharp.

Q. Mrs. Sachse, let me ask you —

A. What date are these bills?

Q. I am talking about the six dollar bill, that is the one you talked about, wasn't it?

A. Six dollars wouldn't keep your teeth in order very long.

Q. You spoke about his refusal to pay Dr. Sharp's bill?

A. Yes.

Q. Didn't you say it was a six dollar bill? 10

A. Yes, that one was a six dollar bill.

Q. That is the one you were talking about, wasn't it?

A. I think so.

Q. Let me ask you your impression of your testimony you gave in answer to your counsel, you were testifying of your own knowledge, weren't you, all the time?

A. Certainly.

Q. Were not testifying to what somebody told 20 you?

A. No, indeed.

Q. When was it he wouldn't pay this six dollar bill? What time was it?

A. What time? Well, there was one—I can't find it.

Q. All right; I show you a check; is that your husband's writing?

A. Yes, that is it.

Q. That is to Dr. Sharp? 30

A. 1925, likely for himself.

Q. That is for six dollars.

A. For himself.

Q. All right; I show you the bill; is that for himself?

A. That is himself —

Q. Look at it.

A. No, that is for Nell.

Q. Ah?

A. But that isn't the only—we go every six months.

The Court: Answer the question.

Mr. Richards: I will take care of that.

10 Q. Now, in order that there may not be any misunderstanding about your testimony, as I recall you testified he refused to pay a certain six dollar bill; is that correct?

A. Yes.

Q. Was there more than one six dollar bill he wouldn't pay?

A. Yes, I have one at home I should have brought.

Q. You admit, do you, that the check and this bill is for Nell, don't you?

20 A. Oh, yes.

(Check and bill marked D3 and 4 for identification.)

A. That is August first, isn't it? The bill I said he didn't pay was I think April twelfth, May twelfth; I have it at home.

Q. Did you say that he refused to buy Nell clothes?

A. Yes, sir.

30 Q. Never bought her any?

A. He bought her a few.

Q. What?

A. In 1919, Easter, he bought her, at least I bought a little blue serge cape for fifteen dollars and it came home C. O. D. and I never would repeat the offense again because I never heard the end of it.

Q. Now is that the only clothes he ever bought her? You say he bought her that or you bought them?

A. I got that cape and sent it home and I made her a little skirt to go with it, took an old shawl and cut it up and made a skirt to go with it.

Q. Is that the only time he ever bought her any clothes?

A. Yes, I must say he was very niggardly and he used to give her ten dollars a month check. 10

Q. Is that your daughter's signature?

A. It is so badly written.

Q. Is that your daughter's signature?

A. Yes, that is my daughter's signature.

Q. Would you mind reading that into the record, that receipt?

A. Received—will you read it?

Q. "Received, Ventnor City, September twenty-fifth, of A. F. Sachse fifty dollars for clothes. Nell Warren Sachse." 20

A. Yes, I remember that.

Q. You want to change your testimony that he never bought her any clothes?

A. I can't say he never did, sometimes he had amiable moments.

Q. And didn't you say he never bought her any clothes?

A. I would like to change that; he did sometimes.

Q. He did sometimes? 30

(Receipt marked D5 for identification.)

Q. Did he ever give her any checks?

A. Yes, he gave her a ten dollar check every month for spending money and I guess sometimes he gave it to her and sometimes he didn't and when, at last

he made Julius power of attorney for him, Nell's checks came written out by her brother and it hurt her very much that her father's money —

Q. Never mind about that, Mrs. Sachse. I ask you whether he ever gave her any checks? Now you say he did?

A. He did.

Q. Did he ever pay anything for her music lessons?

A. No, not that I remember.

10 Q. Not that you remember?

A. No.

Q. All right; I show you a check of Mr. Sachse's under date of third month, eighteenth, 1924, what Ludwig —

A. Ludwig Plier, twenty dollars.

Q. Do you know what that was for?

A. Cello lessons.

Q. For whom?

A. For Nell, but that would pay for four lessons.

20 Q. Then, he did, didn't he, pay for music lessons for Nell?

A. You can't learn much in four lessons.

Q. I couldn't learn anything in forty, I think, but what I am trying to find out now whether you admit that check was for music lessons?

A. That is right.

Q. You want to change your testimony about that?

A. Four lessons.

30 Q. You want to change your testimony about that, he did provide for music lessons?

A. For four music lessons.

(Check marked D6 for identification.)

Q. I show you Mr. Sachse's check under date of tenth, twenty-second, 1924, to Nell W. for twenty dollars; is that her name on the back of that?

A. Yes.

Q. What was that for?

A. To spend for Christmas. He expected about thirty dollars out of it for his present.

Mr. Cole: Strike that out?

The Court: It will be stricken.

Q. Mrs. Sachse, this isn't the place to talk. Just 10 kindly answer the questions.

Mr. Richards: No matter how unfair ones they are, you answer them.

The Court: The duty of the witness is to answer. It is not the province of the witness at the time of answering questions to explain them nor to do anything more than answer. Her counsel will give her an opportunity to explain any answer which needs 20 explaining.

Q. I show you seven checks and ask you first are those checks signed by Mr. Sachse?

A. Yes, sir.

Q. Are they endorsed by your daughter Nell?

A. Yes, sir.

(Seven checks marked D7 for identification.)

30

Q. Do you know for what those checks were given?

A. For her ten dollars allowance. Isn't it in that agreement that he would give her —

Q. I am asking you.

A. For clothing, I think. For clothing and spending money, ten dollars a month.

- Q. What sort of a heating plant was in the house?
 A. I believe it is called ——
 Q. I mean called hot water, hot air or steam?
 A. Smith, hot water.
 Q. The house was never warm in winter?
 A. Never.
 Q. You say your health is improved all the while now?
 A. Yes.
- 10 Q. And has been ever since you have separated yourself from Mr. Sachse?
 A. Yes, sir.
 Q. Did you and Dr. Fennimore have a talk about your health before you went on the stand?
 A. No.
 Q. And your health was all right at the time this agreement was supposed to have been signed—was your health all right at the time this agreement was supposed to have been signed?
- 20 A. No, I think I was very run down and over-worked; I was poverty stricken and despondent and depressed and unhappy and rather been dead.
 Q. What work?
 A. Teaching music. Doing housework.
 Q. Your duties now are very arduous, aren't they?
 A. Very.
 Q. They haven't affected your health?
 A. I think—I don't know that they have affected my health. I go as hard as I can. I don't think I
- 30 have any more vacations to spend.
 Q. You have been improving under that?
 A. I have been improving since I left Mr. Sachse.
 Q. You have been improving under those arduous duties, have you not?
 A. I don't know whether the arduous duties have helped me to improve.

Q. Your health has improved since you have had those arduous duties?

A. Since February twenty-fifth, 1926, my health has been improving.

Q. You didn't get this position since 1925?

A. No.

Q. Has this work been easier for you as time goes or is it harder?

A. I think it is perhaps easier.

Q. What makes it easier now than to begin with? 10

A. Because you get into the way of doing the work. You systematize.

Q. Haven't you had added duties since you took this work over?

A. No.

Q. Hasn't it increased at all?

A. No.

Q. Hasn't the amount of your work increased since you took this position over?

A. No. 20

Q. Now this Trudy lived with you for nearly a year, did she eat there?

A. No, she bought her food out.

Q. You mean to say she didn't eat any meals there at all?

A. She said she couldn't stand canned food.

Q. I am asking you whether ——

A. I believe she ate some of the meals there. She ate rice.

Q. Did you ever have any fresh vegetables? 30

A. No.

Q. Not any?

A. No—I don't know; perhaps we did occasionally, but only beginning ——

Q. You say perhaps you did occasionally?

A. Could I tell you something, Judge Cole?

Q. Pardon me; I asked you the plain question, did you ever have any fresh vegetables?

A. Yes.

Q. Who bought them?

A. I did.

Q. Did he never buy any after he took over the establishment?

A. Very rarely.

Q. Did he at all?

10 A. Yes.

Q. You had canned goods?

A. Yes.

Q. What kind?

A. Peas that were so hard you can shoot them out of a gun.

Q. Did you try to do that with them?

A. No. They were so hard you couldn't chew them.

Q. What else?

20 A. And corn that was the kind you feed the horses.

Q. What else, if you can think of it?

A. Among eatables?

Q. Canned goods I am now talking about?

A. Tomatoes.

Q. Where were they purchased?

A. Around at the A. and P.

Q. What else?

A. At the A. and P.?

Q. What else in the way of canned goods?

30 A. Green beans, lima beans, pumpkin, apple sauce, canned, canned cranberry sauce, canned peas and tomatoes, green beans, string beans.

Q. Were none of those things fit to eat?

A. Not for me.

Q. Were any of those things fit to eat?

A. Not by me.

Q. Not by you?

- A. No.
- Q. Did anybody eat them?
- A. Mr. Sachse and Julius ate them.
- Q. Father and son?
- A. Yes.
- Q. Trudy didn't eat any of them?
- A. I don't know what Trudy did.
- Q. And Nell didn't eat any of them?
- A. No.
- Q. Have any fresh meats? 10
- A. Stewed lamb, hamburg steak, and I think stewing chicken and the turkey in the attic.
- Q. That was during what period?
- A. 1924, 1925 and 1926.
- Q. And you were then, in 1925, earning your own money?
- A. I don't believe it was 1924, 1925 and 1926.
- Q. At the time you were employed?
- A. Yes.
- Q. You weren't getting enough to eat? 20
- A. No.
- Q. Did you go out and buy for yourself?
- A. Yes.
- Q. Where did you go?
- A. At the Little Rock Tea Room.
- Q. Where is that?
- A. Atlantic Avenue between Weymouth and Little Rock.
- Q. How often did you go there?
- A. Almost every night. 30
- Q. More than once a day?
- A. Very often we went and got a bowl of soup at noon, yes.
- Q. Now when you went to the Little Rock Tea Room what did you get to eat?
- A. We got a meal.
- Q. What kind of soup?

- A. Very good, excellent.
Q. I know, but what did you eat?
A. No style, but good. We would eat beef, potatoes, and fresh vegetables.
Q. All winter?
A. Yes, sure.
Q. Fresh vegetables all winter?
A. Surely.
Q. What kind of fresh vegetables did you get all
10 winter there?
A. You can get spinach, Mr. Marsh, you know, collaborates with the Northfield Country Club.
Q. So? I don't know, so don't assume that.
A. Yes.
Q. Did you get any canned goods?
A. I don't know; perhaps they worked in some on us sometimes.
Q. And there was never enough in quantity?
A. No.
20 Q. When was the period you say he allowed you twenty dollars a month—a week, rather?
A. 1919, after I came back to him.
Q. Did he make you any allowance after that agreement was made?
A. Yes, for a couple of years.
Q. For a couple of years?
A. Yes.
Q. During what years?
A. 1919, 1921, and 1922.
30 Q. Then he stopped?
A. April, 1922, he stopped.
Q. And didn't allow you any money?
A. Once in a while, as I say, when he was in a good humor he would hand me something but your expenses continue and I think at Christmas time he also forked over a fifty dollar check.
Q. One minute.

Mr. Richards: I object to this. I know what it is. When the witness is answering something he doesn't like to get in, if he has occasion to do that I ask that he be allowed to strike the answer, but that he doesn't continue what he has been doing with this witness all the time, cut in and stop the answer.

The Court: The objection should be made to the Court on either side.

10

Mr. Richards: I object to his stopping the witness in the middle of an answer.

Q. I show you four checks and I ask you whether you got the money on these four checks?

A. Yes.

(Four checks marked D8 for identification.)

Q. For what were those checks given you, if you know? 20

A. I don't believe I know. The four thirty-five dollar checks I don't know.

Q. They are all dated 1924 and was that the year? is that the correct year according to your recollection?

A. It must be.

Q. And you have no idea now —

A. No, Judge Cole, I haven't.

Q. —what those checks represent? 30

A. No, I don't.

Q. Mr. Sachse didn't owe you any money, did he? It wouldn't be for that?

A. Of course he owes me money.

Q. Do you think those thirty-five dollar checks were to pay you back?

- A. I should say not.
Q. Did he use profanity while Trudy was there?
A. He did.
Q. Did he use profanity in the presence of your son while Trudy was there?
A. He surely did.
Q. Who was present and saw this incident of his striking you with the fork?
A. Trudy, Julius and Nell, Mr. Sachse and myself.
10 Q. Where did it occur, what part of the house?
A. In the kitchen over the stove.
Q. Nell there?
A. Nell was sick on the couch in the living room and she ran to my help.
Q. Was Nell in the kitchen when he struck you with the fork?
A. No, she ran to me.
Q. Who was in the kitchen when you say he struck you with the fork?
20 A. Mr. Sachse, Trudy and Julius.
Q. And they both saw it?
A. Yes.
Q. Is it true that you refused to sit at the same table with him to eat?
A. After the tenth of May I did.
Q. Of what year??
A. I couldn't swallow.
Q. Of what year?
A. 1925.
30 Q. So that, independent of the reason for doing it, you did in fact refuse to sit at the same table after May, 1925?
A. I was never asked to come to the table. They would eat without me. I never knew when the meal was served.
Q. Who cooked the meal?
A. Trudy cooked it.

Q. She tell you the meals were ready?

A. No.

Q. Did you inquire?

A. No.

Q. You were in the same house?

A. Yes.

Q. Hadn't you any interest in knowing whether the meal was ready?

A. None at all in those meals.

Q. Still, after all, the reason you didn't go to the table was because you hadn't any interest in the table, had you? 10

A. No one would have.

Q. You I am talking about?

A. I was brutally treated at the table and had no appetite to eat. You can't annoy even a dog when it is eating.

Q. Did you have a bank account during the year 1924 and 1925?

A. Yes.

20

Q. Do you claim that you paid any money to run the house during those two years?

A. Yes, Judge Cole.

Q. Did you do it by your check or cash?

A. I have my receipted bills at home, Judge Cole, if you want me to bring them I will do so. Always with a check, I have my checks.

Q. Did you do it by check or cash?

A. Check.

30

The Court: She said always by check.

Q. Did your mother live with you at the house?

A. For a time.

Q. Did she live with you at the house?

A. Yes. Pardon me.

- Q. For how long?
A. I can't tell you.
Q. A month?
A. No. She might spend six month here and then go out to California six months with my sister.
Q. Did she ever spend as much as six months at a time there?
A. Oh, yes.
Q. Through how many years?
10 A. I suppose—I can't tell you.
Q. What years did she spend six months at a time with you?
A. 1919—1918, I think. From my father's death on.
Q. And did she eat at your home?
A. Yes.
Q. She eat this food?
A. No, because she paid board and then the meals were a little better.
20 Q. Did she eat the food that came to that house?
A. Yes, because I was the housekeeper.
Q. Not because, Mrs. Sachse; I want to know the fact. Did she eat the food that came to that house?
A. Yes.
Q. Same food that you ate?
A. Yes, that I ate, of course.
Q. Same food Mr. Sachse ate?
A. Yes.
Q. And she was there for three consecutive years,
30 was she?
A. She may have been there more than that.
Q. Spent sometimes as much as six months at a time?
A. Yes.
Q. What year was this trunk incident where you say he threw her trunk out? What year did that happen?

A. I think Julius must have been about thirteen. Now he is twenty-two; that would be eleven years ago, 1917, I will say.

Q. And your mother still continued to come there after her trunk was thrown out?

A. Oh, yes.

Q. Then she didn't object, did she, to the trunk being thrown out?

A. Very much. She was very humiliated.

Q. But she still came back?

10

A. She came to board with me.

Q. Was this trunk empty or full?

A. Filled with her clothes.

Q. With her clothes?

A. Yes.

Q. Was she there at the time?

A. Yes.

Q. What did Mr. Sachse say to her?

A. I don't recall.

Q. He just threw the trunk out and didn't say 20 anything to her?

A. I don't recall what he said to her then.

Q. What did he say when he threw the trunk out?

A. He just —

Mr. Richards: If your Honor please, I object. She has answered the question three times.

The Court: No, different question entirely. That is the first time this question has been asked. 30

Mr. Richards: Something affected my hearing just asked before what he said when he threw the trunk out.

The Court: No, what he said to the mother. Now

the question is what he said when he threw the trunk out.

A. I don't remember, Judge Cole.

Q. What became of the trunk after it was thrown out.

A. Julius dragged it underneath the porch and fastened it to the beams of the porch because he loved his grandmother and he wanted her to stay.

10 Q. Without anything being said either to the mother or anybody else he just threw the trunk out, is that right?

A. I tell you, Judge Cole, I don't remember what he said.

Q. Did you ask him why he threw the trunk out?

A. Yes.

Q. What did you ask him? What did you say to him?

A. I don't remember.

Q. What did he say to you?

20 A. I don't remember.

Q. Now you say he threatened to put you away?

A. Yes.

Q. Who were present when he did that?

A. Trudy, Nell.

Q. Anyone else?

A. He said I had fits. They were present.

Q. I say was there anyone else present?

A. I think not. I don't remember that there was.

Q. Say where he was going to put you?

30 A. In the bug house.

Q. That was in February, 1926, was it?

A. Yes.

Q. February eleventh?

A. Yes.

Q. That was how long before you closed the doors?

A. Two weeks.

Q. And he threatened to put Nell in the reform school did he?

A. Yes.

Q. Give any reason for that?

A. Well, he said she was no good, she was my daughter, she wasn't his, law couldn't make him take care of her.

Q. Now in what way did he keep your son a prisoner?

A. By locking the doors. 10

Q. Was he sick?

A. Yes.

Q. Have the doctor?

A. Yes.

Q. Who was the doctor?

A. Youngman.

Q. Did he get in?

A. Yes.

Q. Doctor had no trouble getting in, did he?

A. No. 20

Q. What was the matter with him?

A. I never found out.

Q. Did you ever ask the doctor?

A. Yes, I asked the doctor and he said he ran a very high fever and he was really not nearly as robust a boy as he appeared to be and he should be very well taken care of.

Q. You did find out he had a high fever then, from the doctor?

A. Yes. 30

Q. And the doctor continued to come until he was well?

A. Yes.

Q. And that was when?

A. November, 1924.

Q. That was before this period of attempted alienation wasn't it?

- A. No, that was part of his attempt at alienation.
 Q. To have the door guarded?
 A. To keep him away from me, I should think.
 Q. You mean to say Mrs. Sachse, that you couldn't get in to see your own son?
 A. Yes, I do.
 Q. Who locked the door against you?
 A. The father was in there.
 Q. Wouldn't let you in?
 10 A. No.
 Q. Did you tell Dr. Youngman that?
 A. Yes.
 Q. What did he say?
 A. He asked me to give him his medicine. I said "I can't get in the room." I said, "what is the matter with Mr. Sachse?" He said, "I think he is,—" did he say cuckoo or wild, I don't remember.
 Q. Cuckoo?
 A. Yes.
 20 Q. Didn't think his mind was right?
 A. No.
 Q. Did you think that was so?
 A. I am not a doctor.
 Q. But, at all events, having a doctor to have this boy recover from his illness you couldn't get in the room?
 A. No.
 Q. And Mr. Sachse locked the door against you?
 A. He did.
 30 Q. Nobody got in the room?
 A. No one.
 Q. Did Trudy get in?
 A. I don't know that Trudy got in.
 Q. Trudy wasn't there at that time?
 A. She wasn't? No, of course, she didn't, but Nell got in for a little while.
 Q. Nell got in, did she?

A. Nell got in for ten or fifteen minutes. I don't know that I was home.

Q. Did you ever criticise Mr. Sachse in the presence of strangers in his own home?

A. I think not.

Q. What?

A. I think not.

Q. You never criticised him in the presence of friends and your son Julius?

A. No.

10

Q. You never criticised him to Trudy?

A. To Trudy? No.

Q. Never called him any names in the presence of Trudy?

A. I may have.

Q. Tax your memory and tell us what names you called him in the presence of Trudy?

A. I don't really remember.

Q. But you think you may have called him some names?

20

A. I may have, yes.

Q. Did you ever tell anybody that you intended to get rid of him?

A. Oh, no.

Q. Sure about that?

A. I don't remember it. How do you mean?

Q. That would be a very important event, wouldn't it?

A. Judge Cole ——

30

Mr. Richards: Wait a minute, Judge Cole; she didn't finish the main question.

A. Get rid of him, how? What do you mean?

The Court: That can be answered yes or no.

Mr. Richards: If the witness understands that question.

The Court: Question is very plain.

Mr. Cole: If you don't understand the question, say so.

(Question repeated.)

10

A. Intended to get rid of him? Not that I remember.

Q. Did you ever tell Trudy you didn't want him around?

A. No, I don't know that I did. I think not.

Q. Did you ever say anything to him or do anything to annoy him, and aggravate him?

A. I certainly did not. I did everything —

20 Q. Did you tell Trudy on one occasion that your lawyer had called you on the phone and told you —

(Question withdrawn.)

Q. Did you ever take the lamps upstairs and tie them up or lock them up?

A. I took them up into my bedroom because I had bought three lamps and I took one in my bed room, yes.

Q. Did you?

30 A. Yes, I took one lamp.

The Court: There will probably be some confusion. The answer is qualified and doesn't answer the full question. If counsel understood that all right.

Mr. Cole: I asked a plain question.

- A. Judge Cole, you said lamps. I took one lamp.
- Q. Did you take more than one lamp upstairs?
- A. I may have.
- Q. Did you take them up there so Mr. Sachse couldn't have them to use?
- A. No. I took—do you want to know why I took them up?
- Q. Not now. You may be asked later why you did but I went to know the fact whether you did or not?
- A. I did. 10
- Q. Now did you tell Trudy that your lawyer told you to take the lamps up in the loft so as to start a fight and get Mr. Sachse to hit you?
- A. No.
- Q. Never told her that?
- A. No.
- Q. Did you ever tell her anything like that?
- A. I am sure I never did.
- Q. Did you ever talk to her at all about the lamps that you took up stairs? 20
- A. Not to my recollection.
- Q. Well, did you ever do anything to Mr. Sachse to try to get him to have a fight with you?
- A. No. I was very happy not to.
- Q. Did your son, Mrs. Sachse, ever take exception to what you said to him about his father?
- A. I don't recall talking to my son against his father.
- Q. Do you know any one by the name of Dolans?
- A. Dolan I think was one of the college boys that came from school to visit Julius. 30
- Q. At your home?
- A. Yes, but I never met any of his friends.
- Q. Keep your mind on Dolans a moment; did you criticise, call your husband names in the presence of Mr. Dolan?
- A. No.

- Q. At all events he was a friend of your son's?
 A. Yes.
 Q. Visiting you?
 A. Not me.
 Q. Visiting the home then?
 A. Yes.
 Q. Visiting with him at your home?
 A. Yes.
 Q. You say you didn't criticise Mr. Sachse in his
 10 presence?
 A. No.

Re-direct examination.

By Mr. Richards:

- Q. Did you ever attend any drinking places in the
 year 1925 or 1926, either, as part of your duties with
 20 W. P. G. or otherwise?
 A. No, Senator. On Saturday, September —
 Q. The answer is no. I presume by drinking places
 Judge Cole meant where alcoholic drinks were
 served?
 A. Yes.
 Q. Did you ever attend any such places as that?
 A. No, sir.
 Q. Now, Judge Cole asked you about throwing a
 rug at Mr. Sachse; what was that incident? Can
 you explain it to us?
 30 A. It was Saturday, September twenty-sixth, 1925,
 Dr. Fennimore and Mrs. Fennimore called for me
 that evening—perhaps you remember it.
 Q. No, not what I remember.
 A. And they called for me in the automobile and
 they brought me home and it was 2:30 in the morn-
 ing when they brought me home.

Q. Where had you been up to 2:30?

A. I think it was McFetridge's down in Ventnor. It was 2:30 when I got home and I went in my room and I had scarcely gotten in and the door was thrown open and Mr. Sachse had Julius there, both of them in their night clothes, looking furious, and he said, "I want Julius, to see what kind of a mother he has and he will be able to testify for me at the grand show down against his own mother and he will be brought to testify." 10

Q. Now then what happened?

A. And then he started, Julius went to go to bed but Mr. Sachse went downstairs, first place he opened and closed, I don't mean closed, I mean slammed doors all up and down the hall, not going in the doors but just simply opening them to slam and he did that until he got tired of it and wanted a diversion, and then he went downstairs and he got pans, brooms and dishes and threw them up the stairway, up the stairs, so they could clatter down, 20 and he kept that up and the tirade continued until ten o'clock Sunday morning.

Q. He didn't go to bed during that time?

A. No, he had been to bed at half-past seven and he had had his rest.

Q. During this time you threw a rug over him, is that what?

A. I did what?

Q. You threw the rug at him or over him?

A. Yes. 30

Q. Did that silence him?

A. Yes.

Q. Now, you have been asked about this property. Who bought the property in which you now live?

A. Mr. Sachse.

Q. Where did he get the money to buy it with?

A. By saving out of expenses and my energy.

Q. Did you contribute any of the money to purchase that house?

A. Yes.

Q. Where did you get the money?

A. Perhaps not that house, but his real estate, properties, my father in —

10 Mr. Cole: Please, your Honor, the question is addressed to this other property. All I asked her about because the inference was in the direct testimony that it was her property.

The Court: Yes.

Q. Did you have any money from any other property that you owned?

A. Yes, Senator.

20 Q. How much?

A. Seventeen hundred dollars.

Q. What was done with that seventeen hundred dollars?

A. He gave me a note for it.

Q. You mean your husband did?

A. Yes.

Q. And what did he do with the money, if you know?

A. What is it?

Q. What did he do with the money, if you know?

30 A. He paid off notes. I said that I wanted a winter coat, and he said, "You don't need it, you have" —

Mr. Cole: That isn't re-direct.

The Court: Yes.

Q. Now then, was there any money of yours used in the purchase of this house?

A. Senator, I am not sure that the money was used in that purchase but he had money either real estate purchases that he was buying on notes.

Mr. Cole: That is not responsive, please your Honor, to the question. I think it is irrelevant.

The Court: She says she can't tell. 10

Q. During the time that you lived in the house did you give him any money that was used in the upkeep of this house?

A. Yes.

Q. How much, and when?

A. I have my bills at home, Senator. I built the sun parlor, \$550. I built the garage.

Q. You paid for them?

A. I did. I built the garage for \$400. 20

Q. You paid for that?

A. I did. I bought the living room carpet for sixty dollars.

Q. And you paid for that?

A. I did.

Q. Where did you get the money to do this with?

A. Made money at music teaching. I bought the sun parlor carpet for thirty dollars. I bought the electric fixtures —

Mr. Cole: I didn't go into that, please your Honor. 30

The Court: No; how can that be admissible?

Mr. Richards: If your Honor please, the inference was that she had no interest in this property.

Mr. Cole: Not at all.

The Court: I don't so understand it.

Q. Now, you were shown a bill of Dr. Sharp's and a check attached to it; this morning you testified concerning an unpaid bill of Nell's of six dollars; how do you know that that bill that you testified to this morning was not paid by Mr. Sachse?

10 A. I have my, I have the information at home. I saw the bill this morning.

Q. You have the bill at home?

A. Yes.

Q. Who paid it?

A. I did.

Q. You paid it?

A. Yes.

Q. Can you produce that here tomorrow?

20 A. I think so. I have many other bills, if you want them.

Q. Now, did you always pay all your bills by check or did you pay some by cash?

A. Some of them by cash. Sometimes I didn't have a checking account and it went in many ways and paid with cash.

Q. You get money from your music teaching?

A. I did.

Q. And you used that money to pay bills with?

A. I did, make things more comfortable.

30 Q. When your mother was there you say the food was better?

Mr. Cole: She didn't say that,

Mr. Richards: Yes, she did.

Q. When was that?

A. She was there, I think, the early, I think it was 1918.

Q. Is that the last year she was there?

A. She died in 1919, and I don't believe she was here. I think it was 1918 that she was there the last time.

Q. Did you ever, in the last two years of your married life here in Ventnor, ever try to provoke Mr. Sachse into assaulting you?

A. No.

10

Q. Or to have him fight with you?

A. No.

Q. For the sake of the record, is Mr. Sachse a small or large man?

A. He surely is large.

Q. A man of considerable strength?

A. A great deal, terrifyingly so.

Q. Would you have been willing to have a fight with him?

20

Mr. Cole: I object to that.

The Court: Sustain the objection.

Mr. Richards: Why, if your Honor please?

The Court: We are not interested.

Mr. Cole: Don't make any difference whether willing or not.

30

Mr. Richards: I think I have a right to show the reason why she would be afraid to have a fight with him.

Q. Is there any reason that you can think of, Mrs.

Sachse, why you would not have provoked your husband to have a fight with you?

Mr. Cole: I object, only the facts, your Honor please.

The Court: Sustain the objection.

10 Q. This morning several times you used the term "terrified" in relation to Mr. Sachse. Were you terrified by Mr. Sachse?

Mr. Cole: That is not re-direct.

The Court: Sustain the objection. It is testified she was to my recollection.

Q. Were you afraid of Mr. Sachse?

A. I was. Was so near —

20

Mr. Cole: Strike out "was so near."

The Court: Yes.

MRS. ARTHELIA JOHNSON, SWORN.

30

Direct examination.

By Mr. Richards:

Q. What is your name?

A. Mrs. Arthelia Johnson, Mrs. W. S. Johnson.

Q. Where do you live?

A. I live at 106 South Oxford Avenue.

Q. How long have you lived in Atlantic City, Mrs. Johnson?

A. I have lived in Atlantic City about twenty-seven years.

Q. Do you know the Sachses?

A. Yes, very well.

Q. Visit their house occasionally?

A. Oh, yes; many times.

Q. Did you visit their house in 1923, 1924, 1925 and 1926?

10

A. Oh, yes.

Q. In 1925 and 1926 did you ever visit in the winter time?

A. Oh, yes, several times.

Q. What was the condition of the house?

A. I never knew the house to be anything but bitter cold, very cold, very uncomfortable.

Q. Were you ever present at any time that food was being served?

A. A few times.

20

Q. What was the character of it and nature of it?

A. Very simple, very simple food, and very small quantities, not hardly enough to go around, very simple food, very.

Q. Who served it, if you know?

A. Oh, I have been there when Mrs. Sachse has had no maids. I think I was there once while Trudy was there, while her colored maid —

Q. See Mr. Sachse around the house?

30

A. Oh, yes; Mr. Sachse was there always.

Q. Were you ever present at a meal there, Mrs. Johnson?

A. Yes, a few times.

Q. Describe what the menu consisted of?

A. I remember one evening down there Mrs. Sachse had attended a bazaar in the Methodist

Church at the corner of Victoria and Ventnor, she brought home an apple pie, vegetable soup, and a glass of orange marmalade and some home-made rolls. Down there that evening. I remember another time in particular —

- Q. Was Mr. Sachse present then?
 A. Oh, yes.
 Q. And the children?
 A. Oh, yes.
- 10 Q. Do you remember when this was?
 A. It is near three year, I would say about —
 Q. No, the year I mean, what year it was, 1925 or 1926?
 A. Oh, yes, around there, 1925 or 1926, been two or three years ago.
 Q. And Mrs. Sachse brought those things home?
 A. Oh, yes, from the bazaar.
 Q. And that is all there was to eat, was what she brought home?
- 20 A. Yes, absolutely so.
 Q. Do you remember any other occasion?
 A. I remember one time being there for supper when there were baked potatoes, boiled rice, tomatoes, tea and cheese.
 Q. Were you ever present when there was any altercations in which Mr. Sachse figured at all?
 A. I have been there when Mr. Sachse has been there very insulting, and then again I have been there when Mr. Sachse has been very cordial to me, but never so to Mrs. Sachse, always insulting.
- 30 Q. You think you have been there and in your presence Mr. Sachse has insulted his wife?
 A. Yes, tried to humiliate her in every possible way.
 Q. Can you remember any specific things that he said or did?
 A. I remember one remark Mr. Sachse made was

that he thought a wife or woman should do her part in making money. I remember that one particular remark.

Q. That wasn't necessarily insulting. Do you remember anything insulting he said?

Mr. Cole: I object. You don't have to suggest that to the witness at all. I object.

The Court: Yes; sustain the objection. 10

Q. Can you think of anything insulting that he said, Mrs. Johnson?

A. Oh, that he didn't have any faith in women, he had no respect for them, he had no faith in them.

Q. What do you mean by faith, did he intimate?

Mr. Cole: I object, not what she thought, but what did he say? 20

The Court: What did he say?

Mr. Cole: I know some folks haven't got any faith in the Deity.

A. I can't recall just the entire conversation, but that was the insinuation or remarks that he simply had no faith in women. I think that was very insulting. I took it. I took my part of the insult, but I wouldn't gratify Mr. Sachse to let him know that I felt insulted, but I did feel insulted. 30

Cross-examination.

By Mr. Cole:

Q. When did that occur, this last statement you have just made?

A. That I don't think, Mr. Cole, I could tell you just when.

Q. About?

10 A. I think it was the winter of 1925.

Q. 1925?

A. Yes.

Q. What time during the winter?

A. I can't just recall the month, but it was very cold.

Q. What part of the house was it?

A. In the dining room and in the living room.

Q. So you and Mr. Sachse and his wife were there?

20 A. Yes.

Q. All sitting there talking?

A. Oh, yes.

Q. Had an ordinary tete-a-tete conversation, I suppose?

A. Yes, just an ordinary conversation.

Q. All in good humor?

A. Yes, seemed so.

Q. And in the course of the conversation, all being in good humor, Mr. Sachse said he hadn't any faith
30 in women?

A. Yes.

Q. Did you think he didn't have a right to say that if he felt it?

A. Well, I thought it was a rather broad assertion.

Q. What brought that about, were you talking about women?

A. Well, I can't just remember the exact conversation. I don't know just what.

Q. How long had you been there before this conversation occurred?

A. It was one of the evenings that I dined with them.

Q. What?

A. It was one of the evenings that I dined there; it was at the table this conversation took place.

Q. Was that before or after dinner? 10

A. It was at the table.

Q. At the table?

A. Yes.

Q. In this running general conversation he made this comment, observation that he hadn't any faith in women?

A. Yes.

Q. Did he seem to be mad about it?

A. No.

Q. Or was he pleased to enjoy that opinion? 20

A. He didn't seem to be angry, but, of course, one thing —

Q. Did he laugh when he said that?

Mr. Richards: I object to that.

The Court: She has answered the question.

Mr. Richards: She hasn't completed the answer.

The Court: She hasn't completed what she meant to say, but she has completed the answer to the question, and on cross-examination they are entitled to a yes or no answer. 30

Q. Did he laugh when he said he hadn't any faith in women?

A. I thought Mr. Sachse was sarcastic.

Q. Did he laugh?

A. No, not necessarily.

Q. Did he smile when he said it?

A. If he smiled, I would say it was a sarcastic smile.

Q. Was that the last time you ever dined there?

A. No, once afterward.

Q. How long was that after that?

10 A. I think in the early spring of the same year.

Q. That was the occasion, that is the time before the last, that Mrs. Sachse brought home things from the, what was it, a bazaar?

A. Yes.

Q. Ventnor?

A. That is right.

Q. Did you say that that was all the food there was in the house?

20 A. I didn't say it was all the food there was in the house. It was what they served at the table.

Q. In other words, Mrs. Sachse served to you at the table the food that she brought from this bazaar? Did you look in the larder to see whether there was anything else there to eat?

A. I wouldn't feel I would be permissible to do such a thing.

The Court: Did you?

30 Q. Did you? You didn't undertake to say, did you, in answer to counsel's question that there wasn't any other food in the house to be served that night?

A. I don't understand that question at all.

Q. All right. Did you have enough to eat from what Mrs. Sachse brought home?

A. Yes.

Q. What?

A. Yes, from the bazaar.

Q. Did she complain that she didn't have enough to eat on that occasion?

A. Not at that time.

Q. Did Mr. Sachse say he didn't have enough to eat?

A. There was nothing said about that.

Q. So, in other words, from the food which she brought home you all ate and there was still some left when you got through, is that right? 10

A. Understand, I had been there before. That wasn't the first time.

(Question repeated.)

The Court: Answer the question.

A. I didn't say there was anything left after we had finished. 20

Q. Was there anything left?

A. Possibly some pie left.

Q. Some pie?

A. I don't think we ate the whole pie.

Q. What kind of pie was it?

A. Apple pie.

Q. Was it good?

A. Very delicious. It was made by some of the church members, very delicious. 30

Q. Now, Mrs. Johnson, did you notice the temperature in the house when you said it was cold?

A. It was cold enough for you to keep your coat on.

Q. Did you notice the temperature? Was there anything around to tell you how cold it was?

A. No, but I know my feet were very cold.

Q. Was Mr. Sachse there at that time?

A. Oh, yes.

Q. Was he always there when you went there?

A. As a rule, yes, sir.

Q. Did Mrs. Sachse ever complain to him while you were there about the house not being warm enough?

A. No.

10

Re-direct examination.

By Mr. Richards:

Q. Mrs. Johnson, on this occasion when you dined there, were you hungry?

A. Well, of course, I am always hungry when the evening meal comes, yes.

20 Q. Were the portions large or small on this occasion?

A. Well, the evening we had the baked potatoes and the tomatoes and boiled rice, the portions were very small.

Q. On that occasion they were small?

A. Very small.

Q. When you left, were you still hungry?

A. I may say that I was.

30 Q. Were you ever there on any other occasion when you saw any signs of anger on the part of Mr. Sachse?

A. Oh, yes.

Q. You were?

A. Oh, yes.

Q. Can you detail them for us?

A. I was spending the evening one evening with Mrs. Sachse, and one very cold night it was, when

she had the piano upstairs in a very small room at the head of the stairs, and Mrs. Sachse had been playing for me and we were sitting there talking, the house was cold as a tomb, it was bitter cold. While I didn't go downstairs and didn't see the heater, but I would have felt justified in saying there was absolutely no fire in the house, it was bitter cold, and we were talking there, I think it was about quarter after eleven, perhaps, not any later than half-past eleven, when Mr. Sachse opened his bedroom door and called in a very crude manner to Mrs. Sachse to come to bed, and, of course, I felt that that was a direct or indirect invitation for me to leave, and I left. 10

Q. It was a very plain invitation to leave, wasn't it?

A. Yes; I remember that distinctly.

Q. Was he angry when he did it?

A. Very angry.

Q. Remember anything relating to the rearranging of the living room furniture? 20

A. Oh, yes.

Q. What did he say on that occasion?

A. Mrs. Sachse asked me one particular afternoon if I would help her rearrange the living room furniture according to my idea of decorating. Of course, it was a great pleasure for me to do so because I enjoy that kind of work and we thought we were—I remember suggesting the davenport being changed nearer the fireplace and we thought, of course, Mr. Sachse would be very pleased with the idea of the davenport being placed nearer the fireplace and with the lamp at the end of the davenport, and we rearranged the mirror and quite a few things. Mr. Sachse was infuriated when he came home and found that everything had been changed, was very insulting to me, but, I repeat, that I 30

wouldn't gratify him to let him know that it made any difference to me, what he thought about it.

Q. He made a scene before you?

A. Yes, he talked very insulting; he was simply infuriated, he said if we had no better use to, couldn't make any better use of our time, we should be doing something in the Red Cross. I remember that remark distinctly.

10 Re-cross examination.

By Mr. Cole: Mrs. Johnson, what was the hour when you say that Mr. Sachse called his wife to come to bed?

A. It wasn't—it was between eleven and half-past eleven, Mr. Cole.

Q. Didn't you think it was about time you were going, half-past eleven?

20 A. Well, I ———.

Q. Answer that yes or no. Don't you think it was about time you were going?

Mr. Richards: If you can, answer it yes or no.

A. Well, I think that remark, I think that question is insinuating. I felt that I was visiting with a friend. And I was welcome. I prefer to answer it in that manner.

30 Q. Now, about this furniture, Mr. Sachse didn't agree that that was the proper thing to do with the furniture, did he?

A. He was very angry because we changed everything in the room, because I had changed it.

Q. Did he say that was the reason, because you had done it?

A. He was very angry because the furniture had been changed, yes; he was very angry with me, very insulting.

Q. How many times did you continue to go to his home after he had insulted you in that way?

A. Oh, I went many times because I was Mrs. Sachse's friend and I was very fond of Nell.

Q. He never told you to stay away?

A. No, Mr. Sachse never told me to stay away.

Q. That is all.

10

(Further testimony adjourned until 10.00 A. M., November 16, 1927.)

20

30

Atlantic City, N. J., November 16, 1927.

(Trial of the cause resumed at 10.00 A. M.)

Mr. Cole: May I recall Mrs. Sachse for further cross-examination?

Mr. Richards: If your Honor please, I object to
10 it. She wasn't the last witness.

Mr. Reed: No reservation was made.

The Court: Technically that is so, but the rules are never so thoroughly enforced as that. I will permit it.

Mr. Richards: So it won't react against us at any future date.

20

MRS. ALICE WARREN SACHSE, recalled.

Further cross-examination.

By Mr. Cole:

Q. Mrs. Sachse, I think you said, and for that
30 reason I recall you to make certain, was the fork which you introduced in evidence yesterday in its present condition immediately after the assault you say your husband made on you?

A. Yes, exactly.

Q. I ask you whether or not you don't know that you never had possession of either of these two agreements that were marked for identification?

A. Judge Cole, I am sure I had possession of one of them and I didn't recall that that writing was there.

Q. Now, did you tell Mr. Sachse that you intended to change the locks on the door and bar him out?

A. Oh, no.

Q. When was it you did that?

A. It was February twenty-fifth, 1925—I think—wait a minute—1926.

Q. Now, at the time that you barred the door or 10 changed the locks had you then concluded that you were going to file this petition for divorce?

A. Not divorce, Judge Cole.

Q. What?

A. No; I wanted to be, to have some support.

Q. But my question is had you at that time intended to file this petition for divorce?

A. No, I think not.

Q. Had you then consulted counsel —

A. Oh, yes.

20

Mr. Richards: Wait; I object.

Q. — with the view of filing a petition for divorce, that is at or before the time that you locked the door or changed the locks?

Mr. Richards: That is objected to.

The Court: How can that be relevant, Judge?

30

Mr. Cole: I think that is relevant on this question of jurisdiction that will occur a little later.

The Court: Sustain the objection.

Q. Now, did you say yesterday that he slammed the window on you?

A. Yes, sir.

Q. And did you say that was February ninth, 1926?

A. I think it was.

Q. Did the window strike you?

A. Yes, on my arm.

Q. What part of you?

10 A. Right here. (Indicating arm.)

Q. Hurt you?

A. Very much, with an intention to hurt.

Q. What?

A. With an intention to hurt.

Q. He intended to do it?

A. He did.

Q. And he did it?

A. He did it.

Q. That was February ninth, 1926?

20 A. I think it was.

Q. That is one of the things about which you complain, isn't it?

A. Yes, sir.

Q. One of the acts of cruelty, is that right?

A. Yes, sir.

Mr. Richards: I want to reopen Mrs. Sachse's direct examination at this time.

30 The Court: You may do so.

Mr. Richards: For some questions that were asked by the defense yesterday.

Re-direct examination.

By Mr. Richards:

Q. Mrs. Sachse, you said that you would produce some bills that you had paid both for the upkeep of the house and for the children's education. Now I show you a check, \$294.44, made to James Scull, Tax Collector. Will you tell me what that is?

A. The tax on 23 South Weymouth Avenue. 10

Q. That is the house you live in?

A. Yes.

Q. For what year?

A. This was 1925, I believe.

Q. 1925?

A. Yes. Back taxes.

Q. Check is dated October 6, 1926.

A. Yes, I received notification that it would be sold if I didn't pay.

Q. Therefore, you paid the taxes? 20

A. Yes.

Q. Now, I show you a series of checks, all dated the 1924, between June and December, 1924, one for \$25, one for \$23.50, one for ten dollars, ten dollars, ten dollars and two and a half, and ask you if you can tell me what those checks were for?

Mr. Cole: Please your Honor, I don't want to encumber the record with objections, don't know it will make any difference to the ultimate decision of this case, but I fail to see the relevancy of this on the charge of extreme cruelty. I don't see how it is re-direct. There was only one check, as I recall, that we seemed to be concerned about yesterday. She said he hadn't paid the bill to Dr. Sharp and we produced a check to show we had and then there was 30

some question whether there was another bill and she was going to produce that check. It seems to me that all this won't assist your Honor at all in arriving at whether or not this is extreme cruelty. Outside of that, I don't care.

The Court: You may proceed.

- 10 Q. What are these for?
A. For the gardener.
Q. Taking care of the garden?
A. Cut the grass.
Q. Now, I show you a whole series of checks, fifteen in all, and ask you if you can tell me what they are for?
A. For Nell's music lessons.
Q. And they are dated between 1923, 1922 and 1921, is that right?
A. Yes.
- 20 Q. Here appears to be another bunch of both bills and checks of various kinds; can you tell me what they represent?
A. They are—it is for Nell's education.
Q. These checks or the bills that I note here are dated 1926, 1925, and all of them appear to be in 1925 and 1926, is that correct?
A. That is right.
Q. Have you any idea what they aggregate?
A. About between seven and eight hundred dol-
- 30 lars.
Q. I show you another bunch of checks dated 1921, 1922, 1923, 1924 and 1925. Can you tell us what they are for?
A. Why they were for fixing the house to make it look pretty and habitable.
Q. During that period?

A. Yes.

Q. About how much does that amount to?

A. I think it is about between six and seven hundred dollars.

Q. I show you some more checks in 1920, 1921, 1922 and 1924, can you tell me what they are for?

A. Food—milk and different things.

Q. I show you another whole series of checks dated, well, here is one dated February 15, 1926, January 1926, December 1925, July 1925, August 10 1925, September 1925, October 1925, November 1925 and December 1925, appears to be about twenty-nine of these checks, Mrs. Sachse; can you tell me what they are for?

A. Why, they are for meals at the Little Rock Inn.

Q. All of them?

A. Yes, every one of them, I think.

Q. About how much do they aggregate?

A. Between two and three hundred dollars, and 20 I paid a good many of those meals by, with money instead of checks; it is very unusual to pay your bill with a check.

Q. In any case you did this during the summer, fall and winter of 1925 and 1926?

A. That is right.

Q. Now, here are some more checks dated February 1926, December 1925, September 1923, June 1923, one July 1921, another one August 1925, June 1925, June 1925, October 1925, November 1925, December 1925, October 1921, January 1922, October 30 1922 and April 1922, March 1924, July 1924, March 1925, April 1925, August 1921, September 1921, November 1920, April 1922, October 1925, December 1920, October 1920, December 1920, and ask you if you can tell me what those checks were for?

A. These are for cleaning clothes, Armpriester.

These are for shoes. This is for furniture to make the house pretty. I took the old furniture and ——

Q. Just tell us what these are for.

A. For furniture. This for wall paper. This is for coal. This for hanging the awnings. This I think was for material used in the garage. This for cleaning, mattresses, this for electric lights.

Q. That is a bill of \$33, isn't it, L. L. Jones?

A. Here is another for twelve, here is one for re-
10 pairing electric lights, here is another one. I don't recall this one.

Q. Albertson and Young?

A. Here is H. G. Scott, paint, more paint, more paint, and these chairs.

Q. Now, did you ever give any money to Mr. Sachse himself?

A. Yes.

Q. I show you some checks dated August 13, 1920,
March 23, 1925, March 26, 1925, April 6, 1925, April
20 7, 1921, all made to the order of A. F. Sachse, what are they for?

A. I don't know. I don't recall, Senator.

Q. Who were they made payable to?

A. May have been peace offerings.

Q. I know, but who were they made payable to?

A. To A. F. Sachse.

Q. Your husband?

A. My husband.

Q. Ever give any money to your son?

30 A. Yes.

Q. By check, I mean?

A. Yes, some, not as much as I would like to have.

Q. I show you some checks dated December 22,
1924, July 15, 1924, January 7, 1924, November 17,
1923, May 19, 1923, December 24, 1924, February 9,
1925, February 23, 1925, April 25, 1925, all made

payable to the order of Julius F. Sachse; is that your son?

A. Yes, sir.

Q. What did you give him those for, do you know?

Mr. Cole: How is that relevant to this case?

A. Some of these for spending money because he was always strapped. This one for his Christmas present. I gave Nell a watch that year and I gave him the equivalent of it, forty dollars. This for his birthday present. 10

Q. And so forth?

A. Yes.

Q. Now, were all these checks drawn on your individual bank account?

A. Yes, Senator.

Q. And paid out of your own funds?

A. Yes.

Q. That you yourself had earned? 20

A. Yes.

Q. Mr. Sachse, of course, was living there at the house all that time?

A. Oh, yes.

Q. Did you bring that dentist bill this morning?

A. It is there.

Q. It is in this lot? Now, here appears to be a number of checks; here is one to Dr. Sharp, nine dollars, July 1921. Here is a bill dated 4/1/1925, to Mrs. A. F. Sachse, to Emile Sharp, D. D. S., professional services, six dollars signed Emile Sharp and "thank you" on it; what does that represent? 30

A. Represents work on my teeth and Nell's.

Q. Did you pay this bill?

A. I did.

Q. That didn't have any relation to the check

that was shown you yesterday by Judge Cole? It was paid with your check, was it?

A. Yes.

Q. Did you pay Dr. Sharp other moneys?

A. Yes.

Q. I show you a check January 5, 1926, to Sharp for ten dollars; is that for the same purpose?

A. Yes.

10 Q. I show you two doctor bills here, one to Dr. Youngman, and one to Dr. Fennimore, did you pay those two?

A. Yes.

Q. Were they for professional services to you or to who?

A. That one for Nell was Dr. Youngman, it was for her, Dr. Youngman, when he examined her.

Re-cross examination.

20 By Mr. Cole:

Q. The payment of taxes for 1925 ———

By Mr. Richards:

Q. Just a minute before you start in. There is one thing I would like to ask entirely overlooked yesterday. Mrs. Sachse, when you brought this former suit for maintenance and alimony in 1919 did you
30 prosecute that suit to a finish?

Mr. Cole: Objected to as irrelevant and immaterial.

The Court: How can that be relevant?

Mr. Richards: I want in another way to show this

agreement that we have been talking about here and show that it was acted upon by both parties.

The Court: If it is limited for that purpose, I will admit it.

Mr. Richards: There is a dispute about whether or not the defendant signed it. I want to show now that he acted upon it and, therefore, ratified it.

10

Mr. Cole: It was omitted in evidence yesterday upon the theory it was a lost instrument which had been signed. While I objected, your Honor allowed it to go in. Whether she did not prosecute the suit is irrelevant. What may have been done at a certain period may be relevant, but whether or not it is connected with this agreement I submit is not relevant.

Mr. Richards: All preliminary questions.

20

Mr. Cole: That is why I object, because I understand now what your purpose is.

The Court: I will permit it.

(Question repeated.)

A. I understood so.

Q. Answer yes or no.

30

A. To the best of my knowledge I was, yes.

Q. How was it brought to a finish?

Mr. Cole: I object. That is a conclusion.

The Court: Yes.

Q. What was done to bring it to a finish?

The Court: I will permit that.

A. Mr. Bourgeois' action I thought had finished it. I thought the fact that Mr. Sachse was providing the things required in the agreement was a conclusive proof that he had understood that he was willing to live up to the agreement.

10 Q. Then the agreement that you refer to was the agreement that you understood was made at the time that the suit was discontinued?

A. Yes.

Mr. Cole: I object, please your Honor. The trouble with this is —

The Court: Sustain the objection.

20 Mr. Richards: Withdraw the question.

Q. Mrs. Sachse, you refer in your last question to an agreement. What was this agreement? I don't mean to detail the terms but was there an agreement and how did it happen to be made?

30 Mr. Cole: I object to that as being absolutely irrelevant in this case and I now want to state my position. This writing is in evidence. It not only says what Mr. Sachse is to do, but it is a recital of conduct upon his part and if he signed it, it would amount to a confession that he was guilty of the things recited. If he didn't sign it, how can he be bound by it? What he may have done as facts after that is one thing, but to bind him to a confession by recitals unsigned is quite another.

The Court: Yes, that can't be done.

Mr. Richards: But, if your Honor please, the agreement is made for this purpose, if after, or assuming that the defense is going to be that he didn't sign it, that if after the paper was delivered to him and he had it in his possession he proceeded to act upon it and did the things, so far as he did things that he was required to do for a period of time he ratified and adopted the agreement. 10

The Court: Insofar as the acts which he has done, only that far.

Mr. Richards: Certainly. Then, of course, when we have gone on and shown that he didn't finally live up to this, we have the agreement for what it is worth, as far as the physical things, he was to pay a certain sum of money, there, which he never did, he did transfer the property, he did for a while pay 20 sums of money there and then he stopped paying sums of money both for Mrs. Sachse and for the children.

Mr. Cole: I may call your Honor's attention to the fact, nowhere in this petition is this agreement referred to and we are not trying it. We are trying a case of extreme cruelty.

The Court: I will permit the present question. 30

(Question repeated.)

A. Am I to answer that?

Q. Yes.

A. It happened to be made because I had run

away from him on account of extreme cruelty and this was the agreement to bring me back, that he would make my life happy and comfortable and he would do all in his power to do it, to full these obligations that a man assumes when he marries.

Q. Now, one of the things he was to do was to transfer the house to you; did he do that?

A. Yes.

10 Q. He was to pay you twenty dollars a week—he was from time to time to reduce the mortgage on the house; did he do that?

A. Not that I know of.

Q. Now, he was to pay five dollars a week on each Saturday for your personal allowance; did he do that for a time?

A. I think so, yes.

Q. Right after this agreement was made?

A. Yes.

Q. Did he continue to do that?

20 A. No. For a time he did it.

Q. And then he was to pay on the first day of each month fifteen dollars for clothing for the two children; did he do that for a while?

A. Yes.

Q. Did he continue to do it?

A. No.

Q. He was to pay weekly twenty dollars a week for household charges, such as food, etc.; did he do that for a while?

30 A. He did, Senator.

Q. Twenty dollars?

A. Yes.

Q. He did that for a while?

A. Yes.

Q. Did he continue to do it?

A. Until he took the reins of housekeeping in his hands when he used that himself.

Q. That was when?

A. I think it was 1925. It may have been just a little before 1925. It may have been in the latter part of 1924, or around there.

Q. As a result of this understanding did you return to him?

A. Yes.

Q. To look after the house and bring the children back, did you?

A. Yes, I did. 10

Q. Look after the household affairs?

A. Yes, Senator.

Re-cross examination.

By Mr. Cole:

Q. The tax bill \$294.44 which you produced was for the payment of the taxes on your own property, was it not? 20

A. Yes. Where Mr. Sachse was making his home.

Mr. Cole: I ask that be stricken.

The Court: Let it be stricken.

Q. Now, you said that these checks of yours drawn to the order of Mr. Sachse, cashed by him, you couldn't tell for what purpose they were given. I ask you to look at them and say whether they were not to repay Mr. Sachse for money which he advanced in paying the bills which had been contracted for the improvement you put on this property? 30

A. I believe this was for lumber. It strikes me that it might have been. About this time I was building the garage.

Q. Then may it be —

A. And when bills were presented, when lumber would come and the bill presented, I would—Mr. Sachse would bring it up to my room and I would write out a check. Some of these may have been.

Q. I ask, may these checks have been for that purpose?

A. They may have been.

Q. You don't claim they are for money you
10 loaned Mr. Sachse or gave him?

A. No, I am not claiming that, Judge.

Q. Now, calling your attention to 29 checks, this paper marked \$246.90, I ask you for what those checks were given?

A. For food to the Little Rock Tea Room.

Q. Why did you go to the Little Rock Tea Room to get food?

A. Because the food at home wasn't fit to eat and because I was annoyed all the time I was eat-
20 ing.

Q. Did you feel it necessary to go to the Little Rock Restaurant and contract these bills in order to get food to sustain you?

A. Yes, I did.

Q. And the failure to give you the food during this period are acts about which you complain in this case, aren't they, as cruelty?

A. One of them.

Q. One of the claims that you didn't get sufficient
30 food?

A. Yes, Judge.

Q. And you went and bought the food and paid for it with these checks, is that right?

A. Yes.

Q. And you say that was an act of extreme cruelty, don't you?

A. Yes, I do.

MISS ANNA WILLIAMS, SWORN.

Direct examination.

By Mr. Richards:

Q. Mrs. Williams, where do you live?

A. 4925 Ventnor avenue.

Q. Is that in Atlantic City or Ventnor?

10

A. Ventnor.

Q. Anywhere near the Sachse home?

A. I should judge about three squares from the Sachse home.

Q. Do you know the Sachses?

A. Yes.

Q. How long have you known them?

A. I have known Mrs. Sachse since 1918.

Q. Visit the Sachse home occasionally?

A. Very rarely.

20

Q. But you did visit?

A. Oh, yes, I visited.

Q. Do you remember being there in 1925 or 1926?

A. I went to see Mr. Sachse one time when he was quite ill.

Q. Himself?

A. Yes.

Q. Do you remember when that was?

A. No, I don't.

Q. I mean approximately what year?

A. Well, I would say about 1923 or 1924, don't recall.

30

Q. When you went there what was the condition? Was it summer time or winter time that you were there?

A. I believe it was in the early spring, if I can recall. I am not positive about that.

Q. Were you ever there during the winter time at any time? Did you ever call there during the winter time?

A. No. I don't recall that I did.

Q. I think you said that you knew the Sachses first in 1918? Do you remember the incident of Mrs. Sachse leaving in 1919?

A. Yes.

Q. Did you have anything to do with their coming
10 back?

A. Yes, I did.

Q. Will you tell us about that?

Mr. Cole: That is pretty broad, tell us about it.

The Court: Yes, that is rather an objectionable question.

Q. Did you have anything to do with effecting a
20 reconciliation?

A. Yes.

Q. At whose request?

A. Mr. Sachse's.

Q. What did Mr. Sachse say at that time about his actions toward Mrs. Sachse?

A. Well, I first went over, if I may go around a little bit—I have a Sunday School class of nineteen boys and Julius Sachse was one of my boys. I went to Sunday School one Sunday and he wasn't
30 there. I said "Where is Julius?" One of the boys said "Mrs. Sachse has gone."

Q. Please don't tell what other people said.

A. No, but I missed the boy and I found that they had left town and went over to Ocean City and looked them up and I found them over there, apparently in great distress, physically and mentally.

The Court: The question, Miss Williams, just notice the question.

Q. You went over to the Sachse home finally and you saw Mr. Sachse?

A. No.

Q. Did you see Mr. Sachse afterwards?

A. After I returned from Ocean City—I went to see the Sachses at Ocean City, where Mrs. Sachse was living. 10

Q. Then did you see Mr. Sachse?

A. When I returned I called up Mr. Sachse.

Q. What did Mr. Sachse say at that time?

A. Well, he seemed very sorry that his family had gone, and wanted his family back.

Q. Say anything about whether he had been at fault about their going?

A. No, I don't think Mr. Sachse ever made any confession to me.

Q. He didn't? 20

A. No.

Q. Did he make any representations as to what he would do if they came back?

Mr. Cole: Objected to.

The Court: I will permit that.

A. He said he wanted them to come back and he would do everything for them that he could. He didn't want to lose his wife or children and would do anything he could to make them happy. We made three trips to Ocean City that day to see Mrs. Sachse and Mr. Sachse went with me three times that day. 30

Q. And they finally came back?

A. Mrs. Sachse wouldn't see Mr. Sachse. She said she had the case in Mr. Bourgeois' hands and he would have to meet her in this office two days afterwards, which Mr. Sachse, I came up with Mr. Sachse and we met Mrs. Sachse here in this building.

Q. Was there a reconciliation effected at that time, do you remember?

A. The reconciliation wasn't effected that day because Mr. Sachse wouldn't sign the paper that Mr. Bourgeois drew up. He said it was too drastic, but he told me that he had made an agreement with his family and was going to bring them back. He was going to give Mrs. Sachse so much a week and everything seemed very happy and Mrs. Sachse came back. I visited them afterwards and everything seemed very happy in their home.

Cross-examination.

20

By Mr. Cole:

Q. Were you in Mr. Bourgeois' office with Mr. Sachse?

A. Mr. Sachse and I were out in the hall.

Q. I say were you in Mr. Bourgeois' office with Mrs. Sachse?

A. No.

Q. Did you see some agreements he drew?

A. Mr. Sachse told me.

30

Q. Did you have the agreements yourself?

A. No, Mr. Sachse had them.

Q. Do you know how he got them? Do you know how Mr. Sachse got the agreements?

A. Mr. Bourgeois read them to him.

Q. Well, let's make that clear. How do you know that if you were not there?

A. Mr. Sachse and I were out in the hall. He came and told me what they wanted him to sign.

Q. Very well, then you and Mr. Sachse were in this building?

A. Yes.

Q. In the office of Mr. Bourgeois on the day that these agreements were prepared?

A. Yes.

Q. Did you see the agreements?

A. I did not.

10

Q. Well, at that time was Mrs. Sachse in Mr. Bourgeois' office?

A. Yes.

Q. Did Mr. Sachse say anything about the agreements?

A. Yes.

Q. What did he say?

A. Why he told me he wouldn't—I said “won't you please fix this up today, get this matter straightened out?” He said, “I wouldn't sign the Bourgeois papers; they are too drastic for me to sign.”

20

Q. And then did you leave?

A. Mr. Sachse, we were here and we went home and I saw Mr. Sachse the next day again.

Q. Had Mrs. Sachse left before you left or was she still in Mr. Bourgeois' office?

A. I don't know. Mr. Sachse and I came together.

30

Mr. Cole: Now, may it please your Honor, I know there is no such thing in this court as a non-suit, but I feel that I ought now to call your Honor's attention to my conception of this case at this moment, so we won't use time unless it is necessary. I think this petitioner has shown that this Court

does not have jurisdiction over this case. If that is true, it seems to me that we ought not to take the time to take further testimony.

Now, this statute says "divorce from the bonds of matrimony may be decreed for extreme cruelty in either of the parties whether the acts of cruelty were committed prior to or after the passage of this Act; provided, that no petition for divorce shall be filed until after six months from the date of the last act
10 of cruelty complained of."

Now, yesterday, on direct examination by her own counsel she testified that on February ninth, 1926, in a burst of passion he slammed the window on her arm and this morning she said that that is one of the acts of cruelty of which she complains and that, not only that, but that he intended to do her harm by that and in fact did do her harm. She also testified that her being forced to go to this restaurant to get food she treated as an act of cruelty
20 and observing the checks—your Honor will see them, they run into a date that would make the filing of this petition too early and premature. Petition was filed on the twenty-third day of February, within about fourteen days of this incident of February ninth, and a day after, I think, she barred the property to Mr. Sachse. Now, in that situation, how has this Court jurisdiction? It affirmatively appears, this witness says "yes, I rely upon that incident as one of the acts of cruelty. I complain of
30 that." Now, if that is so, isn't this petition premature and will it avail anything for us to go on and try this case?

Now, I anticipate—I gave this matter some thought last night—may say "but we don't allege that in the petition" and if that is his argument, I submit that is of no moment. They can't create jurisdiction in this Court by alleging acts of cruelty

that antedate six months. If the proofs shows that the alleged acts of cruelty antedate it, then they rob this Court of jurisdiction for your Honor will notice the very object of this statute, the very purpose of it was that the party should have time in which to reflect, calmly consider those alleged acts before a petition is filed and that they can't rush off upon the heels of an incident of what they say was cruelty and invoke the jurisdiction of this Court, so I submit, no matter what may be claimed by this petition as the last act of cruelty, that if the facts show that the acts are within the six months, according to the proof, then this Court has no right to proceed in the trial of the case. 10

Now, of course, this petition is quite vague. It has very few days, but it does fix the date of July 1925 as the incident, I suppose of the use of this fork, although the petition doesn't say a fork was used, but I assume that is the date they refer to in which it is said that he did certain things. Now, as I say, however, following their own case, developed by her own case, she amplifies that petition, so far as the date is concerned, and brings the act not only up to February ninth, but even, I think, after that date. At all events certainly within the period, because those checks show that those acts were within the six months. 20

Now, another thing, I anticipate counsel will say that it is not a question of what your Honor may find upon a consideration of the proof as to what the acts of cruelty are. Your Honor may say "I don't regard the fact that she went to the resturant to get food and his failure to give food an act of cruelty. I don't regard this act of February eleventh, 1926, as an act of cruelty and I don't regard this act or any other act as an act of cruelty, but I find that there was an act of cruelty preceding the six 30

months, therefore I have jurisdiction," but I say the statute says that it is the act complained of as an act of cruelty and not what your Honor may find judicially. Now, the act complained of is February eleventh. One day after she barred the door, she made an affidavit in this case and filed this petition. Now, I say that is right in the teeth of the statute and intends to pervert this statute which was designed to be beneficent, to say to the parties, "before you do this you take time to reflect," and this lady didn't take time to reflect.

Mr. Richards: If your Honor please, the statute, of course, has no such idea in mind at all. Doesn't have any such effect. Your Honor will remember that extreme cruelty was a ground for divorce prior to the enactment of this statute and all this statute does it reduces the time under which constructive desertion, which was the term used to get within the former statute relating to desertions, which provided that the desertion must have been willful, continued and obstinate for a period of two years. Now, the effect of this statute was really to cut down the period of time from two years to six months in which the action might be brought. Now, the fact that it develops in the testimony that other acts of cruelty occurred after the time of the filing the last act alleged in the petition, certainly couldn't be grounds for ousting the jurisdiction of the Court, because to do that would simply, of course, make this thing a nullity because all that the defendant would have to do would be to consciously and purposely commit an act of cruelty after the time of acts complained of in order to oust the jurisdiction of the Court. Now, is it possible that can be so? Can it be that Mr. Sachse, if he had been so advised by his counsel to continue these acts of cruelty could thereby have prevented Mrs. Sachse from taking the benefit of

the statute? Now, if this proof that came into this case as a result of these questions—I didn't know what dates when I asked her—and I asked her what other cruelties there were and she finally gives us two that comes within the six months period. My friend is usually very alert about those things and it was up to him, if he considered it irrelevant, to strike it. I am willing to have it stricken, as it relates to dates within the six months because it is clearly irrelevant, but the irrelevancy of the testimony doesn't oust the jurisdiction of the Court and our petition does allege acts prior to the six months period, then the Court has jurisdiction. The jurisdiction of the Court arises out of two things. It arises out of the petition and the proof under the petition. Now, when the proof varies from the petition it can only oust the jurisdiction when all of the proof varies, so as to not support the petition, but if there is proof within the petition and proof without the petition, then the proof without the petition simply becomes irrelevant, but it doesn't thereby destroy the petition unless some fact develops within that proof which ousts jurisdiction. 10 20

Now, the proviso here was that no petition shall be filed until after six months after the date of the last act of cruelty complained of. Complained of where? Not on the witness stand. Not complained of to the world but complained of in the petition. Where else could it be complained of? The statute is too short for any other possible definition, but that it is the petition that contains the last act complained of. So that, if I may read that again to your Honor, "That no petition for divorce shall be filed until after six months from the date of the last act of cruelty complained of." It is the petition that shall not be filed, isn't it? If in this petition I had complained of an act of cruelty that occurred fourteen 30

days before the filing of the petition, that on its face would make it subject to a motion to strike it, but the acts complained of here are acts that occurred more than six months before. July tenth, the last date that the petition mentioned, is this act of cruelty. Under those circumstances it would seem to me that there is no question of the jurisdiction of the Court under the petition.

10

Mr. Cole: May it please the Court, of course the Legislature didn't use language without it intended it should mean something. It is not a question of ousting the jurisdiction of the Court. It is a question whether the Court has jurisdiction. The Court can't be ousted if it once has it. Now, why did the Legislature say, "Provided that no petition for divorce shall be filed until six months from the date of the last act of cruelty complained of?" My friend
20 says that Mr. Sachse might have done something to prevent the operation of this statute by committing an act of cruelty within the six months. Of course, that is a highly presumptuous thing, but in this case the undisputed fact is that the petitioner here locked him out. He was away from the house. He hasn't been there since and she could have waited six months from that time before filing this petition and made her case clearly within the statute. She didn't do that. She went instantly, upon barring
30 him out, to file this petition. She now comes to this Court and under oath sets out, rather in fact complains, I think, and says that on a certain date within the six months' period he did this thing.

Now, if your Honor please, it seems to me a moment of reflection will show what would happen to this statute and how it would be barred of its undoubted purpose, that there might be acts of cru-

elty three or four years ago, and run on for a period of a year and nothing happen at all. Now, after a period has run an act of cruelty is committed and they rush into court and file a petition based on acts of cruelty that occurred three or four years ago and omit the act of cruelty within the six months, which was undoubtedly the thing that spurred and animated them to file the petition, and they omit that, and then when the proof comes in, out of their own lips, they say, "yes, it is true these acts of cruelty 10 were committed three or four years ago, but it is also true on this new date he also committed an act of cruelty, therefore we say this Court has jurisdiction notwithstanding the fact that this last act alleged is within the period of six months. I think the statute is plain on that where one does deliberately—I am not suggesting it was done here, for I doubt it—but if one should deliberately file a petition under the statute setting out certain acts of cruelty before the six months and omit acts of cru- 20 elty within the six months, it would be a fraud on this Court and a fraud on this statute.

Mr. Richards: If your Honor please, my recollection of the statute concerning desertion —

The Court: I don't think I care to hear any more, Senator. I am satisfied that the petition conferred jurisdiction. It is also just as evident that no act of cruelty testified to in the six months preceding the filing of that petition can be urged or based as a ground for divorce, but it is clear to me, I think, that the petitioner is limited to acts of cruelty prior to the six months' period, before the filing of this suit, and I don't see how the Court would be justified in saying that jurisdiction isn't conferred, be- 30

cause a witness, the petitioner on the stand, states that there were other acts of cruelty upon which she claims she bases her right for a divorce. I think that is entirely a layman's view of it. Of course almost anyone would be apt to include, if there were other acts of cruelty in the testimony concerning the acts between the parties, but, insofar as the Court is concerned, the Court is only interested, insofar as proof of ground for divorce, in those acts of cruelty
10 which existed and occurred prior to the six months' period. It may be much of the testimony, in view of this statute, might have been objected to, but no objection has been made upon that ground with the single exception of one objection, that counsel said was on the question of jurisdiction, which he would call the Court's attention to later and if the Court's attention was called to this point at that time—perhaps it wasn't necessary for counsel to do it—but the testimony was admitted and if it is a motion to
20 dismiss for lack of jurisdiction the motion is overruled.

GEORGE A. BOURGEOIS, SWORN.

Direct examination.

30 By Mr. Richards:

Q. Mr. Bourgeois, you are a counsellor-at-law of this State?

A. I am.

Q. And you were, of course, in 1919?

A. I beg pardon?

Q. You were, of course, in 1919?

A. Yes, I was.

Q. Did you represent Mrs. Sachse in a petition for maintenance and alimony?

A. I represented her in a proceeding for maintenance and alimony, I don't know whether a petition or bill.

Q. Filed a petition, did you not?

A. I filed whatever it was. I don't know whether a petition or bill. I surmise it was a bill.

Q. After the bill was filed was there an attempt at a reconciliation? 10

A. Yes.

Mr. Cole: Please your Honor, I anticipate what this proof is to lead to and I want to object to it on the ground by the petitioner's own testimony all acts which preceded this agreement had been forgiven and did not rely on them at all in this case. The purpose seems to be in this case to attempt to inject this agreement into it. 20

The Court: I will permit it.

Q. Did Mr. Sachse come to your office with relation to this proposed composition of their difficulties?

A. They were both there; they came there, whether they came together or not I don't know but they were both there.

Q. Discuss terms of an agreement? 30

A. Did they what?

Q. And did they discuss with you the terms of an agreement?

A. Yes.

Q. Did they arrive at an understanding or agreement?

A. Yes, they arrived at an understanding.

Q. Did you prepare those two papers, one is just a copy of the other, prepare that agreement as the result of this conference?

A. I prepared that agreement, yes; I dictated it.

Q. Well, how did you come to dictate it?

10 A. My recollection is this, Mr. and Mrs. Sachse were both in my office. As I say, I don't know whether they came together or whether they came separately, but they were both there and they wanted to have a reconciliation. Mr. Sachse was anxious that the matter should be adjusted because of his children, he was anxious to be with the children, and they agreed upon terms of a reconciliation and I drew that agreement and my recollection is I drew it and executed it as to Mrs. Sachse and she took it away with her to have it executed by him after they had agreed upon the terms of it in my office.

20 Cross-examination.

By Mr. Cole:

Q. Mr. Sachse didn't sign while —

A. Judge, neither of them signed at that time because the agreement wasn't prepared.

Q. Pardon me, but you witnessed her signature?

30 A. Yes, after I had prepared, after Mr. Sachse and Mrs. Sachse had gone, I prepared this agreement and Mrs. Sachse came back and signed the agreement and I witnessed her signature and then she took it out; that is my recollection.

Q. In other words this agreement was not prepared while Mr. Sachse was there?

A. No; they gave me the data from which this agreement was to be prepared and I prepared the

agreement according to that instruction that they arrived at, or agreement.

Q. What data did they give you? What did they say?

A. I can't say now; I don't remember that, six or seven years ago.

Q. Respecting the terms of the agreement they gave you the data?

A. Yes, they gave me the data they would agree upon and I prepared the agreement shortly after 10 and I don't know what happened to it.

Q. Your recollection is that you gave this to Mrs. Sachse after she had signed it?

A. Yes, she signed it in my office, as I recall and that was after they had agreed upon the terms of it, they agreed upon the terms in my office and I prepared the agreement immediately afterwards and it was signed by her.

Q. Give us your best recollection of just what Mr. Sachse said? 20

A. Let me see that and I can tell you—I can't tell you, Judge.

Q. Without this.

A. I have no recollection at all excepting this, I recollect that there was a deed that it was contended Mr. Sachse had executed to Mrs. Sachse and had promised her to have it recorded, instead of that he had taken it to his office in Philadelphia and put in his private box and had not recorded it and one of the provisions was he should deliver the deed to her 30 so it might be recorded here, then there was some provision about money to be paid, I don't recall just what they were, and the chief thing at that time was that Mr. Sachse wanted to get in the presence of these two children, Mrs. Sachse had the children over in Ocean City and he was very anxious to have those children back again, especially the boy, and there

was no difficulty, so far as that is concerned, in my office; they agreed upon the terms. There was no question about any disagreement as to the terms that they finally agreed upon.

Q. You represented her, didn't you?

A. I represented her.

Q. You drew it for her benefit?

A. I beg pardon?

10 Q. You drew it for her benefit?

A. No; Judge Schimpf represented Mr. Sachse.

Q. I say you drew it for her benefit?

A. No, I didn't. I represented her when I was making the terms but when the terms were finally agreed upon I represented those terms, I didn't have any prejudice one way or the other, after they had finally agreed upon the terms.

Q. Then having agreed upon the terms they left?

20 A. My recollection is they left that afternoon and I prepared the agreement immediately and Miss Powell was the stenographer at that time; she may know something about it. I don't know whether she does or not.

Q. Now, Mr. Bourgeois, let me ask you whether Mr. Sachse—you say, "Witness whereas party of the second part with her two children heretofore, to wit, on or about the second day of May, 1919, left the home of the said party of the first part because of the unlivable conditions"—did Mr. Sachse tell

30 you that, that she left because of the unlivable conditions or did she tell you that?

A. Well, Judge, neither told me that.

Q. All right; that is all.

A. Wait just a minute —

Q. That is an answer to my question.

A. I prepared a writing —

The Court: No, Mr. Bourgeois. You have answered the question.

Q. You will have to be just like any other witness, Mr. Bourgeois.

A. I say neither of them told me that, verbally told me that.

Q. All right.

A. But, Judge, that was told to them in their presence before that agreement was drawn, that was discussed in that meeting else it would not have been in there. 10

Q. Now, for example, you say, "Party of the first part agrees"—that is Mr. Sachse—"that he will at all times demean himself as a gentleman"?

A. Yes.

Q. Did he tell you that?

A. Yes, he told me that.

Q. He told you that?

A. He did tell that, yes. 20

Q. By the way, when the agreements came back to you did they have these notations on them?

A. Judge, they never came back to me. I never have seen those agreements until now from the time they left my office.

Q. No, but you dictated them after they had left, didn't you?

A. Yes.

Q. And then she came in and signed?

A. Yes; that is my recollection. 30

Q. And your recollection is that she took them away with her?

A. Yes.

Q. When you signed as a witness to her signature was this handwriting on it?

A. No. Nothing there at all.

Q. Neither on this copy?

A. No.

Q. Did Mrs. Sachse ever come back to see you after signed those papers?

A. Oh, yes, she came back to see me a number of times and paid the bill, my fee.

Q. Did she tell you she refused to sign?

A. No, she told me he refused to pay the bill and I knew that.

Q. Did she tell you that he refused to sign?

10 A. No, she didn't tell me he refused to sign.

Q. Did she tell you he had signed?

A. Didn't tell me he had signed, I don't remember a thing that ever happened with regard to those agreements afterwards. I do recall I asked her if she got the deed and I think she told me she did.

By Mr. Richards:

Q. Mr. Sachse was represented by counsel?

20 A. Yes, not so far as the record was concerned because he didn't file any papers, but Judge Schimpf represented him and at that time there was mention made why Judge Schimpf didn't come over and he said it wasn't necessary or something but afterwards Judge Schimpf spoke to me about what had been done.

Q. He did?

A. Yes.

Q. I don't suppose we can get that in evidence.

30 That is all, Mr. Bourgeois, thank you.

MRS. FREDERICA WARREN FERGUSON, SWORN.

Direct examination.

By Mr. Richards:

- Q. Mrs. Ferguson, where do you live?
A. 33 Old Lancaster Road, Bala, Pa. 10
Q. Did you ever live in Ventnor?
A. No, sir.
Q. Did you ever visit the Sachses in Ventnor?
A. I have been there on occasions, yes.
Q. By the way, you are a relative, aren't you, of Mrs. Sachse's?
A. I am Mrs. Sachse's sister.
Q. Were you ever in the house in 1923, 1924, 1925 and 1926?
A. Yes, sir. 20
Q. Ever there in the winter time of 1925?
A. Yes.
Q. What was the condition of the house?
A. Why in February—after that date, 1926, I beg pardon; I can't recall 1925. February, 1926.

Mr. Cole: Just a moment then. I object.

The Court: Yes.

Q. You weren't there during the winter 1925? 30

Mr. Cole: She said so twice.

A. I wasn't there in the winter 1925 to my knowledge.

Q. You there during the winter 1924?

A. I wasn't there. I don't recall anything in 1924.

Q. Now in 1925, or prior to July of 1926, were you ever present there and saw any meals served?

Mr. Cole: Please your Honor, this witness has said twice she wasn't there in 1925. Now is counsel going to have her say she was?

The Court: She answered winter but the question
10 goes into, I think he said July, 1926, how can that be admissible?

(Question withdrawn.)

Q. I mean during the summer of 1925? Were you ever there during the summer of 1925 at all?

A. No special time that I recall.

20

MISS NELLIE SACHSE, SWORN.

Direct examination.

By Mr. Richards:

Q. Miss Sachse, you are the daughter of petitioner and defendant?

A. I am.

30 Q. Now, confining yourself to things that happened in the year 1925 prior to July of 1925 will you tell us of the conditions there during the winter of 1924 and 1925 relative to whether the house was warm or cold, &c.?

A. The house was always cold.

Q. Why was it cold?

A. Because there wasn't a draft put on the fire to save the coal.

Q. Why wasn't it put on?

A. To save the coal.

Q. Could it be put on? Was anything done to the furnace so as to prevent it from being put on?

A. For a time nothing was done other than just being kept off, but then clinkers were added so you couldn't clean out the furnace, and it wouldn't burn and then the furnace door was wired shut. 10

Q. Who wired it shut, do you know?

A. Mr. Sachse.

Q. Mr. Sachse, your father?

A. Yes, sir.

Q. Did the cold interfere with your mother's health at all?

A. Oh, yes.

Q. In what way did it interfere with her health?

A. Well, caused you to be nervous and you have to, shivering, and always wrapped up in the house, 20 never comfortable.

Q. How did you have to go around the house?

A. With our coats and sweaters on, and woolen stockings.

Q. Who provided in 1924 and 1925, who provided the food that you ate in the house?

A. Mr. Sachse.

Q. Buy it personally?

A. Beginning with the, I think it was January of 1925, he bought it personally. 30

Q. What sort of food did he buy?

A. It was very little in change, variety, just enough to go around and not a bit more.

Q. Was there enough to go around?

A. Just about.

Q. Did you get enough to eat?

A. If you weren't hungry you did.

Q. If you were hungry, did you?

A. No.

Q. Were you ever hungry?

A. Yes, especially at lunch time, at school, I was given my lunch to take to school and cheese never agreed with me, and I was given cheese because it was cheap to take in my lunch to school, and nothing else was given to me and no money to buy anything.

10 Q. Did your mother ever do anything towards alleviating your hunger?

A. Yes.

Q. What would she do?

A. In the summer, 1925, we went out to eat, and from then until the time we left. Mother also gave me money to buy extra lunches at school during the winter time when it was cold.

20 Q. Now, what was the quality of the food? What did you have to eat at home that your father brought?

A. Well, he would buy, well, if it was chops, they were the poorest kind of chops, and everything would be of the poorest quality; meat cakes were very frequent visitors at the house; once in a while we would have a stewing chicken, which would just be big enough for the family.

Q. How would he divide it? Who served the chicken when it was served at the table?

A. Mr. Sachse.

30 Q. How would he serve?

A. Well, he would take hold of it wherever possible with his hands, which were never too clean, he would serve it himself and give us the little pieces and take the big ones himself.

Q. What pieces would he give you, for instance?

A. Well, I would always get the lower joint of the leg.

Q. The lower joint of the leg?

A. Yes.

Q. What would he give to your mother?

A. The neck, and maybe the end of the wing that had no meat on it.

Q. Now, did your father ever exhibit any temper around the house?

A. Yes.

Q. What would he do?

A. Well, he would slam doors, and one occasion, 10 as Mother said, he would throw things up and down the stairs to keep us awake, he would torment the life out of me by—I don't know whether that is a show of temper or not.

Q. How would he torment the life out of you?

A. Well, I was dreadfully afraid of mice —

Mr. Cole: Of course, I object to all this proof. I don't see what this has to do —

20

The Court: I don't think this present question has.

Mr. Richards: I don't think the present question has.

The Court: One element of cruelty to the mother, of course, would be cruelty to the children.

Q. Did he ever throw anything on your mother, 30 as you remember?

A. He threw a dishpan of water on Mother.

Q. When was that?

A. That was before 1919.

Mr. Cole: Nothing in this petition. Objected to. No such allegation in the petition.

Q. When was it?

A. Prior to 1919.

Q. That was prior to 1919?

A. Yes.

Q. How would he conduct himself when friends called on your mother?

A. Well, he would always monopolize the conversation and any way he could show Mother up he would do it, if he would talk at all, and other times
10 he would just sit in the room and smell it up with cigar smoke so nobody could stay in it.

Q. Were you present at the time of this fork incident in July, 1925?

A. I was in the living room and I heard Mother cry in pain and I came out and saw the condition she was in, and the fork.

Q. Was the fork bent over that way?

A. Yes.

Q. At that time?

20 A. Yes.

Q. Had the fork been bent over that way before that?

A. No.

Q. Who was in the—where did this occur?

A. In the kitchen by the stove.

Q. Had your father gone into the kitchen first or your mother?

A. My mother.

Q. And he followed her in there?

30 A. Yes.

Q. How soon after he followed her in did you hear your mother cry?

A. Almost immediately.

Q. Was her hand injured?

A. Yes.

Q. Have you seen the hand since?

A. Yes.

Q. Has it become entirely well, as far as you can say?

A. No.

Q. Has your mother ever complained to you about the hand since?

Mr. Cole: I object.

A. Very frequently.

10

The Court: Yes; sustain the objection.

Q. Do you remember Mothers' Day, 1925?

A. Yes.

Q. Remember any incident between your father and your mother that day?

A. I remember that my father made my mother feel very uncomfortable by casting insinuations not being the kind of mothers that other boys had.

Q. What did he say and to whom did he say it? 20

A. He said it to Mother, that it was too bad that Julius didn't have the kind of mother that other boys had and one that he could be proud of.

Q. Did he say why Julius shouldn't be proud of his mother?

A. No.

Q. Was Julius present?

A. Yes.

Q. Where were you at the time this conversation took place? 30

A. I was sitting beside Mother, between Mother and Dad.

Q. At the table?

A. Yes.

Q. As the result of this conversation, what did your mother do?

A. Mother cried and no means of comfort were shown, and Mother left the table too unhappy to stay there or eat, and I followed her.

Q. Now, what was your mother's condition of health in 1920; was it good or bad?

A. It was fair.

Q. Did it get better or worse as time went on and particularly referring to the year 1925?

A. It got worse.

10 Q. What was apparently the matter with your mother?

A. Her nervous system was affected.

Q. What apparently caused it? Was there anything that you can say that caused it?

Mr. Cole: I object. I don't think she is competent to testify to it at all, what apparently caused it; we have got to have facts.

20 The Court: Yes, I will sustain the objection.

Q. Now, since your mother locked your father out of the house have you noticed any change in her physical condition, her nervous condition?

A. Soon afterwards Mother was sick from the relax of nerve tension.

Mr. Cole: I object.

30 The Court: Yes.

Q. She was sick soon afterwards?

Mr. Cole: I object.

The Court: I will permit that.

A. Yes.

Q. Then what happened after that?

A. Then she got apparently smoothed down in nerves. Once in a while her heart goes up, but the heart is still affected from the many years before.

Mr. Cole: I ask that be stricken.

The Court: Latter part will be stricken.

10

Q. Is her general condition better now than it was before, or worse?

A. I think it is better.

Q. How would your father behave at the table?

A. He would jar the table and he would make, well, the conversation was always so that you, was always pointing at either Mother or me insinuations and, well, sneers, and as Mother previously said, that he dished out the food with his own hands, which were always dirty, and his clothes were always filthy, and the house was usually so cold that he would come with a sweater and mackinaw on on top of that, nasty mackinaw, mackinaw was dirty and that would get mixed up with the food. 20

Q. This have any effect on your appetite or your mother's appetite?

A. Yes.

Q. What effect did it have?

Mr. Cole: How can she testify to that, I wonder? 30

The Court: I think the Court will have to draw the conclusion.

Q. What effect did it have on your appetite?

Mr. Cole: I object.

The Court: I will permit that.

A. It made you almost satisfied to eat the little that was there because your appetite would go.

Q. Now —

Mr. Richards: Before Miss Sachse is cross-
10 examined, there was a question I overlooked of Mr. Bourgeois and I want to call him back.

(Witness withdrawn.)

GEORGE A. BOURGEOIS, recalled.

Direct examination.

20

By Mr. Richards:

Q. There are certain statements concerning Mr. Sachse's conduct in that agreement that you drew, Mr. Bourgeois. Where did you get the information from that led you to dictate that in the agreement?

A. Mrs. Sachse brought it to me in writing, brought me a statement of it that she had written out.

30 Q. Was that discussed in Mr. Sachse's presence?

A. I don't think so, but he had a copy of the —

Mr. Cole: I object.

The Court: Answer the question.

Mr. Cole: He said, "I don't think so."

A. I don't think so, no, I don't think it was.

Q. Did he ever show you a copy of the bill that you filed or do you know whether he knew of its contents?

Mr. Cole: I object. It is of no consequence if he did. He isn't tied to that agreement in the recital unless he signed it.

The Court: Preliminary question. I will permit 10
it.

(Question repeated.)

A. He didn't show it to me but from the conversation that day I am satisfied he knew.

Mr. Cole: I object. That is not responsive.

A. I think it was in answer to the question. 20

Mr. Richards: Strike the last half of it and we will get it by direct question.

Q. Was there anything in the conversation you had that day with Mr. Sachse that informed you of the fact that he knew what the allegations were in the bill?

Mr. Cole: I object to that. He couldn't be bound 30
by the allegations in the bill that somebody else prepared against him. He was no party to it up to that time and didn't file an answer.

The Court: I don't know whether it will reach to the extent of having bound him or not. Question

now is a preliminary one, endeavoring to ascertain whether or not Mr. Sachse knew the contents of a certain paper.

Mr. Cole: I say that is no matter.

The Court: I will permit it.

(Question repeated.)

10

A. Well, the first part of the agreement that I drew was drawn after conversation that led up to it and he must have known else —

Mr. Cole: I object.

20

A. I don't know whether he did or not. I can't remember about that. All that I know is that part was discussed, if you will read the part of the agreement about his gentlemanly conduct, and that, of course, had reference to what was in the bill.

Q. Was that discussed in Mr. Sachse's presence?

A. Oh, yes, all the discussion that was had was in Mr. Sachse's presence.

Q. Was it discussed whether or not he would in the future demean himself as a gentleman towards the party of the second part?

A. That was the part that I have reference to when I just spoke, yes.

30

Q. Was it discussed whether or not he would refrain from using uncouth and indecent language to the party of the second part?

A. Yes, everything that is in that agreement was discussed that day and memorandums made by me from which I drew the agreement.

Q. Was it discussed whether or not he would use uncouth and indecent language before the children?

A. That he wouldn't?

Q. That he wouldn't?

A. Yes.

(No cross-examination.)

MISS NELLIE SACHSE, resumed.

10

Cross-examination.

By Mr. Cole:

Q. You are very fond of your mother?

A. Very.

Q. Not quite so fond of your father?

A. I can't be.

Q. Got an automobile?

A. No.

20

Q. Did you have one?

A. No.

Q. Never?

A. I never had one.

Q. What?

A. I never had one.

Q. Your mother have one?

A. Yes.

Q. In her name, is it?

A. Yes.

Q. You drive it?

30

A. Yes. Excuse me, did you say, did she drive it or do you drive it?

The Court: You drive it?

A. I do.

Q. Your father been sick when you lived with him? Was your father sick when you lived there?

A. At times.

Q. When was he first taken sick?

A. I don't remember.

Q. Before 1925?

A. Certainly. Always had sick spells just like anybody.

Q. At times confined to his bed?

10 A. Yes.

Q. And he went to bed early, didn't he, as a rule?

A. Yes.

Q. Was that on account of his health?

A. I don't think so.

Q. When do you say that he threw something on your mother?

A. It was prior to 1919.

Q. Before the separation?

A. Yes.

20 Q. Do you know where the food was bought during 1925 that you have testified about?

A. At various places.

Q. Name some of the places?

A. Acme, A. & P., and various fruit stores; I don't know where he bought the fruit.

Q. Did you have fruit?

A. At times.

Q. Have vegetables?

A. Yes.

30 Q. Have meats?

A. Yes.

Q. Canned goods?

A. Yes.

Q. Trudy cooked them?

A. Yes.

Q. She was with you for nearly a year?

A. I think it was more than a year.

Q. She eat there?

A. She ate there at times; at times she would bring her own lunch, sometimes she would go home and eat her supper afterwards; she said she couldn't eat the food.

Q. She tell you that, did she?

A. At times she told me that.

Q. You are sure Trudy told you that she couldn't eat the food?

A. Not every day, but at times.

10

Q. At times she told you that?

A. Yes.

Q. Did your mother ever receive a letter from her sister, Mrs. Ferguson?

A. Very frequently.

Q. Did you undertake to burn a letter that your mother received from Mrs. Ferguson?

A. Not that I have any recollection.

Q. What?

A. Not that I have any recollection.

20

Q. Do you remember an occasion when your mother told you to burn a letter that she had received from Mrs. Ferguson?

A. I have no remembrance.

Q. Do you remember that that letter said —

A. I don't remember receiving any letter such as should be burned.

Q. Well, you never saw a letter that Mrs. Ferguson wrote your mother?

A. I have seen many letters that Mrs. Ferguson wrote Mother.

30

Q. Did you ever read any of them yourself?

A. Yes.

Q. Did your mother ever read any in your presence?

A. Certainly.

Q. Now, did you ever read a letter that came

from Mrs. Ferguson, or did your mother read one to you which you or your mother burned, in which Mrs. Ferguson told your mother that if she wanted to get rid of him to put something in his food?

Mr. Richards: I object.

The Court: I will permit it.

10

A. I don't recall.

Q. Do you say that didn't occur?

A. I don't recall that it did.

Q. Didn't you read or your mother read to you a letter from her sister, Mrs. Ferguson, which said, in substance, that if she, your mother, wanted to get rid of your father that she should put a spider in his food or something of that sort and didn't your mother tell you, after you had read that, to burn that letter, and didn't you go and attempt to burn it and didn't your father afterwards get part of that letter?

20

A. No.

Q. You recall that incident at all?

A. No.

Q. That is all new to you, is it?

A. Absolutely.

Q. And that fork was bent in the fracas between your father and your mother as it now appears on that table?

30

A. Yes.

Q. Your mother and father; that is correct, is it?

A. Yes.

Q. Was your brother there at the time?

A. Yes.

Q. At the time that took place?

A. I think he was.

Q. Don't you know he was in the yard and came there after the fork had been wrested from your mother and at a time when your mother was beating your father with a spoon?

A. He may have, since I wasn't there when the fork bent. I came in and saw the results, if my memory is, while Julius was there.

Q. Did you see your mother beating your father with a spoon?

A. I saw her using the spoon, but it wouldn't be 10 beating.

Q. Was she trying to hit him with it?

A. In his pants, just like you would shoo a duck.

Q. Just illustrate, please.

A. I say as though you would shoo a duck out.

Q. Shooing him with a spoon?

A. Yes.

Q. She wasn't undertaking to fan him to keep him cool?

A. No. 20

Q. Just merely gently shooing him after he had wrenched that fork in that way, is that it?

A. She wanted him to get away.

Q. What?

A. She wanted him to get away so we could have the stew.

Q. And this food that was bought by your father from the A. and P. and from the fruit stores wasn't fit to eat, is that what you want to testify to the Court?

A. It wasn't an aid to digestion by any means. 30
You couldn't eat it.

Q. Tell us the different variety of food that your father did have in that home?

A. He would have two varieties of coffee, one for himself and one for us, because we found that.

Q. I didn't ask you because; I asked you for the

different varieties of food that was in your father's home during 1925, about which you have testified?

A. Well, we would have hamburg steak, stewing lamb, stewing chicken, and maybe a slice of ham; there would be potatoes and rice, sometimes there was salad and tomatoes, canned goods, the varieties that Mother spoke of, lima beans, peas, and beans, sometimes canned fruits, and if we opened it we would be held accountable to afterwards hear of it.

10 Q. I didn't ask you that. Just tell the kind of food he had; don't inject this lateral matter. What else do you think of?

A. Bread, dry.

Q. What kind of fruit did you have?

A. Fruit?

Q. Yes, fruit.

A. We would have grapes, maybe apples, the cooking variety, usually, with which to make applesauce.

20 Q. Ever have oranges?

A. I don't remember the oranges. We bought oranges ourselves to eat.

Q. Ever have grapefruit?

A. Maybe, yes.

Q. Maybe? Don't you know?

A. We very often brought home our fruit ourselves.

Q. I am not asking you that; did your father provide grapefruit?

30 A. He may have.

Q. Did you ever have any turkey?

A. Prior to the winter of 1925, yes.

Q. What?

A. We had it prior to 1925. He had it.

Q. What do you mean by "we"?

A. Mother and I. After that —

Q. Did your father ever provide any turkey?

- A. Yes. Not for us.
- Q. Only for himself?
- A. And his son.
- Q. Wouldn't let you have any of it?
- A. No.
- Q. He never would let you and your mother have any turkey, is that right?
- A. Not at that time.
- Q. What do you mean, at that time?
- A. From the winter of, during, from the summer 10
of 1925 until February, 1926, we didn't have tur-
key.
- Q. Did he let you and your mother have any tur-
key before that?
- A. Yes.
- Q. Ever complain about you and your mother
being out late at nights?
- A. He complained; yes, when I have been out
late.
- Q. Wait. He complained; that is all I wanted to 20
know. Did you hear your mother tell him that she
had been at a place where liquor was served?
- A. No.
- Q. And that you were with her?
- A. No.
- Q. And did he complain that he didn't want your
mother and you to visit places where liquor was
sold?
- A. No.
- Q. How late would you come home at nights? 30
- A. I came home one Christmas morning —
- Q. How?
- A. One Christmas morning I came home at two
o'clock after attending the Christmas Eve mass. I
was scolded after that for it.
- Q. You are sure your father never complained
about your being at any place where people were

drunk; not that you were drinking but where other people were drinking?

A. No.

Q. You say that on Mothers' Day he said to your brother that he was sorry that he didn't have the right kind of a mother, or words to that effect?

A. Yes, not only to Julius, but it was a remark directed to all of us.

Q. You all were present, I was about to ask that?

10 A. Yes.

Q. Who all were present?

A. Mother, Julius, Daddy and myself.

By Mr. Richards:

Q. Have you got an automobile now?

A. No.

20 Q. This automobile that you used to drive, when was it you had that?

A. I think we got the first one in 1924, if I am not mistaken. I know I was seventeen at the time we got it. It was just before I was seventeen, I think it was in June.

Q. Now, during the year 1925 there were occasions when your mother was out late at night, wasn't there?

A. I think so.

30 Q. Where was she on those occasions, if you know?

A. Well, she would be at the radio studio, would be the majority of times she would ever be out at nights, she may have attended one party, I don't know, at somebody's private home.

Q. Did her duties at the radio station keep her there at night?

A. Yes.

Q. Sometimes?

A. Practically a night job.

Q. Sometimes rather late at night?

A. Yes.

Q. Who would be with her when she was there late at night?

A. As a rule, I was.

Q. You nearly always accompanied her there?

A. Mostly always.

Q. Stayed and came home with her?

10

A. Yes.

By Mr. Cole:

Q. I think you said in answer to counsel's question on direct examination that your father either didn't provide any variety of food or only a little variety. Now, will you please tell us what food he didn't provide, that is, I mean in kind, that you think he ought to have provided? Just name some of the things that he didn't provide that you think he should have. 20

A. We would have enjoyed fresh asparagus or lima beans or peas, any of the fresh vegetables when they were in season, spinach.

Q. Did you never get any of those?

A. Very seldom, and if any, it was about —

Q. I didn't ask you—did you never get any of those things you have just mentioned?

A. We did.

30

By Mr. Richards:

Q. Just a minute. What was the general vegetables that you got, the things you got the most of?

A. We got the most of rice.

Q. Was your mother fond of rice, do you know?

A. Well, not fond of it; it is just a food that we ate to sustain ourselves.

Q. What next outside of rice was the thing you got the most of in the way of vegetables?

A. Stewed tomatoes, canned variety.

Q. Canned tomatoes?

A. Yes.

Q. What was next?

10 A. Potatoes.

Q. While occasionally you did get these fresh vegetables how often did you get them?

A. Maybe on Sundays we would get them.

Q. On Sundays?

A. Yes.

PETITIONER RESTS.

20

DEFENDANT'S TESTIMONY.

JULIUS SACHSE, SWORN.

Direct examination.

By Mr. Cole:

Q. How old are you?

30 A. Twenty-two and eight months.

Q. Are you now employed anywhere?

A. At the Midvale Company, Nicetown, Philadelphia, Pennsylvania.

Q. How long have you been employed by that company?

A. Since the twenty-first of June, 1926, just about one year and four months.

Q. What is the nature of your employment? What did you do?

A. I am an engineer in the heat treatment department.

Q. Graduate from some college?

A. University of Pennsylvania, chemical engineering, year 1926.

Q. Has your father at any time ever made any statement to you or said anything to you to persuade you to lose your love and affection for your mother? 10

A. Never.

Mr. Richards: That is objected to as a conclusion.

The Court: I will permit it.

Mr. Richards: If your Honor please, it can't be anything but a conclusion, the statements made are evidential. 20

The Court: I will permit it.

Mr. Cole: One of the kind of things I think we have to bring out that way.

Q. Has your father ever made any promise, agreement of any kind with you, to persuade you to be weaned from your mother? 30

A. He has not.

Mr. Richards: I object for the same reason, a conclusion.

The Court: I will permit it.

Mr. Cole: The allegation here that we tried to alienate the affection.

Q. Do you remember the incident of the trouble between your father and mother in July, 1925, in the kitchen?

A. I remember certain parts of it.

Q. Tell us what you remember about that.

10 A. I was in the sun parlor reading, I heard a scream in the kitchen. I went into the kitchen and saw my mother beating my father on the trousers with a basting spoon.

Q. Did you see the fork?

A. I think—yes, sir; I did.

Q. See it now?

A. I do.

Q. Was the fork bent as it is now when you saw it?

A. It was not.

20 Q. Was it bent at all?

A. Slightly.

Q. Have you seen the fork since that time until it was presented in court here?

A. Not to my recollection.

Q. Did you ever see your father strike your mother?

A. Never.

Q. Did you ever hear your father threaten your mother?

30 A. Never.

Q. Did you ever hear your father swear at your mother?

A. Never.

Q. Did you ever hear him swear in her presence?

A. No, sir.

Q. When you were at home, what kind of food did you get?

A. Excellent food.

Q. Was it satisfactory to you?

A. Very, sir.

Q. Did you get enough?

A. Ample.

Q. Tell the Court, as well as you can remember, the nature or kind of food, that is, I mean apples or what not, that you got from time to time in your father's home?

A. In my father's home, in the summer of the year 1925, during my summer vacation, we would three times a week go to the country to get fresh vegetables. 10

Q. Go where?

A. Go into the country in the offshore fruit markets and we would have those on our table every day.

Q. What kind of fresh vegetables did you get from the country?

A. During the fall we got lima beans, when they were in season, corn, during the spring we sometimes got peas, although the peas in this locality are not so good, we got lettuce, we got pumpkins, and in the fall we got string beans, got beats, got carrots, got cabbage. 20

Q. Ever have fresh tomatoes?

A. Yes, sir; and in the line of fruit we brought home several baskets of fresh apples, not fresh apples, several baskets of apples, several baskets of peaches, which we got on the road. 30

Q. Did you ever have oranges?

A. Very frequently. My father and mother liked orange juice for breakfast.

Q. Ever have grapefruit?

A. Yes, sir. Not, however, in the summer.

Q. Ever have any kind of meats?

A. We did.

Q. What kind of meats?

A. We had roast lamb and roast beef, roast pork, roast chicken, we had fricasseed chicken, we had steak, lamb chops, ham, hamburg steak, top of the round ground up, which is a very delightful concoction, despite the claims.

Q. Did you ever have any kind of fowl?

A. Chicken, turkey, once or twice we had turkey, but not very often.

10 Q. Now, did there come a time, so far as you know, when your mother and your sister did not eat at the table with your father?

A. There did.

Q. About when was that, according to your recollection?

A. According to my recollection, it was in the early summer of 1925.

20 Q. Now, do you know where your mother and sister ate during that period when they didn't eat at the table with your father?

A. They had their meals served sometimes in the sun parlor and sometimes in their bedroom.

Q. Who served the meals?

A. Our maid, Trudy.

Q. Did she serve the same food that was served at the table that you and your father ate at?

A. Identically.

30 Q. Your mother testified that on Mothers' Day, I think it was in 1925, your father reflected upon her by saying to you or making a statement in your presence that he was sorry that you didn't have the right kind of mother, or words to that effect? Did you hear anything of that sort?

A. I don't recall that incident.

Q. Did you ever see your father throw anything up and down the stairs?

A. Never.

Q. Now, did your mother ever make any statement in your presence reflecting upon your father?

A. She did.

Q. When was that?

A. May I refresh my memory with notes?

Q. What?

A. May I refresh my memory with notes of the dates?

Q. Yes.

A. I have a memoranda here of an instance which 10 took place on the eleventh of June, July —

Mr. Richards: When did you make the memorandum?

A. The day they happened; I have the originals here.

Mr. Richards: All right; go ahead.

20

The Court: What are the dates?

A. July eleventh, 1925, at six P. M.

Q. What was that incident?

A. Shall I recite the conversation which took place?

Q. Yes, just what took place.

A. May I refer to these notes which I have here?

Q. Yes, if they help your recollection.

A. They help it, inasmuch as they were made 30 directly after the incident took place.

Q. All right.

A. My mother was in the kitchen dishing her and Nell's supper from the cooking dishes, instead of waiting for them to be served from the dining room. I asked Trudy if the dinner wasn't to be served

from the dining room this evening and my mother said, "Isn't that a fine way to talk to your mother who got piles for you? You are a lovely son." I left the room. On another incident—I beg your pardon; I misstated this as the eleventh of July. It was the eleventh of August.

Q. All right, you correct that.

10 Mr. Richards: I ask that be stricken because that doesn't seem responsive to the question, your Honor please.

The Court: Yes, it is not responsive to the question at all.

Mr. Cole: It may not be.

20 Q. My question, Mr. Sachse, was whether you ever heard your mother make any statement reviling upon your father?

A. On the twenty-seventh of July, at 9.30 A. M., I believe is more relevant than the one I just recited.

Mr. Richards: Twenty-seventh of July?

A. Yes, sir.

Q. Tell us about that.

30 A. My mother had asked Trudy to go to the store to get some oranges. It was wash day and my father instead went, so that Trudy might not be taken away from her duties. My father then left for Atlantic City, and after he had gone my mother said to me, "He didn't get the kind of oranges I wanted," and asked me to go to the store and refund them and bring her back the money, which I did. I left the money on her night table; she then asked

me, "Where are the oranges and lemons?" and the following conversation: "You are a lovely son, a true son of your father, a beautiful way to act towards your mother who bore you. It is a shame your father couldn't have borne you, then you would have been his son. I would like to see the old buck have a child." At this conversation William Ridley Dolan, of Merion, Pennsylvania, and Trudy and myself were present.

Q. Who was this Mr., what is his name? 10

A. Dolan, William Riddle Dolan.

Q. Was he visiting your home?

A. Was visiting my home for the week July 21 to July 27, 1925.

Q. Was he in college with you?

A. He was a classmate of mine.

Q. Classmate of yours?

A. Yes, sir.

Q. At your home by your invitation?

A. Yes, sir.

Q. He was present when your mother made that statement? 20

A. He was.

Q. Any other occasion you recall when your mother either called your father names or made any statement reflecting on him; recall any other incident?

A. I do not, Judge Cole.

Q. Now, do you know whether or not there was a time when your father kept a menu setting out what he was providing for the table? 30

A. I do.

Q. Do you recall about when he began to do that?

A. My father began to keep a menu of the food which we served at our table the day that my mother and my sister refused to eat any longer with us, and he kept a daily account of our three meals a

day, the food that was in the house and the food that was served.

Q. Did you see him make that menu from day to day?

A. I took very great pains to do it myself.

Q. You took it, too, did you?

A. Yes, sir.

Q. That was while you were all living there together, is that right?

10 A. The four of us, yes, sir; it was started about the beginning of May of 1925.

Q. Was the food provided for the table according to that menu?

A. Absolutely, only with this exception, Judge Cole, that we would in our list tabulate the available food, such as bananas, raspberries, blackberries and oranges for breakfast. Of course, we wouldn't know whether or not it was raspberries, blackberries or bananas, whether they were on the table, but
20 they were available for breakfast, and inasmuch as there was varying tastes, sometimes it is one thing and sometimes another.

Q. Did your mother have that food available for her?

A. Absolutely.

Q. Was that the kind of food that was on this menu that your mother had provided for her at the separate table?

A. Absolutely, sir.

30 Q. By this maid that you speak of?

A. Yes, sir.

Q. Now, do you have any of those menus yourself in your hand now?

A. I have some that I didn't personally make but that my father recorded. They are just a few here that I have, just happened to be in it.

Q. Are there some there that you prepared?

A. In my handwriting?

Q. Yes.

A. No, sir. I might add, Judge Cole —

Mr. Richards: There is no question.

The Court: There is no question.

Q. I will come to it in a moment. Now, what have you to say as to whether the character of the food, or variety of the food was any different after your father began to make this menu than what it was before? 10

A. Before for how long, Judge Cole?

Q. Well, we will say a year or two before, if you know? You understand the question?

A. I do, yes.

Q. How did the kind of food, the character of it and the quantity that was cared for by your father after he began to make these menus, as related to what was served before that time? 20

A. It was of every bit as good variety, with the possible exception of not a great number of pies being made, which father didn't think were healthful for my sister and myself.

Q. Do you personally know why your father took over providing the food for the house? Did that come within your personal knowledge?

A. I wasn't present at the actual understanding but I have reason to know why he did. 30

Q. Did your mother ever say anything to you about why your father was making the provisions?

A. She told me why he was taking care of that, I believe she told me that the reason was —

Mr. Richards: Not what you believe.

Q. If you don't have a present recollection, I don't care for it.

A. No, sir.

Q. Do you remember the incident about the trunk your mother testified to?

A. Indistinctly, Judge Cole.

Q. She said your father threw her mother's trunk out or something; were you there at the time that occurred?

10 A. I don't recall it.

Q. Do you recall any incident within two or three years of the time that your mother barred the door in 1926 in which your father slurred your mother or made any improper statement against her?

A. No, sir.

20 Q. It is said here that while your mother and sister and you and your father were eating at the same table that your father would allow his coat to get in the food, that he was uncouth and slovenly at the table, that his manner was such as to be repulsive to your mother and sister; what have you to say to that?

A. I have this to say, Judge Cole, that they were not repulsive to me and that I have eaten in other homes and that —

Mr. Richards: No. I object.

Q. Weren't repulsive to you?

30 A. No, sir.

Mr. Richards: Ask that to be stricken because it is a conclusion.

The Court: I will permit that to remain.

Mr. Cole: All this is a conclusion largely.

Q. Had you eaten in other homes before this time?

A. I have, sir.

Q. How long had you been in college?

A. Four years. I beg pardon, sir; been in college three years.

Q. While there did you visit the home of other folks?

A. I had.

Q. Did you observe anything in your father's 10 manner at the table while your mother and sister were there that you thought was unbecoming a gentleman, unbecoming your father?

Mr. Richards: I object.

The Court: I will sustain the objection. I think that is too broad.

20

Q. Among other things your mother said that he allowed the coat she brought in here the other day to get in the food while at the table; did you ever see that?

A. That is incorrect.

Q. Did you ever see him sitting at the table with that coat on?

A. Not in its present condition.

Q. How long has it been, if you know, since your father wore that coat around the house, I mean? 30

A. From date about four years.

Q. Do you know where he did wear it when he wore it?

A. In the garden.

Q. In what garden?

A. In the garden which he and I grew several

varieties of flowers which I sold and vegetables which he grew for the house.

Q. Use it there while he was working?

A. Yes, sir.

Q. Do you know where that coat was kept?

A. It was kept in a small shanty which we had in the garden for the purpose of keeping tools which originally had been a chicken house.

10 Q. Did you ever see your father wear that coat during 1925, 1923 and 1924?

A. No, sir.

Q. You were sick at one time?

A. I was.

Q. When was that?

A. At the time I believe you are referring to, Judge Cole —

Q. At the time your mother referred to when she says you were a prisoner in there and she was barred out?

20 A. It was about two weeks before Thanksgiving 1924, in November, that would be.

Q. How long were you actually in the room?

A. Confined to bed?

Q. Confined?

A. I should say four days.

Q. Who was your doctor?

A. Dr. Thomas Youngman and I was originally examined by Dr. John C. Darby, Dr. Thomas Youngman's assistant.

30 Q. How many doors are there to that bedroom?

A. There are two exits.

Q. Was ever the door locked so your mother couldn't get in?

A. Neither door was ever locked.

Q. Was she in the room during the time you were sick?

A. Twice.

Q. Did you ever see your father lock that door so nobody could get in?

A. One door was without a key and I never saw him lock the other.

Q. Did your mother undertake to nurse you?

A. No, sir.

Q. Who did take care of you?

A. My father.

Q. Had your mother seen you downstairs either before you were sick or after you were convalescing? 10

A. I was in plain sight, stripped to the waist, being examined with the stethoscope.

Q. Did your mother ever complain to you, either at any time during the time you were sick or afterwards, that she was not allowed to see you?

A. No, sir.

Q. When did you first hear that you were a prisoner there against her? 20

A. Yesterday.

Q. Do you recall when you were first examined to see what was the matter with you?

A. I do.

Q. Where were you then?

A. I was in the, what would correspond to about the south corner of the living room.

Q. Who was the doctor?

A. Dr. John Darby.

Q. Did your mother come in and see that? 30

A. She passed through the room from the stairs to the front door.

Q. Any conversation between you? Did she say anything at that time?

A. Not that I recall.

Q. When your mother came into the room on these

two occasions what did she do, if anything, or what did she say, if anything?

A. The first time she came in, she said, "You are looking very poorly, you poor boy. Is anything being done for you? Has your father gotten you a doctor?" And I said, "Yes, I am being attended to by a doctor and my father is nursing me." The second occasion, as I had intestinal grip and was raising a considerable amount of mucous I was expectorating in a round commode and my mother came in a couple of days later and suggested that some disinfectant be put in that commode to prevent the possibility of germs participating into the atmosphere. Those are the two occasions on which she entered the room.

Q. Now, did you ever hear your father say that he intended to put your mother away?

A. Never.

Q. Did you ever hear him say that he intended to send Nell to the reform school?

A. Never.

Q. Did you ever hear him say that he intended to put your wife in a bug house?

A. You mean my mother?

Q. Your mother I mean, pardon me?

A. No, sir.

Q. Now, concerning the heat in this house, the witnesses have said here the house was always cold; were you there in the winter time?

A. Saturdays and Sundays, Judge Cole, and for two weeks during my Christmas vacation.

Q. What condition did you find the house in then?

A. Livable.

Q. Did you have to wear your coat and hat in order to be comfortable?

A. No, sir.

Q. Did you ever hear your mother complain to your father the house wasn't warm enough?

A. Not to my father; she made several remarks addressed to no one in particular out of my father's hearing.

Q. Was there coal there to burn?

A. Ample coal.

Q. Do you remember an incident where your mother did anything to irritate your father or to keep the house cold or anything of that sort? 10

A. I remember several windows upstairs having been opened in cold weather when my father was attempting to read, enjoy himself in the evening, front door having been left open.

Q. Who did that?

A. My mother.

Q. Do you know why she did it?

A. I can't guess her motive.

Q. You don't know?

A. No. 20

Q. Was the weather hot or cold?

A. The weather was bitter cold.

Q. She had the windows up?

A. Yes, sir.

Q. Where was your father?

A. Sitting downstairs in the same corner of the parlor at which I was examined.

Q. Do you know something about some lamps being removed from the first floor upstairs?

A. I saw them in the attic, Judge Cole. 30

Q. How many lamps were they?

A. I remember two.

Q. Were they covered or uncovered?

A. The shades were sewed up with torn sheets.

Q. Where had those lamps been before you saw them upstairs?

A. One of them had been at the piano and one of them had been at the chair at which my father read every evening.

Q. On the first floor?

A. Yes, sir; in the parlor.

Q. About when was it you saw those lamps upstairs?

A. In the winter of 1925.

10 Q. Were you still in college when your mother changed the locks and barred your father?

A. I was.

Q. When did you first learn of that incident?

A. My first knowledge of it was the Thursday afternoon that it happened, my father came up to my dormitory at school and told me.

Q. Do you remember whether your mother's mother came to the house?

A. I remember very distinctly.

Q. How long would she stay?

20 A. Through the winter I know.

Q. More than a month?

A. Absolutely, sir.

Q. Through how many years did she come there?

A. I recall two such visits.

Q. What room did she occupy?

A. The room that was my father's, was accustomed to occupy.

Q. Was that room close to the bath?

A. It adjoined the bath.

30 Q. He gave up that room for your mother's mother?

A. He did.

Q. She ate at the same table during that time?

A. She did.

Q. Same kind of food you ate?

A. Absolutely the same.

Q. Same kind of food your mother had?

A. Yes, sir.

Q. Did you ever hear her complain that she wasn't getting food enough?

A. No, sir.

Q. Or not variety enough?

A. No, sir.

(Recess taken to 1:15 P. M.)

10

AFTERNOON SESSION.

(Trial of the cause resumed at 1:15 P. M.)

20

JULIUS SACHSE, resumed.

Direct examination, resumed.

By Mr. Cole:

Q. Mr. Sachse, did your father ever say anything to you about the way you should treat your mother or the respect you should have for her? Answer that yes or no first? 30

A. He did.

Q. What did he tell you?

A. He told me that I should always respect my mother.

Cross-examination.

By Mr. Richards:

- Q. Do you respect your mother?
 A. Now, do you mean?
 Q. Yes.
 A. No, sir.
 10 Q. Do you love your mother?
 A. No, sir.
 Q. Did you ever love your mother?
 A. Yes, sir.
 Q. When did you cease to love her?
 A. It has been a very gradual process.
 Q. When did it start?
 A. I believe—I beg pardon; it started after 1919.
 Q. After 1919?
 A. Yes, sir.
 20 Q. And it has been progressive ever since that
 time?
 A. Yes, sir.
 Q. Why don't you love your mother?
 A. Because of the way she has treated my father.
 Q. Did she treat him badly in 1919?
 A. I said it started then.
 Q. Answer my question?
 A. Yes.
 Q. She did?
 A. Yes.
 30 Q. And you began to lose your affection for her
 then?
 A. Yes.
 Q. In 1919?
 A. Yes.
 Q. How old were you in 1919?
 A. Thirteen.

Q. So when you were thirteen years old you began to lose your affection for your mother, is that right?

A. I said yes.

Q. Did that progress in 1920?

A. I can't say that it was a steady progression. I don't recall whether —

Q. Did you lose it all at once in 1919?

A. I told you before that it was a gradual process. 10

Q. That was gradual; was it progressive?

A. I said no.

Q. Came in jumps, lose a whole lot at a time, is that what you mean?

A. I don't; I mean that it might have gone up and then receded but on the whole it was gradual.

Q. Now, you say you lost your affection because of the way your mother treated your father after 1919. Before 1919 did your father ever treat your mother badly? 20

A. Yes.

Q. He did? Did that cause you to lose any affection for your father?

A. Slightly.

Q. Not a great deal?

A. No, sir.

Q. Now, by the year 1925 had you lost a great deal of affection for your mother?

A. I had. I beg your pardon; what month of the year 1925? 30

Q. I didn't say any month; I said in 1925.

A. Well, do you mean then by that January, 1925?

Q. Yes, had you lost a great deal of affection for your mother by January, 1925?

A. I believe that was one of the times when I regarded my mother differently.

Q. How?

A. I believe that was one of the times when I regarded my mother slightly differently.

Q. Oh, you had times when there were recurrences of sort of filial affection, is that what you mean?

A. So I said before, yes, sir.

Q. Now, in January, 1925, why was it that you regarded your mother more favorably than you had previously?

10 A. I believe in January, 1925, my father and my mother were on quite good terms and I was always quite desirous of being on good terms with all of the family.

Q. So, whether you loved your mother or not depended on whether she was on good terms with your father, is that correct, what I am to understand?

A. I am afraid that is drawing it too far. That had part to do with it.

20 Q. It had part to do with it?

A. Yes, sir.

Q. Well, did it matter whether or not your mother was right or wrong in her dealings with your father whether or not you loved her or not?

A. Yes.

Q. Did that enter into it?

A. Yes.

Q. You wasn't with your mother right or wrong, were you?

A. No, sir.

30 Q. If she was right you were with her and if you thought she was wrong you were with your father, is that correct?

A. Correct.

Q. Now, you think that your mother was on good terms with your father in 1925, around January, is that right?

A. During my Christmas vacation I believe our holiday was spent very happily.

Q. Very happily?

A. I should say so.

Q. Anything happen shortly after that that caused your affections to take another slump?

A. I can't remember exactly.

Q. You don't remember exactly?

A. No, sir.

Q. Were you home?

10

A. No, sir.

Q. Where were you?

A. At the University of Pennsylvania. I beg pardon, I was at home Saturdays and Sundays.

Q. During the week you were away?

A. Yes, sir.

Q. What years were you at the University of Pennsylvania?

A. I graduated in the class of 1926.

Q. I didn't ask you that; I asked you what years you were there?

A. 1923, 1924, 1925 and 1926.

Q. 1923?

A. That is September 1923-1924, 1924-1925, 1925 and 1926. That is right.

Q. You were there winters of 1923, 1924, 1925 and 1926, that is right, isn't it?

A. Yes, sir. No.

Q. Not right?

A. 1922, 1923, 1924 and 1925.

30

Q. Graduating in the spring of 1926, is that what you mean?

A. That is correct, yes, sir.

Q. During those times you were away all during the week?

A. Yes, sir.

Q. Home on Saturdays and Sundays?

A. Yes, sir.

Q. All the time?

A. No, sir.

Q. Occasionally?

A. It was the rule that I was home. I was at times kept away.

Q. You were home during the vacation period?

A. Yes, sir.

10 Q. All the time?

A. No, sir; with the exception of the Easter vacation, 1924.

Q. Did you love your mother in 1925?

A. I would say my affection for her was directly proportionate to the way she was treating my father and myself and at times I did and at times I did not.

Q. If she was treating your father badly you didn't love her, is that right?

20 A. Badly as I saw it, yes, sir.

Q. Now, was she treating your father badly in February of 1925?

A. I don't recall that she was.

Q. You say she treated you badly?

A. At times.

Q. What did she do to you that you considered bad treatment?

A. She insulted me before my friends.

Q. Insulted you?

30 A. Yes, sir.

Q. What did she say to you?

A. Shall I read again what I read this morning?

Q. If you like.

A. The date was July twenty-seventh, 1925, 9:30

A. M.

Q. Yes.

A. My mother had asked Trudy to go to the store to get some oranges and it was wash day and my father, in order to save Trudy the trip, went himself. She told me after my father had gone to town that the oranges were not to her satisfaction and for me to return them to the store and get the money for them, which I did. I put the money on her night table and she asked me then, "Where are the oranges and lemons?" and the following: "You are a lovely son, a true son of your father, a beautiful way to act towards your mother who bore you. It is a shame your father couldn't have borne you then you would have been his son. I would like to see the old buck have a child." This conversation was before William Ridley Dolan, her me and Trudy. 10

Q. You said "friends" a minute ago; is Trudy a friend of yours, too?

A. Yes, sir.

Q. So is this young man you spoke about? 20

A. He is.

Q. Now, you always kept account of these times when you were insulted, didn't you?

A. No, sir.

Q. You didn't always?

A. No, sir.

Q. Why not?

A. I thought the outstanding ones were sufficient.

Q. And this was the outstanding insult that you can remember all those years, is that right? 30

A. In front of my friends.

Q. The only one in front of your friends?

A. Yes, sir.

Q. Your mother, of course, corrected you occasionally, didn't she, for something that she thought you shouldn't do?

A. Why, yes.

Q. Consider you were insulted on those occasions?

A. Did I consider myself insulted?

Q. Yes.

A. Of course not.

Q. In 1925 you were how old, twenty years old?

A. Yes, sir.

Q. Between twenty-one and twenty, is that right?

A. No, sir; between twenty and twenty-one.

10 Q. And you considered this such an insult that you committed it to paper?

A. I did.

Q. Wrote it down?

A. Yes, sir.

Q. And kept it ever since?

A. I have.

Q. Did your father ever suggest that there might be a time when that might be valuable in case Mrs. Sachse ever brought proceedings against him?

20 A. This incident might be?

Q. Yes.

A. No, sir.

Q. Did he ever suggest that you write it down?

A. Not this, no, sir.

Q. Did he ever suggest that you write anything down about his relations with his wife?

A. No, sir.

Q. What?

A. No, sir.

30 Q. Never did?

A. No, sir.

Q. Never suggested that you write anything down concerning the domestic relations between he and his wife?

A. With this exception the menus. Do you call that domestic relations?

- Q. I didn't make any exception.
A. I make that exception.
Q. The menus you did write down?
A. I did.
Q. You committed those to paper at his suggestion?
A. Yes, sir.
Q. All of them?
A. All of them starting with the early summer of 1925. 10
Q. And every day you wrote down on paper the food that was served on the table, is that correct?
A. It is.
Q. That is what you want us to understand?
A. Yes, sir.
Q. On what did you write them?
A. I wrote them in a book.
Q. Where is the book?
A. The book has been lost.
Q. It has been lost? 20
A. Yes, sir.
Q. Are you sure?
A. The book disappeared from our possession. It was lost so far as we were concerned.
Q. What do you mean by "our" possession?
A. It was on my desk.
Q. You mean you and your father's possession, is that what you are talking about?
A. Being on my desk is in my possession solely.
Q. Now, how long did you keep up writing out 30 those menus?
A. During the summer of 1925 that I remember. Of course, I couldn't do it when I was away from school, when this book was lost I wrote them on small sheets of paper in another book which we still have.

Q. You read from a menu that, I mean that your father had there, or you undertook to read from it.

A. No, sir.

Q. You have such a memorandum, have you?

A. Yes, sir.

Q. In your father's handwriting?

A. Yes, sir.

Q. What are the dates on that paper?

10 A. I have only very scattered ones here, but this is August 12, 1925, July twentieth—no, I beg pardon—July twenty-seventh, these just happened to be on the back of these others.

Q. Now, you said that you wrote these menus in the book?

A. I did, not these.

Q. How comes it that there are other menus in your father's handwriting on the dates during that summer?

20 A. These are all written subsequent to the time the book was lost. I believe that some of these are transcribed in my handwriting or printing, which is possibly slightly more intelligible than my father's.

Q. Well, what reason would your father have to write, to copy these menus that you had in your book already?

Mr. Cole: Objected to unless the father told him.

Q. Did your father tell you?

30 A. Will you please repeat that?

Q. You have those memorandums of your father's in your possession; did your father tell you why he copied these menus when you already had them in the book?

A. You misunderstand me. I copied them in the book from memorandas that he had.

Q. Then you didn't copy them in the book from day to day, did you?

A. I did some of them; some of them I copied from day to day, yes, sir.

Q. Why didn't you copy them in day by day?

A. Some of the times that instead of writing them in the book, wrote on a small slip of paper and then after two or three days would enter them up, yes, sir.

Q. You kept books then of the menus, is that right? 10

A. That is right.

Q. Sort of a scratch book then, sort of a general ledger in which you entered the menu, is that what you want us to understand?

A. I believe that would correspond to my testimony.

Q. You kept this up how long?

A. During the summer 1925.

Q. Why did you write these menus in this book? 20

A. Because the food was being complained of and we knew that the food was excellent, the food was served in ample quantities and my mother and my sister refused to eat at the table with us and their making such objections to the food naturally prompted us to record the food we had in the event of just such an occasion as has now arisen.

Q. In other words, you were preparing, at that time, to assist your father in combatting a divorce case or some case if one occurred, is that right? 30

A. We were purely making records.

Q. But that was the reason for the records, wasn't it?

A. No, sir.

Q. What was the reason?

A. I had no reason to make them other than making a record of the food that we had.

Q. Your father have any such reason?

Mr. Cole: I object.

A. You better ask him, sir.

Q. Did your father ever say to you that he was fearful that Mrs. Sachse might bring proceedings
10 against him?

A. No, sir.

Q. He never said that?

A. No, sir.

Q. Then why were you trying to make this record?

A. Because, as I said before, the food was being objected to and without either of us having said a word to the other about fear of proceedings we tabulated the meals we were preparing.

20 Q. The thought was in your mind that there might be proceedings, is that right?

A. Absolutely.

Q. Was that thought expressed to your father?

A. Did I express it to my father?

Q. Yes.

A. No, sir.

Q. Did he express it to you?

A. No, sir.

Q. But the thought was in your mind?

30 A. Absolutely.

Q. But you prepared at that time what you expected would be a record of these proceedings?

A. Yes, sir.

Q. Now, when did you cease to make this record?

A. When I left for school.

Q. Why didn't you take the book with you?

A. The second book or the first?

Q. I don't know. The general ledger, I presume.

A. When I went to school?

Q. Yes.

A. Because I had safe keeping places at home which, my father had possession of the second book; the first had been lost.

Q. When did you discover that it was lost?

A. I don't recall the date.

Q. Can you tell us about when? 10

A. During the summer 1925.

Q. Then you started a second ledger, is that right?

A. Yes, sir.

Q. Where did you get that?

A. In a book which my father has.

Q. Has he got it now?

A. He has.

Q. You kept that on until you went away to school, is that right, in the fall?

A. My father kept it after that. 20

Q. He kept it after that?

A. Yes, sir.

Q. You kept it up to that time?

A. No, sir.

Q. He kept it all the time after you lost the first ledger, is that right?

A. Yes, it is in his handwriting that part of it.

Q. You assisted him, I presume, in keeping it, didn't you?

A. But he wrote it, yes, sir. 30

Q. This record shows, of course, that you always had plenty to eat there?

Mr. Cole: I object as a conclusion.

The Court: Sustain the objection.

Q. The record that you wrote contained a truthful account, I presume, of what the food served consisted of, did it?

A. It did.

Q. Have anything to say about the quantity of food?

A. No, sir.

10 Q. So that if you recorded that you had oranges for breakfast, it didn't detail the number of oranges, did it?

A. No, sir.

Q. Or whether they were served to you and to your father alone, did it?

A. No, sir; didn't suggest that.

Q. What was your principal meal?

A. Our dinner.

Q. Was that an elaborate meal usually?

A. No, sir.

20 Q. What?

A. No, sir.

Q. It was not?

A. No, sir.

Q. So that the principal meal was not a very elaborate meal, is that right?

A. It wasn't a banquet; it was ample for our needs.

Q. What do you consider ample?

A. Enough to make me gain eight pounds in the summer, rowing every day.

30 Q. Did you ever eat outside of the house?

A. Yes, sir.

Q. Where did you eat outside of the house?

A. At various delicatessen stores and restaurants on the Boardwalk at lunch.

Q. Why did you eat there?

A. Because I came up to see my father noon time.

- Q. And because you were hungry, I presume?
A. I was hungry, yes, sir.
Q. So that occasionally you and your father would go out to eat or would eat out, lets put it that way, is that right?
A. At lunch time, yes, sir.
Q. Always serve a meat course at dinner?
A. At night?
Q. Yes.
A. No, sir. Some times we would have an omelet, 10
some times we would have nothing but vegetables.
Q. Nothing but vegetables?
A. Some times we would have fish.
Q. But you, if you had vegetables, would have several vegetables?
A. Yes, sir.
Q. If you had fish or meat you would presumably have vegetables with those, is that right?
A. Yes, sir.
Q. Always have them? 20
A. What do you refer to by 'them?'
Q. Always have something of that kind for dinner?
A. Yes, sir.
Q. Now, did you, while you were at college, did you write to your mother frequently?
A. Not frequently. I wrote to my father and the post cards were read to the family.
Q. Never wrote to your mother at all, did you, as a matter of fact? 30
A. Yes.
Q. When?
A. I don't recall the exact date but I am quite sure I have written to her.
Q. Did you write to her in 1924 while you were at college?
A. I don't recall whether I did or not.

Q. Did you write to her in 1925 while you were in college?

A. 1925?

Q. Yes.

A. I don't recall whether I did or not.

Q. Did you write to her in 1926?

A. Yes, sir. Not while I was in college. Wait. I don't know.

10 Q. You don't recall any occasion that you wrote to her, do you?

A. In 1926? No, sir.

Q. Nor in 1925, for that matter, do you?

A. No, sir.

Q. You graduated from the university in June of 1926?

A. Yes, sir.

Q. Did you invite your mother to the commencement?

A. No, sir.

20 Q. Nor your sister?

A. No, sir.

Q. You said this morning, in answer to Judge Cole's question, that your father had never done anything to alienate your affections, asked you if he had done anything to alienate your affections of your mother and you answered no. Your father ever make you expensive presents at any time in the last three or four years?

A. Yes, sir.

30 Q. Detail them to us.

A. A Studebaker roadster in 1925, a boat, which is referred to, a rowboat, which cost fifty dollars. Outside of that I remember none.

Q. Did he ever put you in possession of his financial affairs?

A. Yes, sir; to a limited extent.

Q. To what extent?

A. He had an account at the Ventnor City National Bank in which I was made his attorney and for that purpose I paid household accounts.

Q. Talk louder.

A. From that account I paid household bills.

Q. When did he give you that power of attorney?

A. I don't recall the year.

Q. 1925?

A. Before that.

Q. Before that?

10

A. Yes, sir.

Q. So that before 1925 your father gave you a power of attorney over his bank account in Ventnor, is that right?

A. Yes, sir; I think it was 1925. I am not certain.

Q. And out of that you paid the household expenses, is that correct?

A. Some of them, yes, sir; not all.

Q. Do you know whether he ever gave your mother 20 a power of attorney?

A. No, sir; I do not.

Q. Did he have more than one bank account?

A. I believe so.

Q. Where did he have the others?

A. I couldn't tell you.

Q. You couldn't tell me?

A. No, sir.

Q. How do you know he had them?

A. I believe I have seen check books of different 30 banks in his house.

Q. Can you remember on what banks those check books were?

A. No, but I know that they were other than the Ventnor City National Bank. I remember there was one, one time, on the Philadelphia bank whose name I don't remember.

Q. Now, do you know whether your father has ever made a will in your favor?

A. I didn't.

Q. You don't know that?

A. I do now but I didn't then.

Q. You do know that now though?

A. Yes, sir.

Q. How long have you known that?

A. For a matter of some months.

10 Q. In that will he has left you a great deal of his property, hasn't he?

A. Yes, sir.

Q. Has that anything to do with the loss of affection for your mother?

A. No, sir.

Q. Not the slightest?

A. Not the slightest.

20 Q. Father ever told you that he would destroy that will or revoke it if you didn't testify the way you are testifying today?

A. He did not.

Q. Did you ever understand that from him in any way?

A. I have not.

Q. You never did?

A. No, sir.

30 Q. Getting back to the loss of affection for your mother for just a moment. Was there any time in the year 1925 when you did love your mother that you remember?

A. I would find it hard to say it was love. We tried to make the home very peaceful and I did lots of things that I tried to get along with her and with my sister and with my father.

Q. You couldn't even distinguish the relationship as one of love, is that right?

A. I couldn't say.

Q. You felt no emotion within you that you could distinguish and call love, is that right, for your mother?

A. Yes, sir.

Q. And in 1926, was whatever vibrations there were going through your frame increased or decreased?

A. In what way would a vibration be decreased or increased?

Q. I mean as far as affection was concerned, did 10
you have any less affection for your mother in 1926 than you had or possibly could have had in 1925?

A. Very much less.

Q. Very much less?

A. Yes, sir.

Q. Why?

A. Because of the way she treated my father.

Q. How did she treat your father that made you like her less?

A. She made his life very miserable in his home, 20
locked him out of his home, a home that he had provided, I should think that would be an ample reason for saying that she had treated my father in a way that would make me lose respect for her and love for her.

Q. Now, because she locked him out of the house you lost your respect for her?

A. That was only one of the causes.

Q. Anything else?

A. The incident I mentioned about opening the 30
windows in the house when he was trying to read, cooling the house off, taking lamps up from the parlor when he was trying to read.

Q. And because on one occasion she insulted you before your boy friend, is that right?

A. I say that was the major occasion.

Q. So the major occasions are four, they are this insult that she offered to you, the fact that on one cold day she opened the windows in the house —

A. I didn't say one cold day, sir.

Q. Wasn't it a cold day?

A. I say I didn't say one cold day. It was more than one.

Q. She opened the windows on more than one day?

10 A. She did.

Q. How many times did she open the windows?

A. I couldn't define it any more closely than to say several times.

Q. Did you see her open the windows?

A. I saw the windows opened.

Q. Did you see her open the windows?

A. No, sir.

Q. How do you know then that she opened the windows?

20 A. She was the only one upstairs.

Q. Could anybody else have gone upstairs?

A. Nobody did.

Q. How do you know?

A. Because we were downstairs.

Q. All the time?

A. No, but during the time this happened.

Q. Now, if you saw the windows opened how long do you know they were opened?

A. We felt the draft.

30 Q. Isn't it just possible that Trudy could have gone up and opened them?

A. Trudy was in the kitchen serving breakfast.

Q. How do you know?

A. We were there.

Q. Is there a back stairs in the house?

A. No, sir.

Q. Is there any stairs that could have been used that you wouldn't have seen the party go upstairs?

A. We wouldn't have seen the stairs; we were in the kitchen.

Q. You were in the kitchen, therefore, your only idea is that you felt the draft and the windows was open, therefore, you thought your mother opened them, is that right?

A. I have no other proof.

Q. You were, of course, home on these occasions? 10

A. Surely, and I had been told that they had occurred other times when I was not home.

Q. That is what you had been told?

A. Yes, sir.

Q. Judge Cole always objects to that sort of testimony so don't tell what somebody told you.

Mr. Cole: I think that comment was unnecessary.

The Court: Yes, let it be stricken from the record. 20

Mr. Cole: I certainly didn't provoke it.

Mr. Richards: You usually do, though.

The Court: Let's proceed.

Q. Now, Mr. Sachse, I think you were trying to get these occasions which seem to have brought so much grief in your life. There were first of all, this insult in this young man's presence, the fact that these windows were opened and on one or more occasions, the fact that your father or your mother locked your father out of the house? 30

A. You also omitted the incident and the time when I was ill.

Q. An incident of the lamps?

A. And the time that I was ill.

Q. And the time that you were ill?

A. Yes, sir.

Q. We didn't discuss that before. The time you were ill you say these doors were open?

A. No, sir; they were unlocked.

Q. They were unlocked?

A. Yes, sir.

10 Q. Were you quite ill?

A. I shouldn't like to say how ill I was. I was confined to bed two or three days.

Q. You weren't out of your bed, were you, while you were ill?

A. Only to go to the bathroom, also when my bed was being changed and room was aired.

Q. Who changed your bed?

A. My father.

Q. He was present and nursed you all during this
20 illness?

A. Yes, sir; he wasn't in the house all the time, no, sir.

Q. Most of the time?

A. A good portion of the time.

Q. Where is the bathroom?

A. The bathroom was separating from the room which I was occupying by one room, which is my father's.

Q. Your father present when you would go to the
30 bathroom?

A. No, sir.

Q. What?

A. Not always, no, sir.

Q. Most of the time?

A. I can't say for sure.

Q. Did your sister visit you while you were ill?

A. Not that I recall.

Q. You don't recall?

A. No, sir.

Q. You haven't very much affection for your sister either, have you?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. You have?

A. Yes, sir.

10

Q. Still love her?

A. I do.

Q. Now, then, we will add the incident of your illness and these five incidents that you have referred to are the things that have caused you to cease to love your mother, is that right?

A. No, sir. It is this way, these five incidents which I have told you are the ones which I am able to say for certain happened. They are part of the things which happened which make me lose my affection for my mother.

20

Q. Can't you recall any more of these sort of incidents that might make some impression upon you?

A. I say only that my father would tell me. I can't recall except on occasions.

Q. A good deal then, of your lack of affection is due to what your father has told you, then, isn't it?

A. I think the five incidents which I have recounted was a good portion of it.

30

Q. I am asking about what your father told you. Your father told you about some instances, didn't he?

A. Other than these five, yes, sir.

Q. This morning, however, you said in answer to Judge Cole's question that your father had never

done anything to cause you to lose your affection for your mother, didn't you?

A. He had never done anything.

Q. Yes, the first question you was asked this morning was whether your father had ever done anything to cause you to lose your affection for your mother; remember that?

A. I would like to have the question stated exactly the way it was.

10 Q. I can't put it in just the language that my eloquent friend can, but you remember an incident of that kind this morning at all?

A. I think a question which I answered no to, "Has your father ever" —

Q. What is it? You tell me what the question and answer was, then.

A. I don't recall exactly the wording of the question to which you refer.

20 Q. The question was to the effect whether or not your father had ever said anything to you relative to your mother?

A. And that I answered, "No," to that?

Q. Yes.

A. Well, of course, he has talked to me about my mother.

Q. I thought so. Talked to you frequently about her, hasn't he?

A. About her, yes.

30 Q. And made various allegations about her conduct to you, hasn't he?

A. Yes.

Q. Intimations of a very severe kind, has he not?

A. What would you call a very severe kind?

Q. Make intimations that he believed her unfaithful to him?

A. No.

Q. What else did he say?

A. When?

Q. Various times?

A. Concerning my mother's actions in my absence?

Q. Yes.

A. That she disturbed him when she came home at night. That she didn't approve of his course in Nell's rearing. That he was anxious that Nell be reared in a different way in which my mother 10 thought it best to raise her.

Q. Now, these things that your father told you plus the five incidents that we have just had detailed to us by you are the things that caused you to lose your affection for your mother, that is correct?

A. Yes, sir.

Q. And that is all that you can recall, is it?

A. No, sir.

Q. You can recall some more?

A. I can.

20

Q. All right, let's have those. We have been trying to get them but it seems to be a little difficult for you to remember.

A. I can't remember the actual dates when they occurred but it was during the summer 1925, my mother spoke in terms of disrespect of my father. Could I tell you the terms she used?

Q. Go ahead.

A. She called him, "Old big guts," and, "The old skunk," "Old dutchman," and things like that, 30 which are not respectable terms for a mother to speak to a son of his father.

Q. Because your mother called your father a "skunk" you lost your love for your mother; is that right?

A. No, sir; that is one of the instances.

Q. Well, that is one of the things that seared itself into your recollection, didn't it?

A. Yes, sir.

Q. And, of course, you agreed to help your father in this trial, didn't you?

A. I did help him only by telling the truth.

Q. Of course, you wouldn't tell us anything but the truth, would you?

A. No, sir.

10 Q. You suggested that idea you would only tell us the truth, didn't you?

A. I understood you to suggest it when you said I should help him.

Q. Of course, I didn't mean that you would help him by telling an untruth on the stand.

A. I hope not.

Q. And you wouldn't tell an untruth, of course, on the stand?

A. I swore that I wouldn't.

20 Q. But you were going to help your father in this trial, weren't you?

A. I am going to tell the truth.

Q. That is why you came down here, wasn't it, to help your father in this case?

A. Yes, sir.

Q. Help him to win it, too?

A. Try to, yes, sir.

Q. Help him to refute the accusations that had been made against him?

30 A. Yes, sir.

Q. Did you know what the accusations were?

A. I had seen them.

Q. Where had you seen them?

A. In a copy of bill of particulars which the petitioner had filed.

Q. Was it called a bill of particulars?

A. That was the term which I used. I don't know whether it is a legal term, it seemed to me to be particulars.

Q. You saw a paper in which allegations were made against your father and you were coming down to refute them?

A. Yes, sir.

Q. That was right?

A. Yes, sir.

Q. You thought you had knowledge to refute 10 them?

A. Yes, sir.

Q. All of them?

A. No, sir.

Q. Part of them?

A. Some of them, yes, sir.

Q. Did you know what the testimony was going to be here at the trial?

A. Whose testimony?

Q. Anybody's on the part of your mother? 20

A. No, sir.

Q. You didn't know that, did you?

A. Excepting that I expected to be here to defend it.

Q. Yet before you knew what the testimony was you were going to be here to refute what was said, weren't you?

A. I was going to be here to answer what questions I might refute what was said.

Q. You wrote a letter to your mother on the ninth 30 of April, 1927, didn't you?

A. If it is dated then I did.

Q. This is your distinguished handwriting, isn't it?

A. Yes, sir.

Q. In that letter you say, "Thirteen months ago

you deprived me of my home." Had your mother deprived you of your home?

A. In so much as she locked my father out she had.

Q. Was it any the less your home after that?

A. Yes, sir, very much so.

Q. Why?

A. Because my father is very dear to me.

10 Q. You mean what had been your home ever since you had been a child you considered no longer your home if your father wasn't there, is that right?

A. No, sir.

Q. No matter what your father had done?

A. No, sir.

Q. In other words, you were going to cleave to your father no matter what the conditions were, isn't that right?

20 A. No, sir, because I had previously gone over to Ocean City with my mother, which shows that isn't so.

Q. You were a boy eleven years old then, weren't you?

A. Thirteen.

Q. Taken there by your mother, weren't you?

A. Yes, sir.

Q. So you think because your mother had denied your father access to the house that that also deprived you of your home, is that right?

30 A. Physically, no, but I didn't choose to live there after.

Q. You didn't choose to live there after your father was denied the house, is that right?

A. That is right.

Q. So then this letter wasn't right as far as your mother depriving you of your home is concerned, was it?

A. Yes, sir.

Q. You considered it right?

A. I considered that I was being deprived of the home.

Q. You never were denied the use of the house, were you?

A. No, sir.

Q. You were always welcome there?

A. Yes, sir.

Q. Have you ever been there since, by the way? 10

A. Once.

Q. On one occasion?

A. On one occasion.

Q. You visited your mother once since February of 1926, is that right?

A. I shouldn't call it a visit; I was there for about two hours.

Q. What would you call it, a call?

A. Yes, sir.

Q. A social call? 20

A. No, sir.

Q. You didn't even go there for that purpose?

A. No, sir.

Q. Why did you go?

A. To get my clothes and my father's clothes.

Q. Talk to your mother?

A. Yes, sir.

Q. How did you talk to her?

A. Respectfully.

Q. Ask her to become reconciled to your father? 30

A. No, sir.

Q. Didn't do that?

A. No, sir.

Q. Your father ask you to intercede and try to get a reconciliation?

A. No, sir.

Q. He didn't, did he?

A. No, sir.

Q. Your father is a wealthy man, isn't he?

A. By what would you term wealthy?

Mr. Cole: I have been trying to find that out sometime myself, when a man is wealthy.

10 Q. I would consider a man wealthy if he had a hundred thousand dollars.

Mr. Cole: Now we understand it.

A. I don't understand the extent of my father's reserve.

Q. You think he is worth a hundred thousand dollars?

A. I said I don't know.

20 Q. You don't know?

A. No, sir.

Q. Know whether he files an income tax report?

A. I am certain he does.

Mr. Cole: I object to all this. It is not cross-examination.

The Court: It is hardly cross-examination.

30 Mr. Cole: Don't help us a bit, it seems to me.

Mr. Richards: I think it goes to the bias of the witness.

The Court: Proceed.

Q. I will proceed with this letter, now, "Thirteen

months ago you deprived me of my home by locking my father out of the house he had so generously given you." How did you know he had generously given it to your mother?

A. What are you stressing "generously" or "giving?"

Q. Yes, "generously?"

A. I should say it was generous.

Q. Did you know he had given it to your mother as a result of an agreement to stop a former separation; is that your idea of generosity? 10

A. He had deeded it to her before that, I understood.

Q. Was the deed ever of record or delivered to her?

A. It appears that it was not.

Q. So this generosity that you speak of consisted in giving her a house in order to stop a separation suit, is that right? That is what happened, wasn't it? 20

A. It appears so.

Q. You knew that at the time you wrote this letter?

A. I knew that what?

Q. You knew that that house had been deeded to your mother because of that separation suit, didn't you?

A. I told you it had been deeded before that.

Q. You knew that and you knew that the deed was recorded as the result of the separation suit, didn't you? 30

A. We will put it that way.

Q. What did you think was so generous about that?

A. I thought it was generous in this wise that my father wanted to reunite his family.

Q. But that he was willing to pay for it by giving his wife a home to live in?

A. He had always given her a home and she left it.

Q. That is your idea of generosity?

A. Yes, sir.

Q. You say you love your sister?

A. I do.

Q. Does your sister love you?

10 A. She hasn't had much opportunity to express it.

Q. Do you know whether she loves you or not?

A. How can one tell?

Q. What?

A. I say how can one tell?

Q. You couldn't tell us, could you?

A. Not, by not seeing her, I couldn't tell, no.

Q. Then you don't know that she doesn't love you, do you?

A. No, sir.

20 Q. Then what did you mean by writing this: "You have deprived me of my sister's love"?

A. By separating my father.

Q. Now, a minute ago you said that you didn't know whether your sister loved you or not, why did you write to your mother that she had deprived you of your sister's love?

A. She had deprived me of the possibility of my sister's love.

Q. Couldn't it exist though you were separated?

30 A. I beg pardon?

Q. Couldn't it exist though you were separated?

A. It possibly could.

Q. Do you think that love between a brother and sister is so fragile a thing that a separation between here and Philadelphia would kill it?

A. No.

Q. Then what did you mean by writing in this letter that your mother had deprived you of your sister's love?

A. I meant by that, that my mother, by locking my father from the house and taking me, who she knew was very fond of my father, away from the home, had deprived me of the close association with my sister.

Q. And your love could not survive a separation from your sister, could it? 10

A. I said I love her now.

Q. But you didn't love her then when you wrote this letter April ninth, 1927, is that right?

A. I possibly worded it incorrectly.

Q. Then you go on to say: "You have brought disgrace upon my name by bringing false charges against my father." Why did you consider that a disgrace to your name?

A. Why did I consider bringing false charges against my father a disgrace to my name? 20

Q. Yes.

A. Because of the nature of the charges.

Q. How did you know they were false?

A. Because I have that much faith in mankind.

Q. Then it wasn't because of any knowledge that you had whether your father had committed these things that were alleged in this petition but simply because you had faith in mankind that you wrote this letter and accused your mother of bringing false charges, is that right? 30

A. Yes, sir.

Q. That is the reason for it?

A. Yes, sir.

Q. Hadn't anything to do with the fact that your father had willed you all his property at that time, had it?

A. No, sir.

Q. Not a thing?

A. No, sir.

Q. "My father, who has always so lovingly and thoughtfully provided for his family's comfort and welfare"—had he always?

A. To my knowledge and experience he had.

Q. What about 1919?

A. He was providing for our family and my mother moved us away.

10 Q. Lovingly and thoughtfully?

A. I should say on the whole lovingly and thoughtfully.

Q. So much so that he had to give her a house to get her back?

A. I am not acquainted with the force of the circumstance.

Q. Did he ever use any abusive or profane language before you children in 1918 and 1919 that caused her to leave?

20 A. I don't recall it.

Q. You don't remember?

A. No, sir.

Q. Remember whether or not—you never heard of that?

A. I don't recall it I say.

Q. Never heard him use any indecent language to his wife in 1919?

A. No, sir.

Q. You never heard that either?

30 A. No, sir.

Q. Do you mean you didn't hear it or you don't remember whether you heard it or not?

A. I don't remember having heard it.

Q. Was your memory good?

A. Fairly so.

Q. Now, you said a few minutes ago that you

only intended to testify to the truth on the stand, didn't you?

A. Yes, sir?

Q. "In the Chancery Court on May fifth I shall help my father disprove these accusations you have made against him." That is what you are trying to do now, aren't you?

A. Yes, sir.

Q. These accusations you say you haven't any proof of, is that right, except your faith in mankind? 10

A. To which accusations are you referring?

Q. I don't know. I mean I don't know your mind. I am only asking questions about them.

A. The accusations which I have been called upon to defend are not the ones I referred to in that letter.

Q. Do you segregate the accusations in the letter?

A. I don't quite know what you mean.

Q. You didn't differentiate in this letter, did you?

A. In that letter there? 20

Q. Yes.

A. Did I not speak of false and vile accusations in the same letter?

Q. Yes.

A. Well, I wouldn't call it a vile accusation to say that the house was cold or uncomfortable, but I should call it vile to say ——

Q. You refer, apparently, then to the accusations that were in paragraph four of the petition, is that right? 30

A. Yes.

Q. Now, these accusations relate to certain intimate relations between your father and your mother?

A. Yes.

Q. How did you propose to disprove those accu-

sations? By what testimony did you propose to disprove those accusations, if that is what you meant?

A. The life that I always knew my father led while I lived with him alone.

Q. You couldn't have testified as to a single fact concerning those accusations, could you?

A. No, sir.

Q. Then what did you mean "In the Chancery Court on May fifth, I shall help my father to disprove those accusations," if that is what you referred to?

A. If I should be called upon to testify in regard to my father's character, I should certainly think it would refute that.

Q. Your father's character wouldn't have had anything to do with these accusations, would it?

A. I should think it would.

Q. Excepting your abounding faith in mankind, is that right?

20 A. And faith in my father.

Q. So, it was faith, rather than testimony, that you intended to give us on the witness stand, was it?

A. I say the testimony —

Q. Faith in your father and your father's will, perhaps?

A. No, sir.

Q. These other accusations which are joined in this bill which you read you were prepared to disprove those accusations too, were you?

30 A. Some of them, yes, sir. Those which I thought were in my power to talk about.

Q. And you are here for the purpose of helping your father do that?

A. Yes, sir.

Q. That is the reason for your testimony?

A. Yes, sir.

Mr. Cole: Like to see the letter now.

(Letter handed to Mr. Cole.)

Q. On this occasion when your mother was injured with the fork you said you were not present until after you heard your mother scream or call, is that right?

A. Yes, sir.

Q. Then you came into the kitchen? 10

A. Yes, sir.

Q. When you got in the kitchen you say your mother was shooing your father away with a spoon?

A. Yes, sir.

Q. Or something of the kind?

A. Yes, sir.

Q. Did you see your mother's hand?

A. No, sir.

Q. Did you look?

A. No, sir. 20

Q. Do you know whether it was injured?

A. My mother practiced that evening. I didn't suppose it was.

Q. After this happened she practiced?

A. I believe so.

Q. You are sure about it?

A. I am rather certain.

Q. Why are you certain?

A. I heard the music.

Q. Why do you recall specifically the night this 30 happened your mother went to the piano and practiced?

A. Because the way she screamed when the incident happened I thought something might have happened.

Q. Did you inquire from her if anything happened at the time?

- A. No, sir.
- Q. Your mother screamed, you ran into the kitchen, you found your mother and your father there, you found evidence of an altercation or quarrel going on at that moment?
- A. Yes, sir.
- Q. And you never inquired why your mother screamed?
- A. No, sir.
- 10 Q. This was in 1925?
- A. Yes, sir.
- Q. Can you give us the date?
- A. No, sir.
- Q. While you can't remember the date you can remember on the same date your mother practiced on the piano?
- A. Because they were so close together, it was supper time and she practiced after supper.
- Q. Did you see any sign of a difficulty after that?
- 20 A. No, sir; I didn't look.
- Q. You never looked?
- A. No, sir.
- Q. You wasn't that much interested, were you, in your mother?
- A. No, sir.
- Q. Now, this fork, did you ever see the fork after this day in July when your mother screamed in the kitchen?
- A. I can't say any definite day that I saw it, I am quite certain I saw it during that very summer, used every Sunday.
- 30 Q. You are sure you saw this identical fork?
- A. No, sir.
- Q. You are not, are you?
- A. No, sir.
- Q. There were other forks in the kitchen?
- A. None like that.

- Q. Sure of that?
A. Yes, sir.
- Q. Sure there wasn't another fork of a similar nature to this in the kitchen?
A. Yes, sir.
- Q. Quite sure?
A. Yes, sir.
- Q. Then why don't you know whether you saw this fork afterwards or not?
A. Because the empty fork could have been purchased. 10
- Q. It could have been and may have been?
A. Yes, sir.
- Q. So, when you say that this fork was not in the condition it is in now on that day, that you are merely surmising it wasn't, are you?
A. No, it wasn't when it was taken from my mother's hand.
- Q. You seen it taken from your mother's hand?
A. No, I mean right after. 20
- Q. How?
A. I mean after it was taken from her hand.
- Q. It wasn't in that condition?
A. No, sir.
- Q. But how did you happen to see the fork?
A. When the incident was being described to me.
- Q. Who described it?
A. My father and Trudy.
- Q. They tell you that your father had hit your mother with the fork? 30
A. No, sir.
- Q. Didn't tell you anything about that?
A. No, sir.
- Q. What did they tell you about the fork?
A. They told me that my mother came out in the kitchen to serve the lamb stew from the cooking dish and that my father—wait ——

Q. Get the story right. Think it over.

Mr. Cole: I think that is a very unfair comment by counsel.

The Court: Let it be stricken.

10 Mr. Cole: I don't know why he should take such liberties as that, uncalled for and improper.

The Court: Yes, it should be stricken.

20 A. As I recall their description of it, there was some discussion about who was going to serve the meat from the dish and I believe that my father had the fork, that my mother had the fork and my father took it away from her and the reason he took it from her was because she was about to dig it at him and then she went over to the other side of the kitchen and got a spoon to battle with it. That is my recollection of it.

Q. Then your father went into the kitchen, according to his description, to take the fork away from your mother to prevent her —

A. That wasn't his purpose going in the kitchen; he was in the kitchen.

Q. He was in the kitchen?

A. Yes, sir.

30 Q. But he first of all proposed to stop her from dishing up this stew, is that right?

A. Yes, that is right.

Q. You said in answer to Judge Cole's question that you never seen your father throw anything up the stairs, is that right?

A. Yes, sir.

Q. Do you know when this incident occurred or

alleged to have occurred when he is supposed to have thrown some things up the stairs?

A. I heard about it yesterday for the first time.

Q. Now, it may have happened, may it not, when you have been away at school?

A. It might, yes, sir.

Q. It might have happened?

A. Not as it was described yesterday, though.

Q. How was it described yesterday that makes you believe that you wasn't away at school? 10

A. It was described, I believe, if my memory serves me correctly, that my father brought me from my bed room to my mother's bed room door, that was part of the testimony.

Q. And then it was described that you went back to your room, is that it?

A. Yes, sir.

Q. Go to sleep?

A. Well, if all the noise was being made ——

Q. No, I asked you if you went to sleep? 20

A. Finally I did, I suppose.

Q. You did finally?

A. I don't remember the incident.

Q. So, you don't know whether you went to sleep or not, do you?

A. No, sir.

Q. Finally or otherwise?

A. Finally I did.

Q. Well, now, if you finally went to sleep it must have been that your father called you into your mother's room, is that right? Do you remember that part of it? 30

A. I say I don't remember the incident; you asked me if such and such a thing happened, did I go to sleep? If it did happen I did go to sleep finally.

Q. But you don't recall any such incident at all?

A. No, sir.

Q. You won't say it didn't happen?

A. No, sir.

Q. Was there times when the house was cold during the winter?

A. Yes, sir.

Q. Did you ever go down stairs to put the furnace in order to warm it up?

A. Yes, sir, did my best to.

10 Q. Was there anything to interfere with it?

A. No, sir, not that I —

Q. Every time that it got cold would you do that?

A. Every time that I was home that I was able to.

Q. You were only home during the winter on Saturdays and Sundays, weren't you?

A. And during the Christmas vacation.

Q. At other times you don't know whether it was hot or cold or how it got that way at all, do you?

20 A. No, sir.

Q. Now, I think you testified that your grandmother came there and spent the winter?

A. As I recall it.

Q. Do you remember whether it wasn't the summer that she spent there?

A. I know of a winter that she spent there and I also remember now there was a time when she spent there when it was warm, I don't know whether the spring or late fall.

30 Q. Don't you remember that your grandmother went to California in the winter?

A. I know some winter that she didn't go there.

Q. Now, do you think it was the summers or the winters she spent down there at the house?

A. I believe it was one winter and I think it was one summer.

Q. So, you were incorrect about that this morning?

A. I am afraid I must have been.

Q. Of course you wouldn't want to be incorrect about it, would you?

A. No.

Re-direct examination.

By Mr. Cole:

10

Q. How did you come to write this letter of April ninth, 1923?

A. My mother wrote me a letter inviting me to come to the shore to visit her.

Q. How long before you wrote the letter did you get the letter from her?

A. A matter of a few days.

Q. Had she ever written you before that to come to see her?

20

A. No, sir.

Q. At that time, when she wrote you for the first time after the doors were barred, you knew when the case was to be tried, did you?

A. My father had told me that that would be the date.

Q. Did you happen to preserve that letter that your mother wrote?

A. No, sir. I don't believe I have it. Maybe my father has it.

30

Q. At all events you wrote in response to your mother writing you?

A. Yes, sir.

Q. You had had no other letter except that one since your father and you had left the house?

A. No, sir.

MARVIN C. REED, SWORN.

Direct examination.

By Mr. Cole:

- Q. Where do you live?
A. 15 South Gladstone Avenue, Margate.
- 10 Q. How long have you lived in this county?
A. Fifteen years.
Q. What is your business?
A. I am a wrecker.
Q. What do you wreck?
A. Well, such buildings as are to be demolished.
Q. You are a building wrecker, are you?
A. Yes.
Q. How long have you lived in Margate?
A. Five years.
- 20 Q. Do you know Mr. Sachse?
A. Yes, sir; I know Mr. Sachse.
Q. How long have you known him?
A. Ten years.
Q. Ever been at his home down at Weymouth Avenue.
A. Very, very often I have been there.
Q. Ever with him when he bought food stuff?
A. About twice a week on the average we came home from the broker's where I trade and Mr.
- 30 Sachse traded there, too, and I brought him down in my car and we would stop at Segals or at the corner of Florida Avenue and Atlantic or here on —

Mr. Richards: Is there any question pending?

The Court: Yes.

A. —or on Atlantic Avenue down near the High School, Joe's place down there, named—in the middle of the block —

Q. Don't care about the name.

A. He bought for the house and I brought them home in my car.

Q. Now, what did he buy?

A. Well, we came pretty near buying the same things, very close.

Q. Tell us what he bought as near as you can 10 recall?

A. Well, at Segals we got grape fruit and oranges, and at Tony's down on Florida avenue and Atlantic, we used to go there and get spinach and all different kind of vegetables, whatever was needed.

Q. How often would he make those purchases?

A. Oh, couple of times a week I brought him home. There may have been some weeks when I was working that I wouldn't be at the broker's and then I didn't bring him home, but whenever I was at the 20 broker's, Mr. Sachse and I always came home together in my car, probably a hundred times.

Q. During how long a period was he doing that?

A. Oh, through a couple, two to three years.

Q. Was he doing that in 1925?

A. Yes, I brought Mr. Sachse down, there hasn't been a year in the last four years that I haven't brought Mr. Sachse down from up town a number of times every month.

Q. Was this food and these vegetables that he 30 bought fresh?

A. I am supposed to set a pretty good table— from the same basket.

Mr. Richards: No.

The Court: Let that be stricken.

A. From the same basket.

Q. From the same basket?

A. From the same basket that I was buying, yes, sir.

Q. Was the variety as much as yours or as many as yours?

Mr. Richards: I object to that.

10 The Court: Sustain the objection.

Q. You a man of family?

A. Wife, maid and myself, and company most of the time.

Q. Ever been in his home?

A. Quite often.

Q. In the winter time?

A. Numerous times.

20 Q. When you went there in the winter time what was the condition of the house with respect to temperature, hot or cold or comfortable or what?

A. There was never but one occasion that I can remember that the house was uncomfortable, never but one; I have been there quite a number of times before when I lived on Hillside Avenue.

Q. Do you know the occasion for that?

A. I can only tell you what I was told and I don't know whether that is permissible.

30 Mr. Richards: No, it is not.

Q. No. Did you ever sell him any wood?

A. Yes, cord.

Q. Cord of wood?

A. I sold the last—that has been about a year and a half ago, I think it was, just about six months, it

was a few months before the night he spent at our house when he was locked out.

Q. Where was the cord of wood delivered?

A. At his house.

Q. Have you seen the heater in the house?

A. Oh, yes; I have been down there often in the heater room.

Q. Did you install anything on that heater or in the heater?

A. No. I sold him a twenty-five dollar electrical blower so as to get his fires up early in the morning. 10

Q. When did he buy that blower from you, about?

A. Well, it was in the winter time and it was the year that Kandle brought them out.

Q. Did you notice, when you were there, whether he had any coal to put in the heater?

A. Why, I never saw the coal bins but what they had a big supply in them, a good supply, more than I keep in my home. 20

Q. Did you meet, ever meet Mrs. Sachse?

A. Yes.

Q. And Miss Sachse?

A Mrs. Sachse very often came to the door when I went there and sent for Mr. Sachse, or Miss Sachse.

Q. Did you ever eat there?

A. No.

Cross-examination.

By Mr. Richards:

30

Q. What were you doing down in the heater room?

A. Me? I went down to see the installed electric blower he paid me for twenty-five dollars to install and show him how to fix a piece of tin around it so that the draft would all go in the fire box.

Q. How many times did you go down to see that?

A. I think I was down there three different times.

Q. So, that three times, was that the limit of the times you were down there?

A. I don't know, I often used to go in and get tools, I would loan Mr. Sachse some tools and Mr. Sachse would loan me some tools.

Q. Were you running in and out of the cellar frequently then?

10 A. I wouldn't call it running in and out of the cellar, no.

Q. You were in there on the occasion when the blower was installed?

A. And saw it operate.

Q. Can you remember the year that occurred?

A. It has been two years and a half ago, at least.

Q. Did you see the blower in operation?

A. Oh, yes.

Q. Do you know how it worked?

20 A. I ought to. I sold it to him.

Q. Well, I mean electrical affair?

A. Bring the fire up in two minutes.

Q. Do you know whether it was used continuously?

A. I don't know whether continuously. I cannot say that, but I know it was used.

Q. It was quite ineffective unless it was being used, wasn't it?

A. What say?

30 Q. I say didn't have much effect on the house unless it was being used?

A. No, it might not.

Q. Suppose you wired the heater door back, would that interfere with its working?

A. No, but if that blower was on and running, turned on, you would have to wire the heater door back or you would burn your grates and everything

in the stove to pieces, would send it right up the chimney, the whole business. It would be a very good thing to wire the door back in case some child would go down there and turn it on, ruin the stove and burn the whole place up.

Q. Now, to blow air through the grate—I presume this thing did, up through the grate?

A. Yes, sir.

Q. You had to have air, didn't you?

A. Yes, sir.

10

Q. Where did the air come from?

A. I suppose it came out of the cellar.

Q. What projected it in under the grates? Where did it get in there?

A. Well, it is a device that can be seen at Guttridge's; it is run by an electric motor.

Q. I don't care where it can be seen, Mr. Reed.

A. I am telling you.

The Court: No, answer the question.

20

Q. What I want to know is this, did it draw that air from around the cellar in through the machine and into the grate, is that what happened?

A. Right.

Q. Air didn't have to come around, gathered up from underneath the furnace, was it?

A. Came in back, went through the motor, through the fan, just the same as air goes through an electric sweeper.

30

Q. Now, you say that you would bring Mr. Sachse home from the broker's on numerous occasions. You would stop at Segals and you would buy oranges and grape fruit?

A. I am in the habit of doing so, yes, sir.

Q. Then you would go on down to Tony's and buy spinach and vegetables?

A. Vegetables down there.

Q. Why didn't you buy the spinach and vegetables at Segals?

A. Myself?

Q. Yes.

A. Why didn't I?

Q. Yes.

A. For the same reason, probably, that a man doesn't always buy at John Wanamaker's.

10 Q. What reason did Mr. Sachse have for not completing his purchase at Segals?

A. Mr. Sachse was dependent on me, he had to buy where I bought because I stopped.

Q. All right, there was spinach to be had at Segals, wasn't there?

A. They didn't exhibit it out front.

Q. Ever been in the store?

A. What say?

Q. I say, have you ever been in the store?

20 A. Possibly a number of times.

Q. Did you ever see spinach exhibited there in the store at Segals?

A. Around on the side, not the center.

Q. Are there vegetables, fresh vegetables, exhibited there?

A. A few, yes, sir.

Q. Asparagus in season?

A. Fine.

Q. Outside and in front, too?

30 A. Very best, yes.

Q. Then why was it you always went down to Tony's?

A. I didn't say I always. You are only trying to mislead me. I didn't say always. I said we bought at those different places.

Q. But you told Judge Cole that you would buy oranges and grape fruit, or at least Mr. Sachse

would buy oranges and grape fruit at Segals and then you would go down to Tony's and get the vegetables?

A. We have stopped for oranges and grape fruit at the American Stores, too.

Q. I am curious to know why it was that Mr. Sachse separated his purchases when he could have bought them all in one store; do you know any reason for that?

A. The kinks in his brain aren't in mine, I don't know, but I bought and when we happened to see some things there we stopped and bought them just the same as you might do, you may have a place —

Q. There are kinks in his brain, is that it?

A. Whichever way you wish to look at it.

Q. I see. That is all.

By Mr. Cole:

Q. Was Segals an expensive place to buy vegetables? 20

A. Vegetables more expensive than other places. You can buy the same vegetables further down the avenue than at Segals and pay less, at Segals have very wonderful bargains in fruit outside, not inside, always.

Q. Did the fact that you could go to Tony's and get just as good vegetables as you would get at Segals at a lower price influence you in going to Tony's? 30

A. I always deal that way.

Q. You a man of some means?

A. Myself, I provide for my home, I do all the buying for my home, the maid never buys, I do all the buying for my home the same as Mr. Sachse did.

Q. Are you a man of some means?

A. Well, not what I call means, no. I have a competency enough that if my income, the real estate was sold, I could live without work.

Q. Of course, I don't want to go into the extent, but what I meant was this would you be able to pay the price that Segal charged if you saw fit to do it?

A. I wouldn't see fit. I don't squander my money.

Q. That is what I thought.

10

TRUDY CALLENDER, SWORN.

Direct examination.

By Mr. Cole:

Q. Where do you live at this time?

20

A. When I was employed for Mr. Sachse?

Q. Where do you live now?

A. 224 North Connecticut Avenue.

Q. Are you a married woman?

A. Yes, sir.

Q. What is your husband's name?

A. Samuel S. Callender.

Q. How long have you lived in Atlantic City?

A. I have lived here for the last six years.

Q. What do you do for a living?

30 A. Why I have all doctors now, I am employed with five doctors, I works for doctors.

Q. At one time did you work for Mr. and Mrs. Sachse?

A. I did.

Q. Where were they living?

A. They were living 23 South Weymouth Avenue.

Q. In Ventnor?

- A. Yes, sir. In Ventnor, New Jersey.
- Q. About how long did you work for them?
- A. I worked for them over a year.
- Q. What were your hours? What time did you go
- A. I was employed there as general housework; I did everything to be done.
- Q. Did you cook?
- A. I did.
- Q. Did you eat there?
- A. I did when they had something I like, I ate 10 there, when they didn't, I ate home.
- Q. Did you sleep there?
- A. I did not.
- Q. What were your hours? What time did you go to work and what time did you quit?
- A. Well, some mornings I would be there seven o'clock, some mornings would be 7:30 when I would get there, and more or less would be home seven thirty at night, besides on Thursday I was out very early and Sunday. 20
- Q. Was the dinner meal at night, big meal was that at night?
- A. It was.
- Q. Did you stay until after the dinner was over?
- A. I did.
- Q. What hour did you usually have dinner?
- A. Six o'clock was the hour they told me when I went there.
- Q. How did you come to leave?
- A. Why the reason I left, Mr. and Mrs. Sachse 30 was one Thursday afternoon was my evening off, every Thursday afternoon is cook evening out anyway, so Mrs. Sachse say originally, in the morning she came home about twelve o'clock in the day, so I wasn't feeling good, I thought I had a cold, and she said, "Trudy," she said, "you are not feeling good, you may go on home over night," she says, and I

thanked her very much, because I wasn't feeling good and went home; so on Friday morning when I returned to my work, as usual, I found all brand new locks on the door and I knocked and I lifted the bolt and no answer, so I came back home and went out for another job.

Q. Did anybody answer at all?

A. I didn't see a living soul at the house and nobody answered, the house was just dumb.

10 Q. When Mrs. Sachse told you you might go home because you didn't feel well, did she tell you that you were not to come back?

A. She did not; she didn't tell me anything at all.

Q. Now, do you rememer something about that fork?

A. Yes.

Q. Wait a minute; you remember that, do you?

A. I do.

20 Q. You tell the Vice-Chancellor just what you remember about that.

A. Well, it was one day in August, one afternoon in August, we had lamb stew, they had lamb stew for dinner—I don't eat it—and Mr. and Mrs. Sachse and Miss Nell and also Mr. Brother, they was all in the house and I was in the kitchen cooking, as usual, and Mrs., Miss Nell and Mrs. Sachse came in I think from a luncheon or something.

Q. Came from what?

30 A. A luncheon, I think she said it was, and she rushed back to the kitchen, she said to me, she says, "Trudy," she says, "we want something to eat because we are going right back out again." Well, I said, "I will dish up for you right now, Mrs. Sachse," and I said, "Mr. Sachse says it is to be served from the table," so Mr. Sachse immediately calls to her why was in the kitchen. I didn't pay no attention because I was at the gas range they

had and she took the fork out of my hands, so she said, "give me the fork," and she was the madam and I gave her the fork and when she took the fork from me Mr. Sachse took it from her, right over me, they was right over me, and he caught the top of the fork because if he didn't catch the top of the fork, with me between them, they might stick me and I didn't want no stick at all by the fork. So, then she goes back and she says, "well, now this is the kind of service I am getting," so she got a spoon, 10 when she came back, and she spanked his pants, so after she spanked his pants for him, then she goes in the dining room, where the table was sitting at, I didn't have the salad, everything on the table, I only had a table you know and all, so she grabbed the table cloth and she said, "If this is the kind of service you get"—all women will throw things—so she was in a rage, so she went into the living room and I followed behind her, and Miss Nell was just screaming and crying at the top of her voice, so I 20 said to her, "Miss Nell, please don't cry." I says, "your father isn't going to hurt your father"—"your mother isn't going to hurt your father. I think he is the biggest. You can't do nothing with him, but if he do I will kill him," get any hurt to them, both of them. So they both went upstairs, of course Miss Nell was just raging just at the top of her voice, so Mr. Sachse came back and put dinner on the table, I put the lamb stew on the table and went up there and I say, "please come down and 30 eat." She says, "no, Trudy, I don't want to." "If I fix up or get something to eat," she says, "I don't want it." I says, "well, Mrs. Sachse, I wouldn't moan after, come on eat some lamb stew,—she liked lamb stew—"come on eat some." She says, "no, we will go out." So that is the way that meal was served that night.

Q. What time do you think it was when Mrs. Sachse and the daughter came in from this luncheon?

A. It was around about half-past five, I believe it was, as near as I can remember.

Q. At that time you didn't have the dinner on the table, is that all?

A. No, I didn't.

Q. And they wanted it served at once, was that it?

A. Yes, sir; she wanted to get hers out right
10 away, she was in a hurry.

Q. Now, did Mr. Sachse take this fork and strike her with it?

A. He did not. It wasn't any striking that he done at all, I didn't see no striking, I knew wasn't going to be none happen to me.

Q. Now, they say that is the condition of the fork after Mr. Sachse got through assaulting Mrs. Sachse; is that so?

A. Well, I used the fork afterward, I washed it
20 afterward and it wasn't in this condition.

Q. Did you ever see it in this condition?

A. I never saw it before I saw it yesterday for the first time bent like that, but it wasn't, because I used it afterwards and I saw it, it was an aluminum fork.

Q. How long did you use that fork after this affair?

A. I don't know, Judge, I can't exactly tell because then I don't think I ever used that fork any
30 more after that day, I don't know what became of it and I didn't seek to find out.

Q. Now, will you tell us as you can best remember the different kind of food that was provided at the house while you were there?

A. Well, I can't, because on the first day I was employed with Mr. and Mrs. Sachse, why Mrs. Sachse told me —

Q. Wait a moment; just keep your mind first on this, you tell us the kind of food, that is, whether you had potatoes or what you had.

A. Well, we had, sometimes we had white potatoes, sometimes garden peas, which was canned when they was in the fall of the year when I went there, they had canned peas, canned corn, string beans, and they had rice, an awful lot of rice, I think they was fond of rice; and then they had squash, spinach, nearly everything anybody else would have.

Q. You say everything anybody else would have; 10
have you cooked at other homes?

A. Yes, sir, I have been cook I think for about ten years, so I ought to know, I think, in many homes.

Q. Was the food that they had there as various in kinds that you had in other homes that you cooked in?

A. Judge, why lots of homes has them and lots doesn't but the most of homes do have canned goods that they get from the American Stores.

Q. Did they have any fruit? 20

A. They did.

Q. What kind of fruit?

A. Some times they would have, the most fruit that they would have was grape, and they would have sometimes grape fruit and sometimes bananas, oh, different little things like.

Q. Ever have oranges?

A. Yes, they had oranges.

Q. Have any meat?

A. Have any what? 30

Q. Have any meat?

A. They did have meat.

Q. What kind of meat did they have?

A. Sometimes have chop, roast beef, roast lamb, lamb stew, sometimes have broiling chicken, stewing

chicken, we had roasting chicken and on Christmas we had a turkey for dinner.

Q. In the summer when you were there did they have any fresh vegetables?

A. They did; they used to go over to the country very often to get fresh vegetables.

Q. What kind of fresh vegetables did they get from the country?

A. Get such as squash, lima beans, corn, green
10 corn, apples, and potatoes, such like that, everything could be bought in the country in the green vegetable line.

Q. You cooked this food, did you?

A. I did.

Q. Was it properly cooked?

A. I don't know; they didn't say it wasn't.

Q. Now, when you first went there did Mr. and Mrs. Sachse eat at the same table?

A. They did.

20 Q. Now, did there come a time when they didn't eat at the same table?

A. Yes, sir; there did.

Q. Now, who was it didn't eat at the table, Mr. Sachse or Mrs. Sachse?

A. Mrs. Sachse and Miss Nell.

Q. Where did they eat?

A. Well, sometimes when they ate home they would eat in the sun parlor, sometimes in the bedroom, anywhere they wanted, of course I carried.

30 Q. Who carried the food to them?

A. I did.

Q. What food did you give them?

A. I gave them the same thing Mr. Sachse and the brother had, the same thing I had cooked I gave it to them if they wanted it.

Q. Who was it that bought the food?

A. Why, Mr. Sachse bought the food.

Q. Do you know how it was that he bought the food?

A. I can only say what they told me when I went there.

Q. What did they tell you when you went there?

A. When I was employed with Mrs. Sachse in February, she told me that Mr. Sachse was the, would buy the food, if there was anything I needed, she was providing, anything I needed always tell Mr. Sachse a day ahead and then he would get it because she was very busy with WPG. 10

Q. Did you at times ask Mr. Sachse to get certain types of food?

A. I did, if she told me she wanted different food, of course I would tell him.

Q. Would he get it?

A. He would get it.

Q. Did Mr. Sachse ever refuse to get any kind of food that she would ask for, Mrs. Sachse?

A. Well, she would ask for food really didn't have, didn't nobody have but Mr. Segal, of course, he didn't go there to get it, he didn't get it, but got canned food. 20

Q. Did you—you saw Mr. Reed who was on the stand?

A. I did.

Q. Did you ever see him down there?

A. I did.

Q. Did he bring food home in his automobile?

A. Yes, sir; he did. 30

Q. How often did he come there with food?

A. Well, now, Judge, I can't tell you that because I don't know, lot of times they would come in the car, maybe I would be busy in the kitchen and I didn't look out.

Q. Was there anything wrong with the food that you cooked at the table and served to these people?

A. I didn't see anything wrong because we was eating it when I went there, I didn't see anything wrong when I went there, they were living nice together.

Q. Did Mrs. Sachse ever complain to you that there was anything wrong with this food?

A. She complained later on, latter part of 1925, she said she had come to the place she couldn't eat canned food, she said she couldn't eat the canned
10 food because would give her indigestion, and she had to have fresh food.

Q. Did you tell Mr. Sachse that?

A. I told him what she said.

Q. What happened?

A. Didn't anything happen. We had food right on, we had the same canned food.

Q. You said you had turkey?

A. We did.

Q. Mrs. Sachse says when you had the turkey you
20 hid it upstairs and didn't let her have any of it?

A. I don't know anything about that. All I know, Judge, I cooked the turkey myself, I cooked the turkey dinner myself, I think I cooked probably nearly every meal cooked there in my time unless Wednesday afternoon or Thursday afternoon, I wasn't there, but I cooked the turkey dinner myself and I always told Mrs. Sachse we had had a turkey in the house, of course, we had turkey left off of it, when it was done, I asked her would she come down
30 and eat dinner, she said no, she was going to take her Christmas dinner at Little Rock Inn, which she and Miss Nell did. I offered them dinner and I know personally that she was in the house that I didn't offer her dinner because I am very fond of her.

Q. Was that particular turkey taken upstairs so far as you know?

A. I don't know anything about that; when I left the turkey was downstairs, what happened afterwards I don't know.

Q. On that subject, do you remember one time when Mr. Sachse brought home turkey legs?

A. I don't know anything about that. I wasn't there; wasn't in my time.

Q. Did you ever see Mr. Sachse strike Mrs. Sachse while you were there?

A. I did not.

10

Q. Did you ever hear him threaten to strike her?

A. I never heard him.

Q. Did you ever hear him call her any bad names?

A. Him call her any bad names?

Q. Yes.

A. No, I didn't.

Q. Did you ever hear him use profanity to her?

A. I never did.

Q. Do you know anything about some lamps being moved?

20

A. Yes, I helped move a lamp upstairs.

Q. How did you come to move the lamps upstairs?

A. She told me to help her to take them and I helped her to take them up.

Q. What became of them after they went up there, what happened to them?

A. She had one in her bedroom and then she taken the other two was up in the attic because I taken them up there for her.

Q. Were they wrapped up in any way?

30

A. They were wrapped up in a sheet; they were covered over; I don't know with something, they were covered over.

Q. Where were those lamps used?

A. They were used in the living room when I first employed there.

Q. Is that the room where Mr. Sachse read?

A. Yes, sir; he read in the living room nights, he did.

Q. Did Mrs. Sachse tell you why she had moved the lamps up there?

A. I think she said she had orders from her lawyer to move them up there or something like that.

Q. Tell us all that she told you?

A. That is all she told me, just that; she didn't tell me anything else and I didn't ask her because she
10 was my madam, I didn't ask her.

Q. Did she say anything about—did she tell you why the lawyer wanted her to move the lamps up there?

A. No, sir; I didn't ask her any questions however.

Q. Were you there on February eleventh, 1926?

A. I were there.

Q. Did you see Mr. Sachse pull the window down on her arm?

20 A. No, sir. I can tell you how that happened.

Q. Tell us how it happened?

Mr. Richards: Your Honor please, it seems to me it was put out of the case by this morning's argument.

Mr. Cole: I didn't put it out. His Honor put it out.

30 Mr. Reed: It is out.

Mr. Cole: I have a right to explain it.

The Court: Admit it.

Q. You tell us about that.

A. It was on that day or that date I was in the

kitchen cooking hot cakes for breakfast, I think he said he wanted hot cakes for breakfast. Of course, when you make hot cakes cause a lot of smoke in the kitchen, so Mrs. Sachse, she said to me, she said, "oh, my, look at the smoke we have in this place, terrible,"—quite natural for grease smell when you come like that, so she raised the window up; when she raised the window Mr. Sachse, why pulled it down; so she went, raised another one; he pulled it down. I didn't hear her say he hurt her arm, didn't 10 see her touch him, but I know this much, if he had pulled the window down —

Mr. Richards: No.

A. That is all I know about it.

Q. Now, did Mrs. Sachse come to see you about being a witness for her in this case?

A. Who, Mrs. Sachse?

Q. Mrs. Sachse.

20

A. She came up to my house one time.

Q. About when was that?

A. I don't know whether it was last year or this year, I don't know, but it was in the fall of the year, I am real sure.

Q. By the way, did they subpoena you to come here today?

A. They did; I got a subpoena.

Q. Got the subpoena with you?

A. No, sir. I think I left it home. I don't think 30 my husband has it.

Q. Mrs. Sachse's lawyer subpoenaed you?

A. I don't know, it was somebody.

Q. What did Mrs. Sachse say to you when she came up there to see you?

A. She told me she wanted me to come down to see her lawyer, and I did.

Q. Is that all she said to you?

A. She said a whole lot to me, but it has been so long until I forget part of what she said, but I came down.

Q. Tell us all you can remember she said to you on that occasion?

A. Well, she told me she wanted me to come down to see her lawyer because was something had to be done about the case. Of course, I would make a
10 good witness for her, but, of course, to come down see her lawyer, and he asked me a good many questions and I told him just what I knowed and what I thought about the case.

Q. Did you ever hear him say anything disrespectful to his daughter Nell?

A. Not as I remember, Judge, I don't.

Q. Did you ever hear him say anything disrespectful of Mrs. Sachse?

A. No, not as I know of.

20 Q. Now, Mrs. Sachse testified, as I remember in this case, that he used to wear an old coat into the dining room and allowed it to get into the food; did you ever see that?

A. I don't remember seeing that coat. I remember he had an old coat, but doesn't seem like to me. I know he did have the same coat he had then.

Q. Did he wear an overcoat at the table and did it get into the food at the table?

30 A. Now, Judge, I can't tell you because I didn't wait on the table. I only put the food on the table and they served it themselves, but I never saw that old coat.

Q. Then you didn't see, is that the idea, you didn't see what took place at the table?

A. No, sir; unless they wanted me for something.

Q. Were you there at the time a rug was thrown down stairs?

A. I were.

Q. What was that, how did that happen?

A. That was in the morning. I don't know how it was, but him and her was up the stairs and I heard a noise and I thought maybe he was hitting her or doing something, so I rushed to the stairway to see and when I got to the stairway the rug came down on Mr. Sachse and you know that is all I know about that.

Q. Had it been thrown down? 10

A. It was thrown by her. I saw when she threw it down.

Q. You don't know what caused her to do it?

A. I don't know anything about the affair.

Q. Now, were you there at this time she testified about throwing a trunk out?

A. No, sir; I was only there a little over a year. In those days I don't know anything about.

Q. Did they have any company while you were there? 20

A. They didn't have any company for a meal only one and that was Mrs. Johnson. She was there one Saturday afternoon, one Saturday late afternoon she was there and that was all the company, as near as I can remember, that they had for dinner, only Mr. Brother's company, of course, have a lots of school boys there.

Q. Were you ever down in the basement while you were there?

A. Oh, yes, sir. 30

Q. Down stairs?

A. Yes, sir.

Q. Did they have any coal in the cellar, basement?

A. They did when I went there; they had a little coal.

Q. What have you to say about the temperature in the house during the winter?

A. Well, the house was all right. I didn't find any fault because they was living there all the time.

Q. Did you have to keep your coat and hat on in order to keep warm?

A. No, sir; I didn't. I didn't keep my hat and coat on.

Q. Did they have any wood down in the cellar for the fireplace?

10 A. When I first went there they did have wood down there for the fireplace, but later on it all burned up, wasn't any more there when I left I am sure.

Q. Do you recall whether, when you were there, there was more than one fork of that kind?

A. As near as I can say I believe was two forks of that kind.

Q. You think there were two?

A. Yes, I think was two forks.

Q. Did you use both of them while you were there?

20 A. I couldn't exactly tell because when you go hang a fork up you may get the same fork, you can never tell in cooking.

Q. Now, did you ever see Mrs. Sachse take any of the food and throw it away?

A. Yes, she came in the kitchen and take what we had left over she would throw in the garbage because she said was no good.

Q. Was it any good?

30 A. It was good for people that wanted it, sure, it was good for those that wanted it.

Q. Did you ever take from the garbage can food she had thrown out?

A. I did, I took it and taken it home to people that I know would be glad for it.

Q. Why did you take it from the garbage can and take to some people you knew?

A. Because they would eat it and be glad for it because they were in need for it.

Q. Did you think it was all right?

A. Sure, I thought it was all right for them to eat. It didn't suit her.

Q. Did you ever see Mr. Sachse offer money to the daughter Nell and she refused it?

A. Why, Mr. Sachse gave me a check to give Miss Nell one Sunday at the dinner table and I taken it upstairs to her and she refused to take it. She told me to take it back down and give it to her father because she said that her brother had wrote it and she will not take a check from her brother. 10

Q. Did you ever hear Mrs. Sachse call Mr. Sachse any bad names?

A. When she would get angry she would.

Q. When she would what?

A. When she would get angry she would.

Q. Did she get angry?

A. Certainly she got angry. 20

Q. Is that so? How often did she get angry?

A. When things wasn't going just to suit her, she would get angry.

Q. When she would get angry and call him bad names what would she call him?

A. She would call him "Big Guts," she would call him different funny names.

Q. Can you think of any other funny names she would call him besides "big guts?"

A. She called him, "Old, dirty, nasty skunk," or something like that, some funny names she would call him. 30

Q. Now, did you ever see the daughter Nell or Mrs. Sachse do anything to annoy Mr. Sachse?

A. No, not while I was there; you know I didn't sleep there at night, I guess they did all the annoy-

ing at night, I don't know. I wasn't there at night; I was only there in the day.

Q. Now, Mrs. Callender, what would you say as to how Mr. Sachse treated Mrs. Sachse and the daughter while you were there?

Mr. Richards: I object.

10 The Court: Sustain the objection.

Q. Did you notice, Mrs. Callender, after this fork incident whether Mrs. Sachse's hand was bruised or injured?

A. I never heard her complain about her hand. If it was it was more than my knowing.

Q. By the way, while you were there did she play the piano?

A. She did.

Q. How often?

20 A. She played for WPG and she played there at the house to my knowing.

Q. I mean at the house, how often did she play the piano at the house?

A. Well, she didn't play every day there at the house but she would play some day.

Q. Did you notice whether, after this fork incident, she couldn't play the piano for any length of time?

A. Didn't know anything about that.

30 Q. Did you ever ask Mr. Sachse for money for food for Mrs. Sachse and then get the money and give it to her when she would refuse it?

A. I didn't, but he said one day, he said to me, he says, "Trudy, anything I can do, there is nothing pleasing to my wife," so he said, "Here is two dollars," I don't know whether \$2.60 or two dollars

or something, "you take this up, take to Mrs. Sachse and tell her I said she do the marketing for the house, she do the providing for the house, buying the food," and she told me she will not, she said, "Trudy," she says, "I will not take this money," and she said, "You take this money back and give it to him because he will start off and he will not keep it up, and tell him I said to go to" —

Q. To go to what?

A. "To go to hell with it." That is what she said to tell him and I told him just what she said and gave it back to him. 10

Q. Did you tell him that she said for him to go to hell?

A. She told me to tell him and I told him just what she told me to tell him.

Q. Mrs. Callender, you spoke of an occasion when Mrs. Sachse came to your house; now, did you ever see Mrs. Sachse on any other occasion after you left her? 20

A. No, sir, I didn't. I was at the President where she was at one time.

Q. What?

A. I was at the President Hotel where she was one time.

Q. How did you come to go there?

A. She told me to come there, she wanted to see me and I went there to see her.

Q. Was that after she came to your house?

A. No, sir; that was before. 30

Q. How did you get word from her that she wanted you to come to see her?

A. It was through some people that I was working for.

Q. Then you went there, did you?

A. I did.

Q. What took place on that occasion?

A. She wanted to see me about this court business and she wanted to know was I going to swear against her or for her. I told her I wasn't for her and I wasn't for her husband but I was only coming, if I had to come to court, I was going to tell the truth about the whole thing, so she says, well, I believe her sister was there and her sister says to me, "Why don't you and Mrs. Sachse get together
10 and agree upon one thing?" And I says, "No agreeing to be done, we just going to tell the truth about the whole thing." She said she would give me a nice present, so I said, "We will tell the truth about," so she didn't tell me what was she going to say and I didn't tell her what I was going to say because I didn't know and I don't know whether she knew herself or not.

20 Cross-examination.

By Mr. Richards:

Q. You went down to Mr. Reed's office, didn't you?

A. I did. I taken to Mr. Reed's office.

Q. And you told him what you were going to say, Trudy?

A. I don't know whether I did or not. I think I did.

30 Q. Had quite a long talk with Mr. Reed, didn't you?

A. Not very long.

Q. Well, quite some time you was in there, weren't you, Trudy?

A. Not very long.

Q. What?

A. Not very long.

Q. Long enough to talk over the case?

A. I don't know, but he asked me a few questions and I told him just what I know and what I thought.

Q. And then later on you talked to Mr. Sachse's lawyers about this case, didn't you?

A. I didn't.

Q. Haven't you ever talked to them.

A. I told Mr. Reed when he sent for me —

Q. I am asking you now about Mr. Sachse's law- 10
yers.

A. Mr. Sachse's lawyer had sent for me before I went to Lawyer Reed.

Q. You talked to him, did you?

A. I did.

Q. Who did you talk to?

A. I talked to Lawyer Westcott.

Q. To Mr. Westcott?

A. Yes, sir; I did.

Q. And gave him a statement? 20

A. I did.

Q. Take it down in writing?

A. I don't know whether he took it down in writing or no; I didn't watch him.

Q. Didn't he ever make up a statement? Did you ever see a statement he made up?

A. I don't know; I didn't see anything at all.

Q. Did you talk to him about what you testified to in this case?

A. Indeed I did. 30

Q. Did you tell Mr. Reed that you talked to Mr. Westcott about this?

A. I did.

Q. Now, did you ever tell Mr. Reed that while you were there they didn't have enough food to eat?

A. I didn't tell Mr. Reed that. He asked me what

did they have to eat and I told him just what we had to eat.

Q. Didn't you tell him that you would testify that they didn't have enough food to eat on occasions?

A. I didn't. I told Mr. Reed what we had to eat.

Q. Did you ever tell him that you, yourself, couldn't eat the food?

A. I did not. I told him lots of times that the food that they had I didn't eat and I went home and
10 ate.

Q. Food that you, yourself, wouldn't eat?

A. Not what I wouldn't eat, because they had all right food, but lots of things that anybody have in their home I didn't have to eat it because I didn't like it.

Q. Didn't you tell Mr. Reed some of the food was so poor you wouldn't eat it and you had to go out and buy things to eat?

A. I didn't tell Mr. Reed that. I told Mr. Reed on
20 one occasion, Mr. Sachse had brought some canned peas and the peas that he brought he brought a good can and they gave him a bad can which was a hard can of peas and I told him that the hard can of peas that I couldn't eat it and nobody else could. Well, they couldn't.

Q. That was only on one occasion?

A. That was on one occasion.

Q. You have since worked for Mrs. Springer, haven't you?

A. Mrs. Springer, only days' work.
30

Q. Have discussed this case with Mrs. Springer?

A. Indeed I haven't anything to do with other people business.

Q. Did you discuss this case with Mrs. Springer?

A. I did not.

Q. You are sure of that?

- A. Yes.
- Q. Never talked to Mrs. Springer about this case?
- A. I did not, but she talked to me about it.
- Q. Did you answer her?
- A. When she talk to me about it, of course, I answered her.
- Q. Sure, you gossiped back and forth just like one woman to another about that, didn't you?
- A. Now, I don't do that because that is the worst thing in the world you can do. 10
- Q. You talked about it, didn't you?
- A. She talked to me.
- Q. She asked you about the Sachse's affairs and you answered her and told her what you know?
- A. I didn't tell her what I knew.
- Q. You didn't tell her anything you didn't know, did you?
- A. I couldn't tell what I don't know.
- Q. Didn't you tell Mrs. Springer that some times the food was so bad you had to go out and buy 20 things to eat yourself?
- A. I did not.
- Q. Are you sure of that?
- A. I am right sure of that.
- Q. You are sure you never told Mrs. Springer anything to the effect you couldn't eat the food and that you went out and got food?
- A. I didn't tell Mrs. Springer that.
- Q. Never told her that?
- A. No, I never told her that. 30
- Q. Did you ever talk about not having enough food to Mrs. Springer?
- A. I did not.
- Q. Sure of that?
- A. Sure of that.
- Q. Absolutely?

A. Got to take my word; I wouldn't lie about it.

Q. Your testimony is just as truthful—I mean your recollection is just as good, put it that way, Trudy, about that incident, as it is about all your other testimony?

A. Just as good, as near as I can remember. It has been very long ago, but it is a lot of things I can't remember. I am sure. I don't think my memory is short.

10 Q. Have you seen anybody connected with this case as far as the other side is concerned since you talked to Mr. Westcott?

A. What do you mean?

Q. Have you seen anybody about this case, have you talked about this case to anybody recently?

A. No, I don't think, not since I talked to Mrs. Sachse.

Q. Since you talked to Mrs. Sachse have you talked to anybody connected with Mr. Sachse?

20 A. Yes, sir; I talked to his lawyer.

Q. When did you talk to him?

A. I talked to him Saturday.

Q. Last Saturday?

A. Yes, sir.

Q. Which one?

A. Judge Cole.

Q. And told him what you had to say about this case?

30 A. I told him the same thing that I had told Lawyer Westcott.

Q. Nobody else saw you about this case?

A. No.

Q. Nobody?

A. No.

Q. Sure?

A. No, I didn't see nobody to see me about it.

Q. About this fork business? As I understand it, Mrs. Sachse came in and took a plate and started to dish up some of this lamb stew—by the way, was it lamb stew or is that a courtesy title, is it monkey stew or lamb stew?

A. I don't know the difference.

Q. Don't you?

A. I tell you I am not much judge on meat, not in lamb because I don't bother with it.

Q. Don't like lamb yourself?

10

A. I don't like it.

Q. So you don't know whether this was mutton or lamb?

A. I tell you he said it was lamb.

Q. He said it was lamb?

A. He said it was lamb, that is what I called it.

Q. So Mrs. Sachse started to dish it up, was Mr. Sachse in the kitchen at that time?

A. I couldn't tell you you because walking, looking front of you, dishing out in front of your pot you don't know who behind you.

20

Q. What else did you have for dinner this day besides lamb stew?

A. When they have lamb stew they doesn't have anything else because she said the way she fixes her lamb stew, I fixed it just the way she told me she liked lamb stew, with onions and white potatoes in it, of course, that is two vegetables combined.

Q. Then you thought—it was already dished out, wasn't it?

30

A. No, sir, it wasn't dished out.

Q. Where was the lamb stew?

A. It was on the range.

Q. Were you facing the range?

A. Indeed I were.

Q. Now, Mrs. Sachse took the fork out of your hand?

A. She did.

Q. Started to dish it up?

A. She did.

Q. Now, where were you when this was going on?

A. I was standing right at the range.

Q. Standing watching her, weren't you?

10 A. I wasn't watching her, but before I could get a chance to move away from her Mr. Sachse was on her and that throwed me right between the two.

Q. Where did Mr. Sachse come from?

A. I couldn't tell you where he came from, you have to ask him.

Q. Did he seem angry at all?

A. He did. He didn't seem so well pleased over it.

Q. He wasn't well pleased?

A. No.

20 Q. He was angry, wasn't he?

A. Both was angry.

Q. And he undertook to grab this fork out of her hand?

A. I wouldn't call it grabbing. He took it out of her hand.

Q. He took it out of her hand?

A. He took it out of her hand.

Q. Gently?

A. Not gently, but he just took it out.

30 Q. He just reached over and grabbed the fork and took it out of her hand?

A. Yes.

Q. Didn't they wrestle for the fork a little bit?

A. They didn't; wasn't no wrestling done.

Q. Any altercation at all? Did he say anything when he took it away?

A. He said the food must be served from the table. It mustn't be served all over the house.

Q. That is all he said?

A. That is all I remember Mr. Sachse saying to Mrs. Sachse.

Q. How did he know she didn't intend to serve it at the table?

A. They hadn't been eating at the table.

Q. If they hadn't been eating at the table then they had been serving the food all over the house? 10

A. I carried it all over the house.

Q. Then why was this night an exception right at this particular time, Trudy?

A. I couldn't tell you.

Q. He said they wasn't to take the food all over the house, that is right?

A. Sure that is right.

Q. And he took the fork out of her hand?

A. Yes.

Q. Without knowing where she was going to take the food? 20

A. No, I don't know where she was going to take it.

Q. It was quite a scene there, wasn't it, Trudy?

A. Well, quite natural, it would be excitement from the noise and with the hollering.

Q. There was considerable noise, wasn't there?

A. There was because the people, the neighbors on the outside they came out to see what had happened. 30

Q. So there was enough noise with Mrs. Sachse screaming?

A. She did, she holloaed.

Q. What did she holloa from, pain?

A. I wouldn't say she holloaed from pain. I

would say she would holloa from being frightened, I guess that is what she holloa.

Q. She was frightened?

A. I guess so; I don't know.

Q. Either frightened or in pain when she holloaed?

A. I couldn't say she was in pain there.

Q. But she screamed loud enough for the neighbors to hear her, is that right?

10 A. Sure the noise, the neighbors was compelled to come out.

Q. There was a number of these forks, wasn't there, or two forks very similar nature?

A. Why, as my remembrance I think was two of those forks and one aluminum spoon.

Q. You never saw this fork after that day, did you, Trudy?

20 A. I don't know, because I wasn't expecting nothing like that and I didn't take particular notice, but I know I used that fork right on.

Q. How do you know you didn't grab the other fork and use it?

A. See, I don't know because, oh, like that you can never tell.

Q. That is right, Trudy, and the fact is that after this happened you didn't see this fork again?

A. I washed that fork and hung it up.

Q. Are you sure?

A. I am real sure of that.

30 Q. Why are you sure it wasn't the other fork?

A. I am sure because that had potatoes on and likewise the lamb.

Q. Sure you didn't use the other fork that day?

A. I am sure because that, after we got through with it, was bent but nothing like that.

Q. How much was it bent?

A. You give it to me and I will turn it out and show you. It was bent something like and he grabbed this part of the fork (indicating prongs) and she had this part, when she took it out of my hand because she face the pot like that.

Q. That fork did get bent in the fracas?

A. Certainly did get crooked, certainly, but not bent up like that.

Q. You was just a little bit excited yourself about this? 10

A. I never get excited, other people excitement, nothing never excites me.

Q. You are used to these little domestic quarrels?

A. In cooking, when you are working for your living you expect anything to happen.

Q. I see and sometimes it does?

A. Sometimes looks like that does occur.

Q. Now, you went there in the fall of 1924, didn't you?

A. I believe it was in February, 1925, I am sure, 20 it was, I was employed there.

Q. How long did you stay there?

A. I stayed there up until the next February, what date I don't remember.

Q. Were you there a year or a year and a half?

A. I was there a year, not a year and a half, because one February would only make it a year, see.

Q. I understand that. Sure you didn't go there earlier than that and sure you didn't go there fall of the year? 30

A. No, I am sure I went there in February because the fall and winter I was working for another lawyer, and Mr. Royer sent me there, I had just made a trip south and come back, I am sure of that.

Q. When you first went there did you know

whether Mrs. Sachse was buying the food for the house or Mr. Sachse?

A. The gentleman she told me was buying the food, he was providing.

Q. Now, about the things they had to eat, I think I heard you say to Judge Cole they had a terrible lot of rice, is that so?

A. Well, they did have a lot of rice.

10 Q. A lot of that kind of vegetables, rice, potatoes, and that sort of thing?

A. I doesn't call rice a vegetable.

Q. You don't?

A. I don't.

Q. What did you call it?

A. I would just call it a dish in place of potatoes. They can call it vegetables.

Q. Your idea of a vegetable is a green vegetable?

20 A. Yes, what I would have, such as I mean vegetable, string beans, cauliflower, lima beans, different things like that, but not rice.

Q. Now, Trudy, was the meals better when young Mr. Sachse was home than when he wasn't?

A. Well, the meal was just the same from the day I went there from the day I left, just what I made the first day and only just the day I left, it was the same thing.

Q. I mean over the week-ends would the meals be better?

30 A. On the week-end quite natural, everybody have better food on the week-end than it is middle of the week.

Q. So that over the week-ends there would be very considerable improvement in the menu, wouldn't there?

A. It was from the first day I went there until I left, every week-end at every home.

Q. And that was true here in the Sachse home?

A. Yes.

Q. Mr. Sachse went out and did the marketing, of course?

A. Well, he did the marketing on the week days, likewise Saturdays for Sunday.

Q. Now, about this rug that you seen Mrs. Sachse throw, I think you said that you heard some kind of a noise?

A. I did.

10

Q. And that attracted your attention?

A. It did very much.

Q. What kind of a noise was it?

A. Well, it was a boom, boom, boom, something like that.

Q. Something boom, boom, boom, downstairs, isn't that right?

A. Yes, and I went to see what that was.

Q. You went to see what that was and just about that time the rug landed on Mr. Sachse's shoulders, 20 is that correct?

A. Yes.

Q. That is it. Now, do you recall any time when Mr. Sachse used any bad language towards Mrs. Sachse?

A. No, sir.

Q. You don't recall him ever doing that?

A. I don't remember they had any bad language, Mr. and Mrs. Sachse.

Q. Ever hear any argument between them at all? 30

A. No, I never heard any argument between the two.

Q. Let me refresh your memory, did you ever hear Mr. Sachse call Mrs. Sachse a bitch?

A. Now, it has been so long, I don't think, it may have been.

Q. May have been?

A. Yes.

Q. Wouldn't like to say he didn't?

A. I couldn't say he did or didn't because all the time I wasn't there, a lot of times there is things that has been said that I don't know because I wasn't with them always.

10 Q. Do you remember him talking about Mrs. Sachse to you and the way the boy and girl were brought up?

A. Who?

Q. Did Mr. Sachse ever talk to you about the way the children were being brought up?

A. Yes, one time he would get mad he generally would sit and talk to me and would tell me he wanted Miss Nell to be brought up just the way Mr. Julius, which they both was very nice, he wanted them both to be brought up just alike.

20 Q. Did he criticise the way Miss Nell was being brought up?

A. Way his conversation would signify he didn't like the way she was brought up.

Q. And the fact was that the boy was completely under the thumb of his father, wasn't that the fact?

Mr. Cole: I object.

The Court: I will sustain the objection.

30 Q. The father and the boy were very close together, weren't they?

A. I won't say he was any closer, Judge, than the mother and the boy when I first went there, they was all very loving together.

Q. Now, did the boy change during that year?

A. Well, now, on one day, on one Saturday after-

noon they was all to the table, I had served dinner to them and they had company and on this evening, I don't know what came between the two, because I wasn't in the dining room but I noticed Mrs. Sachse was crying and I went to her bedroom for something and I asked her what was the trouble, so she said that her feeling was hurt to think that her dear child came home and didn't kiss her or something, anyway I said, "Mrs. Sachse, I wouldn't cry about that," so I went away wondering, of course, from that time on up until they parted, until the locking the house came about, I never saw her eat to the table any more with them. 10

Q. Now, you never saw Mr. Sachse ill-treat Mrs. Sachse?

A. I never did.

Q. Did you ever see Mrs. Sachse ill-treat Mr. Sachse?

A. Not in my presence.

Q. Did the boy ever show any sort of love and affection to his mother during the time you were there? 20

A. Very much, he was very affectionate to his mother.

Q. Did you hear him testify this afternoon on the stand?

Mr. Cole: I object.

The Court: Sustain the objection. 30

Q. You never saw then any signs of either ill-feeling or loss of love and affection on the part of the son during the time you were there?

A. Well, now, not to my remembrance. I remember one day that they had, Mrs. Sachse spoke

something, of course, it wasn't quite becoming to young boys in the presence, maybe, but I don't know.

Q. That was one of these small family affairs; you didn't see any signs of hatred or anything like that?

A. No, I couldn't exactly tell that.

Q. Acted like any normal boy would act?

A. He acted awfully nice.

10 Q. Toward his mother?

A. Toward his mother to my idea.

Q. During the year you were there from 1925 to 1926?

A. To 1926.

Q. Do you remember Mr. Sachse ever calling your attention to the trouble that some boys had gotten into down in Ventnor?

20 A. Well, I will tell you, I couldn't remember all those little things because it has been so long until I didn't have time to think about a lot of things like that.

Q. Did he ever show you a newspaper article about that?

A. Well, if he did I couldn't tell you because it has been so long.

Q. You don't remember whether he asked you to give that article to Nell and to tell her to read it? Do you remember that?

30 A. He might have. I don't say he wouldn't because I tell you been so long I couldn't remember everything.

Q. And to tell her that is the way her brother would have turned out if it had not been for him?

A. I think so; I am not sure.

Q. There was a matter of that kind, wasn't there, Trudy?

A. I think so but I couldn't be sure.

Q. Trudy, Mr. Sachse gave you a check to give to Nell. Where was Nell?

A. She was upstairs in her bedroom eating dinner.

Q. How did he hand you the check?

A. Well, he said to me like this, when I carry the dinner in, he said, "Oh, I forget to give Nell her check." He said, "Trudy, you take this check up and give it to Nell." I said, "Why should I give it to her, Mr. Sachse?" He said, "Well, she doesn't 10
speak to me, neither does her mother and rather than to butt in I rather you take up and give to them." I was working for them and I did everything they told me to do, so I taken this check up and she refused to take it, she taken it and looked at it and she give it back to me, she said wrote by her brother.

Q. When he gave you the check did he hand it to you or was it on a platter?

A. I don't know. 20

Q. Wasn't the check lying on a large platter when he handed it to you?

A. I couldn't tell you because been too long, couldn't remember whether laid on a platter or laid on a desk, but I know the check I taken to Miss Nell.

Q. Did you take it up on a platter, do you remember?

A. Did I taken it up on a platter?

Q. Yes.

A. I didn't take it up on a platter. I may have 30
carried the tray I had some plates on, I don't know; it has been so long, I don't know.

Q. But he didn't undertake to give her the check herself although she was in the house?

A. He didn't give it to her himself, I gave it to her myself because he told me to do it and I did it.

Q. Trudy, of course, you was in the kitchen most of the time?

A. I live in the kitchen all the time when I wasn't upstairs cleaning.

Q. How was the other part of the house during the winter time?

A. The house was all right. She would tell me to put coal on and I put coal on and he told me anything she wanted in order the fire will not go out, 10 when she wanted the draft turned on, I turned it on, when he came in he said the house was too hot, he would take the draft off, if he didn't, when I got read to go home I would take it off sometimes.

Q. You always went home around seven o'clock?

A. Yes, sir.

Q. At that hour in the evening the draft was turned off the heater?

A. Sometimes was and sometimes wasn't.

Q. A minute ago didn't I understand you to say 20 he said to turn the draft off?

A. Yes, I said sometimes. I didn't say all the time. I said sometimes.

Q. When you didn't do it, didn't he do it?

A. Yes, I guess he did do it because he said he was going to do it.

Q. This wood that was there when you first went there that disappeared, didn't it?

A. It burned up.

Q. Didn't get any more, did he? 30

A. I didn't see any more around there.

Q. That is right. Now, about this turkey for Christmas, turkey, you cooked the turkey, didn't you?

A. I did. I put it in the oven, the oven cooked it, but I put it in the oven.

Q. After it was cooked and all fixed up that is the last you seen of Mr. Turkey?

A. We had it for dinner.

Q. Who was "we?"

A. I was one and Mr. Sachse and Mr. Brother, and Mrs. Sachse and Miss Sachse said going to the Little Rock Inn to eat.

Q. Over there did you have an ice box, Trudy?

A. We had an ice box.

Q. Did you put the turkey in the ice box? 10

A. No, it was too hot to put in the ice box.

Q. Where did you leave it?

A. I left it in the pantry.

Q. How much had been eaten?

A. A whole lot, I think.

Q. Pretty much left?

A. I don't know; when I got my share I didn't look after the other fellow.

Q. Didn't you have any interest in the turkey the next day? 20

A. I don't know whether we had turkey or no. I don't know whether we had turkey the next day or not.

Q. As a matter of fact, the truth, the turkey disappeared that was the last you seen of the turkey, wasn't it?

A. I don't know whether disappeared or no. I know where I left it at.

Q. It wasn't where you left it the next morning?

A. Surely wouldn't want it stay out all night and 30 day.

Q. You don't know who took care of it?

A. No, sir, I didn't want to know either.

Q. You didn't want to know?

A. No.

Q. You didn't inquire?

A. No.

Q. Turkey just disappeared and you didn't inquire?

A. No, I didn't inquire because wasn't my business to.

Q. But you had reason to suspect where the turkey was, didn't you?

A. Sir?

10 Q. But you had reason to suspect where the turkey was, didn't you?

A. Indeed I didn't. I didn't have any idea where it was because didn't concern me at all.

Q. You thought better leave sleeping dogs lie, is that it?

A. Well, I tell you a fellow like to attend to my own business leave the other fellow's alone.

Q. You thought that your business was all through, as far as the turkey was concerned, when you cooked it?

20 A. Yes, sir; when I cooked it I was all through with it.

Q. On those occasions when you took this lamb stew home-made—lamb stew seems to have figured a lot in this?

A. It wasn't lamb stew, it was roast lamb.

Q. Roast lamb?

A. Yes, it wasn't lamb stew.

Q. You took it home?

A. I did, I took it.

30 Q. Ask Mr. Sachse's permission to take that home?

A. I did not; I told him I took that home.

Q. When did you tell him that?

A. I told him that evening when he came home from the stock market.

Q. When did you have this lamb?

A. We had on Sunday, I believe it was, and I don't know whether I taken it on Tuesday or Monday, I don't know, I took it home some day.

Q. After you took it home you told him about it?

A. No, I think I told him before I taken it home because something I never did take anything away unless I said it.

Q. Did you tell Mrs. Sachse you were taking it home?

A. I don't remember I did; I think I did. 10

Q. Mrs. Sachse gave you permission to take it away?

A. Mrs. Sachse told me she was providing the house, she hadn't anything to do with it.

Q. When you told Mr. Sachse you were taking it away what did he say to you?

A. He told me any time I knew any poor people

Q. Didn't object to it? 20

A. No, sir.

Q. Didn't criticise Mrs. Sachse for having thrown it away, anything about it?

A. Well, I don't guess he thought it was so nice.

Q. Now, there came a time after you were there when Mrs. Sachse did begin to complain about the food, didn't she?

A. She did.

Q. You think she had any reason to complain about the food? 30

A. Now, I couldn't tell you that because I don't know anybody's mind or idea but my own, couldn't tell you anything about her idea.

Q. So this wasn't any sudden idea, she did complain about the food rather continuously, didn't she?

Mr. Cole: I object to that, rather have the facts, not thought.

The Court: Sustain the objection.

Q. I said this wasn't any sudden thing, that it was continuous, was it not?

10 A. Well, when Mrs. Sachse complain about the food she said later on, she said that she just couldn't digest that canned food, Mr. Sachse bought and she had to have all fresh vegetables, she couldn't digest the canned food, that he would buy, and, of course, lots of times that he bought hamburg steak and she said that she would, called it dog meat, she said she couldn't digest it, she said it was too heavy, and then sometimes he would get lamb chops, sometimes he would go out and get that, sometimes had a little broiling chicken.

20 Q. Now, about these canned vegetables, etc., did you ever tell Mr. Sachse that Mrs. Sachse objected to the canned vegetables?

A. I told him.

Q. What did he say about it?

A. Well, he said she has been eating canned food all along.

Q. Didn't undertake to change it at all, did he?

A. Well, he would buy spinach or something like that.

30 Q. Well, when would he buy the spinach?

A. Well, he would buy the spinach some days week and some days on Saturday, in the fall of the year you can't get green vegetables.

Q. This is the fall of the year, Trudy, can't you get green vegetables now?

A. Unless you go —

Mr. Cole: I object to the argument between counsel and witness.

The Court: Sustain the objection.

Q. Now, when you talked to Mr. Reed about this case did you tell him that at various times the food was of such a character that you couldn't eat it and that you had to go out and get something to eat or go home to get something to eat? 10

A. I did not. I told Mr. Reed and I think I told you what I said at the beginning, I always say the same thing because if you are determined to tell the truth —

Q. That is all.

By Mr. Cole:

Q. After you had had this talk in Mr. Reed's office about this case, what you knew about it, did Mr. Reed say anything to you? 20

A. No, sir; he didn't.

Q. Did he tell you whether he wanted you as a witness or not?

A. He did not.

(Recess taken to 10:00 A. M., November 17, 1927.)

Atlantic City, N. J., November 17, 1927.

(Trial of the cause resumed at 10:00 A. M.)

ALBERT F. SACHSE, SWORN.

10 Direct examination.

By Mr. Cole:

Q. You are the defendant in this case, are you?

A. Yes, sir.

Q. I show you two agreements between Albert F. Sachse and Alice Warren Sachse which have been marked for identification and I ask you whether you ever signed any agreement of which these are dupli-
20 cates?

A. No, sir.

(Agreements offered, received in evidence and marked Exhibits D1 and 2.)

Q. Do you recall, if so state, how you came to have both agreements?

A. Why, we went to Mr. Bourgeois' office and Mrs. Sachse and Mr. Bourgeois made this out in one
30 of Mr. Bourgeois' rooms, then brought them out in where I was and Mrs. Sachse signed them and he asked me to sign them and I told him that I wouldn't sign them until I consulted my attorney, Theodore W. Schimpf, and when I consulted Mr. Schimpf he told me not to sign them.

Q. Did you have the agreements when you went to Mr. Schimpf?

A. Yes, both of them.

Q. And you showed them to him?

A. Yes, sir.

Q. And have you had them ever since?

A. Yes, sir.

Q. Did you ever turn either of those agreements signed by her over to her after they had been handed to you?

A. No, sir.

Q. Were you in Mr. Bourgeois' office when Mrs. Sachse was making the recitals or charges against you which were afterwards put in this agreement? 10

A. Well, I was in one of the offices but not where Mr. Bourgeois and Mrs. Sachse were.

Q. Did you agree to the recitals in there that you had mistreated your wife and that you would conduct yourself in a gentlemanly manner, and so forth?

A. No, sir.

Q. Now, explain the incident of the rug that was thrown on you, how did it come about? 20

A. Why, I was talking to Mrs. Sachse that I didn't want, didn't think it was right for her daughter to be taken to parties where they had liquor on the table, she got mad and said I was an old fossil and went upstairs and threw the rug from the first floor landing down on me.

Q. How did you know that your daughter Nell had been going to places with her where liquor was dispensed? 30

A. Well, she only told me of the wines, the elaborate supply that they had and I didn't think that Nell ought to go at her age.

Q. Who was it told you that?

A. Mrs. Sachse told me.

Q. Had you done anything other than what you

have told to provoke her throwing the rug on you at that time?

A. No, not that I know of.

Q. Now, she said that at one time you threw her mother's trunk out. Will you explain that incident?

A. I cannot. I don't remember that.

Q. Did her mother visit you?

A. Yes, sir.

Q. Through how many years?

10 A. Well, several different periods, some in winter and some in summer.

Q. How long would she remain?

A. Well, I think some times probably six months, maybe not so long.

Q. Your wife said that her mother paid board while she was there?

A. Yes, sir; she did.

Q. Who got the money?

A. Mrs. Sachse.

20 Q. You ever get any of it?

A. No, sir.

Q. Were you paying for the food that was used at that time?

A. Well, I was paying, I was giving Mrs. Sachse an allowance at that time.

Q. Did her mother ever complain to you that the food wasn't enough or wasn't fit to eat?

A. No, she always said I was a very liberal provider.

30 Q. Did her mother ever complain to you that the house was too cold for her to live in?

A. No, but she has complained sometimes, of course, being a very old lady, that she wasn't warm enough and then I would go down and fire up.

Q. Where did she sleep when she was at your house?

A. In my room that was communicating with the bath.

Q. You surrender your room to her while she was there?

A. Yes, sir.

Q. Why did you do that?

A. Because I thought she was an old lady and she ought to have the convenience of the bathroom.

Q. Now, will you explain the incident about the fork?

10

A. Why, I was in the kitchen standing along side of the gas range, the girl was dishing the lamb stew, she was getting the meat with this fork out of the pot. I was standing there because after she, when she was holding the dish, I was going to pour the liquid on the dish and Mrs. Sachse came out and grabbed the fork from Trudy to take it and went that way "Get out of the way," to me and I grabbed the fork and pulled it out of her hand and then she went over to the edge of the kitchen and got a basting spoon and came back and commenced to hit me on the back, of course, the spoon didn't hurt me any.

20

Q. Now, did you cut her with that fork at that time?

A. No, there was no, I had the cutting end of it, I had the prongs in my hand.

Q. Now, she said on that occasion you injured her hand as the result of stabbing her, if you please, with that fork; is that true?

30

A. Absolutely not, sir.

Q. Did you have any intention of doing her any harm at that time?

A. None at all, last thing in the world I would think of.

Q. Now, you saw the condition the fork was in

when it was produced here the other day, didn't you?

A. Yes, sir.

Q. Was it bent like that when this trouble was over, whatever it was?

A. No, it was only slightly bent because it couldn't have been bent in that position with two people hold of it, could only be bent in one.

Q. Did you see the fork after the trouble?

10 A. Yes, I saw the fork after the trouble.

Q. Was it used, do you know, by Trudy after the trouble?

A. She finished then getting this stew out with it.

Q. Now, what about the incident when she says in February, 1926, you slammed the window down on her arm?

20 A. Well, I didn't. The incident was that we were having some hot cakes made. I found that we needed butter, because hot cakes take plenty of butter and I went over to the store to get the butter and I came back and they were at the table eating hot cakes and I was sitting over at a separate table and she got up and opened—it was cold, very cold—she opened all three windows and I went and I shut them and then she would open them again and then she, at the last time, why she stood with her shoulder up to the window and says, "Don't hurt my arm." I didn't pull the window down, I went out of the room then.

30 Q. Did you pull the window down on her arm?

A. No, I went out of the room, because she was standing there with her shoulder under the window and says, "Don't pull the window down on me."

Q. Did you intend to pull the window down on her arm?

A. Absolutely not, sir.

Q. Did you intend to harm her?

A. No, sir.

Q. Now, she says that you used to wear that coat she produced here in the kitchen and dining room and it used to get in the food; what about that?

A. Why, that coat hasn't, to my knowledge, been used for five years. I had a garden and I used to wear that coat in the garden to work in; when I sold the garden everything was brought over and among it was that coat and put underneath the house, which has no floor, and it was there at least two years, after I sold the garden, and I hadn't seen it since until it was in the court here. 10

Q. You mean the place you left it wasn't in your own home where you live?

A. Yes, well, when I sold the garden it was brought over to my house and that was underneath, we had a storage place underneath the porch and that was on the ground and had been there a couple of years. 20

Q. How long do you think that was before the time that Mrs. Sachse barred the door against you?

A. Well, I had sold the garden three years before that, so it was under there at least two years, the coat was valueless.

Q. Did you ever consciously allow your clothes that you were wearing to get into the food at the table?

A. I never knew that they did.

Q. Did you ever strike her? 30

A. No, sir.

Q. Did you ever threaten to strike her?

A. No, sir.

Q. Did you ever threaten to put her in the bug house?

A. Well, on a couple of occasions I might have—

I have said that she ought to be there for some things that she had done.

Q. Do you recall when that was?

A. Well, one time was in 1925, when she was in the kitchen throwing plates on the floor and breaking them, just sitting down at the table and throwing plates around on the floor, and the girl swept them all up and I said that and another time that I told her that when she gave a man in Philadelphia a thirty-five hundred dollar check and had a little
10 over a hundred dollars in bank and I had to go up to Philadelphia to get the man to fix it up, so I finally got him to release her.

Q. Did you ever threaten to put your daughter Nell in the reform school?

A. No, I did not. What my remark was I wanted Nell to go through high school because they had given my son such a good education. She wanted to go to Harcastle's school to be a typist. So I had
20 some talk with her out of it and I said, "Where you ought to go is in the reform school."

Q. Did you ever expect to put her in the reform school?

A. Absolutely not. I didn't specify any reform school. I only said that because I wanted to keep her in the high school.

Q. She had her way, didn't she?

A. Sir? Yes, she had her way and she went to it and I paid for her to hire a typewriter to practice.

30 Q. Your daughter said on one occasion you threw hot water on your wife; did you ever do that?

A. Yes, sir.

Q. What was that incident?

A. Well, she had a habit, before this separation in 1920, when she would be washing dishes and I would go by she would just take her hand and throw

a couple of handfuls on me and one day I was going by there and I took a couple of hands full and threw on her; that was all there was.

Q. That was before the date of this agreement?

A. Yes, that was before the agreement, so then she called this the throwing of water.

Q. She says that you kept her son, your son, a prisoner in the house while he was ill; what have you to say to that?

A. Well, my son came home sick, when he came in the door, of course, when he came the week-end he came in on Saturday, this time he came home on Friday and, as soon as he came in the door I saw that he was in bad shape, so I called up Dr. Youngman's office, and Dr. Youngman's assistant came, Dr. Darby, and he was in the room, when he came he was in the living room and he had his coat and vest off and his shirt and Dr. Darby was examining him with the stethoscope, his mother came through the room and never asked even what was the matter with him, she went right by and out the door, so then I put him to bed and I nursed him, we had Dr. Youngman then came the next day and Dr. Youngman came then for four days, because either Wednesday or Thursday he was able to go out and Dr. Youngman said that he would better be out in the sun, so I took him out in the air on Sunday, so on Friday or Monday he went back to the university again, so he was only home just a week and a day.

Q. Did you lock that door where he was?

A. Why, in the room, they are adjacent rooms and the one room has never had a key for it, to my knowledge and only the other room had a lock on it or a key.

Q. Could your wife have gone in the room if she had wanted to?

A. She did go in.

Q. How often did you see her there?

A. I didn't see her because when I was downstairs why the girl, when I was downstairs looking after things then she would go in, the door was open, so then Thursday morning, we had a colored girl, Julia Young, and she said to me, she says, 10 "Boss, I am going." I says, "Why?" She says, "I am going to tell the madam what I think of her."

Q. We don't care about that. The whole thing I want to know is whether you did anything to stop your wife going to see your boy?

A. Absolutely none, because I was downstairs when the girl left on Thursday I had to do his cooking, so when I was downstairs cooking could get in all right.

20 Q. Did you ever say anything to your son to induce him to have lack of affection or love for his mother?

A. No, sir; I encouraged it because I wanted peace.

Q. What did you tell your son should be his treatment toward his mother?

A. Why, to love her and respect her because I thought besides being his duty that if he did that it would keep the home together and home means 30 a great deal to me.

Q. Now, did you assist in getting Mrs. Sachse the position that she has with the city?

A. Yes, sir.

Q. How came you to do that?

A. Well, in December she asked me whether I had any objection. I told her, she says, "You know music

is my life," and she says, "The position will finally pay five thousand dollars a year," and she says, "If I get it I can have all the money to blow that I want, it will make me happy and let you attend to the house and buy the things and look after it." Well, I had nothing to do so I said I would do it. I did it and towards the beginning I would give to her and ask her what she —

Q. Before we come to that, did you do anything to try to get her the position? 10

A. Yes, sir.

Q. All right. Now —

A. What little influence that I had.

Q. So it was satisfactory to you at that time?

A. Oh, yes, I was pleased to have her.

Q. Now, did there come a time after that when there were some differences between you and, if so, how did it come about?

A. Well, I can never tell why her action, why her attitude changed so because I was doing all I could to keep things running smooth, and I don't know what started it. 20

Q. Now, had she told you that she intended to bar the house against you?

A. No. I hadn't the slightest idea of it being done.

Q. When did you find out it had been done?

A. When I went home that night I found new locks on the door, so I went down to Mr. Westcott and asked him about it and he called up Mr. Reed and he said Mr. Reed had ordered it done, so then there was nothing to do, I hadn't any clothes, so my son came down on Sunday and went to the house and got his clothes and got my clothes. 30

Q. Now, how soon after that was it that you were arrested on a ne exeat?

A. I was arrested the same day that I was locked out because I in the morning —

Q. That is enough on that. Now, tell us, please, about the condition of this house as to temperature in cold weather. What is the fact about that?

A. Well, I furnished coal. We had, we burned about twelve ton a year my statement shows. I gave the, I always got up early and started the fire, put the draft on and when I left I always told the
10 girl, I says, "Now keep the madam warm," and I —because I wanted her to be comfortable, and I says, "I will furnish the coal," and I never once asked, of course, that winter was the winter of the strike and we were using bituminous coal and, of course, it wasn't as easy to handle as the anthracite coal.

Q. Did you do anything to prevent the house being warm?

A. Absolutely not. There was a five section Mills
20 boiler, there was twenty-five per cent extra radiation in the house.

Q. Was there ever a time when you didn't have coal there to burn?

A. No, sir, never was without coal because the plant would have frozen.

Q. Did you also have wood?

A. Yes, we had wood and the time I left or was locked out I had just gotten a cord of wood the month before and there was part of it in the back
30 yard because I hadn't sawed it up, I had a big double cross cut saw.

Q. You mean at the time you were barred out?

A. Yes. In the yard.

Q. Where did you use that wood?

A. I got it in January.

Q. Where?

A. Open grate.

Q. Was there anything about the open grate to prevent you using the wood?

A. Yes—no.

Q. Your wife said there was something wrong with the open grate?

A. What was the matter, there was some of the fire bricks, I had it relined with fire bricks and some of the fire bricks the mortar became loose in them which, of course, didn't prevent it from burning. 10

Q. She said something about your tying the door back as though you were attempting to keep the heater from keeping the house warm, what is there about that?

A. Well, one Sunday there was a pretty high wind and the bituminous coal I had a very hot fire and I wanted to keep the house hot, so she would go downstairs and open the ash door, which ought not to be opened in high wind and she did it two or three times, so I went down and just wired it up, put a wire on it, the next morning I took the wire off. I had to take the wire off to put the ashes out and the wire was never on afterwards. 20

Q. Is that the only time it was on?

A. That was the only time it was on, there was an extremely high wind and it was necessary to hold the fire.

Q. Did you have an electric blower on that stove?

A. I had an electric blower right alongside of it so every time it needed any blowing all you had to do was turn on the current. 30

Q. What was the design of that, what was it to do?

A. Sir?

Q. What was that thing to do? What was the purpose of it?

A. Why, the purpose was to put a forced draft on the fire, it was an apparatus that fitted in under the fire box and made it a forced draft.

Q. Did that assist in making heat?

A. Oh, yes; it assisted.

Q. What was the general temperature of your house in cold weather, cold house or comfortable house?

10 A. Well, it was very comfortable, except in extremely cold weather and in extremely cold weather our house was so open inside, no doors between the living room and dining-room and hall and it made it hard to heat.

Q. Did you ever do anything to keep that house cold when it needed to be warm?

20 A. No, sometimes I had a great trouble to keep it warm because Mrs. Sachse would open the balcony door in the morning and open the windows and then I would say to Trudy, "Well, Trudy," I says, "I can't heat all of Ventnor, see what you can do," because I didn't want to pull down the windows or I didn't want to take and lock the door or shut the door of the balcony and that was done on the coldest days.

Q. Did you ever use any insulting remarks to your wife?

A. No, sir.

Q. Did you ever swear at her?

30 A. Sir?

Q. Did you ever swear at her?

A. Well, we have often joked and cut up and kidded one another and I don't know whether that is called swearing or not.

Q. How did it come about that your wife and daughter refused to eat at the same table with you?

A. Well, when she got that position, I think, the radio position, why it gave her —

Mr. Richards: I object to what he thinks.

Q. You needn't tell us what you think, just tell us what actually happened in the way of your wife leaving your table in the dining room?

A. Well, for some reason the food she said she couldn't digest it, that she wasn't used to eating ordinary food any more. 10

Q. Now, then about when was that?

A. That happened in about, probably four months after she had had this position.

Q. Now, is it the fact that you had been serving at that time the same kind of food you had been serving theretofore?

A. Same as we have always served.

Q. In the same quantities? 20

A. The same quantities.

Q. Then, so far as the food was concerned, was there any reason why she should object to eating at the same table with you?

A. No, sir.

Q. Where did she eat after she refused to eat at the same table with you?

A. Well, sometimes she would eat in the sun parlor, sometimes up in her room, sometimes in the living-room and I told the maid, I told the girl, Trudy. Now, I said "You serve, you are here to please Mrs. Sachse and it don't make any difference whether she wants it served on the roof, take it there." 30

Q. Now, the food that was served to her, whether from the table where you ate after you say she re-

fused to eat at the table, was that the same food you were to eat?

A. Same food, when she had, when we had chicken she had got the white meat of the chicken and Nell got the leg of the chicken because that is what she wanted.

Q. I want to know whether you served her the same kind of food you and your boy were eating?

A. Yes, sir; it was all cooked the same.

10 Q. Was there any difference in the quality of that food after she got the position than it was before?

A. No, sir.

Q. Where did you buy your supplies?

A. Well, I bought my meat at the Atlas Butchers.

Q. Is that a place of reputation?

A. The best people in Ventnor deal there.

Q. Go ahead.

20 A. And I bought some groceries at the American Stores, and at the A. and P., and I bought my chickens at Beyers.

Q. Is that a reputable place?

A. Robert Beyers is the biggest poultry man in Atlantic City and I always got good goods there, then I bought my fish at the Ventnor Fish Market, except sometimes Mr. Reed would drive up to the inlet and we would get the fish up there, fresher, and cheaper, and we would get it there. Then, in the vegetable line, in the summertime, why, I got 30 the bulk of my vegetables out in the country and in the winter time and in the fall I would get them at the different places, different fruit stores.

Q. Now, will you tell in a somewhat detailed way just the variety of food that you did buy for your house?

A. Well, for breakfast we would have —

Q. I don't mean now what was served at the

meal. I want you to tell us what you did buy for use in the house first.

A. Well, I bought roast lamb, roast beef, roast chicken, stewing chicken to fricasee, we bought broiling chickens, bought fish of different varieties, and Mrs. Sachse and Nell were fond of lamb chops.

Q. Just go on and tell. Did you have turkey, for example?

A. We had turkey on Christmas in 1925 and I asked whether anybody would be home and Trudy find out that Mrs. Sachse and Nell wouldn't be home, brother was going to a football game and there was nobody left to eat turkey but me and I wasn't going to get a turkey just for myself, because I —— 10

Q. Now, what about the canned goods; did you have canned goods?

A. Yes, we had canned goods, because in the winter time ——

Q. What kind of canned goods did you have?

A. Well, string beans and corn and tomatoes and 20
peas.

Q. Where did you buy those?

A. At the American Stores and the A. and P.

Q. Were they of good quality?

A. The best they sell.

Q. Now, your wife seemed to make particular complaint because you had so much rice; did you have other food beside rice?

A. The reason there was always rice cooked, the girl was very fond of rice and bacon, that she wouldn't eat lamb, and rice and bacon was her dish. 30

Q. When you speak of the girl, who do you mean?

A. Trudy. Trudy wanted rice and bacon, so I always, I says to Trudy, "Cook all the rice you want for yourself," and always provided bacon because she wouldn't eat lamb, and lots of other things she wouldn't eat.

Q. Now, Mrs. Sachse said when the food was served during the time that she ate at the table with you, that you took the largest and the best and gave her and the daughter the smallest and worst; is that true?

A. Absolutely not, sir.

Q. Now, did there come a time when Mrs. Sachse began to complain about the food?

A. Yes, sir.

10 Q. When was that period?

A. Well, probably in May everything that I would bring in either would be stale or rotten.

Mr. Richards: Have the year fixed.

Q. What year was that?

A. 1925.

Q. Was it stale?

A. Not that I know of, sir.

20 Q. Was it rotten?

A. I am sure it wasn't rotten because Atlas Butchers wouldn't sell rotten meat.

Mr. Richards: Ask the answer be stricken.

The Court: Yes, the latter part may be stricken.

Q. Did you intend to buy any stale food?

A. No, sir.

30 Mr. Richards: I object to what he intended to do.

The Court: I will permit that.

Q. Did you intend to buy any stale food, Mr. Sachse?

A. No, sir.

Q. Did you consciously buy any stale food?

A. No, sir.

Q. Did you intend to buy any rotten food?

A. No, sir.

Q. Did you consciously buy any rotten food?

A. No, sir.

Q. Did you eat some of this food that she said was stale and rotten?

A. I was there for every meal. 10

Q. Was there anything rotten with it that you discovered?

A. The only thing that I saw rotten were I remember once that I got some peas and being in the grocery business I know these things could happen, the can of hard peas, and the peas were not right.

Q. You recognized that, did you?

A. Yes, they were thrown away, and the next day I went to the store and got one in place of it.

Q. Is there anything unusual about finding occasionally a can of peas that is not good? 20

Mr. Richards: I object to what is unusual.

The Court: I will permit that.

A. Nothing unusual at all, because canned goods in the factories are all piled up and labelled; now, sometimes a pile gets upset and where they are labelled the peas are labelled wrong, corn is labelled. We had that in business often. 30

Q. Was there any better place you could have gone to get any better food than you did go?

Mr. Richards: That is objected to.

The Court: I will sustain the objection, a matter of judgment.

Q. Now, Mrs. Sachse spoke about your dramatic walking up the street with turkey legs out of the bag to try and persuade the public that you had turkey in the bag when you didn't. First of all, were you trying to persuade the public that you had a turkey in the bag when you didn't?

10 A. I was doing that as just a joke on the colored girl.

Q. Tell about that.

A. I was down to the butcher's and I got a couple of turkey legs and put them in a bag and wrapped them up and went home and I said, "Trudy, here is a turkey for you." That was all there was to that.

Q. What did you have in the bag beside the turkey legs?

20 A. Just some paper.

Q. Now, she testified in substance that on Mothers' Day you said to your boy that you were sorry that he didn't have the right kind of a mother, something to that effect; do you recall any such statement?

A. I don't remember it at all, sir.

Q. Did you ever, in the presence of your boy, when your wife was present, tell him that he didn't have the right kind of a mother?

30 A. No, sir.

Q. Now, did you keep a menu of the food that was prepared for the meals after Mrs. Sachse began to object?

A. Yes, sir.

Q. Where did you put that record?

A. Well, our first record was in a book and that book disappeared.

Q. Where had you been keeping that book?

A. On my son's desk.

Q. Did you remove it yourself?

A. No, sir.

Q. Do you know who did, personally, I mean, now?

A. Well, I have no proof, sir.

Q. After that book was lost did you continue to keep the menu?

A. Yes, sir.

10

Q. Who wrote it?

A. Well, sometimes Brother wrote them out and sometime I wrote them out.

Q. Why did you do that?

A. Because I thought that it was so unfair to complain about the kind of meals that I wanted a record of them so that my son in later years could see the ones that were complained about.

Q. Have you those menus that you, that is, those that you prepared after the books was lost?

20

A. I have some of them.

Q. Will you produce them?

(Produced.)

Q. Are they dated?

A. Yes. Shall I read?

Q. Just a moment; are they dated?

A. Yes, sir. These are.

Q. When were they made with relation to the time when the food was served?

30

A. Well, made the same night.

Q. How many of them have you there?

A. Well, there is fourteenth, fourteenth, fifteenth, there is the twelfth, there is the eighteenth and there is some on the sixteenth.

Q. Of what month or year?

A. July, 1925.

Q. And these are in your handwriting?

A. Yes, sir.

Q. Was the food that is enumerated here actually served at the table?

A. Well, on the twelfth we had applesauce —

Q. I don't care about that for a moment; I want to know whether you served the food—I want to know whether the food that is covered here was
10 served? Was this what was served at the table? You understand my question?

A. Yes, I understand your question.

Q. That is all I want to know.

A. Only the fruit was served here and the choice of the cereal and there were eggs, orange, marmalade, coffee, milk; we could have applesauce or blackberries, either one.

Q. That enumerated one of the two that would be served?

20 A. Available to serve, to have their choice, I don't know whether they were on the table or not, but they were in the refrigerator.

Q. Now, did you have any other memoranda of these menus except what appear on these sheets?

A. Oh, yes, I have a good many of them in here.

Q. In a book there?

A. Yes, but there is a lot of other things in the book.

Q. I know, but are those menus separate from
30 other things in that book?

A. I have to tear them out.

Q. What I want to get at is, you did put some of those in that book?

A. Yes, afterwards.

Q. Counsel can see the book so far as it relates to those things if he wants to. These detached sheets I want to offer.

The Court: Any objection?

Mr. Richards: Yes. I don't know whether I want to object to them or not. I will look at them first.

The Court: Any objection?

Mr. Richards: Yes, if your Honor please, quite a bit on these that is not menu in here. I don't know that I particularly object to this offer. 10

The Court: No objection so far as the menu is concerned, is that my understanding?

Mr. Richards: No.

The Court: So far as the menu is concerned these papers will be admitted.

20

(Admitted and marked Exhibit D9.)

Q. Did the objection or objections Mrs. Sachse had made to the food include that she wasn't getting enough to eat?

A. No, but it wasn't fancy enough because we didn't serve any lobster.

Q. Now, she said that on one occasion you threw a pan, I think, up the steps or else down the steps and made a lot of noise and din that she couldn't stand; do you remember that incident? 30

A. No, sir.

Q. Did you ever do anything like that?

A. No.

Q. Ever throw anything up and down the stairs to make a noise?

A. I might have thrown something down the stairs, rolled something down the stairs, but never of any kind.

Q. I think she testified you had a lot of pans and threw them down the stairs?

A. No, I did not, sir.

Q. Now, she also says, I am not sure about the exact language, but that on one occasion you said something about that she was cheaper than a negro;
10 did you ever make such a remark as that?

A. Absolutely not, sir.

Q. Now, Mrs. Johnson says that on one occasion that she was at your home you insulted her; did you?

A. No, sir. I was always very friendly with her.

Q. Did you ever say anything to her on that occasion to insult her?

A. Why, no, sir.

Q. How often did she visit your home?

20 A. I don't know how often, Judge Cole, but she was there. I was entertaining enough that Mrs. Sachse would go out, Mrs. Johnson on several occasions has stayed after Mrs. Sachse went, to talk to me for a while.

Q. Up until how near the time that you were barred out did Mrs. Johnson visit there?

A. The last time I remember Mrs. Johnson being there was in May, and I asked her to stay to dinner and she stayed on my invitation.

30 Q. Is that the time that Mrs. Sachse bought the food from some bazaar?

A. No, because I remember distinctly that we had chicken that night, we had fricasseed chicken and it was very nice; Mrs. Johnson seemed ——

Q. She find any fault with the food?

A. No, she didn't; she always, I had to coax her to stay.

Q. At that time was Mrs. Sachse eating at the table with you?

A. Yes, Mrs. Sachse and Nell was there, my son wasn't home.

Q. They complain anything about the food on that occasion?

A. No, everybody seemed to enjoy their meal. There was an abundance there because my son had just telephoned he couldn't come home until late; he was rowing that afternoon.

Q. I think I asked you but I will ask again, to be sure about it; did you use profane language either to or in the presence of Mrs. Sachse?

A. No, sir; I did not use it.

Q. Did you ever call her any names?

A. Not except in a joking way, I don't know, same as she called me.

Q. Did you ever call her any vile or bad names in anger?

A. No.

Q. Now, did you ever hear her refer to you in any improper manner?

A. Well, of course, Mrs. Sachse made objections, her principal fault with me was because I have whiskers and because I have a large abdomen. Well, there is a reason why that I have the large abdomen.

Q. I don't care about the reason. I want to know what she actually said.

A. Well, she would refer to me as "big guts" to the girl and one occasion was out in the yard, Trudy says, "When are you coming home or will you be home to lunch?" She says, "No, there is no good of me coming home to lunch because big guts won't have anything that my stomach can digest." And then another name was familiar was "the old skunk." And then another occasion, why, I was

10

20

30

sitting in the library or in the sitting room and Nell and Mrs. Sachse were in the dining room getting their lunch and my son had been in bathing and I called down, "Hello, Buster," and he called up, "Dad," and then Mrs. Sachse told me to do something that I probably ought not to repeat here.

Q. Now, she said that when Nell was born and for a very short time afterward you were in the room and you used vile language touching Nell who
10 had just been born; did you do that?

A. Absolutely not, Judge Cole. When Nell was born, she was the second child born in Ventnor, I inquired, we had just moved down here and I inquired the best doctor that was down here for that purpose and they named Dr. Alfred Westney; well, of course in those days Little Rock was out of the world, and I said, "Doctor Westney, can you get down on a short notice?" Well, he said, "I have
20 got a good driving horse or two driving horses and one riding horse, so I guess I can get down there." I was that sure that I wanted Nell brought into the world safely.

Q. Did you have Dr. Westney?

A. Had Dr. Alfred Westney and a trained nurse.

Q. Who was the trained nurse, do you remember the name?

A. I can't think of her name now, but we had her for both children, she is a very efficient nurse and she stayed there her full time the same with Nell
30 as she had with the other.

Q. Do you remember what she said about what you had said about Nell? I don't remember the exact language; did you make any such remark as she said you made?

A. Absolutely none; I was too glad to have her.

Q. I think she also said that you didn't even go

in the room or see her for three weeks after Nell was born; is that true?

A. Well, the nurse took me in there, she was born early in the morning and I had to go over to the store down there had a telephone and I got Dr. Westney, and that afternoon, why, I went and saw Mrs. Sachse; in fact, the morning the nurse, I don't know whether morning or afternoon, the nurse brought it out and said, "I want you to see your daughter."

10

Mr. Richards: Never mind what the nurse said.

Q. At any rate, did you see the child?

A. Yes, nurse brought it out and said, "Here is your daughter."

Q. Did you remain out of the room and refuse to see Mrs. Sachse three weeks after that?

A. Absolutely not. I saw her the first day.

Q. Were you at home every day?

20

A. No, at that time I was commuting to Philadelphia.

Q. When you were home?

A. The day she was born I stayed home; I didn't go up to work.

Q. Now, she said that you ordered friends of hers out of the house; did you ever do that?

A. No, sir.

Q. Were there friends of hers visited there?

A. Why, yes, there were friends called on her, I suppose. I wasn't home. I don't know who she had.

30

Q. The specific thing is I want to know did you order any of her friends to keep out?

A. No, I never ordered any of her friends out; I have said on a couple of occasions it was time to go to bed, if that is ordering them out.

Q. Speaking about that, what time do you retire?

A. Well, from half-past seven to half-past eight.

Q. Why do you retire so early?

A. Because I have inward trouble with my side that makes it necessary for my comfort to go to bed with a hot water bottle or hot water bag for comfort.

Q. How long have you been doing that?

A. Well, that is in the last six years or seven
10 years, it has gotten more painful, it was so painful that I had to give up my position as salesman for wholesale grocery house because I couldn't stand the walking any more.

Q. Did your work require you to walk?

A. Yes, salesman requires to walk.

Q. How long had you been engaged in that sort of employment?

A. Twenty years.

Q. Since then you haven't done anything?

A. Well, when I had my properties I did my own
20 repairs, and since that —

Q. You haven't been employed by anybody else?

A. No.

Q. Did Mrs. Sachse do anything about the house to annoy you, as you thought? If so, state what the incidents were, to make you uncomfortable?

A. Well, on a cold night I would go over and get the paper and I would come home and I would find all the windows open in the living room so I couldn't sit there; of course, I would shut them up, then the
30 curtains were taken down between the rooms to make a draft and the reading lamps were taken upstairs, sewed up with sheets so I couldn't read.

Q. Did you see those lamps upstairs?

A. Oh, yes; I saw them up there and I didn't touch them.

Q. Did you ask her why she had moved them?

A. No, I didn't ask her, Judge Cole, because I wanted to keep out of trouble and I had no conversation with Mrs. Sachse for a long while and any conversation was addressed to me I wouldn't return because she said that I wasn't man enough to fight, so that I was some kind of a hen huzzy that I wouldn't fight, so I ——

Q. Did she call you a hen huzzy?

A. Yes, she said I was a hen huzzy, and I wouldn't fight, so I was satisfied to be the hen huzzy. 10

Q. Did anybody make a report to you about these lamps being upstairs and tied up in relation to getting into a fight about them?

A. Well, only what Trudy told me.

Q. Did Trudy make some report—don't tell what Trudy said—but did Trudy make some report to you about what somebody said something about them?

A. She made the report to me that the lamps were taken ——

Q. Don't tell what she said. 20

The Court: No, you can't tell that.

Q. Do you remember the incident when you sent Nell with some money to hand to Mrs. Sachse?

A. It wasn't Nell; it was Trudy.

Q. Pardon me.

A. Yes.

Q. Trudy instead of Nell, with some money for Mrs. Sachse? 30

A. Yes, sir.

Q. Did she bring the money back?

A. Yes, sir.

Q. Did she tell you anything about it?

A. Told me the madam sent it back and told me to go to hell with it.

Q. How did it come that you sent that money?

A. I told Trudy, I says, "I can't please the Mrs. any more, so," I says, "here is \$2.65," I says, "I have gotten everything in but the meat, now you ask her to buy the meat to suit herself for today," so that was the message that I got, and another message that I got was —

10 Mr. Richards: I object to that.

The Court: Yes; there is no question.

Q. You can't tell what Trudy said to you, I suppose. Now, after you went to Philadelphia, did you write Nell?

A. Yes, sir. That is the second one, and my sister wrote to her, also.

Q. One thing at a time; did you write Nell?

20 A. Yes, sir.

Q. Did you mail the letter?

A. Yes, sir, on that date.

Q. Did you keep a copy of the letter?

A. That is the copy—the other one —

Q. Did you keep a copy of the letter that you mailed?

A. Of that one, that is the copy.

Q. Where did you address the letter?

A. To the President Hotel.

30 Q. Is that where they were stopping, as you understood it, at that time?

A. That is where I understood.

Q. Was it ever returned to you?

A. No, sir.

Q. Where were you living at that time?

A. 5066 McKean Avenue, Germantown, and when we established a home there —

Q. I don't care about that for a moment; will you look at that and tell me whether that is the exact copy of the letter you sent to Nell?

A. That is the copy of the letter.

Q. Exact words that you used in the letter?

A. Yes, sir; I copied it myself.

Q. Ever get any reply to it?

A. No, sir.

Mr. Cole: I want to offer that in evidence. 10

Q. Did you mail her more than one letter?

A. That is the second letter; the first letter I mailed offering her a home —

Q. Did you get a reply to either letter?

A. No, sir.

Mr. Richards: I object to the letter, if your Honor please, self-serving declaration made after the time of the separation. 20

The Court: I don't know what the probative force would be. Here is a copy of a letter which was offered after a demand is made for the original, witness testified he mailed it. I will admit the paper; I don't know what probative force it may have.

Mr. Richards: If your Honor please it isn't because it is a copy that we object, but because it is a self-serving declaration made after the separation. 30

The Court: It may have no weight, then, at all. I can't tell until it is in evidence.

Mr. Reed: There is no notice served to produce.

The Court: It isn't necessary. It may be in a case of this sort, where asked of a party not a party to the suit, but I will permit it. It may have no probative force.

Mr. Cole: At least be admissible to show the attitude of the daughter to the father. It may not be weighty but admissible.

10 (Letter admitted and marked Exhibit D10.)

Q. What is your present condition of health?

A. Well, it is just the same as it has been; I suffer all the time.

Q. Now, I don't remember the language of Mrs. Sachse, but she complained about your table manners and said that they were so offensive and repulsive that that was one of the reasons why she was
20 obliged to leave the table. What is your answer to that charge?

A. Well, she said I had a cancer on my face, that is the first I knew of that, and I have always conducted myself as a gentleman at the table; we have cut up, we have joked and laughed at one another and we always had a happy time joking with one another.

Q. Did you ever do anything at the table deliberately and consciously to create an offense that might
be repulsive to your wife?

30 A. No, sir.

Q. How old are you?

A. I am fifty-eight or nine—fifty-eight.

Q. Now, do you remember an incident about the burning of a letter by your daughter Nell?

A. Yes, sir.

Q. Will you tell about that, please?

A. Well, Nell was told to burn a letter, and it was on Sunday afternoon, we had a grate fire and she took, she didn't burn all the letter; she had explicit instructions to burn it thoroughly.

Q. Who gave her the instructions?

A. Her mother.

Q. Did you hear her mother give those instructions?

A. Yes, I heard the instructions and I had known the contents of the letter before in the house so that I was anxious to see who it was from, and Nell didn't burn all the letter, so I got my son and I got part of the letter out and saw whose writing it was. 10

Q. In whose writing was that letter?

A. Her sister's.

Q. Mrs. Ferguson, who was here yesterday?

A. Yes, sir.

Q. Do you know her handwriting?

A. Yes, sir.

Q. How did you come to know the substance of that letter? 20

A. Trudy warned me about it.

Q. How did she know?

A. Because she heard Mrs. Sachse read it to her daughter, and laugh about it.

Q. Did she make that report to you?

A. Yes, she made that report to me as a warning to me.

Q. What did she tell you?

Mr. Reed: I object. 30

The Court: Sustain the objection.

Q. Now, she said —

Mr. Cole: What is the comment of counsel?

Mr. Richards: I said just as if you didn't know better than to ask that question.

Mr. Cole: It seems to me, please your Honor —

The Court: The Court heard no comment.

10 Mr. Richards: To associate counsel, certainly a justifiable comment.

Q. Now, Mr. Sachse, your wife said that you took a turkey, removed it from the kitchen, I think, somewhere upstairs; I suppose the implication sought is you were trying to keep somebody getting any of that turkey beside yourself; now, what is the fact about that?

20 Mr. Richards: That is objected to, form of the question, implication, and so forth.

(Question withdrawn.)

Q. Do you remember an incident where you took the turkey from downstairs and put it upstairs?

A. Yes, sir.

Q. Will you explain that to the Court, please?

30 A. Well, in our house the basement was always left open on account of the garage being in the rear or under the house, so that made the house open. When the turkey was cooled off, I took the turkey and put it in one of the third-story rooms. The next morning brought it down and put it in the refrigerator because the girl wasn't there on Christmas afternoon, but the next morning she was there. Of course, the turkey was safe, with the door open, the turkey wasn't locked up, it was right at the head

of the stairs; we had the turkey the next day for lunch.

Q. Who ate of that turkey when it was, just after it was cooked?

A. Why, my son and I and Trudy.

Q. You were the only three there to eat it?

A. There was only three there to eat it.

Q. Now, she testified that you had a very violent temper and she illustrated your conduct by hammering on the bar there yesterday or day before; 10 you saw that, did you?

A. Yes, sir.

Q. Did you ever do that like she illustrated?

A. No, sir.

Q. I don't remember, were you present at the time she made the statement to your son in the presence of his classmate?

A. No, sir.

Q. Now, Mr. Sachse, was it your plan to give your daughter Nell the same opportunities in an 20 educational way it was for your son?

A. Yes, sir, after she got through the high school, to go through college.

Q. Had you ever treated your daughter in any way differently than you had your son so far as being kindly toward her?

A. No, I think just as much of Nell as I do of the other; in fact, I think that a young girl is very much more apt to be thought more of.

Q. Did your daughter Nell manifest the same af- 30 fection and love for you that your son did after you began to have the trouble or your wife began?

A. No, she, out of deference to her mother, she wouldn't speak to me.

Q. Had you done anything to bring that about? I mean so far as she, your daughter, was concerned?

A. Not that I know of or wanted to do, sir.

Q. Did you ever know that Dr. Fennimore was visiting your wife professionally about the condition of her hand?

A. Not professionally.

Cross-examination.

By Mr. Richards:

10

Q. Mr. Sachse, when did you put your name—is

it A. S. Sachse?

A. A. F. Sachse.

Q. A. F.?

A. Albert Frederick Sachse.

Q. A. F. Sachse on these two agreements?

A. After I submitted them to Mr. Schimpf.

Q. On the same day that you wrote on here “refuse to sign, 5/12/19”?

20

A. To the best of my knowledge. It is a long while ago. There it is down there, I must have done it that day.

Q. Can't you tell us?

A. It is down there.

Q. Did you write all the writing that is on these two papers in ink at the same time you signed your name?

A. Yes.

Q. You did?

A. Yes.

30

Q. You wrote this part down here about “My attorney, Theodore W. Schimpf?”

A. Yes.

Q. And you wrote that at the same time that you put your name down there?

A. To the best of my knowledge.

Q. Had the same pen and ink?

A. I couldn't say that about the same pen and ink, but from the best of my knowledge—it has been seven years ago.

Q. Where was it that you wrote your name on these papers?

A. I can't recall that.

Q. Did you write it up in Mr. Schimpf's office?

A. I can't recall seven years ago, sir.

Q. But you wrote it all at the same time?

A. To the best of my knowledge.

10

Q. Now, you had a lawyer at that time, the late Judge Schimpf?

A. Yes, sir.

Q. Do you know whether or not—did you instruct him to communicate to Mr. Bourgeois the fact that you had refused to sign that agreement?

A. No, he told me, he says, "Write across them and send them back to him," that was his instructions.

Q. That was his instructions?

20

A. Yes, sir.

Q. So for you to write across them "refuse to sign" and send them back to whom, Mr. Bourgeois or your wife?

A. No, he said just write on them to go to hell and send them back to him, that is all he said.

Q. To whom were you to send them back?

A. To Bourgeois.

Q. To Bourgeois?

A. Yes.

Q. And you didn't do that?

30

A. No, sir.

Q. Instead of that you kept the agreements?

A. Yes, sir.

Q. Did you inform your wife that you had refused to sign them?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. When did you do that?

A. I did it the day or the night that I went over to Ocean City, I said with these two agreements here, I said, "I will not sign them." I said, "Of course, as far as the deed of the house goes, I gave you the house and it was yours, just as much before as far as I felt, before or after recorded, if you
10 want it to be on record you can have it;" next day I went to the city and got the deed and had it put on record or Mrs. Sachse had it.

Q. At the same time, you also proceeded to pay her five dollars a week each Saturday for her personal allowance, didn't you?

A. Well, I don't know how long that was, because I didn't pay any attention to that.

Q. I mean after the agreement was signed, you did do that for a while, didn't you?

20 A. Oh, I gave her money, yes, as I always had.

Q. And you gave her fifteen dollars a month for the clothing of the two children?

A. Well, they always got money for clothing; I didn't limit to that amount.

Q. Well, you gave them that much each month?

A. Oh, yes, more than that; I didn't pay any attention to that.

Q. Did you give your wife twenty dollars a week for the household?

30 A. Yes, sir.

Q. And you kept that up for a certain length of time, did you?

A. I don't know how long because I increased the amount, she got more because that wasn't enough.

Q. Did you give her that amount?

A. More.

Q. You kept that up weekly thereafter up until how long?

A. I don't know when I changed the amount or about that.

Q. Was there ever a time when you ceased to give her these sums weekly?

A. Not as long as she took care of the house; when I took care of it, of course —

Q. After that did you give her any money?

A. No, not of any —

Q. No, that is the answer, no.

A. But I want to qualify because I gave her money to spend.

Q. Your counsel never lets me qualify an answer so you will have to let him do that.

A. All right, sir.

Q. Now, this agreement, on one of these agreements you wrote the following: "My attorney, Theodore W. Schimpf, advised to write across this document to go to He - - and return to George Bourgeois, but I thought I would preserve it as evidence of the little regard his mother had for his father and it might act as a warning to him. A. F. Sachse." Now, you just said a minute ago that you wrote that on that paper at the same time that you wrote "Refused to sign" on it; is that right?

A. To the best of my knowledge it is; I don't remember.

Q. Now, who was the "he" that you referred to?

A. I want to get the question.

Q. "But I thought I would preserve it as evidence of the little regard his mother has for his father and it may act as a warning to him."

A. That is my son.

Q. At that time your son was about fourteen years old, wasn't he?

A. I presume so.

Q. Now, when was you going to give him this warning of the little regard that his mother had for his father?

A. I was never going to give it to him until I died.

Q. Did you think it would be very useful to him then?

A. No.

10 Q. Did you, as a matter of fact, give him any warning of the little regard his mother had for his father?

A. No, sir; he never saw these documents.

Q. Then why did you ever preserve this document for that purpose if you didn't intend to show it?

A. I preserve all my documents.

Q. But you preserved this document, according to what you had written on here, as a warning to your son. Now, what is your explanation for that?

20 A. I have no explanation. He could take the warning for himself.

Q. Isn't it a fact, Mr. Sachse, that the ink is different or writing is different from that of your signature and that you didn't put that on there until recently?

A. Absolutely not, sir. I haven't seen that document for five years or six years, since it was put in the safe deposit box, until I got it out for Mr. Westcott.

30 Q. You thought it was important enough to keep for a period of six years, didn't you?

A. Yes, sir.

Q. Now, you had had a separation from your wife in 1919, had you not?

A. Well, I didn't call that a separation; they were away a week.

Q. Well, they were away; you had lawyers, didn't you, both of you?

A. Yes, sir.

Q. Bill for separation and alimony, &c., had been filed, hadn't it, against you?

A. I had never seen the bill.

Q. Wasn't it served on you?

A. No, sir; I have never seen it.

Q. You didn't know what it contained?

A. No, sir; I haven't the slightest idea what it 10 contained.

Q. Did your lawyer know what it contained?

A. He never saw it.

Q. How do you know he never saw it?

A. Because when I told him about the thing fixed up, I said, "Anything new?" he said "No." He never told me about it.

Q. He never told you that he had seen this document?

A. No, sir; he did not.

20

Q. Now, after this separation you had a reconciliation?

A. Yes, sir.

Q. When you went back to live with your wife everything had been forgotten, hadn't it?

A. Yes, sir.

Q. Things went along for a while very pleasant, isn't that right?

A. Yes, sir.

Q. Now, if that is so, why did you keep those two 30 documents in your safe deposit vault?

A. I keep all my documents and all my papers pertaining to anything, legal documents, whether any value or not.

Q. That is the only answer you have?

A. Yes, sir.

Q. It wasn't for the purpose of possibly building up a case against your wife, was it?

A. Absolutely not, sir, because harmony in my family were all I have got in the world, all I ever had, all that I ever worked for.

Q. Now, on this occasion when the rug was thrown downstairs you say that you protested to your wife to Nell going to places where liquor was present. When was it that you made that protest?

10 A. April or May, sometime in the spring.

Q. What year?

A. 1925.

Q. How did you know that liquor had been served?

A. Only that Mrs. Sachse told me the different things that they had on the table, and I knew it was all right for a woman of her age to go where there was anything like that, but I didn't think it was right for a child.

20 Q. Mrs. Sachse told you about them being to a party the night before, is that it?

A. Yes. She was telling about it.

Q. And that on that table was liquor, is that right?

A. Yes, sir.

Q. Describe the party?

A. No, didn't describe it at all, she just described the variety that they had.

Q. Tell you what they had on the table?

A. Yes.

30 Q. Well, was that a friendly conversation?

A. Yes, sir.

Q. You were talking to your wife at that time?

A. Yes, sir.

Q. When was it that you sent the check up by Trudy?

A. It was in November, either November or December.

Q. Of what year?

A. 1925.

Q. At that time you were not talking with your wife?

A. No, sir.

Q. At that time you weren't talking to your wife?

A. No, sir. She was talking to me.

Q. What?

A. She was talking to me.

Q. You weren't answering her? 10

A. No, sir.

Q. You were answering her in May but not in November, is that right?

A. Well, she wasn't talking to me then the same way she was in May.

Q. So that by October of 1925 you had ceased to talk to your wife, that is correct?

A. Yes.

Q. You had also ceased to talk to Nell, hadn't you? 20

A. She didn't talk to me.

Q. And you didn't make any effort to talk to her, did you?

A. I thought it was the child's place to talk to the father and not the father to go to talk to her.

Q. Now, as far as your wife was concerned, as long as she kept talking to you, you didn't think it was necessary for you to answer her or talk to her at all, did you?

A. I wouldn't get into an argument. I wouldn't 30 get into a quarrel, when she called me "dirty old skunk" and "big hog," "eat all the food," and things like that, I let her end at that.

Q. Now then, in October, 1925, she was accusing you of eating all the food, is that right?

A. Eh?

Q. She made that accusation, is that right? Is it?

A. Yes.

Q. I think you said that your mother-in-law never complained of the food in the house?

A. To the best of my knowledge she hasn't.

Q. Judge Cole asked you and you said that so far as you knew that she was perfectly satisfied with the food?

10 A. Yes, sir.

Q. When was it that Mrs. Sachse began to complain of the food?

A. Why, in 1925.

Q. And your mother-in-law died in 1919, didn't she?

A. Yes, sir; about that time.

Q. Now, about this famous fork incident; you say that you were standing in the kitchen?

A. Yes, sir, by the stove.

20 Q. What were you doing in the kitchen?

A. Helping Trudy.

Q. Did Trudy need any help?

A. She did in serving dinner, either my son or I often went out and helped her.

Q. What help did you propose to offer to Trudy?

A. Well, after she got the meat out on the platter, why, I was to upset the pot over the meat, that had the onions and the gravy and the potatoes.

Q. Wasn't Trudy competent to do that?

30 A. It was something that she needed assistance on.

Q. Now, Trudy was a first-class cook, wasn't she?

A. Yes.

Q. An experienced cook?

A. Yes, but a first-class cook needs assistance.

Q. You thought that she needed assistance to take and upset this pot of stew on the plate, is that right?

A. Yes, I had often helped her.

Q. You want us to believe that, Mr. Sachse?

Mr. Cole: Objected to.

The Court: Sustain the objection.

Q. That is your explanation of why you were out there, is that right?

A. Yes, sir.

10

Q. No other explanation?

A. No, sir, no other explanation.

Q. Are you sure you didn't come out there after Mrs. Sachse went out there?

A. No, sir, I was out there before because I always went out before the meal was served, to see everything was all right, because I was the house-keeper, I was the caterer, and I wanted to see that things were served properly.

Q. Therefore, you thought it was your business to go out there and upset the pot of stew?

20

A. Yes, sir, it was my business to see that things were right.

Q. Now, when Mrs. Sachse came out there to dish out the stew, why didn't you let her go ahead and dish it out?

A. I have no objection to her dishing it out, but when she made the lunge, pulled the spoon out of Trudy's hand and made a lunge at me, I naturally grabbed the fork and pulled it out.

30

Q. On your direct examination you said that you only intended to prevent her from dishing out the stew. Now, which is correct?

A. I didn't say that before.

Q. You didn't say that?

A. No, sir, not to the best of my knowledge I didn't. If I did it was an error.

Q. Is there anything the matter with your knowledge or your memory, Mr. Sachse?

A. It isn't as good as it used to be.

Q. Now, you want to say that your wife made a lunge at you; what were you doing to her to make her make a lunge at you?

A. I was in the road.

Q. How did you get in her road?

A. I was there before she came up, she came up
10 and I was in the road; she says, "Get out of the road."

Q. Why didn't you get out of the road?

A. Because I didn't see why I should get out of the road.

Q. You were perfectly willing to have a fight with her, weren't you?

A. Absolutely not, sir.

Q. Then why didn't you get out of the road?

A. Because I didn't imagine that anything like
20 that would start a fight; I always avoided quarrels.

Q. On this occasion your wife wanted to get to the stew pot, didn't you—you knew that?

A. Yes, sir.

Q. You were in her road, you knew that?

A. Yes, sir.

Q. Why didn't you get out of the road, then, if you wanted to avoid a fight?

A. I didn't think anything like that would start it. There was no fight, pulled the spoon out of her
30 hand, a little instance like that.

Q. All that you did was very gently remove this spoon from her hand, is that correct, that is all that happened?

A. I just took hold of the fork and pulled it out. It wasn't any great feat to do it.

Q. Not for a man of your size and strength, I presume, was it?

A. Wasn't any strength required to do it.

Q. Enough to bend the spoon, wasn't it?

A. It wasn't bent, that spoon in that condition, was the first time I saw it in that condition is when it was here.

Q. You said this morning it was bent?

A. Not like it was here, I said it was bent slightly.

Q. Trudy said it was bent?

A. Slightly, she said.

10

Q. Then there was enough force to bend the spoon?

A. Couldn't help but be bent, but not like it was here.

Q. And you intended to prevent your wife from dishing out that stew, didn't you?

A. No, sir.

Q. Then why did you take the fork away from her?

A. Because I didn't want to get stuck with it. 20

Q. You wouldn't have gotten stuck if you had gotten out of the way, would you?

A. No.

Q. Now, when you didn't want to have other quarrels with her, you didn't talk with her, you just told me that a minute ago?

A. That is right, sir.

Q. Then why didn't you get out of the way?

A. Because I was there performing my duty.

Q. Duty came ahead of any possible collision with your wife? 30

A. Well, I hadn't any possible slightest idea of these things causing the collision. I was there attending to my duties as housekeeper.

Q. Now, on this occasion when the windows went up and down with such rapidity, this was out in the kitchen, wasn't it?

A. Yes.

Q. What were you doing out in the kitchen that morning?

A. Eating my breakfast.

Q. In the kitchen?

A. Yes, we ate in the kitchen.

Q. Mrs. Sachse went and opened the windows, is that right?

A. Windows, three of them.

10 Q. I said windows. And you went after her and closed them again?

A. Yes.

Q. Did you speak to her about opening the windows?

A. No.

Q. Did you have any conversation with her at all?

A. No, sir.

20 Q. All that happened was that as fast as she opened the window you went and put it down, is that right?

A. Yes, sir.

Q. Did you request her not to open the window?

A. No, sir.

Q. Did you tell her why you didn't want the windows opened?

A. No, sir.

30 Q. When she again opened the windows you went without any conversation and put them down again, is that right?

A. Yes, sir, until she stood on the window, then I stopped, I let that window be open and I walked out. I had enough.

Q. Now, this red mackinaw coat that was here, you say you used that around the garden?

A. Yes, sir.

Q. Did you ever wear it on the streets of Ventnor?

A. Yes, sir.

Q. Many times?

A. Yes, sir.

Q. After it had been soiled around the garden, &c.?

A. No, not like that.

Q. When did you last wear it around the streets in Ventnor?

10

A. Well, it was underneath the house for a couple of years.

Q. Then the last time you wore it around the streets of Ventnor was prior to 1924, then, is that right?

A. Yes, before that, because I sold my garden.

Q. You sold your garden in 1923?

A. Something like that, yes.

Q. Then you resigned the use of the mackinaw after that, is that right?

20

A. Yes.

Q. How long after that?

A. Laid on the floor.

Q. So, after 1923 you didn't wear that red mackinaw coat around the streets of Ventnor, is that right?

A. Not to my best knowledge.

Q. Wear it around the house?

A. No, I didn't bring it in the house, because it would be thrown out if it was.

Q. You say to the best of your knowledge?

30

A. Yes.

Q. Is your recollection clear about it?

A. It is clear to the best of my knowledge that I didn't wear it.

Q. You have a distinct recollection, haven't you, about it?

A. I had the coat, I wore the coat for years because it was a good coat, and I guess I had the coat for ten years, but that is the first time I seen the coat when I saw it in court, for four years.

Q. Now, about this thirty-five-hundred-dollar check that Mrs. Sachse issued, to whom did she give that check?

A. I don't know the man's name now.

Q. For what did she give it?

10 A. For a property.

Q. In Philadelphia?

A. Yes, sir. Well, it was Cynwyd.

Q. Was she going to buy a property up there?

A. Evidently was; she had signed the agreement and paid the thirty-five hundred.

Q. When was this?

A. Well, it was 1922 or 1923, I don't know the date.

Q. 1921, wasn't it?

20 A. It might have been; I don't know the year.

Q. What was the object of buying the house up in Cynwyd?

A. To live in it.

Q. So that you would be near Julius while he was going to college?

A. Not necessarily that.

Q. Not necessarily?

A. No.

Q. Wasn't that part of the reason?

30 A. No, it wasn't, because he wanted to live at a dormitory, because he wanted the college life, he didn't want to —

Q. Did you want him to live in the dormitory?

A. I paid his way there for three years.

Q. I say, did you want him to live there?

A. Yes.

Q. You didn't want to live in Cynwyd, then?

A. Well, didn't make any difference to me. I liked Atlantic City better, but I would have gone where the family was.

Q. So you were satisfied to buy this house up there?

A. I didn't know anything about the house.

Q. You didn't?

A. No.

Q. Didn't you have any part in the arrangement about buying the house? 10

A. No, the first thing I knew when the cashier of the bank said, "Mrs. Sachse expect any big deposit?" I says, "I don't know anything about her affairs." "Well," he says, "check in here for thirty-five hundred dollars."

Q. Now, Mr. Sachse, isn't the fact about it that you knew all about the house transaction, you knew that she was issuing the check for thirty-five hundred dollars and that you told her that you would make the check good when it came to the bank? 20

A. Absolutely not, Senator; besides that, I know enough about real estate business that I would never make a thirty-five hundred deposit on a house. It was an imposition on the woman to ask anybody to pay thirty-five dollars down on the house, that was all the cash in it.

Q. Now, wasn't it part of the plan that certain mortgages that Mrs. Sachse had was to be sold by you to make this deposit good?

A. Absolutely not, sir. I never asked for any securities and never advised her about her securities. They were hers. 30

Q. Now, this sickness of Julius, when did that occur, what year did that occur?

A. That occurred in the fall of 1924.

Q. 1924 or 1925?

A. No, 1924.

Q. At that time were you speaking to Mrs. Sachse?

A. Well, I don't know—I only speak when somebody speaks to me, and if she didn't want to speak to me, of course, I just waited until she was ready to speak to me again and then I answered her.

10 Q. Now, in 1925 you say when she spoke to you you didn't answer her. Now, in 1924 when she spoke to you did you answer her or didn't you answer her?

A. If she would have spoken to me same way in 1924 as she did in 1925 on these same subjects I wouldn't have answered, because I didn't want to get in any quarrel.

Q. Not what she may have, but did she? What is the fact about it?

A. No, she didn't.

Q. You don't know whether you were talking to her in the fall of 1924 or not, do you?

20 A. I don't know, of course, we just had periods and when she spoke to me, of course, I would speak to her.

Q. Do you know whether or not Julius was talking to his mother, at that time?

Mr. Cole: I object to that. How is that cross-examination?

The Court: I will permit it.

30

A. From the best of my knowledge he was.

Q. Did Julius show any lack, evidence any lack of affection for his mother in 1924?

A. Not to my knowledge.

Q. Behave like a normal boy would towards his mother?

A. He always behaved like a normal boy.

Q. Always did? Did he in 1925?

A. To the best of my knowledge he did.

Q. Did you ever see any evidence upon his part that showed a lack of affection to his mother in 1924 or 1925?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. Did you speak to him about it?

10

A. Yes, sir.

Q. What did you say about it to him?

A. Well, I told Brother, for the sake of peace, to keep everything going nicely in the house because the condition of my health was such that excitement was very painful to me.

Q. You wanted him to do his part towards keeping peace in the house?

A. Yes, sir.

Q. Did he do it?

20

A. From what I see of things he did, he always tried to do what he could to keep things going right.

Q. Then, he didn't show, outwardly at least, any sign of lack of affection for his mother?

A. No, not as far as I seen.

Q. Did he love his mother in 1924 or 1925?

A. To the best of my knowledge he did.

Q. It was a surprise to you yesterday on the stand when he said he didn't love his mother?

30

Mr. Cole: I object.

The Court: Sustain the objection.

Q. Did you ever know before yesterday that he didn't love his mother in 1925?

A. Yes, sir.

Q. When did you find that out?

A. Well, after this instance, when he was insulted before his college friends.

Q. He told you that he didn't love his mother?

A. He didn't tell me that he didn't love her, but I knew there was a change there, I could notice a change between them because there was a change between his mother and him, and when his mother
10 would scold him or anything like that he would get up and walk away, so as to get out, and because I told him, I said, "Brother, whatever you do, don't get in a wrangle with your mother. If she scolds you, get up and walk away, like I would do."

Q. No matter for what she happened to scold him?

A. No.

Q. Now, if a boy of his age did something that he shouldn't do, and his mother corrected him, was it
20 your advice for him to get up and walk away?

A. I never known him to do anything.

Q. I didn't ask you that. I said if she corrected him was it your advice for him to get up and walk away?

A. No, sir, not if he needs correction.

Q. Did you yourself ever correct Julius?

A. Yes, sir. I am correcting him now.

Q. Does he get up and walk away when you correct him?

30

Mr. Cole: I object.

The Court: Sustain the objection.

Q. Did you ever beat him?

A. No, sir; I never whipped either of my children.

Q. Did you ever grab a screwdriver and commence beating him over the head with it?

Mr. Cole: I object.

The Court: Sustain the objection.

Q. Now, on this occasion when you threw water over your wife was there considerable of a scene?

A. No, no scene at all, because when I would go by, if she was washing dishes, when I would go she would salute me with a couple of hands full of water, and that night I just threw a couple of hands full back at her, because I had more on me than she had, because I went up to New York Avenue to see a friend and he says, "have you been overboard?" I says, "no, my wife has just handed me a little water." I didn't think anything of that. 10

Q. Now, as a matter of fact, didn't you dump a whole dish-pan of water over her? 20

A. Absolutely not, sir.

Q. And there was no argument, no contention and no excitement around there as the result of that?

A. Well, I don't know so far as the excitement, because why I went out.

Q. You went out?

A. Yes, sir.

Q. Were you assisted out by anybody?

A. No, sir.

Q. Wasn't the police called in? 30

A. What Mrs. Sachse did, I wasn't assisted by any police at all, there was no police in the house, I went out of the house.

Q. Did you prevent the police being called by anybody?

A. No, sir; I went upstairs and they got that I

was using the telephone and they grabbed the telephone away from me, Nell and Mrs. Sachse, and I went out then, as soon as I heard them call for the Ventnor Police. I walked out because I knew no policeman had any right to do anything to me, I had done nothing wrong, and I thought if Mrs. Sachse wanted to make a scene —

Q. All you had done was to throw water over your wife?

10 A. That is all, she threw a handful and I only threw one, I gave her the benefit of the quantity.

Q. You always told your son to love and respect his mother?

A. Yes, sir.

Q. When you say always does that go for the present time?

A. No, sir, when he read the affidavit that she made against me he says, "Dad," he says, "that ends it."

20 Q. All right, that finished it, is that right?

A. Yes, sir.

Q. Before that you had always told him to love and respect his mother, is that correct?

A. Until she locked me out of the house and then he changed his opinion and I didn't tell him to do anything.

Q. Now, was it part of that love and respect that caused you to keep this set of books or have him keep this set of books about the menus?

30 A. Well, I have always instilled business in him and I thought that would be a good business thing.

Q. You thought that would be a fine business education to keep a set of books on menus, is that right?

A. Yes, sir, I believe in a person having a varied knowledge of things.

Q. You didn't think you were ever going to use that in a trial against his mother, did you?

A. No, sir.

Q. You never told him that?

A. No, sir, and she would have never have been tried if I had the trying.

Q. You never believed that you were trying to make a case against your wife by keeping this set of books concerning meals?

A. Absolutely not, sir.

10

Q. That wasn't the purpose?

A. No, sir.

Q. Had nothing to do with it?

A. No, sir.

Q. You never expected to use them?

A. Only for a matter of safety.

Q. Now, did you know that he was also keeping a memoranda of the various incidents which he complained of his mother?

A. What instances?

20

Q. Well, he complained that she insulted him before one of his boy friends; did you know he was keeping a memorandum of that kind?

A. Yes, I knew he was keeping a memorandum of that kind.

Q. Knew it at the time he was keeping it?

A. Yes, sir.

Q. Advise him to keep it?

A. No, he has a mind in general of his own; I didn't advise him.

30

Q. You didn't tell him not to keep it, did you?

A. I didn't tell him not to and didn't tell him to.

Q. You thought it was all right for him to keep it?

A. I didn't give any thought of that.

Q. If you didn't think it was all right you wouldn't have let him keep it, would you, Mr. Sachse?

A. I didn't pay any attention to it because I

didn't think would make any difference whether he kept it or not.

Q. It was a matter of indifference you thought whether he kept a ledger of these charges he had against his mother?

A. I don't consider them as charges because last thing in the world I thought they would ever be used.

10 Q. Now, these menus that you kept on these sheets of paper, when did you write out these menus on these various sheets of paper?

A. I would write them out, generally write them out at night.

Q. Each day?

A. Generally.

Q. You never wrote any series of them covering several days at one time, did you?

A. No, sir, not that I know of. My memory isn't good enough for that.

20 Q. Couldn't remember that now?

A. No, sir.

Q. Let's look at the first sheet here, Mr. Sachse, which covers July twelfth, I presume 1925?

A. Yes.

Q. Breakfast, dinner and supper that day and also breakfast, lunch and dinner on the thirteenth; now did you write all of that on the one day?

A. Well, I can't remember now that long ago whether I did or not.

30 Q. So, you can't tell whether you didn't write all that sheet at once, can you?

A. No, I cannot.

Q. Now, the second sheet, what covers the fourteenth and fifteenth, did you write that all at once?

A. I don't remember now.

Q. Can you remember this, can you remember

whether or not that you wrote both pages at the same time?

A. I can't remember anything about it.

Q. Where did you write it?

A. At different places, sometimes in the kitchen, sometimes in the —

Q. What did you write them with? A pen, of course, but I mean was it by pen and ink or with a fountain pen or what?

A. We had both; I can't remember. 10

Q. May have used either one?

A. May have used either one.

Q. May have used the same one?

A. Yes, sir.

Q. Did you ever use a fountain pen?

A. Yes, sir.

Q. Did you ever use a fountain pen to write these menus?

A. I don't know. I can't remember at this time whether it was a fountain pen or what other kind of pen it was. 20

Q. You can't tell us whether or not you wrote these memorandums on the eighteenth and nineteenth?

A. No, I can't remember.

Q. On the same day that you wrote these of the twelfth and thirteenth and fourteenth and fifteenth?

A. No, I can't remember.

Q. You may have written them all at one time?

A. No, that is an impossible fact. 30

Q. That would be quite impossible?

A. Yes.

Q. If that was the situation, it may not represent the true situation, may it, Mr. Sachse?

A. Why, it wouldn't have served its purpose; I couldn't remember them a week.

Q. You couldn't have remembered a week, could you?

A. No.

Q. So, what you set down on the nineteenth concerning the meals would certainly not have served you to remember what happened on the twelfth, would it?

A. No.

10 Q. And you wouldn't have remembered what happened on the twelfth so far as meals were concerned?

A. No.

Q. Now, on the morning of the twelfth you have got apple sauce down here and blackberries —

A. Can I interrupt you, sir?

Q. Yes, can't read the next one.

A. Apple sauce, blackberries, bran flakes, oatmeal, cream of wheat, eggs, orange marmalade, coffee, milk, whole wheat bread.

20 Q. Do you mean to imply all those things were served for breakfast that morning?

A. They were in the house to be served.

Q. You don't know whether Trudy kept any one of those things or served any one of those things for breakfast, do you, Mr. Sachse?

A. Yes, I had eggs. I had breakfast.

Q. May have been any one of them?

A. Yes.

Q. You couldn't tell which one?

30 A. No, because had their choice.

Q. It may have been apple sauce and bran may it not?

A. No, they had the same as the menu, they had a choice of fruit, they could have had the both fruits if they wanted to, cereal, eggs, marmalade.

Q. You just said a while ago that you were running the house?

A. Yes, sir.

Q. You even were directing the cooking enough to go out and upset the pot of stew?

A. Yes, sir.

Q. Didn't you, therefore, lay down what they were to get to eat?

A. No, sir, I used to go every morning and ask the madam what she wished to have until a certain time came when she said she didn't wish to be catered to and then I had to cater myself. 10

Q. You weren't talking to her in July, 1925?

A. I am talking about early in the season.

Q. We are talking about this now and we are talking about July 12, 1925.

A. In June or May she told me she didn't wish to be catered to, so after that —

Q. So, there wasn't any way of finding out there was apple sauce, blackberries and all that sort of thing. I guess there was plenty of apple sauce there, wasn't there? 20

A. Very fond of apple sauce.

Q. Rice too, were you?

A. Nobody was fond of rice but Trudy was, she was very fond of rice, and I catered to Trudy, I catered to all the family, Trudy didn't like lamb so I had the rice.

Q. What I am trying to get at is this, that when you made out this menu and undertook to have it understood this was what was served for breakfast, all you meant was that material was in the house from which the breakfast could be constructed, is that correct? 30

A. Could be ordered from.

Q. Now, on the morning of the twelfth you had apple sauce; was that apple sauce eaten that morning?

A. I haven't the slightest idea. We always made plenty of it.

Q. You were fond of it and you had it often?

A. Yes. I don't know what was left.

Q. How was it there wasn't apple sauce available on the thirteenth?

A. Because I changed the order over.

10 Mr. Cole: I object to this.

The Court: Yes, I will sustain the objection to the question.

Mr. Richards: Why, if your Honor please.

Mr. Cole: Telling about the menu he has had.

20 Mr. Richards: I think this is very important, if your Honor please, to show, if possible that this whole thing was concocted long after the events happened that are complained of here or said to have happened here.

The Court: That is a legitimate examination if you can do that.

30 Mr. Richards: For that purpose it is very evident to show from the papers themselves or try to get some explanation why these discrepancies occur.

The Court: I can't say it is manifest of any discrepancy apple sauce appeared one day and didn't the next.

Mr. Richards: But he said it was in the house.

The Court: Didn't say it was in the house on the thirteenth, evidently wasn't in the house because he hasn't it on the list. I will sustain the objection.

Q. Can you explain why it was there was no apple sauce there on the thirteenth?

Mr. Cole: I object.

The Court: Sustain the objection.

10

Q. This letter that you wrote to Nell, when did you send the letter?

A. It is on the top when it was mailed, copy of letter mailed ninth month, tenth, at McKean and Morris Avenue.

Q. Atlantic City.

A. McKean Avenue, Germantown, and I sent it to Weymouth Avenue so it would be forwarded; I didn't know where she was living.

20

Q. You knew that she wasn't living there at that time?

A. I knew they were forwarding her mail just the same as they were my mail.

Q. Now, didn't you say this morning that you sent it to the President Hotel?

A. The first one was sent to the President Hotel.

Q. Why didn't you send this letter to the President?

A. Because the first one wasn't answered and I thought —

Q. Did it come back to you?

A. No.

Q. Did it have a return card on it?

A. It had and my name on it to return.

Q. Then if it didn't come back to you, you presumed that it had been delivered, didn't you?

A. I had reason to know that it was delivered.

Q. Then why didn't you send the second one to the President Hotel if you knew the first one had been delivered there?

A. Because I thought by sending this to Weymouth Avenue that it would be forwarded to Nell and she might get it herself and see fit to answer it.

Q. You knew the first one had reached her at the President?

10 A. Oh, I didn't know it had reached her.

Q. Would it be more likely to be forwarded from their old home than it would have been delivered directly to the hotel?

A. I thought sending it to her she may have gotten it, the other way her mother got it.

Q. Is that the only explanation you had for sending this to their old home where you knew that the last letter you sent to them had been delivered to them at the President?

20 A. I didn't know whether it had been delivered to her at all.

Q. You just said you had reason to believe it.

A. I knew it had been delivered there, whether she got it or not I don't know.

Q. That is the only explanation you have?

A. Yes, sir.

Q. When you went to the house February 1926 and found the locks had been changed —

A. February what date?

30 Q. February of 1926.

A. They weren't changed. There were no new locks on February nineteenth.

Q. I beg pardon, I mean 1927.

Mr. Cole: No, you don't mean 1927.

The Court: The confusion is the witness under-

stands you to say February nineteenth of the year 1926.

Q. I can't conceive it has been two years since this case started. The locks were changed on February the twenty-fifth, 1926. When you went there to the house that day had you suspected that they were going to be changed?

A. Hadn't the slightest idea because I didn't have no heavy clothes on. 10

The Court: Let me understand, is that correct that the locks were changed after the petition for divorce was filed?

Mr. Wescott: Changed the same day proceedings were served, same day that the Sheriff held Mr. Sachse that same morning, after that the locks were changed. 20

The Court: February twenty-fifth is the date then, after the filing of the petition and at the time of the service.

Q. Now, Mr. Sachse, you didn't suspect that anything was radically wrong that your wife was going to have this writ of ne exeat served upon you and change the locks, did you?

A. No, hadn't the slightest idea, sir.

Q. Did you know what it was all about or have any reason to believe that your wife considered herself so ill-treated as to warrant her taking this action? 30

A. No, sir; hadn't the slightest idea.

Q. Did you try to have an interview with her and discuss the matter with her?

A. No, sir; I tried to keep out of trouble.

Q. Did you, either through yourself or through your counsel, make any effort to effect a reconciliation with her?

A. Why, I didn't see where it was necessary because I wanted to let her do and have her own way and if she wanted, I never crossed her and never asked her not to do anything, I wanted her to be happy, and I would come home and get my meal and go upstairs to bed and I didn't interfere any with
10 her pleasure at all.

Q. I am talking about now after these papers were served upon you, you made no effort, after that, to effect any reconciliation with her, did you?

A. No, I didn't. When they wanted to get rid of me, I thought I ought to stay away.

Q. You have changed your mind about that now, haven't you?

A. When she gave evidence she wanted to get rid of me that was enough. I never had this evi-
20 dence before.

Q. Now, sometime during the summer, I think, in 1925 or thereabouts, Mrs. Sachse complained of the food?

A. Yes, sir.

Q. I think you said this morning she said that she couldn't eat ordinary food?

A. That is what she said.

Q. Now, you wanted to please her, didn't you?

A. Yes, sir.

30 Q. Did you ever inquire from her what she could eat?

A. I got the girl, the maid, to inquire and I found that she wanted broiling chickens, lobsters, and chops. I got all but the lobsters and the girl was afraid to cook lobster, so we didn't get the lobster.

Q. Did you get the broiling chickens?

A. Yes, sir.

Q. Did she eat them?

A. I don't know, sir, I wasn't there because when she ate broiling chickens I wasn't there at lunch.

Q. When was it you got her broiling chickens?

A. We got them, I don't know the date that the chickens were gotten, but the things were gotten, we tried to vary the menu, have fish one day, chicken the next, lamb the next and so on; we didn't have any special day to get anything except Sunday. Sunday we always —

10

Q. The only thing that Mrs. Sachse asked for was broiling chickens that you can remember, is that right?

A. Well, broiling chickens and lamb chops, which were gotten.

Q. Did you get the lamb chops for her?

A. Always.

Q. And you got the chickens?

A. Yes.

Q. And the various other things?

20

A. Yes, sir except the lobster, didn't get the lobster.

Q. Did she continue to complain about the food?

A. Yes, sir.

Q. Well, what was there to complain about then if you got those things?

A. I can't understand because I would get the best broiling chickens and they were tough or rotten, so I paid the best price and got them at first class store, I can't do anything else.

30

Q. Where would you get the chickens?

A. At Robert Beyer, he is a poultry man.

Q. When was it you bought these chickens from Mr. Beyer?

A. Well, we bought them all the time from him.

Q. I mean in what years; did you buy them in 1925 from Mr. Beyer?

A. Well, I think he moved, went out of the retail business and after he went out of the retail business, I don't know, sometime early part of 1925, then I bought them at the Atlas.

Q. As a matter of fact Mr. Beyer wasn't in business in 1925?

A. Then I got them, I say I bought them up to the time he went out of business, I knew he went out of business but I didn't know just what date it was.

Q. So, that at the time Mrs. Sachse was complaining about the food and you bought these broiler chickens in July of 1925 you didn't, as a matter of fact, buy them of Mr. Beyer at all, did you?

A. No, I didn't buy anything after he went out of the retail business because the other place was too far to go; he is still in the wholesale business.

Q. He doesn't sell retail anyhow, does he?

A. He would sell his friends. He has himself told me any time I come over there he will let me have a pair of chickens any time I wanted.

Q. You said you were in the habit of going out in the country and getting fresh vegetables?

A. Yes, sir.

Q. How long did you continue to go out to the country to get the vegetables?

A. Until my son went back to school. I can't and don't drive the machine.

Q. When did you start to go out to the country to get vegetables?

A. We didn't have the machine until 1925, so the rest of the time we bought them in Atlantic City.

Q. So, it wasn't until 1925 you didn't pretend to go out to the country to get the vegetables?

A. We didn't get them in the country rest of the time, we got them in the stores here, Segals and the rest.

Q. You told us that you got this bag down, I think, at the A. and P. store and fixed up the turkey legs to protrude out of it so it looked as if you had a turkey in there?

A. Yes, sir; I got it at the Atlas, the legs at the Atlas butchers and the bag at the A. and P.

Q. Anyhow you got it and you took it home?

A. Yes, sir.

Q. You tell us that you did that to pull a joke on Trudy? 10

A. Yes, sir.

Q. How did you think that was going to be a joke on her?

A. Just make her think she was going to have turkey.

Q. You thought it would be quite humorous to give her the impression you were going to have turkey and then disappoint her?

A. Yes, sir.

Q. You thought that was funny? 20

A. Yes, sir.

Q. Returning to the chickens and the chops, and so forth, Mrs. Sachse had been pretty insistent upon a change in the menu at the time you started this memorandum you have here, hadn't she?

A. Now, the menus that were served then were the same that we had served from the first of January on.

Q. Right on just the same?

A. Just the same, had been no change. 30

Q. She was criticising it?

A. She didn't commence to criticize it until long after May or June.

Q. In May or June she criticized it and then you started to keep these menus?

A. Yes, sir.

Q. You said a little while ago that you undertook

to please her by getting the things she wanted, that is correct?

A. Yes, sir.

Q. These menus cover about a week or thereabouts. I want you to look them over and show me where you can find any broilers on that menu? Can't find any, can you?

A. I don't see—there is the roast lamb.

Q. Is there any lamb chops on there?

10 A. I don't see any.

Q. So, that on those menus, at least, that you were keeping against this rainy day that has now happened you didn't put upon the menus things that Mrs. Sachse liked or with which you were endeavoring to please her, did you?

A. Well, the same menus that were served there, we had served satisfied her from the first of January on to the first of April.

20 Q. You told me a few minutes ago when she became dissatisfied you tried to satisfy her by getting the things she wanted?

A. Yes, sir.

Q. Did you get the things she wanted?

A. Absolutely so.

Q. Why aren't they on these menus?

A. Because the things I got for her I wouldn't put on the general menu, they are extra things.

Q. And they hadn't anything to do with the food she got?

30 A. No, they hadn't anything because that was our food. It wasn't her food. Because we didn't eat broiling chickens and she did.

Q. Did you tell her that you got them for her especially?

A. I gave them to the cook and told her to prepare them.

Q. Didn't tell Mrs. Sachse anything about that, did you?

A. No.

Q. Now, did you eat all your meals at home, Mr. Sachse?

A. Well, as a rule, when we would go out in the country some time we would get lunch out there, some time get dinner out there, drive to the city and get our dinner up to the city.

Q. Did you make a habit of eating your lunch up- 10
town?

A. I don't eat any lunch.

Q. Yesterday Julius told us about how he used to meet you up at the stock broker's and have lunch together?

A. Yes, sir.

Q. Did you eat your lunch uptown then?

A. Well, I would get him a lunch and I would have probably a glass of milk or something or bowl of soup. I don't eat in the middle of the day but he 20
does, so I would get him a substantial lunch.

Q. Ever have any cake there at the house?

A. Yes, sir.

Q. Where did you get it?

A. I got it at Bettels, we got it at the American Stores, and Trudy made cake, home-made cake.

Q. Did your daughter ever make any cake?

A. I don't know.

Q. Did you ever prevent her from making any cake when she wanted to? 30

A. No, sir; I wasn't there to prevent her.

Q. Why, Mr. Sachse, you were in charge of the house, you were steward.

A. I was in charge of the house but I was away from nine o'clock until five, so whatever she wanted to do —

Q. Did you ever forbid her from doing it?

A. No; I didn't know she could bake cake. I don't know as she can.

Q. Were the materials in the house from which to make cakes?

A. Sometimes they were, sometimes they were not. Whenever Trudy wanted to make a cake, she would tell me. I went to Trudy every morning and every afternoon.

10 Q. Where did you keep eggs, which seems to be an ingredient necessary to make a cake?

A. Well, they were kept in the refrigerator.

Q. Did you ever keep the eggs in the tool box?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. About this turkey —

20 A. Senator, I will explain why I kept the eggs in the tool box. My son every Monday went on the seven o'clock train and I used to put two eggs in the tool box Saturday so he would be sure to have eggs for his breakfast in the morning because sometimes, why the eggs are used up and I wanted to be sure having two eggs so I put two eggs down in the tool box.

Q. Couldn't you have told Trudy to keep two eggs in the ice box for him, to keep them where they would be kept?

30 A. That was the usual thing when I came up with the groceries to put two eggs in there, I got his breakfast every Monday morning, four years in college.

Q. That is why you kept the eggs in the tool box?

A. That is why I kept two eggs in there.

Q. Never kept but two eggs in there?

A. No, sir.

Q. Never kept eggs for yourself in there?

A. I don't eat them.

Q. While we are on this particular subject, about this turkey that went upstairs; what time did you have dinner that day, do you remember?

A. Why, around one o'clock, somewhere around that time.

Q. Have an ice box?

A. Yes, sir.

Q. Where was the ice box?

A. Why it was right at the head of the stairs going down to the cellar, the door was left open because they would come in at night with the machine and there was no, it made it easier to come in to leave that door open, it was always left open. 10

Q. Now, then, your explanation of why you took this turkey up to the third floor bedroom was because you was afraid somebody would take it?

A. I thought if anybody loved turkey —

Q. Ever had anything stolen out of the ice box before?

A. No, sir. 20

Q. What made you fear this particular object of veneration would be taken from the ice box?

A. Well, because turkey is something that people seek after and a person that would go in an ice box that is the one thing they would take, they would take the turkey.

Q. That is the explanation of why you took the turkey?

A. That is the only explanation because the turkey was brought down in the ice box next morning and it wasn't in a bedroom, it was in an entirely open room with no door on it. 30

Q. You say it went down to the ice box the next morning?

A. Yes.

Q. Was Trudy there the next day?

A. Oh, yes, she came.

Q. She see the turkey the next day?

A. I don't know why she shouldn't because we had it for lunch.

Q. If the turkey was taken down in the ice box the next day Trudy must have seen the turkey?

A. Yes, we had it for lunch.

Q. And you had it for lunch?

A. Yes.

Q. She seen it then?

10 A. Yes, and so did we.

Q. Did you have lunch that day?

A. My son had lunch, the family had the lunch; I don't know who had the lunch.

Q. Did you eat any of the turkey that day for lunch?

A. I don't remember now whether I ate it or not. Of course, a good turkey is a temptation to eat in the middle of the day when ordinary stuff isn't.

20 Q. You might have broken your rule that day and eaten some of the turkey, is that right?

A. Yes, I could break a rule for turkey most any time.

Q. Did you ever keep any other food upstairs, your room or any of the other bedrooms?

A. I kept some up in my closet.

Q. What did you keep up there?

A. Well, I had, I don't remember now what was up there, whether I didn't certain canned goods that I was keeping.

30 Q. Did you ever keep crackers up there?

A. Yes, sir.

Q. Butter?

A. No, not in there.

Q. Milk?

A. No, sir.

Q. Ever keep milk and butter upstairs?

A. No. I kept my butter and my milk out on the

porch between the doors, the screen door and the other door for the reason that after I received that letter, found the contents of that letter, I kept a certain glass of milk and a little butter for myself out of that door because, and same way with my coffee, I hid a little can of coffee because after I read the contents of that letter that I was afraid.

Q. Afraid to use the butter and the milk and the coffee that the rest of the family did, is that right?

A. Yes.

10

Q. That is your explanation for that?

A. Yes, sir.

Q. It wasn't because you kept those things to keep them away from Mrs. Sachse?

A. No, sir, at all because I thought I was entitled —

Q. Now, if there was anything the matter with the milk or the coffee that the rest of the family drank, who would have suffered with it?

20

Mr. Cole: I object.

The Court: Sustain the objection.

Q. Well, you wasn't afraid of the rest of the coffee and the milk that they drank, were you?

A. Well, I know —

Q. Wait, were you afraid of the coffee and the milk that they drank?

A. I had no reason to be.

30

Q. Nevertheless, you kept butter and milk of your own?

A. Yes, sir.

Q. And the only explanation you have to offer to that is this letter?

A. After I heard the contents of the letter then I was afraid.

Q. You thought there was no safety in drinking what they drank?

A. I didn't want to run any risk.

Q. Now, you say that you invited Mrs. Johnson to dinner on one occasion?

A. Yes, sir.

Q. Do you remember when that occasion was?

A. I don't remember the dates, but I know they were having the piano repaired, and I know my son
10 had telephoned down that he wouldn't be home.

Q. Was it in the year 1925 or 1924?

A. Yes, 1925.

Q. 1925?

A. Yes.

Q. And that night you had stewed chicken for dinner?

A. That is the best of my recollection. I can't remember.

Q. That is the best of your recollection?

20 A. I can't remember years back.

Q. Now, when you were asked by Judge Cole about this occasion you said you had stewed chicken for dinner?

A. That is the best of my recollection.

Q. You didn't say anything about the best of your recollection, you said you had stewed chicken?

A. Yes, sir, that is the best of my recollection.

Q. You think you had it?

A. Yes, sir.

30 Q. That is your idea about it?

A. Yes, sir.

Q. Now, did you have anything else for dinner that night besides stewed chicken?

A. I can't remember now what vegetables we had or dessert we had.

Q. Did you have any kind of a scene at the table to accompany the stewed chicken?

A. No, sir.

Q. Did you insult your wife at the table in front of Mrs. Johnson?

A. Not that I know of, sir.

Q. Did Mrs. Sachse say something about the food on that occasion?

A. I don't remember.

Q. You don't remember that?

A. No, sir.

Q. Did you say to her, or words to this effect, that 10
if you don't like the food you can go out to work?

A. Why, I didn't say that because she already had this radio position, so there wasn't any object in telling her to go out, she already had one.

Q. Are you sure you didn't say that?

A. I don't know what reason I may have to say it.

Q. Whether you had any reason or not, did you say it, Mr. Sachse?

A. I did not, to the best of my knowledge.

Q. Did you say that women weren't any better to 20
go out to work than men?

A. I can't remember the conversation two years back.

Q. Did you say it?

A. I can't remember the conversation two years back.

Q. You don't know whether you said it or not?

A. No, sir. I can't remember conversation two years back at the table. It is more than two years now.

Q. Now, about these lamps, there were two lamps 30
or three lamps down stairs that were moved upstairs, according to your story this morning, right?

A. Two that I know of.

Q. Who did the lamps belong to?

A. Mrs. Sachse.

Q. What kind of lamps were they?

A. Reading lamps and piano lamp.

Q. Where were they located in the living room?

A. One was over the piano and the other was over the reading chair.

Q. Now, then, Mrs. Sachse took the lamps away, correct?

A. Yes, sir.

Q. Took them upstairs?

A. Yes, sir.

10 Q. Now, when you told us about that incident did you want us to infer that she did that to tantalize you?

Mr. Cole: I object. State the fact. Had already been brought out on cross-examination.

Mr. Richards: States the fact for the same purpose.

20 The Court: I will permit that question.

Q. Is that what you want us to understand?

A. Absolutely so, done for a purpose.

Q. That was the idea that you had in mind?

A. Yes, sir.

Q. Now, when she took the lamp—who used the piano?

A. Mrs. Sachse; I didn't.

30 Q. When she took the lamp off the piano, that interfered with her more than it did you, didn't it?

A. Yes, sir.

Q. Now, didn't she take the lamps upstairs because you was knocking them about and damaging them?

A. Absolutely not, sir.

(Recess taken to 1:15 P. M.).

AFTERNOON SESSION.

Trial of the cause resumed at 1:15 P. M.

ALBERT F. SACHSE, resumed.

10

Re-direct examination.

By Mr. Cole:

Q. You were asked on cross-examination as to whether you had given any money to your wife after a certain event and I think you said no, but you wanted to qualify and then he told you you could qualify later, what did you want to say by way of qualification? 20

A. For Christmas 1925 I gave her \$75, for Christmas, and then April of that year I made her a present of a cabinet for the bathroom that cost thirty-four dollars.

Q. Did you give her intermittent payments even after the time when you didn't give her the regular payments that you had theretofore been giving her?

A. Only in presents.

Q. You spoke about your son's attitude towards his mother probably dating after he had read a certain affidavit? 30

A. Yes, sir.

Q. To what affidavit did you refer?

A. About this—these charges.

Q. The affidavit to this petition?

A. Yes, sir.

Q. This present charge?

A. Yes, sir.

By Mr. Richards:

Q. What were those presents you gave your wife?

A. Money.

10 Q. No, those presents, you said you gave her some presents?

A. I don't recall, only two I recall.

Q. One was a medicine cabinet, wasn't it?

A. No, wasn't a medicine cabinet, a beautiful cabinet could be used for bathroom, cost thirty-four dollars.

Q. Cabinet in the bathroom?

A. Yes.

20 Q. Anything else you gave her that might be an accessory in the bathroom?

A. No.

Q. Don't remember anything else?

A. A white stool went with it.

Q. Anything else?

A. No.

Q. Make her a present of any clothes?

A. No.

30 Mr. Cole: I want to offer checks and writings that were marked for identification.

Mr. Richards: If you are going to do that, Judge, I may want to cross-examine on them.

Mr. Cole: They were marked for identification at the time.

(Checks admitted and marked Exhibits D3, 4, 5, 7 and 8.)

Q. Did you always pay Mrs. Sachse by check?

Mr. Cole: Your Honor please, I want to object to this cross-examination. Of course, I don't think it will make any difference in the end, but you see the existence of these checks offered for identification came as the result of cross-examination of Mrs. Sachse and the daughter. They had rather said that nothing had been given them, so these checks were marked for the purpose of showing at least that wasn't true. Now, how can Mr. Sachse properly be cross-examined about these checks? They only came as the cross-examination of the other witnesses, only purpose to show contrary to what they said. 10

The Court: I think the only purpose these exhibits have is to show certain payments or certain checks were given, whether payments or what. My recollection is that it was entirely upon cross-examination of Mrs. Sachse. 20

Mr. Cole: Creating an entirely new issue.

Mr. Richards: If your Honor please, they are in evidence and they can't be limited to that one thing. I certainly have a right to ascertain whether this was all the money that Mr. Sachse gave. It is in contradiction of his testimony. He said that he paid them from time to time. 30

Mr. Cole: Checks went in as a contradiction to their testimony.

Mr. Richards: They may be used as a contradiction of his as well.

The Court: This witness hasn't testified anything at all concerning these checks.

Mr. Richards: Not concerning the checks, but he has testified up until the time he took the household operation over that he had given Mrs. Sachse this
10 money. Now, I want to find out whether he always paid her by check.

Mr. Cole: Your Honor please, if I hadn't put him on the stand at all these checks would have been admissible in evidence. I had to wait until I got in my case to offer them. If I hadn't put him on the stand at all they would have been admissible. Now, the mere fact I have put him on the stand doesn't give them a right to cross-examine him.

20

The Court: Not at all, but, as I recall, you asked him about certain payments he made.

Mr. Cole: They asked him about that.

The Court: You, as well. I will permit it on that point by reason of that fact and that fact only. If I find on examination of the record I am wrong on that I may have to reverse this ruling. You may
30 proceed.

(Question repeated.)

A. No, checks and money. When she was keeping house.

Q. In 1925 did you always pay her by check?

A. No, check and money.

Q. Check and money?

A. Yes, sometimes check and sometimes money.

Q. What about checks?

A. Sometimes I gave her checks and sometimes I gave her money. One month there missing I gave her twenty dollars, twenty-dollar bill.

Q. This is all the checks you have, is it, Mr. Sachse?

A. No, that is all the checks that I have, I guess they are years back, that is all far as went only I 10 guess I had three or four more of those.

Q. The checks that you produce here, money that you paid to Mrs. Sachse, cover years 1924 and 1925, do they not?

A. There is only four house checks here, these are four house checks I gave Mrs. Sachse and these are Nell's checks, there is the check that she wouldn't take, that has not been paid.

Mr. Cole: What is the date of that check?

20

A. Eleventh month, seventh.

Q. What I am asking you now, is that all the checks you can produce money you paid to Mrs. Sachse are the four checks dated 1924?

A. Oh, no.

Q. You have more?

A. I probably have the rest of them.

Q. Why didn't you produce the rest of them?

A. Well, I just happened to have those in my 30 pocket that I wanted to show Judge Cole that I had been paying her thirty-five dollars a week for the house and I didn't think, I didn't suppose I would be called on to have the rest of it.

Q. These three checks in September —

Mr. Cole: I don't see this is cross-examination,

doesn't throw any light on the subject that counsel has said he is going to cross-examine him about, really opening the case on cross-examination about something I didn't ask him about.

Mr. Richards: I certainly couldn't cross-examine about these checks until they were offered in evidence.

10 The Court: There is no cross-examination of this man concerning the checks, no testimony specifically concerning these checks on his direct examination.

Mr. Richards: Your Honor, he is the defendant in this matter, his actions and relations to the payment of money are all pertinent to this inquiry.

The Court: I have admitted it because of the fact that he was questioned as to his payment or giving
20 of money.

(Question repeated.)

Mr. Cole: I object on the ground it is not cross-examination.

The Court: I will have to hear the question.

(Question repeated.)

30 Q. —of 1924 weren't in fact paid by you, were they?

The Court: Question is objected to and admitted.

A. I don't understand—now what was the question?

Q. Wasn't in fact paid by you, were they?

A. That is my check.

Q. Did you draw the check?

A. No, I didn't draw the check but I had my son to draw the checks, my son drew some of them and I drew some of them.

Q. These three checks are all drawn by your son?

A. Yes.

Q. Signed by him?

A. Yes.

10

Q. Signed by Julius F. Sachse, Attorney?

A. Yes.

Q. Were you away at that time?

A. No, but I just wanted to train him in business so I gave him power of attorney on that bank account and asked him to draw up the checks and also pay all the bills.

Q. Was he of age at the time these checks were drawn?

A. No.

20

Q. He was a minor, wasn't he?

A. Yes.

Q. That is the only explanation of why you had him draw the checks instead of yourself?

A. Yes, that is the reason, not explanation, that is the reason I had him draw them.

Q. Why did you then draw the one of September second, 1924?

A. Well, because if he wasn't there why I would make out the check, and if he was I would say, "Brother, you make out the check." I was breaking him in in business.

Q. That is the only explanation you have to offer?

A. That is the explanation.

Q. I note some of these checks that are made to Nell Warren Sachse are signed by Julius F. Sachse, your son; did he have a separate bank account?

30

A. He had a separate bank account after I took the power of attorney, I thought he was old enough then to have it in his own name.

Q. Did you cause this check to be drawn, this one of eleventh, seventh, 1925?

A. I would tell him to draw them.

Q. On his bank account?

A. Yes, on his bank account.

Q. Why didn't you have a check drawn on your
10 own bank account in your daughter's —

A. Because he had a balance there that would permit taking the twenty dollars and I didn't want to draw my bank balance down and he had his bank balance so I told him to draw up the checks.

Q. Was he earning any money at this time?

A. No.

Q. It was your money?

A. Yes, it was my money

Q. In his bank account?

20 A. Yes.

Q. That is the only reason why you had him sign these checks?

A. To instill in him business, to teach him business methods.

Q. How was it that these other checks were not made out by him then, seven checks covering the latter part of 1924 and early part of 1925 that are signed by you?

A. Yes, sir.

30

Mr. Cole: I object on the ground the only purpose of the checks was to contradict Mrs. Sachse and her daughter and this witness was not examined about them directly.

The Court: I will permit it now, when it develops that a fact, which was not called to the Court's at-

tention before at any time, that these were not the defendant's checks.

Mr. Cole: Fact of the matter is, may it please your Honor these checks he is talking about signed by the son were not offered in evidence.

Mr. Richards: They are all in one crowd here, all in one pile.

10

The Court: They are in the pile offered in evidence, as I understood it. If they are not, of course, they cannot be cross-examined upon. Counsel now say they are not offered in evidence.

Q. What is your explanation of that, Mr. Sachse?

A. Well, there is no explanation, he had the balance there and when he had the balance I would tell him, "Brother, make out a check and give it to Nell," and other times I made it out myself. 20

Q. Is that in your handwriting?

A. Yes, sir.

Q. This paper I show you is evidently a receipt, "Received of A. F. Sachse, five dollars out of house money week ending 10/11/24, dated 10/19/24," signed "Nell Sachse" what does that represent?

A. Why, that represents that I was taking care of the house and I saved five dollars out of the house money and I gave it to her because she needed five dollars and I let her have five dollars out of the 30 house money.

Q. You gave your daughter the five dollars?

A. Yes.

Q. Why did you seek a receipt from her?

A. Just wanted to instill business in her, that is all.

Q. Got any more such receipts?

A. Well, there was one here, another one where I gave her forty dollars, another receipt there.

Q. Did you think those two occasions would instill business in her?

A. Started to instill business in her, yes.

Q. That is the only times you ever exacted receipts from her, wasn't it?

A. Yes, because that—other times be checks.

10 Q. That is your explanation, is it?

A. Yes, sir

Q. Why did you want to instill business in her?

A. Because I think every young man and every young girl ought to be trained in business early so that they can take care of and know the value of money.

Q. Did Nell ever want to go to business college?

A. Why, not that I know of except Harcastle.

20 Q. Did you object to sending her to business college?

A. She never asked me. If Harcastle's is a business college, I am not sure.

Q. Asked you to send her to Harcastle's?

A. Yes.

Q. Did you do it?

A. No, sir; I wanted her to stay at the High School.

DEFENDANT RESTS.

PETITIONER'S REBUTTAL.

MRS. ARTHELIA JOHNSON, recalled.

Direct examination.

By Mr. Richards:

Q. Mrs. Johnson, do you remember the occasion 10
when you were present at the dinner that Mr. Sachse
speaks about?

A. Yes.

Q. Did you have stewed chicken for dinner?

A. No, we did not.

Q. Was there ever a scene or altercation at the
table between Mr. Sachse and Mrs. Sachse?

A. All during the meal —

Q. Will you answer that yes or no, please?

A. Yes.

Q. What took place? 20

Mr. Cole: Mrs. Johnson, is this the same incident
you testified to yesterday?

A. No, it is a different one.

Mr. Cole: I object. It is a part of their case.

Mr. Richards: No, a contradiction of Mr. Sachse. 30

The Court: I will permit it.

(Question repeated.)

A. Mrs. Sachse was very depressed, very sad, and
seemed very crushed and I remember asking her at

the table, I said, "Mrs. Sachse, you don't seem to be eating, why don't you eat your dinner?" She said, "I am so crushed, the food seems to choke me," Mr. Sachse's irony was contemptible.

Q. No, just what he said, Mrs. Johnson.

A. He said women had the same right to work and earn money as men, why shouldn't they go out to work, they had their health, they were just as capable and it was just as much their duty to work
10 as the men. I disagreed with him —

Q. Did he say that if Mrs. Sachse didn't like the food she could go out and work?

A. Yes, that was just what he did say.

Q. Now, Mrs. Johnson, where were you living in 1924?

A. We were living at 101 South Frankfort Avenue, which is at the corner of Frankfort and Atlantic Avenue.

Q. How near is that to the Sachse home?

20 A. Well, Weymouth Avenue is very near, I would say, a half a square.

Q. Did you see Mr. Sachse frequently during 1924?

A. Many times.

Q. Did you ever see him wear that red mackinaw coat that was exhibited here in the court room?

A. He has called at our home to spend the evening with Mr. Johnson at various times, always wearing the red lumber jacket.

30 Q. Was that in 1924?

A. Oh, yes.

Q. Did you see him on other occasions wearing this coat?

A. Many times, for years, I have met him on the Boardwalk.

Q. You see him as late as 1924 wearing it?

A. Oh, yes, all during the winter, in fact, when

he was out-of-doors during the winter, 1924, he never wore anything else; I have seen him on the street-car, I have seen him uptown, I have met him on the Boardwalk walking, down the Boardwalk in Ventnor.

Q. Was it clean or dirty?

A. Very, very badly soiled.

Cross-examination.

10

By Mr. Cole:

Q. Was your attention in any way yesterday addressed to this incident that you are now speaking about at the table?

A. No, Mr. Cole.

Q. Did it occur to you at all when you were on the stand?

A. I don't quite understand your question, Mr. Cole. 20

Q. Did the incident about the chicken and about Mrs. Sachse being depressed occur to you yesterday when you were on the stand?

A. I wasn't here yesterday.

Q. Day before yesterday?

A. Oh, yes, it was very clear in my mind.

Q. Why didn't you tell it then?

A. I wasn't asked to.

Q. That was the only reason?

A. That was my only reason. 30

Q. Were you anxious to tell it?

A. Yes.

Q. Why were you anxious to tell it?

A. Because I have great sympathy for Mrs. Sachse; she is my friend.

Q. Very friendly, aren't you?

A. Have been for years.

Q. Now, when did you and she get together and talk this case over for the first time?

A. Oh, I don't know that we have talked the case over.

Q. What?

A. I don't know that we have.

Q. Never talked it over?

A. No.

10 Q. Did you ever have a conference when you went over this case as to what you knew about it and what you were going to say?

A. No.

Q. Sure about that?

A. I am pretty sure. I know Mr. Sachse very well.

Q. That is not what I am asking you.

A. Well, I am telling you that.

Q. I see you are.

20 A. Yes.

Q. Not necessary for you to do that, I might suggest. How did Mrs. Sachse know what you were going to testify to if you didn't have a talk about it?

A. I don't know that Mrs. Sachse did know it.

Q. She never knew when you went on the stand day before yesterday what you were going to testify to?

A. You mean today?

30 Q. Day before yesterday when you went on the stand, did she know what you were going to testify to?

A. No.

Q. Not even her lawyers knew, I suppose?

A. No, not directly, no.

Q. In addition to being very friendly to Mrs.

Sachse, you are quite unfriendly to Mr. Sachse, aren't you?

A. Unfriendly?

Q. Yes.

A. Well, I wouldn't say exactly unfriendly.

Q. After these events that you spoke about, Mr. Sachse visited your home, did he?

A. He called to see Mr. Johnson.

Q. Well, did he visit your home?

A. Yes, in 1924.

10

Q. Came to see your husband?

A. Yes.

Q. Had you told your husband that he had insulted you on one occasion when you were in his home?

A. But Mr. Johnson —

Q. Had you told your husband that Mr. Sachse had insulted you on one occasion when you were in his home?

A. I don't know that I had, because it didn't 20
make that much difference to me.

Q. In other words, notwithstanding the fact that Mr. Sachse had insulted you, you didn't think enough about it to tell your own husband about it?

A. I don't know, because —

Q. Will you answer that question, please?

A. — I don't care that much about it.

Q. In other words, you didn't regard the incident as very serious, did you?

A. I wouldn't gratify Mr. Sachse to let him know 30
it made any difference to me. Mrs. Sachse is my friend.

Mr. Cole: If your Honor please, I object to a speech.

The Court: Yes, the question is answered.

MRS. ANNA Z. VAN VALKENBURG, SWORN.

Direct examination.

By Mr. Richards:

Q. Mrs. Van Valkenburg, you knew the Sachses,
10 did you?

A. Yes.

Q. You live in Ventnor?

A. I did live in Ventnor; I don't now.

Q. You did live there for many years?

A. Fifteen.

Q. What were you doing in Ventnor?

A. I was superintendent of the North American
Sanitarium for crippled children.

Q. That is a home for crippled children?

20 A. Yes.

Q. Did you know Julius while you were there?

A. I knew Julius very well, the best of any of
the family.

Q. Prior to 1919 did Julius show affection and
regard for his mother?

A. A great deal.

Q. What was his attitude towards his father?

A. Always of fear.

30 Mr. Cole: How is this rebuttal, please your
Honor?

The Court: At the present point it isn't. This
last question I don't think is at all rebuttal.

Mr. Cole: Evidence is a part of his case.

Mr. Richards: I asked Mr. Sachse on the stand, I believe, whether or not —

Mr. Cole: I want to add, in any event it would be a contradiction on an immaterial point, so it wouldn't be proper.

Mr. Richards: I had in mind, if your Honor please, I might be mistaken about it, but I had in my mind that Julius said in reply to a question that I asked him, that he had always loved his father. Now, if I am wrong about that, then this isn't material, but my recollection is that he did say so. 10

The Court: I will sustain the objection to this question.

Q. Did Julius ever tell you about an episode concerning his grandmother's trunk? 20

Mr. Cole: That is objected to. There is no foundation laid for that.

Mr. Richards: Yes, I asked him about the trunk and Julius said that it didn't occur, no recollection of it.

The Court: Didn't say it didn't occur; he said he had no recollection of it. I will sustain the objection. 30

Mr. Richards: It seems to me, your Honor, we ought to be entitled to show he did have recollection of it.

The Court: If he had been asked if he told this

woman of this transaction it then would have been admissible, but he wasn't. Sustain the objection.

PETITIONER RESTS.

10 Mr. Cole: I don't know what my opponents have in mind, but there is quite a mass of testimony here and I doubt if I can do full justice at this time, and it seems to me this case can best be handled by briefs.

The Court: Is there much law on the subject?

20 Mr. Cole: No, it is a question of fact, but the facts ought to be corralled, I think, with some care. I don't know what specific facts my friends are relying on; however, I am willing to make my oral argument and do the best I can, but I think I would like to have that privilege.

30 The Court: Unless my opinion is changed I will insist on having a transcript of this record because of the fact there are facts within the six months' period and it would be hard for me to write a memorandum corraling those facts without having a transcript before me, but I think we had better hear the views of counsel on the facts at the present time.

Mr. Richards: If your Honor please, if we are going to have a transcript it would seem to me we might just as well wait and try to analyze it in a brief, or I am willing to let it go without any argument. I don't think our oral arguments will prob-

ably change your Honor's opinion in the slightest. It is entirely a question of fact, it seems to me, in this case.

The Court: It is a question of fact, a question of whether or not the facts proven are sufficient to constitute extreme cruelty in this State.

Mr. Richards: I think that is the whole of the case. 10

Mr. Cole: And I think there is a further question here as to when we can begin to fix the period of extreme cruelty. Of course, we can't do it within the six months, but how much further beyond that are we to go?

Mr. Richards: We have both rested, but I would like to renew my offer of the file in the former case. 20

The Court: The file has never been offered in evidence. One paper was offered and that was the ruling at that time, wasn't any suggestion that this was the file.

Mr. Richards: I think your Honor's contention is perfectly correct and I think the file should be offered.

Mr. Cole: The only time they are possibly ad- 30
missible where there is a decree. My wife might file a bill like that against me and I might never know about it.

The Court: Do I understand counsel to say that the allegations which have been suggested as scan-

dalous in this case were copied from the previous file?

Mr. Reed: They are in there.

The Court: For this purpose I am going to examine the file. I don't know that it makes any difference. (Examining paper.) It is not a copy of it, and may or may not mean the same thing; I
10 don't know. I will examine the file and see whether it is admissible in any way. At the present time I don't see —

Mr. Cole: Your Honor, we have the benefit of an objection to that on the ground unless a decree, only thing would bind, us would be the decree.

The Court: Exactly.

20

30

CONCLUSIONS.

IN CHANCERY OF NEW JERSEY.

Between ALICE WARREN SACHSE, <div style="text-align: right;"><i>Petitioner,</i></div> and ALBERT F. SACHSE, <div style="text-align: right;"><i>Defendant.</i></div>	}	On Petition for Di- vorce on Final Hearing. Conclusions.	10
---	---	---	----

MR. JOHN C. REED and MR. EMERSON RICHARDS for
 the petitioner.

MR. J. S. WESTCOTT and MR. CLARENCE L. COLE, 20
 Sr., for the defendant.

INGERSOLL, V. C.:

The parties were married June 21st, 1899, in Philadelphia, Penna., and resided in that city for about ten years, when they removed to Ventnor City, New Jersey, where they resided until their separation. The petitioner has resided in this State 30
 ever since.

The petitioner has had an extended musical education—"is a finished artist" and has for some time been employed as a pianist and also as program director of WPG, the Municipal Radio Station of Atlantic City.

The separation occurred on February 25th, 1926, when Mrs. Sachse changed the locks upon the doors of the house in which she lived (title to which was in her) and thereby prevented the defendant's entrance.

The complaint is based on cruel treatment on his part. It is entirely a question of fact, and there can be no advantage in restating details of the testimony.

10 The impression left upon my mind at the end of the hearing was that the petitioner had proven her case. Further examination and consideration of the testimony leaves me in the same mental state.

Many excerpts from the testimony taken might indicate that this impression was incorrect. The testimony of the petitioner was that of a nervous, temperamental woman; while that of the defendant was evidently thoroughly prepared and supported
20 by notes and memorandum evidently made and kept for the purpose of excusing and explaining acts of his through a period of many years.

I find that the petitioner has sustained her petition and a decree *nisi* will be advised.

I will hear counsel as to alimony.

DECREE NISI.

(Filed October 8, 1929.)

IN CHANCERY OF NEW JERSEY.

10

Between ALICE WARREN SACHSE, <i>Petitioner,</i> and ALBERT FREDERICK SACHSE, <i>Defendant.</i>	}	On Petition for Di- vorce. Decree Nisi.
---	---	---

This cause coming on to be heard in the presence 20
 of John C. Reed, Esquire, and Emerson L. Richards,
 Esquire, solicitors for and of counsel with the peti-
 tioner, and John S. Westcott, Esquire, and Clarence
 L. Cole, Esquire, solicitors for and of counsel with
 defendant, on petition and answer, and on oral
 proofs taken in open court; thereupon and upon
 duly considering the said pleadings and proofs, and
 hearing and considering the arguments of counsel;
 from all of which it now appears satisfactorily to
 the Chancellor, that the petitioner and defendant 30
 were lawfully joined in the bonds of matrimony the
 21st day of June, 1899, and further, I find that it is
 established to my satisfaction that the offenses of
 extreme cruelty complained of against defendant
 have been proven and established and I am satisfied
 that at the time of alleged offenses set up in the

petitioner's petition, both the defendant and the petitioner were bona fide residents of the State of New Jersey.

10 It is, thereupon, on this 8th day of October, A. D., 1929, by his Honor, Edwin R. Walker, Chancellor of the State of New Jersey, ordered, adjudged and decreed, and the said Chancellor, by virtue of the power and authority of this Court, and of the Acts of Legislature in such case made and provided, doth hereby order, adjudge and decree that the said petitioner, Alice Warren Sachse, and the said defendant Albert Frederick Sachse, be divorced from the bond of matrimony for the cause aforesaid, and the said parties, and each of them, be freed, and discharged from the obligation thereof, unless sufficient cause be shown to the Court why this decree should not be made absolute, within three months from the date hereof.

20 And it is further ordered, adjudged and decreed, that the defendant pay to the petitioner, or her solicitor, the costs of this suit to be taxed, and also a counsel fee of five hundred dollars, and that she have execution therefor according to the practice of this Court.

30 And it is further ordered, adjudged and decreed, that the defendant pay to the petitioner, Alice Warren Sachse, or to her solicitor the annual sum of two thousand eighty dollars, for alimony, due and payable in equal monthly installments.

And it is further ordered, adjudged and decreed, that within 15 days after service of a copy of this decree upon him, or his solicitor, the defendant pay to the petitioner, or her solicitor, the sum of seven thousand four hundred eighty dollars, being as and for arrears of alimony from the 23rd day of February, A. D., 1926, the date of the filing of the peti-

tion in this cause up the date of this decreè, at the rate fixed by this decree; and it appearing that defendant has paid the petitioner the sum of nine hundred sixty dollars, by agreement between petitioner and defendant, which should be credited on said alimony, and there is due and payable to petitioner to date of this decree, at the rate fixed by this decree as aforesaid, the sum of six thousand five hundred twenty dollars.

And it is further ordered, adjudged and decreed, 10
that within ten days after the service upon the defendant of a copy of this decree, the defendant to give bond to the said petitioner, in the sum of five thousand dollars, with sufficient surety or sureties, to be approved as to form and security by Charles S. Moore, one of the special Masters of this Court, for the punctual payments of the alimony by this decree awarded to be paid, at the time and in the manner as in this decree directed; and upon neglect or refusal of said defendant to give said bond, *with* 20
the time specified, or upon his default or that of his surety or sureties to pay the said sum or sums when the same shall fall due according to this decree, that the petitioner be at liberty to apply to this Court to award and issue process of sequestration, or for such other process or order as this Court may, under the circumstances, deem equitable and just, and as may be consistent with the power and authority of this Court.

And it is further ordered, adjudged and decreed, 30
that this decree from the date hereof, shall be a lien upon the real and personal estate of the defendant within this State.

And it is further ordered, adjudged and decreed that either party be at liberty to apply upon a future change of circumstances of the parties, for a vari-

ance or modification of this decree, touching said alimony, as shall be just and equitable.

E. R. WALKER,
C.

Respectfully advised,
R. H. INGERSOLL,
V. C.

10

I, Ferd Garretson, Clerk of the Court of Chancery of the State of New Jersey, the same being a court of record, do hereby certify that the foregoing is a true copy
(L. S.) of the decree *nisi* in the cause wherein Alice Warren Sachse is petitioner, and Albert Frederick Sachse is defendant, now on the files of my office.

In testimony whereof, I have hereunto set my
20 hand and affixed the seal of said Court, at Trenton, this twenty-second day of October, A. D., nineteen hundred and twenty-nine.

(Sgd.) FERD GARRETSON,
Clerk.

30

PETITION OF APPEAL.

NEW JERSEY COURT OF ERRORS AND
APPEALS.

10 Between
 ALICE WARREN SACHSE,
Petitioner-Respondent,
 and
 ALBERT FREDERICK SACHSE,
Defendant-Appellant. } On Appeal from
 Chancery.
 Petition of Appeal.

20 *To the Honorable, the Court of Errors and Appeals
 in the last resort in all causes:*

The petition of Albert Frederick Sachse, appellant, respectfully shows that your petitioner finds himself aggrieved by a decree *nisi* made in the Court of Chancery by his Honor Edwin Robert Walker, Chancellor of the State of New Jersey, on the advice of Hon. Robert H. Ingersoll, one of the Vice-Chancellors of said Court, or on about the fifth
 30 day of October, nineteen hundred and twenty-nine, in that the said decree recites and adjudges that the defendant is guilty of extreme cruelty, and doth decree that the marriage existing between your petitioner and the respondent, Alice Warren Sachse, be dissolved for the cause aforesaid, and allows alimony and counsel fees. And your petitioner ap-

peals from the said decree, and from every part thereof, on the ground that the same is erroneous, for that the said Chancellor should have recited and adjudged that your petitioner was not guilty of extreme cruelty and should have dismissed the petition; and on the further ground that the allowance of counsel fees and alimony are both excessive.

Your petitioner, therefore, prays, that the said decree *nisi* may be reversed, rescinded and for nothing holden, and that your petitioner may have 10 such further relief as shall be meet.

COLE & COLE,

Solicitors for and of Counsel with Appellant.

ANSWER TO PETITION OF APPEAL.

(Filed Nov. 7, 1929.)

NEW JERSEY COURT OF ERRORS AND
APPEALS.

10	Between ALICE WARREN SACHSE, <i>Petitioner-Respondent,</i> and ALBERT FREDERICK SACHSE, <i>Defendant-Appellant.</i>	}	On Appeal. Answer to Petition of Appeal.
----	--	---	--

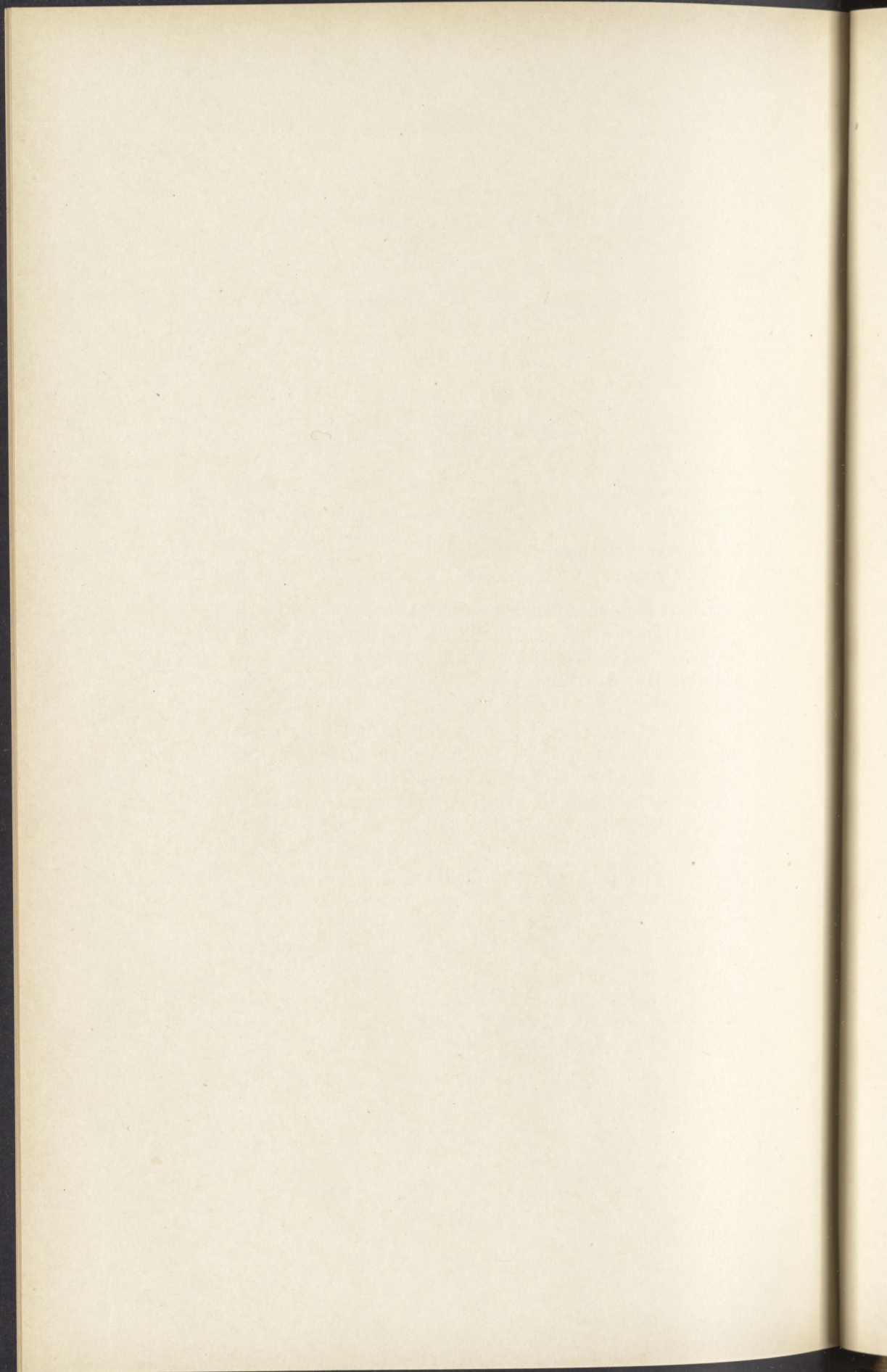
20 The answer of the above-named respondent to the
petition of appeal of the above-named appellant.

This respondent, not acknowledging all or any of
the matters which in the said petition of appeal are
contained to be true, for answer thereto, neverthe-
less, says and admits that a decree *nisi* was on the
8th day of October, A. D., 1929, made and entered
in the Court of Chancery, in this cause for the pur-
pose mentioned in the said petition as is therein
stated; but as to the substance and form thereof
30 this respondent prays to refer thereto, when the
same shall be produced, and this respondent is ad-
vised and believes, that the said decree *nisi* is agree-
able to equity, and she prays that the same may be
affirmed with costs to be adjudged to this respon-
dent.

JOHN. C. REED,
Solicitor for and of Counsel
with the Respondent.

I N D E X

	PAGE
TESTIMONY:	
Alice Warren Sachse—Direct.....	1
Cross	6
Albert Frederick Sachse—Direct.....	10
Cross	14
Exhibit D2, Agreement.....	30



TESTIMONY.

IN CHANCERY OF NEW JERSEY.

Between
ALICE WARREN SACHSE, }
 Petitioner, } On Petition for
 and } Divorce. 10
ALBERT F. SACHSE, }
 Defendant. } On Petition for
 Alimony.

Atlantic City, N. J., August 13, 1929.

20

TESTIMONY.

Before HON. R. H. INGERSOLL, Vice-Chancellor.

ALICE WARREN SACHSE, SWORN.

30

By Mr. Richards:

Q. Mrs. Sachse, when did you receive last support from your husband?

A. August 13, 1926?

Q. You mean alimony?

A. Yes.

Q. How much was that?

A. \$960.

Q. How much a week was that?

A. \$40.

Q. And have you received any money or other thing of value from your husband since that?

A. No.

Q. Now, do you know at this time the exact worth of your husband?

10 A. I do not know.

Q. Have you tried to ascertain what he is worth?

A. Yes.

Q. Now, did he own a property on Little Rock and Ventnor Avenues?

A. Yes.

Q. Do you know about when he bought that property?

A. He bought it at separate times. I imagine the first time was 1910 or 1912, around there.

20 Q. Have you any idea about how much the Little Rock property cost him all together?

A. I believe the lots were \$1500 apiece. I do not know how many lots there were.

Q. Can you tell us approximately?

A. I am afraid I cannot without looking it up.

Q. Have you any memo that would assist you in giving us that information? Have you a contract for the purchase of this land?

30 A. I have a contract for the purchase of New Jersey Avenue property for \$10,500.

Q. Have you anything there about the Little Rock Avenue property?

A. No.

Q. You are sure of that?

A. I am quite sure. I do not know what it cost.

Q. In any event, you know if or not Mr. Sachse sold that property eventually?

A. Yes.

Q. About when did he sell it?

A. 1923.

Q. How much did he receive for it?

A. About \$90,000.

Q. How was that made up?

A. \$50,000 mortgage and the rest cash.

Q. At the time he sold the property, did you join in the conveyance?

A. Yes.

Q. Under what condition did you join in the conveyance?

10

By Mr. Cole: That is irrelevant.

By Vice-Chancellor: I will hear it.

A. Mr. Sachse had been in failing health and had been to many specialists and had been on various diets and had gone through a lot of trouble. He said he was not here for many years. He said, "I feel as if I would pass out and I want to leave my wife well cared for and you have no knowledge to act in real estate, painting, repairs, taxes, etc. I want to sell it with your consent and invest in stocks and bonds. How much easier it would be for you to clip coupons than take care of real estate."

20

By Mr. Richards: Did you rely upon that?

30

By Mr. Cole: I object.

By Vice-Chancellor: Objection sustained.

By Mr. Richards: I think the question is responsive. I asked what the condition was and she

said it was that he dispose of the property to give her the profits.

By Vice-Chancellor: I do not think that is relevant.

By Mr. Richards:

Q. Did Mr. Sachse promise to give you any part
10 of the proceeds of this sale if you consented to it?

By Mr. Cole: Objected to.

By Vice-Chancellor: Sustain the objection.

By Mr. Richards:

Q. Did he give you any part?

A. He did not.

20 Q. As far as you know, he has the proceeds of that sale yet?

A. Yes.

Q. Do you know if he did anything with the mortgage he took back for \$50,000?

A. No.

Q. Did he own property on Ventnor Avenue near Winchester?

A. Yes.

30 By Vice-Chancellor: Where is that?

By Mr. Richards:

Q. I mean between Ventnor and Winchester Avenues on Little Rock.

A. Yes.

- Q. When was that property sold, do you know?
A. I do not remember. It is on the paper.
- Q. Is that the Douckler property?
A. Yes.
- Q. Do you know how much Mrs. Douckler paid?
A. \$20,000 or \$25,000.
- Q. When did he sell that property?
A. 1921 or 1922.
- Q. Did you get any part of that money?
A. Not a particle. 10
- Q. Did he have property on New Jersey Avenue?
A. He did.
- Q. Did he sell that property to Ernest Becker?
A. Yes.
- Q. How much did he receive for that property?
A. \$35,000.
- Q. Did you ever get any of that money?
A. Not a penny.
- Q. Do you recall whether he sold the lot on Vent-
nor Avenue to Mortimer Lewis? 20
- A. Yes.
- Q. Do you know how much he received for it?
A. No.
- Q. Have you any idea?
A. No.
- Q. Do you know of any other property he had?
A. The Ventnor properties and New Jersey Ave-
nue were the only lands he had that I know of.
- Q. In addition to that, do you know whether or
not your husband dealt more or less extensively in 30
stocks and bonds?
A. Yes.
- Q. Did he ever tell you whether he was success-
ful or unsuccessful?
A. He never did, but his bank book showed he was
successful.

Q. How continuously did he attend to his dealings in stocks and bonds?

A. Every day. He read nothing but the stock market and the Bible.

Q. Where did he usually resort to attend to his stock deals?

A. E. J. Moore, Philadelphia, Drexel Co., Harriman, Halle and Stieglitz and Orvis Bros. There might be this many others.

10 Q. Did he spend any amount of his time in stock brokers' offices in Atlantic City?

A. He did. Halle & Stieglitz and Orvis.

Q. Their offices are on the Boardwalk in Atlantic City?

A. Yes.

By Mr. Cole:

20 Q. When did you say you received the last payment from Mr. Sachse?

A. August 13, 1923.

Q. Anything from him since?

A. Not a penny. In 1926—I did not mean 1923.

Q. What you say is a correct statement?

A. The last payment was received August 13, 1926.

Q. Did you attend with him when he went to these stock-brokers' offices?

30 A. I have been with him, yes.

Q. What were you doing there?

A. I went to keep him company. Sometimes he was ready to faint.

Q. As a loving wife?

A. Yes.

Q. He was a sick man, was he not?

A. Very sick.

Q. What office did you attend with him?

A. Orvis—before they moved to Central Pier.

Q. In Atlantic City?

A. Yes.

Q. Did you ever attend a broker's office in Philadelphia?

A. Yes, I have been to E. J. Moore's with him.

Q. So when you say he spent all his time, you testify from your personal knowledge? You spent all day there?

10

A. No—he is a man of leisure. I have work to do.

Q. He owned property which you have title to, did he not, at one time?

A. Yes.

Q. You did not mention that.

A. You did not ask me.

Q. But you were asked to tell all he owned. But what property did he own that he conveyed to you?

A. He owned 23 S. Weymouth Avenue.

20

Q. I am asking what he owned that he conveyed to you.

A. 23 South Weymouth Avenue.

Q. When did he convey that to you?

A. I believe it was in 1919.

Q. You still own it?

A. Yes.

Q. And he also turned over to you all the personal property in the house?

A. He did not own personal property. It was 30 mine.

Q. It belonged to you?

A. Of course.

Q. How did you come to get it?

A. By buying it. I was the money maker.

Q. You had a private source of income then?

A. I had to have it.

- Q. What is that property worth?
 A. About \$10,000.
 Q. Is it rented?
 A. For \$300 for the summer.
 Q. You do not live in this property?
 A. No.
 Q. You have not lived in it since when?
 A. Since 1926.
 Q. You profess to have an income. You are not
 10 now employed?
 A. Not at all.
 Q. Sure?
 A. Absolutely.
 Q. When did you cease to have employment?
 A. April 1st.
 Q. This year?
 A. This year.
 Q. Prior to that time, what was your wage?
 A. \$250 per month.
 20 Q. How long had you been receiving that?
 A. Since 1925.
 Q. Before that, how much were you earning?
 A. \$2.00 per lesson for music lessons.
 Q. What were you earning at that, approxi-
 mately?
 A. About \$75 per week.
 Q. Do you have any income at all?
 A. No.
 Q. None from your husband?
 A. I have nothing.
 30 Q. You did have, did you not?
 A. I did have—I had to live.
 Q. You were getting \$40 per week up to 1926?
 A. Yes.
 Q. That was when you were living in the house?
 A. Yes.
 Q. What did you do with the \$40?

A. I paid for food.

Q. In what house were you living at that time?

A. There.

Q. Was that after you separated?

A. Yes, three years later.

Q. In this case there is a question of counsel fees. Did you receive any counsel fees, Mr. Reed?

By Mr. Reed:

10

A. I was paid \$250.

Q. By whom? By Mr. Sachse?

A. I was.

Q. That is all.

By Mr. Richards:

Q. Mrs. Sachse, this Weymouth Avenue house, with whose money was that purchased?

20

A. Mine.

Q. So this conveyance to you was as a result of your claim that the house actually belonged to you?

A. Yes.

Q. You have a daughter?

A. Yes.

Q. And from 1923 to date you supported your daughter on the money which you earned?

A. Yes.

Q. She is now of age?

30

A. Yes.

Q. When did she become of age?

A. Age is 18 for a girl, is it not? She is now 22.

Q. When? On her last birthday?

A. Yes.

Q. When was that?

A. Last week, the 9th of August.

Q. That is all.

ALBERT FREDERICK SACHSE, witness.

By Mr. Cole:

10 Q. Have you paid Mr. Reed, solicitor for Mrs. Sachse, counsel fee?

A. Yes.

Q. How much?

A. \$250.00.

Q. When did you make the last payment of \$40 per week?

A. In August, 1926.

Q. That is the correct date?

A. Yes.

20 Q. Will you tell the Court, please, what your present worth is?

A. My net worth is \$69,330.

Q. Will you state how you arrive at that?

A. At one time I had close to \$130,000. I gave the house to my wife worth \$20,000.

Q. Are you speaking of Weymouth Avenue?

A. Yes. Then I gave my son, in 1924—I had been very ill—I gave him \$25,000 in bonds to complete his education and buy himself a house, and then on his birthday I gave him approximately \$15,000 in stock.

30 Q. Tell us how you arrived at your present assets? How is it made up?

A. \$52,500 mortgage on Little Rock Avenue, which I still hold; \$9,630 in saving fund; \$2400 in bonds, with additional interest; \$1,000 in bank.

Q. What bonds?

A. Seaboard—\$1600 is my deposit with Halle & Stieglitz. I am holding a note for \$600.

Q. Have you told us all of the items making up, in your judgment, the present worth?

A. Yes—\$52,500 mortgage; \$9,630 saving fund; \$2400 Seaboard, also \$1600 in Loose-Wyle Biscuit Co.

Q. When was it you and your wife separated?

A. The last part of February, 1926.

Q. Was that before or after you had made the gift to your son that you have just testified to? 10

A. Oh, after.

Q. Were these outright gifts to him?

A. Yes.

Q. Did you give him bonds?

A. Yes.

Q. Did you give him certificate of bond?

A. Yes.

Q. Do you have any interest in these bonds or stock at this time? 20

A. No.

Q. At the time you made your son the present of the bonds and stock, did you expect that your wife was going to leave you?

A. No.

Q. I wish you would begin with the Little Rock and Ventnor lots that were spoken about and tell us what happened to them?

A. I sold Little Rock and Ventnor Avenue for \$90,000—the net was \$73,075. 30

Q. Is that the property on which you have a \$50,000 mortgage?

A. Yes.

Q. What about the next lot—she said you sold some property for \$20,000?

A. That property netted \$18,392—Mrs. Douckler.

Q. What became of the money?

A. They were invested in Liberty Bonds.

Q. That money is part of what you personally own either in cash or what you invested?

A. Yes.

Q. What about New Jersey and Atlantic Avenues?

A. New Jersey was sold to Ernest Becker for \$20,000.

10 Q. She says \$35,000. Do you know how she got this?

A. \$20,000—I had a \$5,000 mortgage, I got \$10,000 in cash and took back a \$5,000 mortgage which Ernest Becker paid off and I invested most of it in reducing my mortgage in Ventnor and building. I had mortgage on the Ventnor property and I used \$1,250 to reduce the mortgage on the house on Weymouth Avenue and I still pay interest on the \$1500 mortgage on there.

20 Q. Do you own any real estate?

A. No.

Q. Why are you paying interest on the mortgage then?

A. Just on account of it being on the house.

Q. Mrs. Sachse's house?

A. Yes.

Q. Is there a mortgage on that?

A. Yes, \$1500.

Q. Have you been paying interest on that?

30 Q. How long have you been paying interest on that mortgage?

A. Ever since—well, 10 years.

Q. Who made the bond and mortgage?

A. The mortgage was owned by a man named Ford in New York and he called the mortgage and my son paid the mortgage, I gave him the money to buy the mortgage and I paid the interest.

Q. You paid your son's interest on the mortgage?

A. Yes.

Q. I do not know what it means, but Mrs. Sachse says it was her money that purchased the Weymouth Avenue property.

A. That is absolutely not a fact. She had property in Philadelphia which she sold, and the record shows she got \$1500; that \$1500 was paid in the property when it was built.

Q. Paid in what property?

10

A. Weymouth Avenue.

Q. In the building?

A. In the construction, and then I reduced the mortgage that ran along with it. I reduced \$1,250, put in two extra bathrooms in the house and deeded the house to her.

Q. You paid the expense of these two rooms?

A. Yes.

Q. Is it your statement that only \$1500 of hers went into this property?

20

A. That is all she had.

Q. What did you say that property is worth?

A. Judge Cole, when I turned it over to her it was supposed to be worth \$20,000, but I don't know what it is worth now.

Q. Have you any source of income?

A. No.

Q. What is the present condition of your health?

A. The doctor says it is only a question of time.

Q. Are you suffering from the same ailment your wife testified to?

30

A. Yes.

Q. Are you able to go out and earn money?

A. No, the only thing I can do is get out in the sun because the doctor does not want me to move.

Q. Who is your doctor?

A. Dr. Carey.

Q. How old are you?

A. I am in the 61st year.

Q. Your wife testified about your practice of buying stock and spending all your time reading things about stock—have you made any money in stock and what did you do with it?

A. I never made any money in the stock market. My dealings are very small. At the present time, I am holding 25 shares of two kinds of stock. I
10 have no dealings in 100 shares of stock this year.

Q. If you did make any money in the stock market, is it in the figures you have given us as your present estate?

A. Yes.

By Mr. Richards:

Q. You say you had \$130,000 at one time?

A. That was what I considered my worth.

20 Q. When was that?

A. I don't know, but that was the most I ever had.

Q. How was that made up?

A. I considered the house worth \$20,000—it might have been a high valuation, but that was my valuation.

Q. You thought that the New Jersey and Atlantic property was worth \$20,000, is that right?

A. That was what I got for it.

30 Q. And \$18,000 for the Douckler property and \$73,000 for Little Rock and Ventnor? Is that right?

A. Yes.

Q. That would total \$131,000?

A. I bought New Jersey Avenue and sold it long before, and the proceeds of that \$15,000 was paid in the development of Ventnor and paying off the mortgage.

Q. I understand you to say that you were worth \$130,000?

A. That was what I considered.

Q. That meant that you had property worth more than \$130,000, less your obligations that you owed on them?

A. Of course, I always figure property high like everybody else did.

Q. What I am getting at is that you were worth \$130,000, is that correct?

10

A. Before I gave up the house.

Q. Before you gave Weymouth Avenue house to your wife?

A. Yes.

Q. You made the agreement to leave that house to your wife, did you not?

By Mr. Cole: Objected to.

By Vice-Chancellor: I do not know the purpose 20
of that.

By Mr. Richards: The purpose is to show when he deeded the property he also agreed to reduce the mortgage in 10 years.

By Mr. Sachse:

A. I deeded the property to her mother and her mother deeded it to her.

Q. Didn't you inspect an agreement in May of 1919 in negotiating with Mr. Bourgeois, representing your wife, in which you agreed — 30

A. I refused to sign that agreement.

Q. You did not sign that agreement?

A. No, I did not sign—I got the two original ones here in court.

Q. Was some proof taken at the time of the divorce case concerning this agreement?

A. The agreement was there. I did not sign them. I refused to sign them.

Q. You have further reduced that mortgage, have you not?

A. I reduced it once, \$12,500.

Q. But you have never done anything with it since?

10 A. The mortgage is still there, and I pay the interest.

Q. Do you know who owns the mortgage at present?

A. My son.

Q. How did he get the money to purchase the mortgage?

A. From the interest on his liberty bonds.

Q. How many liberty bonds did he own?

A. 25 of them.

20 Q. \$25,000?

A. Yes.

Q. When did he get them?

A. 1924—he has had them five years.

Q. Which issue were they?

A. Liberty 4 $\frac{1}{4}$.

Q. Did he buy a \$12,500 mortgage for \$5,000?

A. No, the mortgage originally was \$2,750. I reduced it \$1,250, which makes the present mortgage on there \$1500.

30 Q. How old was your son in 1924?

A. 19—it might have been 20.

Q. It was 20?

A. Yes.

Q. He was not of age?

A. No.

Q. Yet he gave this boy, who is a minor, \$25,000

in securities. Did you give anything to your daughter at that time?

A. No.

Q. Have you given her anything since by way of stocks and bonds?

A. No.

Q. Have you given her anything for her support?

A. No.

Q. Since 1924 you gave your son an additional \$15,000?

10

A. Yes, on his birthday.

Q. Making a total of \$40,000?

A. Yes.

Q. Approximately one-third of your estate?

A. Yes—that is what I wished to do, and one-third for the other two. I divided it into thirds.

Q. That was your intention—to give your wife, daughter and son each one-third?

A. Yes.

Q. When was it you gave him this \$15,000? What birthday?

20

A. The 21st.

Q. In 1925?

A. 1926.

Q. At that time, Mr. Sachse, this divorce was presented —

A. Not at that time—his birthday is on the 19th and I gave it to him before that.

Q. At the time you gave him this money, did you not tell him and your wife that the reason you were giving him this money was that she would never get it?

30

A. No, I never made such a foolish statement.

Q. Did you not say that the reason you transferred your real estate was so you could take it out of the State and she couldn't get it?

A. Absolutely not. I transferred it so it would be easier for my family if I died.

Q. But before your son became of age, you gave him \$25,000?

A. His share.

Q. And when he became of age you gave him \$15,000?

A. I gave Mrs. Sachse the house, which is \$20,000, and that makes it more than \$40,000 for each
10 of them.

Q. How did your son come to buy this mortgage on the house?

A. A man called Core wrote about the mortgage and Mrs. Sachse kept the letter, I do not know what she did with it—I did not know anything about it. I sent him the interest and then I wrote to him in two or three weeks that I had no receipt and he answered back and said it was a very funny way to answer his communication to collect the mort-
20 gage, and if he was not paid off immediately, he would foreclose. I did not want the mortgage to be foreclosed and I told my son to buy it.

Q. When was this mortgage bought?

A. September 1, 1925.

Q. He bought the mortgage on September 1, 1925, that is correct?

A. Yes—it was in October.

Q. You just referred to a memo, so there can be no mistake about that, can there?

30 A. It was there—we were some little time getting the mortgage refinanced.

By Mr. Cole:

Q. Let me see the memo.

(Memo submitted.)

By Mr. Richards:

Q. What is the memo?

By Mr. Colé: A receipt for the money paid.

(Title company receipt submitted to Mr. Richards.)

By Mr. Richards:

10

Q. This receipt seems to have been given to you and says that the title company received money from you. Is that correct?

A. I gave them my check and the mortgage was in his name.

Q. Your son paid you back \$1500?

A. Yes.

Q. When did he pay it back to you?

A. The year's interest was due on the Liberty Bonds then. 20

Q. And he paid the \$1500 out of the year's interest on the Liberty Bonds?

A. No—1½ years.

Q. He did not get the Liberty Bonds until 1924?

A. One and one-half years' interest was due October 15th.

Q. That won't quite meet. His birthday is in August.

A. His birthday is February 9th.

30

Q. They were given to him on his birthday?

A. The stocks were given to him before.

Q. When were these Liberty Bonds given to him?

A. September 10, 1924.

Q. He pays \$1500 a year later when the interest on these \$25,000 Liberty Bonds was only \$1,000?

A. $4\frac{1}{4}$'s are more than \$1,000, besides, there is interest due on October 15th.

Q. $4\frac{1}{4}$'s would be \$1,060, that doesn't pay \$1500. You also say that he bought the mortgage out of the income?

A. So he did—the rest was to be coupon clipped on the 15th of October.

Q. The settlement was in September?

A. Yes—I advanced it.

10 Q. You advanced it—you told us he paid you back?

A. I advanced it—only the interest was due.

Q. You say you netted \$73,000 on the Little Rock property—what was the consideration?

A. \$82,500, and was recorded in the court at Mays Landing.

Q. What happened to the \$9500 between that and what it netted?

A. Commission, attorney fee.

20 Q. Do you have any stock?

A. Yes.

Q. Where?

A. Orvis Bros.

Q. How much is the account in Orvis?

A. 35 shares of stock.

Q. Is that all?

A. Yes—11 shares of one kind and 25 of another.

Q. You spent most of your time during the day in the brokerage offices, didn't you?

30 A. Yes.

Q. Every day?

A. Almost every day.

Q. Well, didn't you buy or sell any stock or other securities?

A. I've got now 50 shares.

Q. Don't you actually buy and sell? Just spend your time there?

A. I know the manager—they make me welcome—they know I am not in a position to deal and they said I could come there and make myself at home.

Q. You don't do any actual business that is yours?

A. I've got 50 shares of stock now.

Q. How long have you got these 50?

A. Well, I have it since May, when I took a loss of seven points, and the other one I have had only a couple of months and I have a loss on that. 10

Q. Since May, have you purchased any other stocks and sold them?

A. I bought those 25 of Loose-Wyle Biscuit Co.

Q. Is that all you bought and sold? You only made two transactions? Since May?

A. That is all between January and May. I bought sometime in—I think it was December.

Q. You spent the winter in Philadelphia?

A. Summer, too.

Q. You are living in Philadelphia? 20

A. My residence is down here.

Q. Where do you live in Philadelphia?

A. 5066 McKean Street.

Q. Do you rent that house?

A. No.

Q. Live there with someone?

A. My son's house.

Q. Do you pay any rent?

A. It is his house.

Q. Do you pay anything for living there? 30

A. Yes.

Q. How much do you pay?

A. I furnish the servants and eatables for my share.

Q. How much is that, Mr. Sachse?

A. I don't know—I never figured it out.

Q. Is your son married?

A. No.

Q. Just your son and you?

A. Yes.

Q. Do you have servants to take care of the house?

A. Yes.

Q. You provide the expenses for running the house?

A. Yes.

10 Q. Your son is engaged in business?

A. Yes.

Q. Making his own living?

A. Yes.

Q. That is all.

By Mr. Cole: I want to offer an agreement about which testimony has been taken to show it has never been executed by Mr. Sachse.

20 (Agreement exhibited and marked D1.)

By Mr. Cole: I want to offer for examination by you income tax. I want to offer report of 1928.

By Mr. Richards: I object.

By Vice-Chancellor: Objection sustained.

By Mr. Cole:

30 Q. Mr. Sachse, did you sign some paper at the time you gave your son \$25,000 in liberty bonds?

A. Yes.

Q. Did you sign before Jenkins—sign your paper before him?

A. Yes.

Q. Is that the day the bonds were delivered?

A. Yes.

Q. Is that the correct date before the notary?

A. Yes.

Q. I offer that.

(Paper exhibited and marked D2.)

Q. Did you also sign a paper at the time you gave your son the stocks?

A. Yes.

10

Q. Is that the paper?

A. Yes.

Q. October 26th—is that the date you appeared before the notary public?

A. Yes.

Q. Is that the date you delivered the stocks?

A. Yes.

Q. I offer that.

(Paper exhibited and marked D3.)

20

Q. About this property in Philadelphia, you are living with your son. You say he owns that?

A. Yes.

Q. How long has he owned it?

A. Since June, 1926.

Q. Have you a financial interest in it?

A. No.

By Mr. Richards:

30

Q. Mr. Sachse, this envelope marked D2, upon which you have written certain things concerning the \$25,000 liberties of which you have spoken contained the bonds, didn't it?

A. Yes.

Q. At that time, where was this envelope?

A. In my son's safe deposit box.

Q. And you went to the bank with your son, got this envelope out and wrote what is on this envelope and had it witnessed and gave it back to your son?

A. I went to his box and put it in his box.

Q. Do you have a key to his box?

A. Yes.

10 Q. As a matter of fact, it is actually your box taken out in your name?

A. No.

Q. How did you come to have a key to his box?

A. He could trust me with his key.

Q. Did you have an order to get in his box?

A. Yes.

Q. At that time?

A. Yes.

Q. Why were the bonds in his box?

20 A. Because I wanted them in his box and because I was very sick and thought if I died suddenly, he would have the bonds in his possession. I wanted him to continue his school.

Q. At that time, you were living home with your wife, were you not?

A. Yes.

Q. Was there any reason why you should give him this \$25,000 in this manner, was there?

30 A. I thought I had the right to do that. I divided it up in one-third—I intended to give him his one-third and the other two-thirds they could have.

Q. Whose handwriting is the body of that?

A. Mine.

Q. All of it?

A. Almost.

Q. I notice that the ink on the date line and your

signature differ from that on the rest of the envelope.

A. Yes, and if you will notice the same ink for the date and my signature is the ink the notary used.

Q. I want to know how that occurred.

A. I made out the envelope and took it over to Jenkins and had it dated and signed.

Q. Why didn't you date it?

A. Because I did not know whether he would be in his office when I went there—I wanted it to be done properly. 10

Q. That is the only reason?

A. That is the reason.

Q. Why did you think it was necessary to go over to Jenkins to have this properly done?

A. Because I wanted him to have that in case I died suddenly.

Q. Why didn't you put that in the will?

A. I didn't do it.

Q. Can't you answer that question? 20

A. No.

Q. Wasn't the real reason because you were fulfilling the threat you had made that you were going to dispose of your property and put it out of the power of your wife to get anything?

A. I would never have been so foolish—no, sir, I did not.

Q. That was not the reason?

A. No.

Q. That was not the reason why you did exactly the same on the other marked D3, October 26, 1926? 30

A. Yes.

Q. That time you were not trying to put all of your property out of the hands of your wife?

A. No, I still got a mortgage which was due 2 years.

Q. Practically all of your property, at the time you gave this \$40,000 to your son, consisted of your stocks and bonds and the mortgage?

A. Yes.

Q. So that what you did was to divest yourself of all of your personal property with the exception of the mortgage and such little bank account as you might have had? That is true?

A. Yes.

10

By Mr. Cole: I want to offer in evidence copy of letter dated October 15, 1928, from Cole & Cole to Mr. Reed, solicitor for Mrs. Sachse concerning decree signed (exhibited and marked D4) reply of October 17, 1928 (exhibited and marked D5), and subsequent letter of November 26, 1928, to Mr. Reed from Cole & Cole (exhibited and marked D6).

20

By Mr. Cole: Under my motion, there is required the entry of decree within certain period from the time of the filing of the Court's conclusions with consent out of time. I think we are entitled to the benefit of the rule.

30

By Mr. Richards: Under Rule 132A, the Court is to enter the decree notwithstanding 30 days. The reason we did not do it was because we wish to enter with the decree the order for alimony and counsel fee and we have been diligently trying all of this time to get some line on Mr. Sachse's wealth and his ability to pay both alimony and counsel fee. We have tried in every way possible and we finally did dig up facts. We think your Honor is entitled to whatever assistance we could get and that is why we held this matter up. This testimony indicates that the defendant has diligently tried to put out

of reach, whatever property he had, of the reach of the Court and out of the reach of the complainant. I think we did move this matter and at that time it was a question of trying to get a compromise. It rests upon your Honor's discretion and I think your Honor, Vice-Chancellor, or Mr. Cole, upon application will permit entry of the decree unless there has been some damage done. There has been no damage done in this case.

10

By the Vice-Chancellor: I am satisfied that this matter is one in which the Court should use its discretion and make an order that the decree should be advised, particularly, with the knowledge of the lengthy trial of this case. I will exercise my discretion and will advise the decree. Now, I think, gentlemen, you should be heard on the amount of alimony, if any, that should be allowed. I have stated I would advise a decree nisi and now I will hear you upon that point.

20

By Mr. Richards: If your Honor please, it seems to me that the fact that this defendant has deliberately parted with one-third of his fortune should be taken into consideration in advising a decree. The original amount that we were getting by agreement was \$40.00 per week when ceased sometime before this case was brought up to trial and we have never had anything since. We got nine hundred and some dollars altogether. Your Honor will recall the testimony in this case and will recall that this woman was forced out of her home under conditions that requires satisfactory payment of alimony. The witness here this morning said he gave his son \$40,000 as his share of his estate. He says that he is in precarious health and we are led to believe

30

he is going to die. If he did, the woman would not get the \$60,000 left. It seems to me, your Honor, we should have a substantial sum. I suggest, I know your Honor can give alimony in bulk, we should have our one-third in a lump or have it in such sums that will be likely to be reached within his lifetime. The doctor will not let him do any work. Here is a man 61 years old, for years has not done any work, lives with his son who is in business and makes a living, he maintains this house for his son, employing the servants and providing the supplies. We have asked for \$150 per week and I think we would be entitled to at least a yearly income based upon these figures of not less than \$4500 per year. Of course, we should receive the alimony dating back to the time of the discontinuance of the alimony. The mechanics of that should be to have it dated back to the order, filing a petition and giving him credit for what he has given. In addition, there comes the question of counsel fees. At the time of the preliminary hearing of this case, by agreement we received \$250. We tried this case at special trials, I do not remember how many times, I know more than one. We had a great deal of other matters connected with it. I have been in this court almost continuously. The case has been on the calendar for practically three years and during that time, we have had many interviews with our client, a great deal of time issuing an exeat, issuing a great many proceedings and finally the very hotly contested trial from which I think we should receive a very substantial counsel fee.

By Mr. Cole: The fact that Mrs. Sachse may have been thrown out of her home, as counsel has stated, is irrelevant. The question is what alimony

should be paid under the rule. As far as the delay is concerned, as far as I know, no delay could be ascribed to Mr. Sachse. The answer was filed promptly and there was not only a great delay in bringing this case to a final hearing, all of which I remember, should be ascribed to the petitioner, just as the delay in getting this final decree signed. Mr. Sachse did right to give to his son, the property he gave him. Counsel has said that there is other property Mr. Sachse has not disclosed. In 10 other words, he has not told the truth. Quite some time has intervened to have Mr. Sachse examined by counsel and to make investigation as to whether it was the truth or not. He was on the stand before and he testified as to his income. There has been abundant time to find out from him. He came here and testified. He had a right to give his son this property. He gave it to him unmindful of any suspicion his wife would take the course she did. He now has \$69,000 left and while your Honor ob- 20 jected to the income tax, yet I am referring to it just to give roughly about \$4,000 income this defendant has not received. It seems rather extravagant to ask the amount that was asked during the life of his estate and the income therefrom and remember that Mrs. Sachse owns property which is worth \$10,000 as she says and he says is worth \$20,000, furnished, rented, only recently was earning \$75 per week and was earning \$250 per month and why she ceased to earn, I do not know. She 30 has nobody, as far as I can see, that is dependent on her, and has this home. I respectfully submit that on the usual basis, one-third of this income would be quite ample considering that she has earning power and no young children. There is no testimony attacking her health and we have testimony

concerning Mr. Sachse. For years, according to Mrs. Sachse, the man has been ill and unable to work. I, therefore, say that in no event should it be more than one-third. As to counsel fees, I do not recall this case as being involved and complicated and do not see why Mrs. Sachse should pay 2 attorneys, Mr. Reed as counsellor-at-law, solicitor of record, and certainly capable of having prosecuted this case and I respectfully urge that he alone be
10 considered. Unfortunately, I do not seem to be able to value the services of counsel at \$3,000, it is simply preposterous.

By the Vice-Chancellor: I will determine the figures. I have made several figures and will advise probably within the week.

20

EXHIBIT D2.
11/10/27 L.

AGREEMENT made this _____ day
of May, A. D. 1919.

Between ALBERT F. SACHSE, of Ventnor City, New Jersey, of the first part, and ALICE WARREN SACHSE, of the same place, of the second part;

30 WITNESSETH, whereas party of the second part with her two children heretofore, to wit, on or about the second day of May, 1919, left the home of the said party of the first part because of the unlivable conditions theretofore and then existing in said home; and

WHEREAS, party of the first part is desirous to make such amends as are at this time possible to be made, and of having party of the second part and his two children to return to him;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, That party of the first part agrees to deliver to party of the second part the deed of conveyance from the parties hereto Sophronia Warren, and the deed from Sophronia Warren to party of the second part hereto, for immediate record; and further agrees that any and all income received from the lands and premises described therein, if any, shall belong to and be the property of party of the second part; that in consideration of the parties hereto residing in said premises, party of the first part agrees to pay the fixed charges on said property, and from time to time reduce the amount of the mortgage so that within ten years from the date hereof said property shall be free of encumbrance.

Party of the first part further agrees to pay to party of the second part Five Dollars (\$5.00) per week on each Saturday thereof as and for her personal allowance or pin money, and further agrees to pay to party of the second part on the first day of each month the sum of Fifteen Dollars (\$15.00), to be expended by party of the second part for clothing for their two children, Jules and Nell; and further agrees to pay to party of the second part, weekly, the sum of Twenty Dollars (\$20.00) for household charges, such as food, washing, help and other expenses pertaining to the household affairs; and agrees to make, publish and declare his last will and testament, therein devising and bequeathing all his property to party of the second part, and their two children equally, and agrees to make party of the second part executrix thereof with power of sale.

Party of the first part agrees that he will at all times demean himself as a gentleman towards party of the second part, and agrees to refrain from using

opprobrious, uncouth and indecent language to party of the second part; and further agrees to refrain from using uncouth and indecent language before the children of the parties hereto, or either of them.

Party of the first part further agrees that party of the second part shall be free to pursue her teaching of the piano without any annoyance or hindrance from party of the first part, and to entertain her friends at all reasonable times without objection or hindrance of party of the first part.

AND party of the second part, in consideration of the foregoing promises and the fulfillment of them, hereby agrees to return to party of the first part with her two children, and to look after and care for her household duties as the wife of party of the first part and mother of the two children aforesaid.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

Alice Warren Sachse. (Seal)

Signed, Sealed and Delivered)

In the presence of:)

Geo. A. Bourgeois as
to Alice Warren Sachse.

Refused to sign

5/12/19 A. F. Sachse.

[ENDORSED]

AGREEMENT
BETWEEN
ALBERT F. SACHSE
AND
ALICE WARREN SACHSE.

Dated May 12, 1919.

Law offices
BOURGEOIS & COULOMB
Atlantic City, N. J.
25-28 Law Building

10

20

30

U

1870-1871

New Jersey Court of Errors and Appeals

—

Between

ALICE WARREN SACHSE,
Petitioner-Respondent,

and

ALBERT FREDERICK SACHSE,
Defendant-Appellant.

—

ON APPEAL FROM CHANCERY.

—

BRIEF FOR APPELLANT.

—

STATEMENT.

This is a petition by the wife for a decree of absolute divorce on the ground of extreme cruelty. There was a decree accordingly from which the defendant-appellant has appealed. The chief contention is that considering the relevant allegations in the petition and the relevant proof, the decree adjudging extreme cruelty was unjustified, and that the allowance made to the petitioner-respondent during a portion of the period is excessive.

New Jersey State Library

ARGUMENT.

The decree adjudging extreme cruelty is not justified having in mind the relevant averments in the petition and the relevant proof thereunder.

The parties were married in June, 1899, and sustained the marital relation "until the 10th day of April, 1925, when petitioner was compelled to separate from the defendant because of his extreme cruelty as hereinafter set forth," excepting during a short period in 1919, to which reference will be made later.

The petition was filed on the 23rd day of February, 1926, at which time, according to the allegation in the petition, Julius, a son, was twenty years of age, and Nell, a daughter, was eighteen. The statute provides:

"That no petition for a divorce shall be filed until after six months from the date of the last act of cruelty complained of."

It is plainly implied that the petition must set forth specifically the acts of cruelty and the time and place, in order that the defendant may have a fair and full opportunity of meeting the specific acts upon which reliance is had that would justify the charge of extreme cruelty. The petition is woefully lacking in particularity. It will be noted that the petition alleges a separation on April 10, 1925. Paragraph 3 alleges, in very general terms, misconduct on the part of the appellant beginning shortly after the marriage and that it grew "progressively worse."

The only specific allegations that could be interpreted as extreme cruelty is that there was a violent assault on the 10th day of July, 1925, a date subsequent to the alleged separation. Section 4 alleges misconduct prior to the 17th day of May, 1925, without fixing any date, and it may have been ten years before. At this point it is well to call attention to the astonishing fact that in spite of the very serious general allegations of misconduct in this section, there was no proof offered to substantiate the charges. The averments in Paragraph 5 are entirely general, no date being named or specific act stated. At best, what is said is a mere expression of opinion.

What is said with respect to Paragraph 5 is equally applicable to Paragraph 6.

While the averments in Paragraph 8 are quite general, there may be sufficient particularity, and some of the averments may be sufficiently stated if proved to justify the conclusion that there was extreme cruelty.

Paragraph 9 is largely a matter of opinion, and is lacking in dates and particularity.

In considering the evidence adduced, we urge the Court to have in mind that many of the acts of the appellant, testified to by the respondent, are not within the allegations of the petition, and by reason of their long antedating the six months' period named in the statute, must be treated as condoned.

The separation alleged in the petition was occasioned by the respondent locking the door of the home against the appellant while he was on an errand.

Of course, the respondent had the burden of establishing extreme cruelty by the clear weight of the evidence. At least this should be so, otherwise

there will be a perfect plethora of divorces which may ultimately reflect discredit upon the State. The statute is subject to great abuse and it is better that occasionally a party who may be entitled to a divorce should be denied, unless there is a convincing case, than that any sort of proof should be deemed adequate to justify a decree of separation.

In *Taylor v. Taylor*, 73 Equity, page 745, this Court affirmed the decree on the opinion of Vice-Chancellor Leaming in which opinion he quotes from *Close v. Close*, 25 Equity, 529, where it is said:

“The principle which must decide this case does not affect these parties alone; it is of the utmost importance to all that these bonds should not be lightly severed.”

It will appear in the case that so far as persuasive evidence is concerned, the parties had no serious differences until the respondent, who, it may be conceded, was a skilled musician, sought employment and began to move in a society different from that in which she had theretofore moved. When this occurred, the parties seem to have been ill-mated. The appellant is a plain, unassuming man, and was content to spend most of his time in his home. The respondent, on the other hand, was away from home considerably, especially at nights, because of the public position she occupied in connection with the broadcasting through Atlantic City Municipal Radio Station. The foregoing should be borne in mind in analyzing the relevant evidence with relation to relevant and sufficient averments in the petition.

As the case is one of fact, we feel justified in quoting liberally from the evidence, and enlarging somewhat on the discussion thereof. It should be kept

in mind that until the event of the appellant being locked out by the respondent that there had been continuous cohabitation from the time of the marriage (except during a short period in 1919, to which reference will be made later), and that the two children referred to in the petition had lived under the same roof. It should require very convincing proof of actual extreme cruelty in the light of this circumstance to persuade the Court that there was extreme cruelty; that if there was, there had not been condonation.

At this point and before entering upon a discussion of the evidence, we refer to *Taylor v. Taylor*, *supra*, as authority to defeat her right to a decree. In this case a number of cases are collected and from some there are liberal quotations. The Vice-Chancellor says:

“The rule in this State may be considered settled as follows: That to justify a wife in separating herself from her husband physical violence need not be proved, but such conduct of the husband must be shown as will reasonably convince the Court that her life or health was in danger, or her life rendered one of such extreme discomfort and wretchedness as to incapacitate her to discharge the duties of a wife, or that the conduct of the husband, if continued, would have brought about these conditions.”

He also says that it must be found that the treatment of the husband was the cause of the separation.

In *Cavileer v. Cavileer*, 94 Equity, at page 160, this Court deals with the subject, and at page 163 says:

“Extreme cruelty as used in our divorce Act is such cruel conduct as endangers the safety

of the person or the health of the aggrieved party, either actually inflicted or reasonably apprehended.”

At the close of the case (page 364), the Court said:

“Unless my opinion is changed I will insist on having a transcript of this record because of the fact there are facts within the six months’ period and it would be hard for me to write a memorandum corraling those facts without having a transcript before me, but I think we had better hear the views of counsel on the facts at the present time.”

The Court was furnished with a transcript. In its conclusion no specific act of extreme cruelty is found. He says:

“The impression left upon my mind at the end of the hearing was that the petitioner had proven her case. Further examination and consideration of the testimony leaves me in the same mental state.”

“Many excerpts from the testimony taken might indicate that this impression was incorrect. The testimony of the petitioner was that of a nervous, temperamental woman; while that of the defendant was evidently thoroughly prepared and supported by notes and memorandum evidently made and kept for the purpose of excusing and explaining acts of his through a period of many years.”

Apparently the Court felt at the close of the case that it needed a transcript of the testimony in order to reach a conclusion and as the conclusions admit,

that "many excerpts from the testimony taken might indicate that this impression was incorrect."

It would seem as though the Vice-Chancellor was in doubt. It is unfortunate that he did not state what specific acts he had in mind that had been proven that amounted to extreme cruelty. This failure imposes a burden of discussing all the testimony offered by the petitioner.

We respectfully urge the Court to keep in mind there are a number of instances stated in her testimony to which no reference is made in the petition, and which we submit should be eliminated from consideration. Her testimony touching alleged acts of cruelty begins at page 29. It begins with generalities both as to acts and dates and should be ignored. The incidents may as well have been within six months of the filing of the bill as without the six months, and defendant is entitled to the benefit of the presumption that they were within the six months. She refers to an incident on February 9, 1926. This was within the six months' period and must, therefore, be eliminated from consideration. Whether the Vice-Chancellor took it into consideration in reaching his conclusion, we cannot divine. One incident which is stressed in the testimony of Dr. Fennimore and the petitioner before the Court was that of the injury to petitioner's hand in July, 1925. It was the injury alleged to have been received from this assault that measurably incapacitated her from pursuing her work as a musician.

But if the Court is disposed to seriously consider this incident, we submit that a fair consideration of the entire testimony upon the subject will make it obvious that there was no intent on the part of the appellant to injure the respondent (and he insists that he did not), and that whole trouble was

caused by a struggle between the two as to who should have possession of the fork which had been used during the course of the cooking in the kitchen, which seems to have brought about the struggle. She admits that the fork was bent due to appellant's wrenching it while she had hold of it (page 30). Then follows a deal of generalities concerning appellant's not furnishing sufficient food or sufficient allowance. No specific dates are mentioned.

At this point attention is called to the separation which took place in 1919 and a claim on the part of the respondent that before there was a re-union, the appellant signed a paper in which he confessed that he had been guilty of misconduct and promised to do better. Testimony touching this begins at page 48, and it will be seen that there was no competent proof that the agreement was ever signed by the appellant and his testimony is convincing that he refused to sign it, it having been prepared by her counsel, and appellant refused to sign after consulting with his counsel. That appellant never signed the agreement is established by the testimony of Mrs. Williams, respondent's witness, at page 126. But in connection with that Mrs. Sachse admitted that all acts which to her mind had been improper, antedating that agreement, had been forgiven. At cross-examination (page 61):

“Q. Now, when you signed that paper you were satisfied to forget the past?

A. Yes.

Q. Begin all over again, weren't you?

A. Yes, I was, Judge Cole.

Q. And you forgave all?

A. I did and tried to forget it.

Q. So that your complaint now is based upon what happened after you say you signed some papers?

A. Yes, that is right.

Q. You are not relying on anything before that?

A. Nothing at all."

In order, therefore, to justify a finding of extreme cruelty, there must be evidence of acts of such cruelty between 1919 and six months before the filing of the petition, and the testimony to that end must be specific as to time and place and events. Conviction cannot be had upon mere inference.

At page 33 she seems to complain about a lack of food and a display of a turkey by the appellant without allowing her to have any of it. This incident was within the six months' period. Following this is an alleged throwing of a plate at her on Mother's Day. No year is mentioned.

She then relates without fixing any specific time, failure to provide proper heat, but at page 37, she refers to the winter of 1925 and 1926, which, of course, was within the six months' period.

At page 38 she refers to profanity, and the calling of a vile name but no date is fixed.

She says that in 1923 he told her that she would have to get out and if she did not, he would kick her out, but there is no evidence that he ever executed such a threat.

This is followed by testimony concerning his refusal to look at one of the children for three weeks after it was born, and called her vile names. This is out of the case by her testimony of forgiveness and even if she had not forgiven him it would have to be treated as condoned after so many years.

She is then asked:

"Q. All right, but later on, but what did he do in the last couple of years of your married life? We want to confine ourselves to that."

If this Court will confine the respondent to acts of cruelty during the period of two years prior to the filing of the petition and exclude the statutory six months, there can be no earthly justification for the decree.

At page 40, attempt is made to show that the appellant regarded the respondent as mentally unsound and intended to put her away.

She is asked:

“Q. Did he ever threaten to?

A. Oh, yes, to put me away, oh, yes. February eleventh, 1926, just before he went out, he said, ‘Well, now, Trudy (referring to a colored servant), it won’t be very long. The madam is acting queer. She has fits every summer, you know, and we will put her away and we will put Nell in the reform school and the madam in the bug house.’ ”

This was twelve days before the petition was filed, and within a few days of the time she locked the door against appellant.

Following this are generalities concerning alleged uncleanness of the appellant and his slovenly habits.

At page 42 an attempt is made to make acts of extreme cruelty of some event in which the colored servant was involved in September, 1925. In the first place, it is within the statutory period, and secondly, it could not have affected the respondent if true.

An attempt was made to show that the appellant thought more of the son than of the daughter, and had poisoned the mind of the son against the respondent, and had ill-treated the daughter because she favored the respondent. We shall not attempt

to quote the testimony given to establish this, but our submission is that it is not established in fact and that in any event it could not amount to extreme cruelty of respondent.

On cross-examination (page 63), she admitted that she had a terrible temper, and then said she had not. Whether her admission she had a terrible temper was an attempt at the humorous, we cannot say. At page 64 she admitted throwing a rug on appellant's head and when asked if she were in a temper then, she answered:

“A. No, I wasn't in temper, no. I just thought it would improve his coiffure.”

It may be well to note (page 67), that it was during the period before 1919 during which respondent complained of her husband that he gave her the home which was subsequently locked against appellant. It appears that she was not scrupulous touching the matter of calling names. At page 67 and 68 she admits that she called appellant a “hen huzzy” (whatever that may mean).

Mrs. Johnson was produced as a witness, and on page 97 she was asked touching the condition of the house in 1925 and 1926 as to warmth and she said it was cold. That was within the six months' period. At page 98 she testified to another incident also within the six months' period. At page 99 she appears to have attempted to raise an implication of some insulting remark made by the appellant to the respondent in her presence, but no date is set, and the remark was that appellant had no faith in women and had no respect for them. On cross-examination she admitted this incident was in the winter of 1925 and then follows:

“Q. Had an ordinary tete-a-tete conversation, I suppose?”

A. Yes, just an ordinary conversation.

Q. All in good humor?

A. Yes, seemed so.

Q. And in the course of the conversation, all being in good humor, Mr. Sachse said he hadn't any faith in women?

A. Yes."

In explanation of the lack of heat in the winter of 1924 and 1925, the daughter, at page 143, ascribed it not to a lack of coal, but to a lack of draft. She then deals in generalities without dates in an attempt to support the charge of extreme cruelty, but none of which would amount to such even if true. She testified to the throwing of a dishpan of water by the appellant on the respondent which is not averred in the petition and which occurred before 1919 and was forgiven, according to the testimony of the respondent.

An examination of the entire testimony of the daughter will make it clear that she was highly prejudiced against her father. But taking to be true all she said concerning the quantity and quality of the food provided by him, there would be no justification for a finding of extreme cruelty. The colored servant, Trudy, who lived with the parties for a considerable period, was not produced by respondent to support her testimony.

The first witness sworn on behalf of defendant was the son, Julius, who, at the time was past twenty-two years of age. We may concede for this purpose that the father was fonder of him than the daughter and that this relation was reciprocal on the part of the son. We wish to stress the truthfulness, force and intelligence of this witness. He denied categorically the testimony of the respondent

and his sister concerning matters within his personal knowledge. He said that his father had never made any statement to him to persuade him to lose his love and affection for his mother; that his father had never made any promise or agreement of any kind to persuade him to be weaned from his mother. At page 164 he tells about the kitchen incident and when he arrived he found his mother beating his father with a basting spoon; he denies that the fork was bent as it was when produced in court. He says he never saw his father strike his mother, nor threaten her, swear at her, nor swear in her presence. He also says that excellent food was provided which was satisfactory to him and ample in quantity. He then goes on and describes in detail the kind of food that was provided. He then describes the acts of his mother and sister not eating with him and his father, and that the same food was provided for his mother and sister that was provided for him and his father. He says he did not hear any improper remark made by his father to his mother on Mother's Day nor did he ever see his father throw anything up and down the stairs as was testified to.

We will not burden the brief with further quotations because the Court will read the entire testimony.

Marvin C. Reed testified on behalf of the defendant and related his visits to the home and always found the same comfortable and that personally he sold him wood and knew there was ample supply of coal and that on a number of occasions he saw appellant buying fruit and vegetables at the store of Segal, and all those through a period of two or three years.

Trudy Callender, the maid, was produced by the defendant, and from her testimony so far as events

were within her knowledge it is manifest that there was no extreme cruelty. She explains in detail the kitchen incident when the fork was involved and says that the respondent was not struck with it and that after the meal she cleaned the fork and used it, and that it was not in the bent condition it was at the time it was produced at the trial. If her testimony is believed, the testimony of the respondent and her daughter concerning the quantity and quality of food was at best a fabrication. They were provided with the same food as was eaten by appellant and his son. She also said that when Mrs. Sachse would ask for a certain kind of food, Mr. Sachse would provide it. She also said that she never heard of appellant threatening to strike the respondent, never heard him call her bad names, nor use profanity toward her. She also explained a number of other minor incidents alluded to by the respondent. At page 245 she says that the respondent called the appellant "big guts" and "old, dirty, nasty skunk."

The defendant denied every act upon which respondent relied in support of her claim of extreme cruelty and in many, if not all of the incidents, he gave his explanation which showed an utter lack of justification of the charge of extreme cruelty. It would not be profitable to put down here his answer to each of the charges made because it would involve a double reading on the part of the Court. There is nothing in the case to justify the conclusion that he was not as truthful as the respondent. To the contrary, we insist that when the testimony of both is considered in the total that the weight is decidedly in his favor. When the evidence produced by both sides is properly considered and weighed, we contend that this Court, at the best, must say that petitioner-respondent has not carried the burden

which the law imposes and that in the interest of the State and society it will not do to dissolve the bond of matrimony upon such a record as is here.

The learned Vice-Chancellor seems to have cast an unfavorable imputation against the appellant in the concluding words of his conclusion where he refers to notes and memoranda made and kept by the appellant and, as he says, "for the purpose of excusing and explaining acts of his through a period of many years."

He does not suggest that they did not record the truth or that they were not made at the time that they purported to have been made. Indeed, so far as the record is concerned there seems to be no just ground for such imputation.

It should be presumed that when the respondent conferred with her counsel that she revealed all the facts of her case which she deemed essential for the purpose of procuring a decree. It is not without significance that there is no act of extreme cruelty, or otherwise, averred after July 10, 1925. It was at this time that the alleged assault with the fork occurred in which the hand was injured. She continued to live with the appellant until February 25th following, when, without any notice or warning and while appellant was away from home, she locked the door against him. It seems strange indeed, that she would have continued to live with him or in the same house with him from July to February if she had regarded the act of July 10th or any preceding acts as extreme cruelty. We contend that her silence during that period amounts to condonation and that for this reason the decree is erroneous.

We find no direct adjudication on the question of the necessity for particularizing in the petition the acts of extreme cruelty relied upon, but it would seem that there should be particularity. In Mr.

Francis Child's practice and procedure in New Jersey Divorce, his Form 16, at page 323, says:

“Particularly specifying the acts of extreme cruelty committed by the defendant, she says that the defendant (here set out in chronological order, with dates, the acts of cruelty complained of).”

The petition in this case falls far short of the requirement according to the form and should of itself defeat the respondent. The Court will observe that throughout the case this point as well as the irrelevancy of much of the evidence in the light of the lack of particularity in the petition was brought to the attention of the Court.

See the record pages 127 to 134, inclusive.

The Vice-Chancellor does not say in his conclusions that he excluded from consideration the incident of February 9, 1926, to which the respondent testified on page 29, but which is not averred in the petition. If this incident was considered by him then the petition should have been dismissed and a decree denied because of an act of cruelty within six months.

There is one other thing to which we allude which we think should have considerable weight with this Court in considering the value of the respondent's testimony and determining her veracity. We call attention to paragraph 4 in the petition. This charges a series of acts of a vile and repulsive nature. They are sworn to by the respondent in this:

“That she has read the same and the matters and things therein stated are true to the best of her knowledge and belief.”

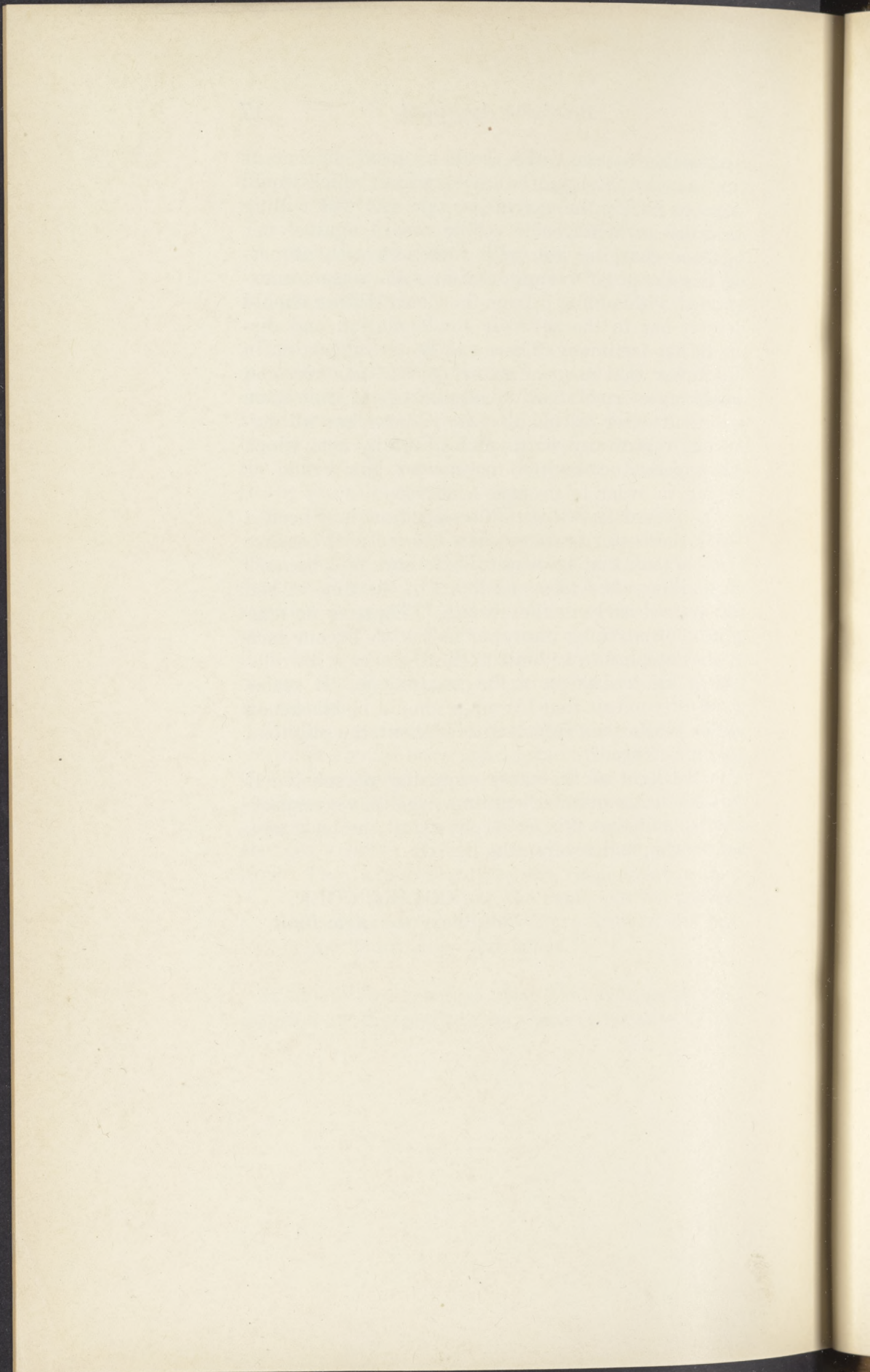
It should be assumed that the averments were inserted in the petition by counsel because of her

statements to him. We recall no proof by her or any one else to support the averments which would seem to justify the conclusion that she was willing to make an ineffaceable public record against her husband charging him with such acts without possessing the proof to support it or some reason unexplained, withholding it from the Court. Either should subject her to the severest condemnation and discredit her testimony. There can be no suggestion in her favor that the character of the acts charged would cause one of delicate sensibilities to state them to a Court. Her testimony clearly shows her willingness to repeat any words and state any acts which the appellant committed no matter how crude or vulgar, in order to procure a decree.

The record shows that the appellant had been a fairly successful business man who retired because of ill health; that he was a home man and because of his illness had to spend much of his time in bed and retired early in the evening. There is no suggestion of anything improper in his life except such as is attempted to be built up in this case with relation to his treatment of the respondent. It seems manifestly unfair that his name should be blackened by the allegations referred to without the slightest attempt of proof.

In the light of the cases requiring persuasive if not convincing proof of extreme cruelty, we respectfully submit that this Court should at the least say, not proven, and reverse the decree.

COLE & COLE,
Solicitors for Appellant.



NEW JERSEY COURT OF ERRORS AND
APPEALS.

Between

ALICE WARREN SACHSE,
Petitioner-Respondent,

and

ALBERT FREDERICK SACHSE,
Defendant-Appellant.

ON APPEAL FROM CHANCERY.

BRIEF FOR RESPONDENT.

STATEMENT.

This is a petition by the wife for a decree of absolute divorce on the ground of extreme cruelty. There was a decree for the petitioner from which the defendant-appellant has appealed. The chief contention of the appellant is that the proof does not justify the decree adjudging extreme cruelty; that the allowance made to the petitioner-respondent during a portion of the period is excessive.

ARGUMENT.

There are two points raised by the defendant-appellant for the reversal of the decree entered in this cause, namely:

1. That the acts of the defendant-appellant were condoned by the petitioner-respondent.

2. That the evidence does not warrant the conclusion that extreme cruelty by the defendant-appellant against the petitioner-respondent was proved.

The first contention is that the petitioner-respondent and the defendant-appellant lived together in the same house after the last act of cruelty complained of, and that by reason of that fact, the acts of cruelty alleged prior to the time of the last act of cruelty complained of must be considered as condoned. That is not the law. The law in this State is that a cause of action becomes fixed the moment the assaults were committed or the moment the acts of cruelty complained of took place, which the injured party may exercise after six months.

A careful study of the cases in this State on the subject lead to the conclusion that in the case now before us there was no condonation by the petitioner-respondent of the acts of extreme cruelty complained of. The leading cases on this subject are *Kline v. Kline*, 6 Misc. 359; *Hart v. Hart*, 99 N. J. Eq. 373, and *Coe v. Coe*, 97 N. J. Eq. 57.

In *Kline v. Kline*, Vice-Chancellor Backes uses the following language:

“Cause of action becomes fixed the moment

the assaults were committed, that is the moment the conduct amounted to extreme cruelty, which the injured party may exercise after six months. It is the wife's option to forgive and return, or at the expiration of six months to sue, notwithstanding conduct which might tend to bring husband to a full realization of his wrong-doing even though during that period the wife evidenced hope that there might be a reunion.

It has been argued, as it sometimes is, that the wife, after submitting to numerous acts of cruelty, continued to live with her husband, and that that is evidence of forgiveness. A wife continuing after brutal conduct on the part of the husband, does so in most cases not in a spirit of forgiveness but in the hope that he may mend his ways, or that she is constrained to do so because of children or her own necessities," at page 361.

In *Hart v. Hart*, the Court held as follows:

"A petitioner for divorce under P. L. 1923, must not file the petition 'until after six months from the date of the last act of cruelty complained of' was committed, but it is immaterial whether or not the parties continued to live under the same roof till a later date, the time of separation of the parties not being the essential starting point of the right of action under the statute, for as much as it expressly declares that the date on which the last act of cruelty complained of was committed shall be the time from which the six months shall commence to run."

In *Coe v. Coe*, Vice-Chancellor Backes used the following language:

“It is also contended that there should be no divorce because the Act of 1923 provides, ‘that no petition for divorce shall be filed until after six months from the date of the last act of cruelty complained of,’ and that the defendant during that time tendered due amends. If he had, it could not avail and relieve him of his predicament. The right of action for extreme cruelty is vested when the offense is committed; the right of prosecution is postponed for six months. There is no period for repentances like in suits for constructive desertions, based on extreme cruelty, in which the sinner may relieve himself of the sentence of divorce, by contrition and assurance of future conjugal conduct as pointed out in *Gordon v. Gordon*, 89 N. J. Eq. 535. The Court is powerless to relieve him even though it believes the repentance to be sincere and future good conduct is assured as in *English v. English*, 27 N. J. Eq. 579. The right of action is fixed and absolute on the commission of the offense as in adultery. Condonation rests exclusively with the offended party.”

The cases above cited and the language used lead to but one conclusion and that is that the right of action becomes fixed at the time of the commission of the last act of cruelty complained of and that any acts of extreme cruelty which may occur thereafter do not deprive the Court of jurisdiction.

The second point raised by the solicitors of the defendant-appellant requires that the evidence in the case be reviewed in its entirety. The acts of cruelty as testified to by the petitioner-respondent are namely; physical violence; use of profane and indecent language; deprivation of the necessities of

life and failure to provide food and clothing to the petitioner-respondent by the defendant-appellant according to his means and their station in life; defendant-appellant's failure to provide and keep the home properly heated so that the same would be a comfortable place to live in; the alienation of the love and affection of their son, Julius, from the petitioner-respondent by means of promises and statements of alleged facts made to the son by the defendant-appellant, which were untrue and not based upon facts, and also by a promise of the defendant-appellant to the son that if he would do as the defendant-appellant desired, he, the defendant-appellant, would make a will giving to the son all of his personal property of which he died seized; the cruel treatment of their daughter, Nell, by the defendant-appellant, by depriving her of the necessary clothing and food and also the means of obtaining an education; the treatments of the friends and acquaintances of the petitioner-respondent by the defendant-appellant in such a manner as to hold the petitioner-respondent up to ridicule in the eyes of her friends and acquaintances; and the unjust and unfounded suspicions of the defendant-appellant of his wife because of her associations and friends and also because of the fact that she remained out in the evenings to what he considered a late hour, this being necessary because of her employment.

These allegations were made by the petitioner-respondent and a review of the evidence clearly shows that these allegations were proved by such a degree of evidence as has been deemed sufficient by the adjudicated cases in our State.

The first act of cruelty complained of by the petitioner-respondent was that of bodily violence against her by the defendant-appellant. Let us,

therefore, look into the record to determine whether or not that allegation was proved. At pages (29 and 30, S. C., direct) an incident of July tenth, 1925, was narrated in which the petitioner-respondent tells of the assault committed on her by the defendant-appellant as follows:

“A. * * * Nell was there. July tenth, 1925, Nell was sick and lying on the couch. She couldn't keep anything on her stomach. I smelled something in the kitchen that proved to be lamb stew. She needed nourishment. I went to the kitchen to take some out, to dish some for her, and Mr. Sachse heard me coming, heard me out there dishing this out and he came snorting out, grabbed my hand, wrenched my arm almost out of joint, tore my ligament away from my finger here and Julius said —

Q. Don't say what somebody else said.

A. Nell came running to my, the answer of my screams because I was frightened, he scratched me with the fork, he tore my finger, and it is a permanent injury that never gets better and that steadily gets worse, preventing me from practicing more than about ten or fifteen minutes at a time at the most. One night

Q. Wait a minute; let me interrupt you; what did you have in your hand at the time?

A. A plate in one hand and the fork in the other.

Q. Is this the fork?

A. That is the fork.

Q. Was it bent in this shape?

A. Just exactly that way.

Q. What bent it.

A. His wrenching; I had hold of it.

Q. Was the fork straight beforehand?

A. Absolutely straight.

Q. Were you struck with this fork?

A. He said, 'I want you to understand that the food is to go to the dining room and what is left can be used by Mrs. Sachse and her daughter.'

The defendant-appellant makes no denial of this charge but attempts to explain it in the following manner as found in S. C., page 273:

"Q. Now, will you explain the incident about the fork?

A. Why, I was in the kitchen standing alongside of the gas range, the girl was dishing the lamb stew, she was getting the meat with this fork out of the pot. I was standing there because after she, when she was holding the dish, I was going to pour the liquid on the dish and Mrs. Sachse came out and grabbed the fork from Trudy to take it and went that way 'Get out of the way,' to me and I grabbed the fork and pulled it out of her hand and then she went over to the edge of the kitchen and got a basting spoon and commenced to hit me on the back, of course, the spoon didn't hurt me any."

And Trudy Callender, a colored girl, who was employed by the Sachses gives this version of the fork incident as found at pages 232 and 233, S. C.:

"Q. Now, do you remember something about that fork?

A. Yes.

Q. Wait a minute; you remember that, do you?

A. I do.

Q. You tell the Vice-Chancellor just what you remember about that.

A. Well, it was one day in August, one afternoon in August, we had lamb stew, they had lamb stew for dinner—I don't eat it—and Mr. and Mrs. Sachse and Miss Nell and also Mr. Brother, they was all in the house and I was in the kitchen cooking, as usual, and Mrs., Miss Nell and Mrs. Sachse came in, I think, from a luncheon or something.

Q. Came from what?

A. A luncheon, I think she said it was, and she rushed back to the kitchen, she said to me, she says, 'Trudy,' she say, 'We want something to eat because we are going right back out again.' Well, I said, 'I will dish up for you right now, Mrs. Sachse,' and I said, 'Mr. Sachse says it is to be served from the table,' so Mr. Sachse immediately calls to her why was in the kitchen. I didn't pay no attention because I was at the gas range they had and she took the fork out of my hands, so she said, 'Give me the fork,' and she was the madam and I gave her the fork and when she took the fork from me Mr. Sachse took it from her, right over me, they was right over me, and he caught the top of the fork because if he didn't catch the top of the fork, with me between them, they might stick me and I didn't want no stick at all by the fork. So then she goes back and she says, 'Well, now, this is the kind of service I am getting,' so she got a spoon, when she came back and she spanked his pants for him, then she goes in the dining room, where the table was sitting at, I didn't have the salad, everything on the table, I only had a table you know and all, so she grabbed the table cloth and she said, 'If this is the kind of service you get,'—all woman will throw things— so she was in a

rage, so she went into the living-room and I followed behind her, and Miss Nell was just screaming and crying at the top of her voice, so I said to her, 'Miss Nell, please don't cry.' I says, 'Your father isn't going to hurt your father—your mother isn't going to hurt your father. I think he is the biggest. You can't do nothing with him, but if he do I will kill him,' get any hurt to them, both of them. So they both went upstairs, of course, Miss Nell was just raging just at the top of her voice, so Mr. Sachse came back and put dinner on the table, I put the lamb stew on the table and went up there and I say, 'Please come down and eat,' She says, 'No, Trudy, I don't want to.' 'If I fix up or get something to eat?' She says, 'I don't want it.' I says, 'Well, Mrs. Sachse, I wouldn't moan after, come on eat some lamb stew'—she liked lamb stew—'come on eat some.' She says, 'No, we will go out.' So that is the way that meal was served that night."

At page 254, S. C., Trudy Callender on cross-examination, testified as follows:

"Q. Did he seem angry at all?

A. He did. He didn't seem so well pleased over it.

Q. He wasn't well pleased?

A. No.

Q. He was angry, wasn't he?

A. Both was angry.

Q. And he undertook to grab this fork out of her hand?

A. I wouldn't call it grabbing. He took it out of her hand.

Q. He took it out of her hand?

- A. He took it out of her hand.
 Q. Gently?
 A. Not gently, but he just took it out.
 Q. He just reached over and grabbed the fork
 and took it out of her hand?
 A. Yes."

At page 255, S. C., Trudy Callender on cross-examination testified as follows:

"Q. It was quite a scene there, wasn't it, Trudy?

A. Well, quite natural, it would be excitement from the noise and with the hollering.

Q. There was considerable noise, wasn't there?

A. There was because the people, the neighbors on the outside they came out to see what had happened."

* * * * *

and continued with, at page 256:

"Q. What did she holloa from, pain?

A. I wouldn't say she holloaed from pain. I would say she would holloa from being frightened, I guess that is what she holloa.

Q. She was frightened?

A. I guess so; I don't know."

* * * * *

and further continued on page 256 S. C.:

"Q. How much was it bent?"

(continued page 257):

"A. You give it to me and I will turn it out and show you. It was bent something like and he grabbed this part of the fork (indicating

prongs) and she had this part, when she took it out of my hand because she face the pot like that.

Q. That fork did get bent in the fracas?

A. Certainly did get crooked, certainly, but not bent up like that."

The son, Julius, gives his version of the fork incident as found at page 164, S. C.:

"Q. Do you remember the incident of the trouble between your father and mother in July, 1925, in the kitchen?

A. I remember certain parts of it.

Q. Tell us what you remember about that.

A. I was in the sun parlor, reading, I heard a scream in the kitchen. I went into the kitchen and saw my mother beating my father on the trousers with a basting spoon."

The daughter, Nell, treats the fork incident in the following manner, found at pages 146 and 147, S. C.:

"Q. Were you present at the time of this fork incident in July, 1925?

A. I was in the living room and I heard mother cry in pain and I came out and saw the condition she was in, and the fork.

Q. Was the fork bent over that way?

A. Yes.

Q. At that time?

A. Yes.

Q. Had the fork been bent over that way before that?

A. No.

Q. Who was in the—where did this occur?

A. In the kitchen by the stove.

Q. Had your father gone into the kitchen first or your mother?

A. My mother.

Q. And he followed her in there?

A. Yes.

Q. How soon after he followed her in did you hear your mother cry?

A. Almost immediately.

Q. Was her hand injured?

A. Yes.

Q. Have you seen the hand since?

A. Yes.

Q. Has it become entirely well, as far as you can say?

A. No.

Q. Has your mother ever complained to you about the hand since?

Mr. Cole: I object.

A. Very frequently."

Dr. Benjamin E. Fennimore testified in the following manner as found at page 16, S. C.:

"Q. Now, what was the nature of the injury to her hand in July?

A. Well, she had, there was an abrasion, much swelling, bruised, inability to use the finger properly, that is the first finger on the left hand.

Q. Could you tell how the injury had been produced?

A. Well, the only way that I would consider an accident of that character would be by a blow, or something had struck it.

Q. Could the injury have occurred by being hit with this fork?

A. It could have been, yes, most assuredly.

Q. With the prongs of the fork or the body of the form?

A. Well, there was an abrasion of the skin, on the surface of the skin, which, of course, would more than likely be caused by the sharp point.

Q. Such as this fork had?

A. Could be by that, yes.

Q. Now, Doctor, had you occasion to see Mrs. Sachse prior to—by the way, what date was the date you treated her in July, does your book show?

A. About the eighteenth. She said that she did not come to me on the day that the accident occurred.

Q. It wasn't a fresh one when she came to you?

A. No, it was two or three or three or four days old."

In the testimony above quoted, the undisputed facts are that there was unnecessary force used by the defendant-appellant against the petitioner-respondent. There can be no doubt that he did, with force, take the fork out of her hand; that his actions were the actions of an enraged person because she did not do as he desired; and that the defendant-appellant was not justified in his actions. It seems rather mean and small of the defendant-appellant to insist that dinner be placed upon the table and insist upon depriving his wife of the privilege of going into the kitchen and serving herself. I think the facts disclose that the actions of the defendant-appellant were not justified and that the petitioner-respondent was physically and mentally hurt by his actions.

This incident, throws much light upon the conditions in the Sachse home and goes far to prove the systematic cruelty practiced by the defendant. First, it may be asked why did the defendant come into the kitchen at all? Second, why did he insist that his wife should not dish up the stew? Third, why should he forcibly prevent her from doing so, and fourth, the weight of the testimony indicates that he did not tell the truth in his version of the incident before the Vice-Chancellor.

That the defendant had usurped the function of his wife as head of the domestic conduct of the household is evident. He not only did the buying of the food and otherwise managed the house, but undertook to determine when and where the meals should be served, to the extent of using force to prevent his wife from carrying out any other arrangement.

That the force used in these incidents was both unnecessary and amounted to cruel treatment cannot be doubted. The doctor treated the complainant for the wound caused by the fork prongs in the back of her hand, and considering her profession as a pianist, the wound almost proved to be disastrous to her future ability to continue in that profession.

The second charge of cruelty made against the defendant-appellant by the petitioner-respondent is the use of profane and indecent language towards her. Let us look into the record to see whether or not this charge was proved.

And at page 38, S. C., the petitioner-respondent testified as follows:

“Q. Did he use profanity?

A. All the time when he was angry, you see, unnecessarily angry.

Q. Was his profanity of a violent kind?

A. Yes.

Q. Vulgar?

A. Very. I never had anything nice said about me. If I went through the room he would, 'Phew! My! I hate the smell of that damn woman; ugly mug, son of a b.'

Q. Those were always remarks he made concerning you?

A. Yes, and he told me in 1923 I would have to get out, if I didn't get out he would kick me out, he would have kicked me out long ago, but I was cheaper than a nigger—I am sorry, Trudy."

At page 39, S. C., the petitioner-respondent testified as follows:

"Q. And what else did he say on that occasion, anything you know of—was that the coat he was wearing?

A. That is the coat. That is the one he would wear at the table and the rags would drag through the food and I would say, 'Won't you please put on a different coat,' and I bought him an alpaca coat and asked him to put it on, not to drag these rags through the food because he was always reaching over the table, and the table shook with his great bulky weight and he said, 'No, get the hell out of here if you don't like the way I do things; you can get out. Don't want you around here anyway. You are not any more good to a man, you old woman of fifty-two.'"

Concerning the use of profane language, the defendant-appellant testified as found at page 282, S. C.:

“Q. Did you ever swear at her?

A. Well, we have often joked and cut up and kidded one another and I don't know whether that is called swearing or not.”

In this it appears that the charges made by the petitioner-respondent as to the use of profane and indecent language towards her by the defendant-appellant was not denied by him but was attempted to be explained by calling it a joke.

The third charge which the petitioner-respondent makes is that the defendant-appellant failed to provide her with food and clothing according to his means and their station in life. The testimony on this point is voluminous and it is not our desire to burden you with a lengthy recital of the testimony, but it might be well to quote certain extracts from the testimony to show the attitude of the defendant-appellant with respect to this charge.

At page 337, S. C., on cross-examination, the defendant-appellant testified as follows:

“Q. You told us that you got this bag down, I think, at the A. and P. Store and fixed up the turkey legs to protrude out of it so it looked as if you had a turkey in there?

A. Yes, sir; I got it at the Atlas, the legs at the Atlas butchers and the bag at the A. and P.

Q. Anyhow, you got it and you took it home?

A. Yes, sir.

Q. You tell us that you did that to pull a joke on Trudy?

A. Yes, sir.

Q. How did you think that was going to be a joke on her?

A. Just make her think she was going to have turkey.

Q. You thought it would be quite humorous to give her the impression you were going to have turkey and then disappoint her?

A. Yes, sir."

Also, at page 288, S. C., the defendant-appellant testified as follows:

"Q. Now, Mrs. Sachse spoke about your dramatic walking up the street with turkey legs out of the bag to try and persuade the public that you had turkey in the bag when you didn't. First of all, were you trying to persuade the public that you had a turkey in the bag when you didn't?

A. I was doing that as just a joke on the colored girl.

Q. Tell about that.

A. I was down to the butcher's and I got a couple of turkey legs and put them in a bag and wrapped them up and went home and I said, 'Trudy, here is a turkey for you.' That was all there was to that.

Q. What did you have in the bag beside the turkey legs?

A. Just some paper."

Also, at pages 288-289, S. C., is found the following:

"Now, did you keep a menu of the food that was prepared for the meals after Mrs. Sachse began to object?

A. Yes, sir.

Q. Where did you put that record?

A. Well, our first record was in a book and that book disappeared.

Q. Where had you been keeping that book?

A. On my son's desk.

Q. Did you remove it yourself?

A. No, sir.

Q. Do you know who did, personally, I mean, now?

A. Well, I have no proof, sir.

Q. After that book was lost did you continue to keep the menu?

A. Yes, sir.

Q. Who wrote it?

A. Well, sometimes Brother wrote them out and sometime I wrote them out.

Q. Why did you do that?

A. Because I thought that it was so unfair to complain about the kind of meals that I wanted a record of them so that my son in later years could see the ones that were complained about.

Q. Have you those menus that you, that is, those that you prepared after the books was lost?

A. I have some of them.

Q. Will you produce them?

(Produced.)''

It appears, from the evidence, that the defendant-appellant, after taking the problem of providing the food for the household upon himself, provided such food only as he considered necessary for his personal comfort, disregarding the wants and desires of his wife and daughter.

There can be no question but that the petitioner-respondent complained from time to time of the food that was being provided for her by the defendant-appellant, and the defendant-appellant, instead of remedying the condition or attempting to remedy it, further aggravated it by his absolute refusal to in any way comply with her requests.

On the food question. Defendant later admitted that he was worth upwards to \$130,000, and consequently he was able to provide suitable food for the household. That there were many complaints about the food cannot be denied.

There is absolutely no evidence that he was not able to provide the things which his wife and daughter requested of him and to which they were entitled.

The memorandas which he made of the menus and which he had his son make of the menus show a guilty conscience on his part and an effort to explain away the charges which he knew were being made against him by his wife, concerning the food, and an attempt to cover up and have the evidence which would be necessary for the evil day which he feared.

The fourth charge which the petitioner-respondent makes and alleges to be an act of extreme cruelty on the part of the defendant-appellant is that the defendant-appellant alienated the love and affection of their son, Julius, from her. There is ample proof in the record to justify this charge.

At pages 324, 325, S. C., the following is found:

“Q. Before that you had always told him to love and respect his mother, is that correct?”

A. Until she locked me out of the house, and then he changed his opinion, and I didn't tell him to do anything.

Q. Now, was it part of that love and respect that caused you to keep this set of books or have him keep this set of books about the menus?

A. Well, I have always instilled business in him and I thought that would be a good business thing.

Q. You thought that would be a fine business

education to keep a set of books on menus, is that right?

A. Yes, sir, I believe in a person having a varied knowledge of things.

Q. You didn't think you were ever going to use that in a trial against his mother, did you?

A. No, sir."

And also at page 307, S. C., the defendant-appellant testified as follows:

"Q. Now, this agreement, on one of these agreements you wrote the following: 'My attorney, Theodore W. Schimpf, advised to write across this document to go to He - - and return to George Bourgeois, but I thought I would preserve it as evidence of the little regard his mother had for his father and it might act as a warning to him. A. F. Sachse.' Now, you just said a minute ago that you wrote that on that paper at the same time that you wrote 'Refused to sign' on it; is that right?

A. To the best of my knowledge it is; I don't remember.

Q. Now, who was the 'he' that you referred to?

A. I want to get the question.

Q. 'But I thought I would preserve it as evidence of the little regard his mother has for his father and it may act as a warning to him.'

A. That is my son.

Q. At that time your son was about fourteen years old, wasn't he?

A. I presume so."

And at pages 196 and 197, S. C., Julius Sachse testified as follows:

“Q. Father ever told you that he would destroy that will or revoke it if you didn’t testify the way you are testifying today?

A. He did not.

Q. Did you ever understand that from him in any way?

A. I have not.

Q. You never did?

A. No, sir.

Q. Getting back to the loss of affection for your mother for just a moment. Was there any time in the year 1925 when you did love your mother, that you remember?

A. I would find it hard to say it was love. We tried to make the home very peaceful and I did lots of things that I tried to get along with her and with my sister and with my father.

Q. You couldn’t even distinguish the relationship as one of love, is that right?

A. I couldn’t say.

Q. You felt no emotion within you that you could distinguish and call love, is that right, for your mother?

A. Yes, sir.

* * * * *

Q. I mean as far as affection was concerned, did you have any less affection for your mother in 1926 that you had or possibly could have had in 1925?

A. Very much less.

Q. Very much less?

A. Yes, sir.”

And at pages 194 and 195, S. C., is the following:

“Q. You said this morning, in answer to Judge Cole’s question, that your father had

never done anything to alienate your affections, asked you if he had done anything to alienate your affections of your mother and you answered no. Your father ever make you expensive presents at any time in the last three or four years?

A. Yes, sir.

Q. Detail them to us.

A. A Studebaker roadster in 1925, a boat, which is referred to, a rowboat, which cost fifty dollars. Outside of that I remember none.

Q. Did he ever put you in possession of his financial affairs?

A. Yes, sir; to a limited extent.

Q. To what extent?

A. He had an account at the Ventnor City National Bank in which I was made his attorney, and for that purpose I paid household accounts.

Q. Talk louder.

A. From that account I paid household bills.

Q. When did he give you that power of attorney?

A. I don't recall the year.

Q. 1925?

A. Before that.

Q. Before that?

A. Yes, sir.

Q. So that before 1925 your father gave you a power of attorney over his bank account in Ventnor, is that right?

A. Yes, sir; I think it was 1925. I am not certain.

Q. And out of that you paid the household expenses, is that correct?

A. Some of them, yes, sir; not all.

Q. Do you know whether he ever gave your mother a power of attorney?

A. No, sir; I do not.

Q. Did he have more than one bank account?

A. I believe so.

Q. Where did he have the others?

A. I couldn't tell you.

Q. You couldn't tell me?

A. No, sir.

Q. How do you know he had them?

A. I believe I have seen check books of different banks in his house.

Q. Can you remember on what banks those check books were?

A. No, but I know that they were other than the Ventnor City National Bank. I remember there was one, one time, on the Philadelphia bank whose name I don't remember."

From this it is seen that the defendant-appellant placed his son in control of his property and business affairs, that he made him presents and he provided the son with all the necessary things of life; and at the same time sought to deprive his wife and daughter of the very things which he was giving to his son. I believe the testimony above quoted absolutely bears out the contention of the petitioner-respondent that, because of the acts of the defendant-appellant, the affections of the son, Julius, were alienated from her. There can be no doubt that the loss of the son's affection by the mother affected her mental condition and also affected her health.

The fifth charge of extreme cruelty made by the petitioner-respondent against the defendant-appellant is that their daughter, Nell, was disregarded

and denied the same privileges and the same treatment accorded to his son by the defendant-appellant, and that by reason of the said acts, the petitioner-respondent was caused mental anguish and hurt feelings.

It is needless to go into a discussion of the testimony upon this point. The admissions of the defendant-appellant that he was displeased with the daughter's actions because she went with her mother to various places and because she did not submit or subject herself to his will caused him to have less regard for her than he had for his son, Julius, disposes of this point. This is a form of extreme cruelty, and has been so held by our cases.

The sixth charge of extreme cruelty made by the petitioner-respondent is that the defendant-appellant on various occasions treated the friends and acquaintances of the petitioner-respondent in such a manner as to cause them uneasiness and hurt feelings and thereby ridicule the petitioner-respondent in the eyes of her friends.

It is unnecessary to review the testimony at length in order to show that this charge was proved because of the admissions made by the defendant-appellant that he did on certain occasions ask them out of his house when he considered it was time for them to leave, and the time was fixed by him at about nine or half-past nine o'clock in the evening.

The last charge made against the defendant-appellant, and alleged to be an act of cruelty on his part, was that the defendant-appellant was suspicious of the petitioner-respondent, when in fact he had no right to be and there was no basis for his suspicions. We contend that this allegation has been proved, and the fact that the defendant-appellant in his testimony attempted to show that the petitioner-respondent went to places where

liquor was served, stayed out at late hours of the night, but no competent proof of such actions on her part was produced by him to sustain the charge.

Upon a review of the testimony of this case, we conclude and feel that each and every allegation of extreme cruelty made against the defendant-appellant has been proved.

The parties were married in June, 1899, and lived together as husband and wife until the latter part of the month of April, 1919, when the petitioner-respondent was compelled to separate herself from the defendant-appellant because of alleged acts of cruelty on the part of the defendant-appellant. After that separation, the defendant-appellant requested the petitioner-respondent to return to him which the petitioner-respondent agreed to do upon his promise to desist from continuing the acts of cruelty with which she charged him. Agreements were drawn up between the parties and the agreement was signed by the petitioner-respondent, but the defendant-appellant testifies and says that he never signed the agreement, which we may take for a fact; but he did perform for a time the conditions contained in the agreement. It was upon his promise that he would live up to the conditions of the agreement that the petitioner-respondent went back to the defendant-appellant and resumed the marital relation with him.

The failure of the defendant-appellant to perform the conditions upon which she resumed the marital relation with him led to the final separation and the filing of the petition in this cause by the petitioner-respondent.

The law as to the degree of proof required to sustain an allegation or allegations of extreme cruelty is well settled. The Courts in our State have repeatedly held that each case must be judged

and decided upon its own merits, that there is no hard and fast rule for determining whether an act or acts upon the part of the defendant constitute such cruelty as will entitle the petitioner to a divorce. Our Courts have held that the same degree of proof is necessary in an action for absolute divorce under the Act of 1923 as was required for a decree of divorce *a mensa et thoro*.

The case of *Close v. Close*, 25 N. J. Eq. 526, cited by the solicitor for the defendant, is applicable to the case at bar, and lends force to the contention of the petitioner that extreme cruelty was proved. In that case, which cites *Kelly v. Kelly*, Law Rep. 2 Probate and Divorce Causes, page 31, it was held that:

“If force, whether physical or moral, is systematically exerted, by the husband, with the view of bending the wife to his authority, in such a manner, to such a degree, and during such a length of time, as to break down her health, and render serious malady imminent, the interference of the law cannot be justly withheld by any Court which affects to have the charge of the wife’s personal safety.”

On appeal to the full court this declaration was approved. In the same case, it was held that actual physical violence was not necessary in order to sustain a decree for divorce *a mensa et thoro* on the ground of extreme cruelty, and a decree was granted, upon proof that the husband used vile language, accused the wife of infidelity and did other acts against the wife which tended to undermine and destroy her health.

The cases even go so far as to state that if the acts complained of by the wife were such as to cause her to apprehend fear of bodily harm or un-

dermine and destroy her health and lead her to a condition of wretchedness, and even though her health has not been actually destroyed nor her fears well founded, if the acts of the husband were continued, the result naturally to follow would be the same, then a decree would be granted.

In *Smith v. Smith*, 40 N. J. Eq., page 566, it was said:

“The words, ‘extreme cruelty,’ in our Act concerning divorces, are not stronger in meaning than the term *saevitia* derived from the civil law,” and also, “Each case must be decided on the particular facts therein and not by any set, fixed or rigid rule.”

In the case of *Smith v. Smith*, the acts of cruelty alleged were as follows: accusations by the husband of the untruthfulness of the wife, the actions of the husband towards the children by inflicting upon them a punishment or depriving her of their society, making false charges of infidelity, and actual violence, although not severe. They constituted extreme cruelty, and the wife was granted a divorce from bed and board.

In *Taylor v. Taylor*, 73 N. J. Eq. 745, it says, at page 748:

“To justify a decree *a mensa et thoro*, actual physical violence need not be proved, but such conduct by the husband must be shown as will justify the Court in believing that if he is allowed to retain his power over his wife, and she is compelled to remain subject to him, her life or health will be endangered, or that he will render her life one of such extreme discomfort and wretchedness as to incapacitate her to discharge the duties of a wife.

This view, adopted by Vice-Chancellor Van Fleet, has been since incorporated in other cases, and is substantially, I believe, the accepted view today."

In *Wiegand v. Wiegand*, reported in 41 N. J. Eq., page 202, the same Vice-Chancellor gives expression to the same views, namely, that personal violence is not the only form of extreme cruelty, which will entitle a wife to separate from her husband.

In *Fred v. Fred*, 67 N. J. Eq. 495, Vice-Chancellor Gergan expresses the same views. Other cases in point will be found collected in the opinion in *McVickar v. McVickar*, reported in 46 N. J. Eq. 490.

"The rule in this State may be considered settled as follows: That to justify a wife in separating from her husband, physical violence need not be proved, but such conduct of the husband must be shown as will reasonably convince the Court that her life is in danger or her life rendered one of extreme discomfort and wretchedness as to incapacitate her to discharge the duties of a wife, or that the conduct of the husband, if continued, would have brought about these conditions."

Under the adjudicated cases and the testimony, we respectfully submit that the decree in this case should be sustained.

JOHN C. REED,
*Solicitor for the Petitioner-
Respondent.*

EMERSON L. RICHARDS,
*Of Counsel with Petitioner-
Respondent.*

