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PETITION FOR DIVORCE.

(Filed November 17, 1924.)

IN CHANCERY OF NEW JERSEY.

To his Honor, Edwin Robert Walker, Chancellor of the State of New Jersey:

The petition of Robinson F. Willis, of Pennsgrove, in the County of Salem, and State of New Jersey, respectfully shows:

1. Your petitioner was lawfully joined in the bonds of matrimony to his present wife, Blanche B. Willis, on the 14th day of September, 1910, by the Reverend William T. Johnson, a minister of the Gospel, at Bristol, in the State of Pennsylvania.

2. Petitioner and defendant, Blanche B. Willis, after their marriage went to reside at No. 123 Pitman Street, in the Borough of Pennsgrove.

3. During a period of about two years after the marriage aforesaid, petitioner and defendant lived harmoniously together, although during this period the defendant appeared to be extremely jealous of the petitioner, charging him with being attentive to other women. At the time of petitioner's marriage to defendant he was a widower, having two boys by a former marriage, aged three and five years respectively. During the period aforesaid the defendant became subject to fits of anger, from time to time, and when in this state of mind abused petitioner by accusing petitioner of acts and conduct of which he was not guilty, by refusing to perform

her household duties and prepare meals for himself and boys.

About two years after said marriage defendant's conduct becoming worse and more intolerable towards petitioner, he called upon two friends, who came to the house and interviewed his wife and himself in common with a view of persuading her to treat petitioner differently and become more reasonable in her conduct towards him. This resulted in better treatment by defendant towards petitioner and for a short while they lived harmoniously. Then after this defendant again resumed her complaints, her charges and refusal to do her domestic duty. At times she left the home of petitioner with his two children and he was left in doubt as to her whereabouts. From this time on defendant became more abusive towards petitioner, abused and mistreated his children, punished them for no reason at all, merely, as petitioner believes, taking this method to cause the petitioner greater mental and physical suffering. On one occasion, because of a childish remark by one of the boys, to which she took offense, she placed pure cayenne pepper on the boy's tongue, causing him intense suffering and, as petitioner believes, more to punish petitioner than the effect it would have on the boy.

In the month of October, 1914, petitioner was compelled, by reason of threats which defendant made against his life, to leave his home and take his residence elsewhere in Pennsgrove; that after remaining away for a short time believing the defendant would improve her conduct towards him, he returned to his home but found it impossible to enter the premises because the doors were locked and barred against him. During all this period petitioner provided for the upkeep of his home and

furnished his wife with everything that was necessary for her comfort and convenience. Petitioner continued to carry on his business in Pennsgrove, but was compelled to remain away from his home which he maintained for his wife, and although he made numerous efforts to return and live in the same home that he was maintaining for her she continuously refused him admittance and threatened him with violence, and on one occasion, on the birth of their only child, which was then two weeks old, Dr. Barnart came to petitioner and told him that he thought his wife was a changed woman and advised him to go see her, whereupon petitioner went to his home, met the doctor there and was admitted by the nurse. The doctor told defendant that petitioner was there and wanted to see her and the baby, whereupon defendant jumped out of bed, seized petitioner by the hair, applied vile epithets to him and forced him out of his own home.

Before petitioner was driven from his home by his wife's unreasonable conduct he was compelled, because of her cruel and unusual treatment towards his two children of a former marriage, to remove them from his home in Pennsgrove and take them to the home of his mother in Maryland.

4. That there has been born to petitioner and his wife one child; to wit, Vernon B. Willis, of the present age of ten years, who is at the present time in the custody of the defendant.

5. That some time in October of 1916, defendant filed a bill of complaint against petitioner in this court alleging harsh and cruel treatment and desertion, although defendant was providing a home for her and granting her such generous support as

was required according to her station in life. Petitioner answered this bill denying harsh and cruel treatment and maintaining that he was not guilty of deserting his said wife. That pursuant to these proceedings a hearing was had before the Honorable John H. Backes, one of the vice-chancellors of this court, and both sides were ready for hearing, the petitioner having present for this purpose seventeen witness who, he firmly believes, would have substantiated the allegations of his answer, as well as the statement hereinbefore mentioned. Before any proof was taken the learned Vice-Chancellor asked petitioner if he was willing to return to his wife, whereupon petitioner undertook to explain why he could not return to his wife. Thereupon the learned Vice-Chancellor asked the defendant if she was willing to return to her husband and she replied that she was. Her proof was then taken. Petitioner, acting upon the advice of his counsel, and being moved by the hope that his wife would see the error of her ways and return to him and live as a wife ought to live, declined to put in his proof.

The petitioner was supporting his wife and her child, as well as his own children by a former marriage, properly and abundantly according to their station in life. Besides, the mental and physical condition of petitioner, occasioned by his unhappy experience with his wife, compelled him, as he then thought wisely, to submit to the order of the Court without contest. Thereupon a decree was made, under date of the 23rd day of January, 1917, requiring petitioner to pay unto his wife the sum of twenty-five dollars per week, and which said decree provided, among other things, "that either party may be at liberty to apply upon a future change of

circumstances of the parties, for a variance or modification of this decree, touching said alimony, maintenance and custody, as shall be just and equitable." Petitioner has faithfully complied with all the requirements of said decree, paying his wife promptly the alimony therein decreed to be paid.

6. From date of said decree petitioner's health was in a precarious condition, due solely to his worrying and brooding over the breaking up of his family. Petitioner's broken down health was due entirely to his unhappy life. During a period of four years, between 1917 and 1921, petitioner was in the charge of a physician, but his mental and physical suffering continued. Petitioner was living in the consuming hope that his wife would see the error of her ways and return to him. After about four years of patient waiting, during which time petitioner anxiously looked after his wife and children, he concluded to importune his wife to return. In December, 1921, petitioner having partially recovered his health, called upon his wife for the purpose of obtaining her consent to return to his home and re-establish their family life. He made an appointment with her for this purpose and met her in Collingswood, was invited in the parlor, and there, calling her by her first name, he besought her, on account of their child and his state of health, to return to him and promised to do everything in his power to restore their home. She immediately flew into a rage, called him a dirty stinken cur and ordered him out of the house. In the following January, petitioner renewed his appeal to his wife in person and met with exactly the same reception. After this last visit, petitioner repeatedly wrote letters to his wife, begging her to consider the situa-

tion and return to him. The defendant refused to answer or even acknowledge the receipt of his letters.

7. Petitioner charges that on the 1st day of June, 1922, defendant deserted him, ever since which time and for more than two years last past said defendant has wilfully, continuedly and obstinately deserted your petitioner.

8. Petitioner was a *bona fide* resident of this state, having his permanent home at Pennsgrove, in the County of Salem, when this cause of action arose as aforesaid, and has ever since, and for more than two years next preceding the commencement of this action, continued to be such resident, residing continuously at Pennsgrove aforesaid.

9. Your petitioner prays that the final decree of this court made on the 23rd day of January, 1917, and filed February 9, 1917, be set aside or varied and modified according to the equities and circumstances of the case, and that the marriage between your petitioner and defendant may be dissolved for the cause aforesaid, according to the statute in such case made and provided, and that he may have such further relief as may be just.

And your petitioner will ever pray, &c.

WESCOTT & WEAVER,
Solicitors of Petitioner.

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

ROBINSON F. WILLIS, being duly sworn according to law, upon his oath deposes and says that he is the petitioner named in the foregoing petition; and

that his said petition is not made by any collusion between him and the defendant, but in truth and good faith, for the causes set forth in the petition.

ROBINSON F. WILLIS.

Sworn to and subscribed before me at Camden, this 15th day of November, A. D. 1924.

WILBERT V. PIKE,
Master in Chancery of N. J.

ANSWER.

(Filed January 6. 1925.)

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Answer.

The answer of Blanche B. Willis, defendant, to the petition of Robinson F. Willis, petitioner.

1. This defendant admits paragraph one and says she was lawfully married to the petitioner as set forth in said paragraph, but avers that such marriage was not consummated until March 4, 1914.

2. Defendant admits paragraph two.

3. Answering paragraph three, this defendant denies that she and the petitioner lived harmoniously for a period of two years, but avers that shortly after their marriage, the petitioner commenced a course of conduct and ill treatment toward this defendant which continued until the petitioner deserted this defendant. This defendant denies that she became subject to fits of anger and abused petitioner, or accused him of giving attention to other women, or accused him of acts and conduct of which he was not guilty or that she refused to perform her household duties and prepare meals for the petitioner and his children; or that her conduct at any time was intolerable toward the petitioner; or that the petitioner caused friends to persuade this defendant to be more reasonable in her conduct toward him, and further denies that she at any time refused to perform her domestic duties or that she left the home of your petitioner or ceased to care for his two children or that her whereabouts were ever in doubt; further denies that she was abusive to the petitioner or mistreated or ill treated or punished his children, and further denies that she ever placed pure cayenne pepper on one of the boys' tongue to cause him suffering in order to punish the petitioner; and further denies that in the month of October, 1914, the petitioner by reason of any threats made by this defendant against his life was compelled to leave his home and take up his residence elsewhere in Pennsgrove, N. J., and defendant further denies that she barred or locked the door of his home against petitioner. On the contrary, this defendant avers that in the month of March, 1914, the petitioner without justifiable cause while this defendant

was ill and about to give birth to a child, left his home of his own free will and accord and took up his abode in his brother's house, which house adjoined petitioner's home. Thereafter petitioner made no effort to return and live in his own house, and further this defendant denies that she ever refused petitioner admittance to his own home or threatened him with violence if he should enter therein. This defendant avers that at all times, petitioner had access to his home and could admit himself if he so desired, and denies that his home was ever barred against him. This defendant denies that after the birth of their only child, she abused the petitioner or drove him from his home, or by any unreasonable conduct, violence or ill treatment on her part toward the petitioner, compelled petitioner to leave his home; and further denies that she by any unusual or unreasonable conduct toward the children of the petitioner by a former wife, he was compelled to remove them from his home in Pennsgrove, N. J., and take them to the home of his mother in Maryland.

4. Defendant admits paragraph four.

5. Answering paragraph five, this defendant admits the filing of the bill of complaint as therein recited and the proceedings had thereunder, and the decree made therein and admits that the petitioner has complied with the terms of said decree and paid the alimony therein directed to be paid to this defendant, and for greater certainty as to the proceedings had in said cause, this defendant begs leave to refer thereto.

6. Answering paragraph six, this defendant says she has no knowledge that the health of the peti-

tioner was in a precarious condition due to worry and brooding over the breaking up of his home and his unhappy life during a period of four years between 1917 and 1921; nro has this defendant any knowledge of petitioner's mental or physical suffering, or its continuance during said period, or of petitioner's expectation or anticipation of taking up his marital life with defendant, or that he looked for the return of this defendant and his child excepting only as stated in said petition. And this fendant denies that petitioner importuned her to return and further denies that he had ever called upon the defendant to re-establish their family life, but on the contrary this defendant avers that some time before the birth of their child in March, 1914, the petitioner withdrew himself from this defendant and from his home and left and deserted this defendant and his said home, and that prior to and since his desertion, the petitioner by means of various devices and studied efforts on his part, has tried to force this defendant to leave him and the home of the petitioner in Pennsgrove, N. J., in which this defendant was then living with their infant child, in that the petitioner withheld from this defendant and their child and refused to supply them with the necessary food, clothing and sustenance so that this defendant was compelled to complain to the Overseer of the Poor to compel her husband to furnish the necessary maintenance for her support, and this defendant avers that the petitioner resorted to legal proceedings to oust this defendant from her home and compelled her to vacate the same and take up her abode elsewhere. This defendant says that in the month of March, 1914, petitioner deserted this defendant and that since said time his desertion has been wilful, continued and obstinate.

7. Answering paragraph seven, this defendant denies that on the 1st day of June, 1922, or on any other day she wilfully, continuedly and obstinately deserted the petitioner.

8. Answering paragraph eight, this defendant admits that the petitioner is a bona fide resident of this state, residing in Pennsgrove in the County of Salem.

9. Answering paragraph nine, this defendant says that the prayer of the petitioner should be denied and his petition dismissed.

PETER BACKES,
Solicitor of Defendant.

REPLICATION.

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Replication.

The petitioner denies that he deserted defendant or forced the defendant to leave him and the home of the petitioner, or that he withheld from defen-

dant and their child necessary food, clothing and sustenance, or that defendant was compelled to complain to the Overseer of the Poor in this behalf, or that petitioner resorted to legal proceedings to oust defendant from her home and compelled her to vacate the same and take up her abode elsewhere.

Petitioner joins issue upon the remainder of the answer.

WESCOTT & WEAVER,
Solicitors of Petitioner.

ORDER OF REFERENCE.

(Filed April 8th, 1925.)

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Order of Reference.

It is, on this 8th day of April, 1925, on motion of Wescott & Weaver, solicitors of the petitioner, ordered that the above entitled cause be referred to Honorable E. B. Leaming, one of the Vice-Chancellors of this court, to hear the same for the Chancel-

lor and to report thereon to him and advise what order or decree should be made therein.

E. R. WALKER,
C.

We consent to the entry of the above order,
WESCOTT & WEAVER,
Solicitors of Petitioner.
PETER BACKES,
Solicitor of Defendant.

A true copy.
THOMAS BARBER,
Clerk.

ORDER FOR LEAVE TO AMEND ANSWER.

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Order for Leave to Amend Answer.

It is on this 5th day of April, 1926, on motion of Peter Backes, solicitor of the defendant, and in the presence of Wescott and Weaver, solicitors of the petitioner, ordered, that the defendant have leave to amend her answer by adding thereto the following:

And by way of a further defense to this suit and as a plea in bar thereto,

This defendant avers that in the final decree in this court dated January 23, 1917, in a cause

for maintenance under the statute of this state, brought by this defendant against the petitioner, the Court found and determined that the defendant without any justifiable cause abandoned the complainant and separated himself from her and refused and neglected to maintain and provide for her and the child of the marriage, and that such finding and determination by the said Court was final and conclusively between the same parties to this present suit, and therefore the relief prayed for by the petitioner should be denied and he be barred from maintaining this suit.

Copy of the amendment and of this order to be forthwith served on the solicitors of petitioner.

E. R. WALKER,
C.

Respectfully advised,
E. B. LEAMING,
V. C.

AMENDMENT TO ANSWER.

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Amendment to Answer.

And by way of a further defense to this suit and as a plea in bar thereto, this defendant avers that

in the final decree in this court dated January 23, 1917, in a cause for maintenance under the statute of this state, brought by this defendant against the petitioner the Court found and determined that the defendant without any justifiable cause abandoned the complainant and separated himself from her and refused and neglected to maintain and provide for her and the child of the marriage, and that such finding and determination by the said Court was final and conclusive between the same parties to this present suit, and therefore, the relief prayed for by the petitioner should be denied and he be barred from maintaining this suit.

PETER BACKES,
Solicitor of Defendant.

ORDER FOR LEAVE TO AMEND PETITION; ALSO ORDER TO RE-OPEN THE CASE.

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner.* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Order for Leave to Amend Petition; also Order to Re-open the Case.

It is, on this 12th day of April, 1926, on motion of Wescott & Weaver, solicitors for petitioner, ordered that the petitioner have leave to amend his petition by alleging that the original desertion by the defendant occurred on the 11th day of October, 1914.

And it is further ordered, on motion of the solicitors for the petitioner, that the hearing of said cause be re-opened for the further production of testimony by the parties to the cause. Copy of amendment to be served on solicitor of defendant forthwith.

E. R. WALKER,
C.

Respectfully advised,
E. B. LEAMING,
V. C.

AMENDMENT TO PETITION.

(Filed April 27, 1926.)

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Amendment to Petition.

Petitioner hereby amends his petition in the following particulars, item 7 to read as follows:

Petitioner charges that on the 11th day of October, 1914, defendant deserted him, ever since which time and for more than two years last past defendant has wilfully, continuedly and obstinately descrted your petitioner.

WESCOTT & WEAVER,
Solicitors for Petitioner.

CONCLUSIONS

(Filed May 28, 1926.)

IN CHANCERY OF NEW JERSEY.

Between
ROBINSON F. WILLIS,
Petitioner,
and
BLANCHE B. WILLIS,
Defendant.

HEAD NOTES.

1. Smith v. Smith, 55 N. J. Eq. 222, and Oertel v. Oertel, 92 N. J. Eq. 327, held decisive in this court to the effect that a maintenance decree in favor of a wife against her husband entered pursuant to section 26 of the divorce act is conclusive between the parties of the fact of desertion by the husband at the time in the maintenance decree, and free from collateral impeachment except for fraud or want of jurisdiction of the subject-matter of the controversy or the parties.

2. Over four years after the entry of a maintenance decree in favor of a wife against her husband pursuant to section 26 of the divorce act the husband brought suit for divorce for desertion of the wife. Held: that Smith v. Smith and Oertel v.

Oertel were decisive in this court to the effect that at the end of two years from the time of desertion named in the maintenance decree a cause of action for divorce for desertion matured in favor of the wife and was operative as a bar to the husband's suit in the absence of evidence that during that period the husband had sought reconciliation.

3. Oertel v. Oertel held decisive in this court to the effect that a maintenance decree entered by consent is conclusive between the parties to the same extent as a decree *in invitum*.

FINAL HEARING ON PETITION FOR DIVORCE.

CONCLUSIONS.

WESCOTT & WEAVER, for petitioner.
PETER BACKES, for defendant.

LEAMING, V. C.:

In this suit petitioner seeks a decree of divorce on the ground of his wife's desertion.

The petition was filed in November, 1924, and prior to its amendment made near the conclusion of the hearing charged desertion as of June, 1922.

The evidence disclosed that the parties have been continuously separated since the year 1914, and that in the years 1921 and 1922, petitioner sought his wife's return to him and she refused.

But the evidence also disclosed that in the year 1916, the wife, defendant herein, had filed a bill against her husband, petitioner herein, for maintenance under section 26 of our divorce act; that after issue joined that cause came on for final hearing and a final decree was entered in the wife's favor. That decree awarded to her the custody of the child of the marriage and required her husband to pay to her twenty-five dollars per week for maintenance . That decree is dated January 23, 1917, and is still in full force and effect and has been complied with by the husband to this time.

At the close of the hearing in the present suit no evidence had been adduced disclosing any effort on the part of the husband to induce his wife to return to him between the date of the maintenance decree (January 23, 1917,) and the year 1921. This raised the question whether by reason of the adjudication in the maintenance decree to the effect that the husband was then a deserter of his wife, and the absence of evidence disclosing changed conditions during the succeeding two years, a cause of action for divorce had not matured in favor of the wife at the end of that two years' period. If so, obviously she could not be declared a deserter by reason of her subsequent refusal in 1921 and 1922, to live with her husband.

Accordingly petitioner herein was permitted to introduce testimony at a subsequent hearing to meet that situation. Permission was also given for the amendment of the petition to the end of that it might charge the desertion of defendant as of an earlier date.

I am convinced that the testimony subsequently adduced, considered in connection with that theretofore taken, does not justify a finding of fact to

New Jersey State Library

the effect that petitioner at any time during a period of over four years from the date of the maintenance decree made any reasonable attempt to terminate the separation or to procure his wife's return to him; nor does the evidence justify the conclusion that during that period an appropriate effort of that nature would have been futile. Aside from the uncorroborated testimony of petitioner to the effect that he sought his wife's return during the two years' period referred to, which claim, in turn, was denied by her, the only material testimony was of declarations made by her to the effect that she would not live with her husband. Declarations of that nature cannot safely be accepted as the basis of a conclusion that if properly approached by her husband a wife would not return to him; such declarations at most disclose a state of mind at the moment. Accepting the maintenance decree as conclusive to the effect that the husband had without justifiable cause deserted his wife, his desertion could not be made hers without appropriate efforts on his part to effect a reconciliation. She denies having made the declarations attributed to her.

Accordingly the single question for determination at this time is the effect of the maintenance decree.

That question cannot be considered as open for review in this court. In Smith v. Smith, 55 N. J. Eq. 222, Vice-Chancellor Pitney specifically held a maintenance decree to be conclusive evidence of desertion on the day specified in the decree. In the subsequent case of Oertel v. Oertel, 92 N. J. L. Eq. 327, Vice-Chancellor Backes reached the same conclusion.

In Smith v. Smith, *supra*, the final decree for maintenance set forth a specific date on which the husband abandoned and separated himself from his

wife without justifiable cause. The decree was held conclusive of desertion on that date and testimony was permitted only of subsequent efforts of the husband to terminate the separation. The decree of maintenance presently under consideration, after reciting that the cause came on to be heard on bill, answer, replication and oral proofs taken in open court and the marriage of the parties, and jurisdiction by service of process, proceeds to make the following finding of fact: "That the defendant, without any justifiable cause, abandons the complainant, and separates himself from her, and refuses and neglects to maintain and provide for her and the child of their marriage." As a formal adjudication between the present litigants that decree, consistently with the authorities referred to, can only be considered as conclusive as of that date, and free from collateral impeachment, except for fraud or want of jurisdiction of the subject matter of hte controversy or the parties. Crawford v. Lees, 84 N. J. Eq. 324. Accordingly the burden of establishing subsequent change in the conditions thus judicially determined must be deemed to rest upon petitioner herein.

It should be noted that on the back or cover sheet of the maintenance decree this endorsement appears: "I hereby consent to the entry of the filing of the within decree. S. Rusling Leap, Solicitor of Defendant." If this endorsement should be given the force to render the decree a consent decree as distinguished from a decree *in invitum* it raises the additional question as to the extent to which a consent decree should be considered conclusive, since authorities are to be found to the effect that a consent decree is not strictly a judicial decree, but is rather in the nature of a contract entered into with the solemn sanction of the Court.

But the question is not open for further consideration in this court since in Oertel v. Oertel, *supra*, the maintenance decree there declared conclusive as to the desertion is specifically referred to as a consent decree made on an issue which was not tried.

A decree will be advised dismissing the petition.

Submitted: May 5th, 1926.

Determined: May 25, 1926.

ORDER OF DISMISSAL.

IN CHANCERY OF NEW JERSEY.

Between

ROBINSON F. WILLIS,
Petitioner,

and

BLANCHE B. WILLIS,
Defendant.

On Divorce &c.
Order of Dismissal.

This cause coming on to be heard in the presence of Wescott and Weaver, solicitors and of counsel with the petitioner, and Peter Backes, solicitor and of counsel with the defendant, on petition, answer and oral proofs taken in open court, whereupon and upon duly considering the said pleadings and proofs and hearing and considering the argument of counsel, and it appearing to the Court that the petitioner has not sustained the proofs of the allegations of his petition and is not entitled to the relief prayed for,

It is thereupon on this 7th day of June, 1926, ordered, adjudged and decreed, that the petitioner's petition be and the same is hereby dismissed.

And it is further ordered, adjudged and decreed that the petitioner pay to the defendant or her solicitor, the costs of this suit to be taxed, and also a counsel fee of fifty dollars, and that she have execution therefor according to the practice of this Court.

E. R. WALKER,
C.

Respectfully advised,
E. B. LEAMING,
V. C.

NOTICE OF APPEAL.

IN CHANCERY OF NEW JERSEY.

Between ROBINSON F. WILLIS, *Petitioner,* and BLANCHE B. WILLIS, *Defendant.*	On Petition for Divorce. Notice of Appeal.

The petitioner hereby apepals from so much of the final decree made in this court by the Chancellor, on the advice of Vice-Chancellor Edmund B.

Leaming, in the above stated cause, bearing date the seventh day of June, 1926, as adjudged that the petitioner's petition be dismissed, to the Court of Errors and Appeals in the last resort in all causes.

WESCOTT & WEAVER,
Solicitors for and of Counsel with Petitioner.

Dated July 12, 1926.

I conceive there is good cause for appeal in the above cause.

FRANCIS D. WEAVER,
Of Counsel with Petitioner.

[ENDORSED]

Service of the within notice hereby acknowledged this 16 day of July, 1926.
Peter Backes,
Solicitor for Defendant.

PETITION OF APPEAL.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between
ROBINSON F. WILLIS,
Petitioner-Appellant,
and
BLANCHE B. WILLIS,
Defendant-Appellee,

On Petition for Divorce.
Petition of Appeal.

To the Honorable Court of Errors & Appeals in the last Resort in all Causes:

The petition of Robinson F. Willis, appellant, respectfully shows that your petitioner finds himself aggrieved by a final decree made in the Court of Chancery, by the Honorable Edwin Robert Walker, Chancellor of the State of New Jersey, bearing date the seventh day of June, 1926, in that the said decree adjudges that the petitioner's petition be dismissed.

And your petitioner humbly appeals from that part of the decree of the Chancellor which decrees as aforesaid, on the ground that the same is erroneous in that the said petitioner was entitled to a decree of absolute divorce inasmuch as the defendant was guilty of wilful, continued and obstinate

desertion for a term of two years, according to the statute in such case made and provided, and the Chancellor should have granted your petitioner a decree of divorce accordingly.

Your petitioner therefore prays that the said decree of the Chancellor may be in the particulars aforesaid reversed, set aside and for nothing holden, and that your petitioner may have such relief in the premises as to this Honorable Court shall seem meet.

WESCOTT & WEAVER,
Solicitors for and of Counsel with Appellant.

[ENDORSED]

Service of a copy of the within petition hereby acknowledged this 19 day of July, 1926.

Peter Backes,
Sols. for Appellee.

ANSWER TO PETITION OF APPEAL.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between ROBINSON F. WILLIS, *Petitioner-Appellant,* and BLANCHE B. WILLIS, *Defendant-Appellee.*	On Petition for Divorce. Answer to Petition of Appeal.

The answer of Blanche B. Willis, the defendant-appellee, to the petition of appeal of Robinson F. Willis, petitioner-appellant, admits that the Chancellor of the State of New Jersey made a decree bearing date the 7th day of June, 1926, and therein adjudged that the petitioner's petition should be dismissed.

And further answering, this defendant-appellee denies that said decree is erroneous or that the petitioner was entitled to a decree of absolute divorce against her for wilful, continued and obstinate desertion for a period of two years according to the statute in such case made and provided, or that the Chancellor should have granted the petitioner a decree for divorce.

And this defendant-appellee is advised and believes that the said decree is agreeable to equity and prays that the same may be affirmed with costs to be adjudged to this defendant-appellee.

PETER BACKES,
Solicitor for and of Counsel with Defendant-Appellee.

TESTIMONY.

IN CHANCERY OF NEW JERSEY.

Between

ROBINSON F. WILLIS,
Petitioner,

and

BLANCHE WILLIS,
Defendant.

On Petition, etc.

March 30, 31, 1926.
April 5, 1926.

LEAMING, V. C.

APPEARANCES:

JOHN W. WESCOTT, ESQ., RALPH WESCOTT, ESQ.,
FRANCIS D. WEAVER, ESQ. for petitioner.
PETER BACKES, ESQ., for defendant.

THE CASE FOR THE PETITIONER.

ROBINSON WILLIS, sworn.

By Mr. Wescott:

Q. Mr. Willis, you live where?
A. Pennsgrove, N. J.
Q. How long have you lived there?
A. Since 1901.
Q. Born and brought up where?
A. In Maryland.
Q. And been in New Jersey how long?
A. Since 1901, that is 25 years.
Q. For twenty-five years you have lived in Pennsgrove?
A. Yes, sir.
Q. That is in Salem County, isn't it?
A. Yes, sir.
Q. Now, what is your age, Mr. Willis?
A. 48.
Q. What is your business?
A. I am associated with my brother and other stockholders in an association—hardware and lumber is what we sell.
Q. How long have you been in that business?
A. 1901 when I came to that business, I started a little hardware store.
Q. What different positions have you held?
A. In Pennsgrove?
Q. In Pennsgrove?
A. I have held about all the positions there are there.
Q. Tell me?
A. Mayor, member of the council, I am on the School Board now, and the other day I was elected

vice-president of the new Rotary Club, register of vital statistics, on the Board of Health, president of the Chamber of Commerce, vice-president of the Gold Club.

Q. Who are your business associates down there?

A. My brother is one of the stockholders in the corporation, a cousin by the name of Stell, and we have some preferred stockholders, quite a few of them.

Q. Have you anything to do with any banks?

A. I am a director in the Pennsgrove National; I was a director in the Peoples but my health failed me in 1921 and 1922 I got in such bad condition I had to get out of some of my obligations. When I resigned they offered me the presidency if I would stay but I couldn't do it, my health wouldn't stand for it.

Q. Mr. Willis, were you a widower when you married your present wife?

A. Yes, sir.

Q. When were you married to your first wife?

A. In 1904.

Q. Where did you live with her?

A. At Pennsgrove, just across the street from my present residence.

Q. And by her you had how many children?

A. Two very fine boys.

Q. Are they living?

A. Yes, sir.

Q. How long did you live with your first wife?

A. Little over four years.

Q. And what were your relations with her, generally?

A. They were perfect.

Mr. Backes: I object, your Honor.

The Court: I don't think it is material, Mr. Backes, but it is certainly harmless.

Mr. Backes: It is harmless.

The Court: It may give a background to the case. It is hardly a fact at issue.

Mr. Wescott: I thought it would throw some light on the situation, that was my idea.

Q. When your first wife died how old were your two boys?

A. Twenty-one months and just a little over four years, the older one, just past.

Q. When did you first meet your present wife?

A. I met her while my first wife was living, she visited our home on one occasion.

Q. You hadn't known her before?

A. I had met her at my first wife's father's home just prior to her visit to our house. My first wife was Florence Bergen of Cranberry, New Jersey, and we were visiting up there and this Mrs. Willis was a friend of my first wife's cousin.

Q. Will you tell us when, if you please, in your own way, how this meeting developed, how this meeting with your present wife developed?

A. Why, shortly after my first wife's death, Aunt Rachel, the lady who we all called Aunt Rachel, came to take care of my two little children, she being an aunt to my first wife, and she came and kept house for me, and it was her daughter that was an intimate friend of this present Mrs. Willis, and right away—of course, the daughter visited her mother and this Mrs. Willis was invited along and she made quite a few visits to our home and she made a great deal of my two little babies, they were aged two

and four, and this Mrs. Willis made a great deal over them and won them completely, and in winning them it wasn't much trouble winning me, because I was devoted to them, and in due course we became engaged and were married.

Q. How long were you engaged before you were married?

A. Only a matter of two months, I guess.

Q. When were you married?

A. September 14, 1910.

Q. Where?

A. In Bristol, Pennsylvania.

Q. Who married you?

A. Rev. Mr. Johnson.

Q. At that time your home was where in Pennsgrove?

A. At a new home I had just built just across the street from my old home.

Q. Will you describe to his Honor, if you please, your home, how many rooms were in it and how it was equipped and furnished?

A. The home was 30 x 36 feet, bay window in the dining room, four rooms on the first floor besides quite a few closets, open stairway, and the second floor had four rooms, very nice rooms, one big bathroom, hallway, closets, and so forth, and two rooms on the third floor, one of which was finished and we used as a play room for the children, and the back room was a store room. The house was heated with hot water heat and gas all over.

Q. How was it furnished?

A. Furnished as nice as I could afford to furnish it, very nicely.

Q. When you were married—you told us you were married where?

A. Bristol, Pennsylvania.

Q. Did you go on a wedding trip?

A. Yes, sir.
Q. Where?
A. Went over to Asbury Park ——

The Court: That you say was 1904?

The Witness: 1914—1910, pardon me.

The Court: 1910?

The Witness: Yes, sir. We went to Asbury Park —we took an automobile trip, I was selling automobiles on the side to make extra money, and we went to Ocean Grove, and up the Hudson and across through New York State and over the mountains of Pennsylvania to Wilkes-Barre, and down to Stroudsburg and then down to Philadelphia and down home. We were gone about a week.

Q. During that trip had you any difficulty of any sort with Mrs. Willis?

A. Mrs. Willis got mad at me one day because I didn't stop at one of the best hotels, I chose a hotel more in keeping with my means, and she was cross about that, and the next night she flew into me because she thought I wasn't covered up warm enough, she said I was trying to catch cold, or something like that.

Q. Was it an unpleasantness that amounted to anything?

A. It hurt my feelings pretty bad, because it was a surprise to me.

Q. Then you went home?

A. Went on home, yes.

Q. How did you get along there in your home?

A. The second morning after we were home I wasn't feeling well and I stayed in bed and Mrs.

Willis went downstairs to get breakfast for the boys and the kitchen fire was out, and she came upstairs to me and said, "I am going to leave," and I said, "What for?" and she said, "That fire is out and you are going to build it immediately or I will leave," and she put on her hat and coat and started to leave; she said, "I didn't come here to be a slave and dog," and I got up and built the fire.

Q. How long was that after the honeymoon?

A. The second morning we were home.

Q. Did that amount to anything further than you have stated?

A. No, that just blew over.

Q. What, if you can recall, was the next friction after that?

A. At Thanksgiving time she had talked about Mrs. Broom and she said she was going to invite Mrs. Broom down for Thanksgiving, which she did, and she came down on Wednesday afternoon, and we had a very lovely time, a very enjoyable visit from Mrs. Broom, and Thursday we drove out to a shooting match and I shot a few targets and they met a lot of nice people and had a very nice day ——

Q. Let me interrupt you. You said you went to a shooting match. I want to ask you whether you gave much attention to shooting?

A. Yes, sir. I belong to the National Trap-shooters' Association and have for several years, shot on various teams over the country.

Q. And taken prizes for your shooting?

A. Yes, I have enough prizes from my shooting to more than load that table down.

Q. Let us go back to this story. Take it up where I interrupted you.

A. We went to the shooting match, and Friday I was in business all day and Saturday I was in business all day, and Saturday night after Mrs. Broom

went to bed Mrs. Willis lit all over me about my being nice to Mrs. Broom.

Q. What did she say?

A. She said, "You have no business inviting Mrs. Broom down here. In other words she accused me of inviting Mrs. Broom and I didn't. She said Mrs. Broom only came down there to get me away from her and show me her pretty legs. She broke me all up, I shed quite a few tears over that, it was such a shock to me, and Sunday everything seemed to be very pleasant and it blew over and I let it go for what it was worth, didn't say anything about it.

Q. Was that the end of that incident?

A. Yes, sir, that was the end of that as far as I recall.

Q. Can you recall what the next difficulty was you had?

A. Shortly after that Mrs. Willis saw me out in the yard talking to my mother, my mother lived next door, a distance of twenty-five or thirty feet away, and I passed the time of day with her when I got the chance to speak to her, and on this particular morning I stopped in the yard and was saying something to her before I went to the store and when I came home that day, I don't recall whether it was the noon meal or the evening meal, why, she jumped over me and said my mother was a dirty sneak and said she was telling lies about her, and I couldn't begin to tell or recall what she did say.

Q. What response did you make to that?

A. Nothing, only told her she ought to be ashamed of herself talking that way, she knew my mother better than that.

Q. She called your mother a dirty sneak?

A. Yes, sir.

Q. Did she say anything else?

A. She said so much and talked so fast ——

Q. Is she a rapid talker?

A. Yes, sir, very. When she is angry she talks so fast you can't keep up with her.

Q. Can you recall the next trouble?

A. Shortly after that, possibly sometime during the winter, I don't recall just the date, I suggested we were very much in need of a stenographer at the office—I was paying a man $17 a week for work I could get done for eight or ten by a girl, or stenographer, and she said if I ever got a girl in that office for any purpose she would come down and throw vitriol in her face, she wouldn't have a girl in my office, women had no business in men's offices and she would spoil any girl I had in the office, spoil her pretty face.

Q. What did you say to that?

A. Nothing. There wasn't any use to say anything to her.

Q. That occurred how long after your marriage?

A. That was less than a year after we were married.

Q. About a year?

A. Less than a year.

Q. Can you recall any other circumstances?

A. Yes, that very next spring she saw my brother—he lived next door with my father—she saw him bringing a new piece of hose up from the store—we sold hose—and she saw him with that, and she said, "Your brother has been in your cash drawer again, has he, he didn't buy that hose, he stole it," and I said, "He didn't do anything of the kind." My brother was an honorable gentleman.

Q. Where is your brother?

A. He is home.

Q. Was that the end of that?

A. No, she accused my brother and my brother's wife of stealing every once in a while. Every new

dress that my brother's wife had on she said, "Your brother has been in your cash drawer again." I remember in particular, his wife was a wonderful little seamstress, and she reversed a dress once and made it over again, and that very night, the first time she saw it she said my brother had been in the cash drawer, there was a brand new dress she had paid $60 for and she knew our business was paying for it.

Q. What response did you make to that?

A. I just denied it. I said, "I know my brother better than that, I know he isn't a thief."

Q. That was how long after your marriage?

A. That was probably about a year.

Q. About a year?

A. Sometime during that.

Mr. Backes: What are you reading from? The witness has a transcript in front of him there and is evidently reading this testimony.

The Witness: I have just some notes to refresh my memory.

Mr. Backes: When did you make them?

The Witness: I have always kept a scrap book more or less all my life.

Mr. Backes: When did you make those notes, at the time of these occurrences you are referring to?

The Witness: Some of it.

Mr. Backes: Are they the notes you have in your lap?

The Witness: No, sir.

Mr. Backes: I object, if the Court please, to the witness reading from that paper.

The Court: I think the objection is well taken.

Q. Have you read from that paper?
A. No, these are just notes.
Q. Nothing you read from the paper?
A. No, sir, nothing I read from the paper, just notes.

Mr. Wescott: There are the papers.

Mr. Backes: I don't want the papers, I don't want the witness to use them, that is all.

Q. Mr. Willis, can you recall now any other instances that made an impression on you?
A. Oh, yes, yes indeed, lots of them. One in particular was July, 1912—prior to that a cousin was invited, a daughter of her cousin, had been to spend the week-end and she packed her up and sent her away and said I was making love to her or she was making love to me, I don't recall which. On July 4, 1912, she invited her sister and brother-in-law, and family, consisting of two children, down to spend Fourth of July and the week-end. Fourth of July was on Thursday. On Thursday everything went off nicely, we had a wonderful time, fireworks, and everything that went to make up the celebration, and on Friday morning the husband of the sister went back to Philadelphia to his position—he is a very fine gentleman and his wife is a fine lady—and Friday noon when I came home the sister met me on the front porch crying ——

Q. Your sister?

A. Her sister who she had invited. I said, "Florrie, what are you crying about?" and she said, "Blanche has torn me out something terrible," and I asked her why and she said because the little child ——

Mr. Backes: I object.

Q. Never mind what occurred between you and her. Did you say anything to your wife about it?

A. No. As soon as I went in the house I saw my wife was in bad humor and I knew it was best to stay away from her when she was in that frame of mind, and her husband came home that evening and I met him at the train and I told him ——

Mr. Backes: I object.

Q. Don't tell us that. You mentioned the circumstance to him?

A. Yes, sir.

Q. And then what happened?

A. When we got home that night Mrs. Willis wouldn't speak to any of us, to me or none of her relatives. Saturday morning right after daylight, somewhere around five o'clock I heard an awful racket and I realized she had gotten out of bed and gone downstairs and she was throwing furniture around, slamming doors and shutting closets, and I got up and went down—no, before I went down she called upstairs, "Come downstairs you devils, your breakfast is all ready, now come on down, I am nothing but a slave and I have your breakfast ready," and we all went down, including her old mother who was at the house, and she had a nice breakfast for us, and when we came downstairs she went up-

stairs and while we were eating breakfast she made all the beds, slammed things around, throwed the beds from one side to the other, and banged things around, and she swept and dusted up there, but I didn't pay any attention to her, I tried to excuse her to her guests. I went to the office and at noon when I came home they met me at the door, her sister met me at the door and said, "Blanche has gone," and I said to her, "Where did she go?" and she said, "I don't know, she has packed her handbag and has gone," and I said, "I am very sorry for that" ——

Mr. Backes: You found she had gone?

The Witness: Yes, she had gone. They stayed until Sunday morning and the poor old mother was crying ——

Mr. Backes: Never mind that.

Q. It disturbed the family?

A. Yes, they were all crying and broken up, and the poor mother cried to me as if her heart would break.

Q. That is your wife's mother?

A. Yes, my wife's mother. And Sunday the sister and her husband and family went home but the mother stayed, she said she would stay and take care of the house, and she did take care of the house until Tuesday morning, and I had a telephone message from Philadelphia, a long distance call, they called me to the telephone, and Mrs. Willis was on the wire, and she said, "Rob, this is your wife," and I said, "All right," and she said, "I am coming home," and I said, "All right, come on, I will be glad to see you," and she said, "I am not coming home the

way you expect me, I am coming home the way you and my people want me, I am coming home in a white pine box, that is the way you and my people want me to come home, and that is the way I am coming home,'' and that frightened me, I didn't know what to do, and she hung up the phone and I immediately called up the Philadelphia Police Department and asked them what to do ——

Q. You called up the Philadelphia Police Department?

A. Yes. And they said they couldn't do anything for me, and I ran around to see Dr. Barnart, our family physician ——

Q. Don't say what you said to him.

A. And I called up Judge J. Warren Davis.

Q. Present Judge of the Federal Court?

A. Yes, who was a personal friend, and he came down, came down that evening, and he and I went around and talked with Dr. Barnart about Mrs. Willis' conduct—I am ahead of the story—it was the next day, the next morning her mother came down to the store just about noon, I will get it straight now, her mother came down to the store about half-past eleven, crying, with her little handbag and coat over her arm ——

Q. Don't tell us any conversation you had with her. As the result of her coming to the store what happened, what did you do?

A. That is when I called up Judge Davis and asked his advice and he came right down that afternoon. We went around to Dr. Barnart's and we talked things over there, and I knew Judge Davis was about as good as anybody in the world to effect a reconciliation and peace among warring interests, and we then went up to the house and we went up to the house and we went in and I introduced the Judge to Mrs. Willis and she absolutely ignored him.

Q. Had Mrs. Willis come home?
A. Yes, she came home.
Q. Did she come home in a white pine box?
A. No.
Q. How did she come?
A. I don't know how she got home. She came home and threw her mother out the front door.

Mr. Backes: You don't know that, do you? Do you know that to be a fact.

The Witness: The mother told me so.

Q. Whose mother was it?
A. Her mother, Mrs. Willis' mother who had stayed to keep house for me.
Q. When Mrs. Willis came home what happened, give us the details.
A. She just put her mother out and accused her of coming between us.
Q. Did her mother leave after she came home?
A. I took her mother over and bought her a ticket to Philadelphia and telephoned to Philadelphia to her daughter to come and meet her.
Q. You helped to take her away?
A. Yes, I sent her away, bought her transportation to Philadelphia.
Q. Did you say anything to your wife?
A. No, I was afraid to go home. I knew I was in for a bawling out and I kept the oldest boy downtown for dinner, rather lunch, and dinner in the evening, I was afraid to go home, I knew we were in for a terrible bawling out, and that is when I got Judge Davis and Dr. Barnart to go up and pacify her.
Q. Did they go?
A. With me.

Q. Judge Davis and Dr. Barnart?

A. Yes, sir.

Q. Were you with them?

A. Yes, sir.

Q. Tell the Vice-Chancellor, if you please, with what detail you can, exactly what you can remember about that interview.

A. We went in and I introduced Judge Davis to Mrs. Willis ——

Q. Judge Davis?

A. Yes, Judge Davis. She already knew Dr. Barnart, of course, and she ignored his very presence. I said to Mrs. Willis, "I have brought these gentlemen up here to have a little talk together to see if we can't patch up our differences and live as we should," and she turned on Judge Davis and said, "Are you a mason?" I don't recall his answer, and then she wheeled on Dr. Barnart and said, "I thought you were a friend of mine," and he said, "Blanche, I am a friend of yours and Bobby's both," and then she lapsed into silence again, and Dr. Barnart talked to her a few minutes and Judge Davis talked with her and told her—tried to point out the errors of any such conduct. He talked to her in a very nice way—

Q. Which one?

A. Judge Davis. In fact, both of them talked to her as nice as they could and told her she ought to be ashamed of such conduct, it wouldn't get her anywhere, and finally they went on down the street and I went down with them and brought my other boy home, and when I got back Mrs. Willis had gone to bed, and I put the little boy to bed and I went to bed shortly after that.

Q. That was the end?

A. That seemed to be the end of that.

Q. What was the next difficulty you can recall?

A. The next difficulty after that was in late Sep-

tember or early October. I recall that because chestnuts were ripe. We had a friend opposite us by the name of Mrs. Crabtree, a lady I had met once, casually, a friend of Mrs. Willis, and on Friday of that week I received a letter from Mr. McGowan, a brother-in-law of mine, the same brother-in-law who was on the visit that Fourth of July, and the message was for me to come to Philadelphia to see Mrs. Willis' mother that she was sick. I went up Saturday morning and took our oldest boy with me, and she was very ill in bed. She really wanted to ask me how Blanche was acting, it seemed to be worrying her, and she asked me ——

Q. Don't tell us the conversation. You saw the old lady, did you?

A. Yes, sir.

Q. And as the result of that, what happened.

A. I went back home that night and I didn't say anything to Mrs. Willis because I knew she was bitter against her people, and Sunday morning while I was down in the kitchen getting breakfast, as was my custom on Sunday morning, I always got my own breakfast on Sunday morning before Mrs. Willis got down, and the little boy upstairs told Mrs. Willis we had been up to see grandmother, and she rushed downstairs and called me—I hate to repeat it.

Q. I want you to repeat it.

A. She said, "You dirty stinking, lying, white-livered sneak, you have been up there, I hate her," and her language was so vile I put my hand over her mouth to stop it—here was the boy sitting alongside of me.

Q. Was the language profane?

A. She used the word "asses" several times. So I got the little boy out of there as soon as I could and took both of them out of the house and took

them downtown and got them some breakfast downtown.

Q. That occurred about when, Mr. Willis?

A. That was in September or October of 1913—no, 1912. There was a wrangling and quarreling all the time and accusing me of being intimate with other women.

Q. What did she say about your intimacy with other women?

A. She was accusing me of having relations with other women, and she would come down—just across from our store there was a grove, a picnic grove, and she used to sit in there in the afternoon, and she could tell me when I went home that night how many women had been in the store that afternoon, and she said, "They are not coming in there to buy anything, they are running after you."

Q. How frequently did she stay in this grove, have you any idea?

A. Two or three times a week.

Q. That occurred when?

A. Oh, for a long while through the summer of 1913; I don't know how long she did keep it up. She sat in there lots of times I didn't know anything about.

Q. What did you say to her about these accusations?

A. I told her it wasn't so.

Q. Then what did she say?

A. The usual line of language. I would get out of the house as soon as I could to keep from hearing it.

Q. Can you recall any other instances?

A. Yes. She then began abusing my children, the two little boys, abusing them in a trifling manner.

Q. What did she do to your boys, to your own knowledge now, not what they told you?

A. Tied them in a chair, locked them up in a closet, and rubbed pepper in their mouths, and soap in their mouths.

Q. Did you say anything to her about those things?

A. No, I was afraid she would punish them all the more.

Q. When did her abuse of these children begin?

A. She was probably abusing them quite a while before I got on to it. She had them scared and they would cringe when she would speak to them.

Q. How would she speak to them?

A. Sometimese as nice as anybody could, and again she would yell at them as though they were little dogs.

Q. Did you say anything to her about it?

A. I had found there wasn't any use. No.

Q. No use?

A. No.

Q. What did you do about your children, if anything, when you found how she was treating them, Mr. Willis? Let me withdraw that question. Taking this red pepper, putting red pepper in your children's mouths, will you tell the Vice-Chancellor, as briefly as you can, all you know about the punishment of the children.

A. She had put red pepper in his mouth because he had told her the house wasn't hers. She spoke of her automobile, her house, and this and that, and this little fellow said, "Why, mother, this isn't your house, it is daddy's house," and she grabbed him and dragged him into the kitchen and put the red pepper in his mouth.

Mr. Backes: Did you know that?

The Witness: I wasn't there, but when I got home the boy was in a terrible condition.

Q. Tell us about it.

Mr. Backes: If the Court please, I don't think that is competent.

The Court: You may testify to anything said in your wife's presence, not otherwise.

Q. Was your wife there?
A. Yes, sir.
Q. Tell us in detail the whole thing.

The Court: Whatever occurred in your wife's presence, not what the boys told you when your wife was not present.

The Witness: For several days she had to make warm broths for him to eat, he couldn't have solid foods, his throat was burned so bad.

Q. What did she say, if anything, to you about it?
A. Nothing.
Q. What did you say to her about it?
A. Nothing, there wasn't any use.
Q. Wasn't any use?
A. No.
Q. What did you do with your boys as a consequence of the way she was treating them?
A. I finally took them away from her.
Q. Can you recall when you took them?
A. Around the 20th of March, 1914, either the 20th or 19th.
Q. Where did you take them?
A. To Maryland to my mother's home, and the next day to my aunt's home who agreed to take care of them.
Q. How long did they stay away?

A. They never went back, I never allowed them to come back.

Q. Never came back?

A. No.

Q. Where did they go from your aunt's?

A. They came up to Wilmington, on a farm outside of Wilmington, in charge of my cousin's wife, Pauline Stell, who kept them until the Pennington Junior School opened and I put them in Pennington.

Q. Do these people know why you took them away?

A. No, they didn't know. They knew there was trouble between Mrs. Willis and I and they felt sorry for the boys and were only too glad to mother them for me.

Q. You took them to school then?

A. Pennington Junior School, and they were in the Junior School until the next spring and they were moved to a private home because they were too small for the Junior School to take care of them, and I paid the lady for taking care of them and they continued to go to the school, but they didn't board there.

Q. And they never were back home again while Mrs. Willis was there?

A. No, I wouldn't let them come back to her after that abusive treatment.

Q. Can you recall any other happening before the separation occurred?

A. I recall very clearly what prompted me when I took the children away. There was some awful vile language she used to me in their presence and I had warned her before that, I told her these children had never been used to anything like that and I wouldn't be required to subject them to it and I wasn't going to allow her to talk that way in their presence, and she flew into me and called me vile

names, "Dirty stinking cur, dirty lying cur," and I pushed the boys on the porch and shut the door, it was a cold March day, and I got their clothes and dressed them out on the porch and took them downtown.

Q. And they never came back to the house?

A. No, sir, I wouldn't let them come back. Yes, I had to bring them back that night because I had no place to take them. I brought them back that night and then I took them down to Maryland.

Q. Did Mrs. Willis know you were going to take them away?

A. I had told her I wouldn't stand for it and was going to take them away.

Q. Can you recall anything else now that happened before the separation?

A. No. I have a lot of original notes there, an old scrap book I used to keep, I could recall something from that. Yes, I do. I recall in the fall of 1913, Mrs. Willis had a cold, and we were very intimate with Mr. and Mrs. Long, Mr. and Mrs. Holten, Mr. and Mrs. Bloom, and Mr. and Mrs. Hunt, there were about ten or twelve couples, used to have dinners at each other's houses quite frequently, in fact once a month we had a dinner at someone's house, and Mrs Willis was sick, and someone had asked me how she was and it became noised around that she was sick and Mrs. Long, Mrs. Bloom and Mrs. Holten came to the house that evening to call on Mrs. Willis, and I was sitting in the front room with her and, of course, when the doorbell rang I went to the door and invited them in and they sat and talked for an hour or so, and when they went I went to the door with them to bid them good-bye and asked them to come again, and I turned around to walk to my seat and she looked at me and said, "They didn't come up to see me, they came up to get you," she

said, "They are running after you all the time and you are running with them," and she used some very vile language, which I don't like to repeat.

Q. Did you say anything to her in response?

A. No, only to say, "Blanche, it isn't so, and you know it isn't so," that was about the answer.

Q. What was her attitude when you told her she knew it wasn't so?

A. She told me I was a stinking liar.

Q. Can you recall anything else just prior to the separation?

A. That leads to another incident. One evening these same ladies stopped at the door and said they were going to a card party and said that their husbands, Mr. Long, Mr. Holten and Mr. Bloom were going to play pool and they asked me to make it four, and I said I would be glad to. The ladies went and I turned around to get my hat and coat to go down half a block down the street and Mrs. Willis said, "You dirty, stinking, low down, lying, white livered cur, those men don't want you down there, these women are trying to get you away, they have a party on and they want you out with them," and she wouldn't let me go, and said if I did go what she would do—she was threatening the boy, if I would go she would punish the boy. One night I have in mind was a Masonic affair, we were working the third degree and I was kept out to half-past eleven and when I got home she was in bed, and the next morning she said I hadn't gone to the lodge only to meet the affinities. She said, "You all have affinities there, that is what you have the lodge meetings for, and the next time you go I am going to get the two boys and bring them down and show them the ladies you are running there, I am going to show them your affinities," and she called me a "Dirty stinking," so forth.

Q. Is there anything else that occurs to you?

A. Nothing that I recall right now, Judge.

Q. Now, we come to the parting. Let me withdraw that. These incidents covered about what period of time in your married life?

A. About three and a half years.

Q. Speaking generally did you and your wife get along during those three and a half years?

A. She couldn't be sweet enough to me part of the time, made me think I was in the seventh heaven, but I never knew, though, what was going to happen the next time I came home, whether I was going to be met at the front door with a kiss or a cuss. She would meet me at the front door, take my hat and coat and tell me to sit down, she knew I was tired, and had a wonderful supper ready for me, just as nice and perfect as anything, and then maybe the very next time I would come home I would be sitting in the front room with no supper ready, not a thing done, maybe the boys sitting in the corner on straight back chairs with their faces in the corner, and I would say, "The boys been bad?" and maybe she would speak and maybe not, and if she did she would give me a terrible tearing out about something and I would have to go and get supper.

Q. Confining your memory to that period of time I want to direct your attention to your health during that period of time. What effect did this sort of life have on you?

A. An awful bad effect.

Q. What do you mean by that?

A. It depressed me, I was ashamed to face my people and felt—Judge, I reached the point where I saw how easy it was for a man to commit suicide. I just got into that frame of mind I saw where a weak-minded man how easy it was for him to commit suicide.

Q. Did your neighbors know of this family difficulty?

A. Oh, yes, yes, they could hear her storming at me.

Q. Mr. Willis, now direct your mind—unless there is something else that occurs to you you would like to state—bring your mind to the time you and your wife parted, can you tell when that was?

A. There was quite a little that led up to that.

Q. What?

A. There was quite a little that would lead up to that. When I took my two boys down into Maryland and placed them in the hands of my aunt when I came back Mrs. Willis refused to speak to me, refused to do anything for me. She had locked me out of her bedroom, she had thrown my underwear, stockings, and what wearing apparel I had in our room she had thrown it on the bed in the back room helter-skelter over everything and she refused to do anything for me at all. For several days I came and went and got my own breakfast and got the meals the best I could, and after several days of absolutely ignoring me I handed her a ten-dollar bill and I said, "Blanche, don't you need some money?" and she said, "I don't want any of your old money," and she sat in the front room and kept the curtains pulled down tight—that is, every time I saw her—and never any meals prepared for me, nothing at all.

Q. How long did that condition obtain?

A. From then on she didn't offer me another meal, wouldn't even make my bed. I had to sleep in the back room and I had to take care of the bed. If I put any dirty laundry in the laundry basket she threw it out and she would send her own laundry and house linen to the laundress and I had to take my own.

Q. That was after you had taken the boys away?

A. Yes.

Q. Now, relative to the parting, tell the Vice-Chancellor if you will ——

A. There is another incident that I would like to relate. Sunday morning in June ——

The Court: What year?

The Witness: That same year, 1914, I was sitting on the front porch reading the newspaper, and my next door neighbor Mrs. Cheesman asked me if I had had any breakfast, and I shook my head, and she said, "Come on over and I will give you your breakfast," so she gave me my breakfast and she invited me in to dinner, she said, "I know your wife isn't getting any meals for you," and I went in for dinner, and while I was eating dinner I arranged with her to board with her for my meals, and the next morning I went in for breakfast and she was crying and she said Mrs. Willis had torn her out terribly, gave her a terrible tongue lashing, threatened her with arrest, and everything, for alienation of affections.

Mr. Backes: Nothing more.

Q. Never mind.

A. And she couldn't give me any more meals.

Q. She didn't board you any longer?

A. No.

Q. Did you say anything to Mrs. Willis about it?

A. No, she wouldn't speak to me.

Q. That was how long before the actual separation?

A. That was in June. And then shortly after that I gathered up my first wife's silver that was scattered around the dining room, she had some lovely sterling silver, spoons and things like that, and they

were lying around loose and were not being used, and I gathered them up and bundled them up and took them up in my room and the next morning when I went in—at night I never knew whether she was home or not, the room door was always locked—and the next morning I went down and took this bundle of silver down to the bank and put it in the vault there because I prized it highly, and she yelled out of the window upstairs, "You are stealing the silver and you will steal this house if I don't stay here and look out for it," and she called me "stinking dog" "dirty cur" and her favorite remark was, "Look at him, the dirty, stinking bull, look how he is swelled up," called the boys' attention to me and said, "Look at the dirty, stinking bull now, he can't answer me now, he knows he is guilty."

Mr. Backes: Who are they?

The Witness: My two boys.

Mr. Backes: I thought they weren't living with you then?

The Witness: That was prior to that.

Q. Your home life was decidedly unpleasant?
A. Horrible.
Q. What effect did it have on your health?
A. I was unfit for business, or anything else. I had been going up to Dr. Alfred Stangle, supervisor of medicine at the university, he had been treating me and I said to him ——
Q. Don't say that. You were under medical treatment during this time?
A. Yes.
Q. And that was due to what?

A. To my harassed condition and general breakdown of my health due to the shame of the thing, the shame of the way we were living. I was ashamed to go on the street because I knew it was the talk of the town.

Q. Are you well known down there, Mr. Willis?

A. Very well known.

Q. Let us get down to the actual separation, can you tell when that was?

A. Sometime in October.

Q. What year?

A. 1914. She had been acting in such a strange manner that I had been to Dr. Barnart, our family physician, gone to my friend, Judge Warren Davis, gone to Professor Farr of Princeton University, I thought he could help me out, and Dr. Barnart asked me if I had a revolver ——

Q. Don't state that.

A. I had a revolver in the house, anyhow, and in conversation with Dr. Barnart he said I had better hide that. She was always talking about ——

Mr. Backes: Never mind that.

Q. Don't state that.

A. I got this old revolver for fear she might use it on herself or on me and I hid it, I took it out of wherever I kept it, I think it was in the bathroom —

Q. Where did you hide it?

A. As I recall it under my underwear down in the big bureau drawer, and the next night when I came home—in this back room where I was sleeping there had been a picture of my first wife and myself sitting on the bureau, and the next time this revolver was standing up, mostly down like that, leaning up against the mirror and my first wife's picture and myself which was there was gone and there was a

picture of this Mrs. Willis there in its place, so I took the revolver and placed it back in the drawer, and left it there, and the next morning when I got up ——

Q. Can you recall definitely the day this thing occurred?

A. No. It was sometime late in September.

Q. Of what year?

A. 1914.

Q. All right.

A. And the next morning when I came out of my room—my room was right by the stairway and hers was diagonally across the hall, about as far as from here to you, and I came out my door, and as I did she came out hers, and she said, "You dirty stinking dog, I have got your revolver and I am going to use it," and I jumped down the stairway three or four steps at a time and nearly broke my ankle getting out the door, and I went down to Dr. Barnart and he said, "You had better not go back any more, Bobby, she might kill you."

Q. And you left the house?

A. Yes, sir.

Q. Where did you go from there?

A. I slept down to the store quite often and up to my brother's, but when it wasn't too cold I slept down to the store and used some seed bags for a bed and a bag of seed for a pillow and slept there in the store and I was in terrible condition and Dr. Barnart said I had better go away, get out of town and try to forget it.

Q. Did you go away?

A. Yes, sir.

Q. Where did you go?

A. I went out to St. Joe, Missouri.

Q. How long were you there?

A. Until late in November. I didn't go to St. Joe immediately, I got my affairs arranged so I could leave.

Q. You stayed out to St. Joe how long?

A. I was out there until the last day or so of November or the first of December. I think it was the 30th of November I came home.

Q. Your boys were where?

A. Pennington School.

Q. The time you were out in St. Joe did you hear from Mrs. Willis?

A. I had Dr. Barnart report to me about her.

Q. You heard from her through him, through Dr. Barnart?

A. Yes, sir.

Q. Did you hear directly from her?

A. No, sir.

Q. Did you write to her?

A. No.

Q. You went from St. Joe where?

A. I didn't go anywhere, I came home. I went to Kansas City just for a day.

Q. And you came home in November?

A. Yes.

Q. When you came home what did you find to be the condition of things?

A. In the meantime our baby had been born. Before I went away I made all arrangements with Dr. Barnart to take care of Mrs. Willis, hired a man to take care of the yard, cellar and furnace, hired a lady to take care of the house, and I hired a nurse for Mrs. Willis, this Aunt Rachel I spoke of, I employed her—I had word she would be there and she would write Blanche and find when she needed her to come, and I made all arrangements for her comfort and care, and when I came home ——

Q. When did you find out she was pregnant, did you know that when she pointed the pistol?

A. She had said she was and I didn't believe she was, and Dr. Barnart saw her and he said he couldn't decide whether she was or not and he had a doctor from Philadelphia to examine her and even then they couldn't decide. He said it was rather a peculiar case.

Q. Did you pay all those bills?

A. Yes, indeed. In fact had the doctor send for the specialist, Dr. James, to come down.

Q. When you found she was pregnant you made what arrangements for her comfort?

A. I employed this nurse we had all known all our lives, she had been doing that work since the death of her husband, employed Dr. Barnart, who had been the attending physician at the birth of my first two children, and who was our family physician, employed this man Flanagan to take care of the yard, cellar, heater and anything that needed to be done, and employed his wife to do the housework, the necessary cleaning, sweeping, and cooking if necessary, and to help Mrs. Willis in any way, and I paid her $7 a week for a long while for that work.

Q. During your marriage, or after the marriage to this present Mrs. Willis down to the time of this revolver episode what kind of care did you take of Mrs. Willis with respect to clothing, food, amusement, and anything else, how did you take care of her?

A. The very best of care that was within my means.

Q. That doesn't mean anything.

A. She had unlimited credit anywhere, including the stores in Philadelphia.

Q. And clothing?

A. She clothed herself, that is, she went and bought anything she wanted on my account.

Q. And you paid the bills?

A. Yes, sir, indeed.

Q. And food, did you deny her food?

A. Plenty of food, credit at four or five grocery and meat stores and green good stores.

Q. She had unlimited credit at the domestic stores?

A. Unlimited credit everywhere.

Q. And she used that credit?

A. She used it quite extensively, to an extent that in the fall of 1913 I wrote the Philadelphia stores—she ran me in debt up there—and I asked them if they wouldn't be kind enough to write me if there were purchases that amounted to anything by anyone—I didn't mention her name—but to write me before they shipped the goods, because I wanted a check on it.

Q. Generally speaking you didn't deny her anything she needed?

A. No, sir.

Q. What did she do for amusement, for instance?

A. We went to the theatre once in a while, automobile driving seemed to be our favorite amusement, and she was fond of it, and we drove a good deal in the little old car I had.

Q. Let us get back to the time you came from the west on home. What did you find when you got home, what was the situation then?

A. I went to Dr. Barnart's office and asked how she was and found out how she and the boy were getting along ——

Q. Her child was a boy?

A. Yes. I asked him if he would go up with me the next morning, I said if I went up she would probably be excited over my visit and I would like

to see the baby, and he met me there at 11 o'clock the next morning.

Q. Where?

A. At my house just at 11 o'clock, by agreement, and we were let in the front door by the nurse who she had gotten—she had written Aunt Rachel not to come and had gone ——

Mr. Backes: You don't know that, do you?

The Witness: I know Aunt Rachel told me so and so did Dr. Barnart. Aunt Rachel is dead now and I can't get her testimony.

Q. You went with the doctor to the house?

A. Yes, and we were let in by this nurse from Philadelphia who Mrs. Willis had employed. I said to the Doctor, "Probably you had better go up and see Mrs. Willis and tell her I am here and I would like to see the baby," and in the meantime I went down to get two pair of rubber boots that belonged to my little fellows, and when I came up Mrs. Willis was standing in the middle of the front room with her nightgown on and some little loose wrap thrown over the top, barefooted, and she addressed me in a vile manner, wanted to know what I was doing in there—"You dirty, stinking cur, what are you doing in here?" and I said "I came to see the baby," and she said, "You will not see that baby except over my dead body," and I said, "Please let me have a few of my things," and she said, "You get your dirty, stinking articles and get out of the house and don't put your dirty stinking face in here again," and I started upstairs and she started up after me, and the baby was only a week old then, and she barred me from going in her room, and I started in the bathroom to get my razor I had in there, an old

razor, and she grabbed me back of the collar and said, "Come out of there, there is nothing in there you can have, your dirty, stinking rags are in that room there, they are in there, get out and don't put your dirty, stinking face in here again," and I will never forget Dr. Barnart's expression ——

Q. Was it in his presence?

A. Yes.

Q. What did he say?

A. He didn't say anything to me then. I got a suit of clothes I had in the back room, some winter underwear I needed, and one or two little items, and I went on downstairs and she followed me downstairs, almost stepped on me, calling me vile names and epithets, and I went out front and threw my stuff in Dr. Barnart's car and sat out front and waited until he came out. In the meantime Mr. Wood came along, a friend of mine ——

Q. Who?

A. Mr. B. G. Wood, he came along and said, "Brother Willis" ——

Q. Don't tell us what he said.

A. He engaged me in conversation.

Q. What did Wood do?

A. Mrs. Willis opened the door and said, "Go on Mr. Wood, don't talk to that dirty, stinking cur," and Wood kind of dropped his head down and went on down the street, and Dr. Barnart came out about that time and I asked him if he wouldn't stop and get my winter overcoat, it was hanging in the hall closet, and he went back to the door and he said, "Blanche, Bobby wants his overcoat," and she said, "He will never get in here again, he won't get any of his dirty, stinking rags out of here."

Q. Did you get it?

A. No. I heard afterwards she had sold it, in fact,

I saw a man wearing it on the street and he said he bought it.

Q. Then what happened after this visit?

A. I just stayed away.

Q. Where did you stay?

A. Stayed at my brother's house and engaged board, and after that at my cousin's, and left things rest, thought perhaps she would subside and possibly come to her senses, and I remarked time and time again I hoped for something better.

Q. How long did your wife stay in this house?

A. Until she brought that action against me for alimony pendente lite.

Q. When was that, do you recall

A. The records will show, I think it was in 1917.

Q. And when she brought this action against you for alimony where were you living?

A. My cousin's, Ben. Stells.

Q. In Pennsgrove?

A. Yes, sir.

Q. Do you know where your wife was living?

A. In the house.

Q. In your house?

A. Yes, sir.

Q. Was it your house or her house?

A. It was my house.

Q. Do you know how she got along, how she got money?

A. I sent her money on several occasions, once or twice she accepted it and other times she returned it and said she didn't want my dirty, stinking money, and after she refused it I sent word by a friend who is in the court room now that at any time she wanted money if she would be kind enough to telephone to him or send word to him I would send her whatever she wanted.

Q. Did you keep account of what you sent her?

A. No, sir.
Q. Did you send her money or checks?
A. Money.
Q. Do you know where she was living when she began this action against you?
A. Living in my house in Pennsgrove.
Q. Who was her attorney, do you know?
A. A young man by the name of Harry Heher.
Q. Harry Heher of Trenton?
A. Yes, sir.
Q. What Judge was that action brought before?
A. Judge Backes.
Q. A brother of this gentleman who is representing your wife?
A. I understand so, yes.
Q. You don't know that?
A. No.
Q. Can you recall when that hearing was had?

The Court: The files are here. The bill is marked

Mr. Wescott: That isn't important.

The Court: Marked November 3, 1916.

Mr. Wescott: How is that, if the Court please?

The Court: The bill for maintenance is marked "Filed, November 3, 1916."

Q. Do you remember that, Mr. Willis?
A. Oh, yes.
Q. You say Harry Heher was your attorney?
A. Was her attorney.
Q. Her attorney?
A. Yes, sir.

Q. Who was your attorney?

A. Mr. Apgar of Trenton, and Mr. Leap of Camden. Mr. Leap was attorney of record, I believe.

Q. Had Mr. Leap been representing you in matters?

A. He has represented the firm and me personally in little matters for a long while, ever since he first became an attorney.

Q. Let me drop that line of inquiry just now and put this question. After this pistol episode which drove you apparently, according to your statement, out of your home and left your wife in possession, did you do anything to bring about a reconciliation?

A. Yes indeed. I had several well known people go to see Mrs. Willis to talk with her and ask her to——

Q. You can't tell what they said. You got people to go and see her?

A. Yes, sir.

Q. What was your motive or object in getting people to go and see her?

A. Reconciliation entirely.

Q. Did you do any writing to her yourself after the separation?

A. Not at that time, but later on I wrote to her quite often.

Q. My inquiry is a little premature. Let us go back to this hearing before Vice-Chancellor Backes. Did you put an answer in to her petition?

A. Yes, sir.

Q. Did you have any witnesses there?

A. I had 16.

Q. To prove this general story you have detailed before Vice-Chancellor Leaming?

A. Pardon me.

Q. Was it to prove this general story you have detailed before Vice-Chancellor Leaming?

A. Yes, sir.
Q. Did you put your witnesses on the stand?
A. No, sir.

Mr. Backes: If the Court please, the record will speak for itself. That bill was a bill for maintenance, and evidently the maintenance was fixed and this man has been satisfied because it has been kept up. This action is an action for divorce, and I think what took place at that trial or aside from what this record discloses is improper. Whether he was prepared to tell the same story then as he is telling to your Honor now is entirely immaterial.

The Court: I think I will let it go, maybe negotiations occurred which are of value.

Q. You had how many witnesses there did you say?
A. Sixteen.
Q. Did you put those witnesses on the stand?
A. No, they were not put on.
Q. Why?
A. I don't just recall.
Q. You don't recall?
A. No, I really don't recall why we didn't put them on.
Q. I understood there was a definite reason for not putting them on?
A. I might recall it later, I don't right now.
Q. Was it the result of advice by counsel?
A. It was my counsel's decision, my counsel's decision, it was entirely up to them.
Q. Was there anything said at that time about the possibility of your wife seeing the error of her ways?
A. Yes.

Mr. Backes: I object.

Mr. Wescott: My inquiry to this gentleman is not in good health, but he evidently has forgotten.

The Court: I think it is all right; let him answer.

The Witness: Only to harass me more and more and break me down.

Q. The point I am driving at is the reason why you didn't contest your wife's case before Vice-Chancellor Backes. Now, there is a reason for that.

A. I don't know. I felt very sorry for her and I hated to do anything against her. I sincerely hoped she would see the error of her ways and want to come back and live with me.

Q. Wasn't that the reason?

A. I think that was the reason, if I recall. That was my hope, I hated the thing as bad as you can hate anything.

Q. Now, Mr. Willis, I suppose it will be conceded that the Vice-Chancellor upon hearing Mrs. Willis' story ordered a payment by you of so much money. What was the amount of it?

A. $1300 a year.

Q. How much was that?

A. $25 a week.

Q. So with the thing in that situation you left?

A. Yes, sir.

Q. Now, have you paid the $25.00 ever since?

A. Yes, sir.

Q. Beginning when, do you remember?

A. Beginning immediately.

Q. When?

A. I don't recall the date that gives.

Q. It was about the time the Vice-Chancellor said?

A. Yes, the first $25 was paid in this room that morning of the case.

Q. It was heard in this room?

A. Yes, sir.

Q. And you have been paying it ever since?

A. Yes, sir.

Q. Have you been paying it by check or cash?

A. Checks always.

Q. Now, after that action by your wife for alimony do you know where she went?

A. She went to Philadelphia, to two different addresses in Wildwood, I think she has been at three different addresses in Philadelphia, three different addresses in Collingswood, and two in Doylestown.

Q. Did you make any effort after Vice-Chancellor Backes determined you should pay your wife $25.00 alimony a week to get her to return to you?

A. In 1922, I recall, or 1921, late in 1921, or late in 1922, I called her on the 'phone one day and asked her if she would be willing for me to come out and see her.

Q. Where was she then?

A. In Collingswood. I asked her if I might come out and see her and I made an appointment and I told her I came out to talk matters over, I thought possibly we were both old enough then to want to have a desire to live differently.

Q. Reiterate as nearly as you can recollect everything about that interview?

A. We started just as I said. I went out and met her as per arrangements on the telephone and she invited me in the parlor and I sat down and I said, "Blanche, I have come out to talk over our difficulties with you, I would like very much to close the door on the past and just forget it and let us see if we can't start right," and I started to say something and she said, "You dare to invite me to live with

you, how dare you insult me," and started to call me a vile name, and I said, "Hold on, don't start any of that, if you are not willing to talk pleasantly and let us talk this thing over as we should I will go right out, I don't want to hear any of that." I stopped her because I knew what was coming, and she started again, "You dare insult me by asking me to come back and live with you," and I said, "Please don't say any more, I am sorry I came if that is the way you feel about it," and I bowed myself out.

Q. Did you see her again?

A. I tried again, I asked if she had thought over what I talked to her about the first time and her answer was the same.

Q. Did you write to her with a view of getting her to return?

A. Yes. I found I couldn't talk to her without her talking to me so fast I couldn't get a word in edgewise, and I thought I would write her, and I wrote her as nice letters as I could.

Mr. Wescott: (To Mr. Backes.) Will you let us see the letters that the husband wrote?

Mr. Backes: I may have them.

Mr. Wescott: Let me see them.

Mr. Backes: What particular letters?

Mr. Wescott: All of them.

Mr. Backes: Call for them.

Mr. Wescott: All the letters.

Mr. Backes: That I don't know. I will give you anything I have.

Mr. Wescott: You are sure kind.

Mr. Backes: When did this letter writing start, do you know, Judge?

Mr. Wescott: After the decree for alimony.

Mr. Backes: Did it start before 1922?

Mr. Wescott: I don't know. (To the witness.) Where are your letters?

The Witness: My copies are in the little file.

Mr. Backes: I have a number of them here starting with January, 1922.

Mr. Wescott: (To the witness.) See if you can find them, please.

The Witness: Here they are, Judge.

The Court: What is the date of the first one?

The Witness: January 6, 1922.

Q. Did you keep copies of the letters?
A. Yes, sir.

Mr. Backes: Judge, take these and see what you will find among them.

Q. Are they typewritten?
A. Yes, sir.

Q. The copies will be just as good, anyhow. Are they in chronological order?

A. Yes, sir.

Q. Mr. Willis, before I go on with these letters there is something that comes to my memory which I think I ought to ask you about. I recall in my interview with you that reference was made to your wife being absent from home and what she gave you as the reason for her being absent, do you recall that?

A. Yes, sir. She said she was out with another man. On several occasions she said in rather a sneering, boasting way that she had been out with one of her gentlemen friends.

Q. Did she say why she was doing that?

A. Because I was running around with other women, doing it to get square with me.

The Court: When was this?

The Witness: That was back in the winter of 1913-14.

Q. Was it on an occasion when she had been absent from home that this declaration was made by her?

A. Right afterward.

Q. Did you, after that order for alimony was made, get any letters from your wife?

A. No, sir, excepting a notice once in a while of a change of address.

Q. That is important.

A. A change of address is all I ever got.

Q. Where are the letters which she wrote?

A. There they are, all of them.

Q. I show you several letters and ask you if those are the letters which your wife sent you?

A. Yes, sir.
Q. Are they in her handwriting?
A. Yes, sir, that is her handwriting, all of them, everyone of them.

Mr. Wescott: I want to offer those letters.

The Court: Better have them by their dates, Judge.

Q. Mr. Willis, would it tire you very much if you read those letters?

Mr. Backes: I object to reading those letters.

Mr. Wescott: Why?

Mr. Backes: It is a waste of time, the Court will read them, or read such as he desires.

The Court: I think it would be well to let me hear what goes on during the progress of the case. I get a better idea of the chronological order of events if they are introduced than I would reading the letters afterward. Take them in the order of their dates.

Q. Read the first one. Letters now you got from your wife?
A. Your Honor, this is one but it isn't dated.

Mr. Backes: Postmarked envelope isn't here. This is marked "10-14-25," this one is November 26, 1921, September 7, 1921, September 30, 1921.

Q. Take the first one.
A. May 16, 1916. This was written, your Honor,

before the order of alimony was made. "Mr. R. F. Willis, Pennsgrove, New Jersey. Yours of the 5/9th"—she doesn't address me—"Yours of the 5/9th received, contents noted. Have you forgotten that I am your lawful wedded wife and Vernon Browning Willis is your son, born of your flesh and blood and deserted by you. A thing the wild beasts of the forrest would not do to their own. What your money bought and paid for Vernon and I myself have just as much right to as your two boys by a former marriage. And you probably have forgotten that you told me the piano was not a wedding gift." Might I interrupt your Honor?

The Court: No, just read the letters.

The Witness: "You would dare to ask me to grant you a request after all you have done to Vernon and myself. If you had been a man after I found you out and tried to live a new life for the sake of a good wife and three dear little boys, all would have been different. Instead you have lied about me saying I was jealous and that I abused your boys. You know that isn't so. 'Do you want me to tell why you left me?' Well, don't drive me to far. You have made me receive charity, underwear to cover my naked body, clothing and everything else for your son, coal to keep him warm when you left me to freeze while he was in a dying condition and now you would dare to ask me to grant you a request. Marion and Bobby have not wanted they have had everything that wealth could buy them and I am glad the dear little souls have but remember mine is of the same flesh and blood and has had nothing. Thanking you in advance for certificate. Cordially, Your Wife."

Q. What was that certificate?

A. Certificate for some stock in the electric light plant I had bought and given her as a Christmas present.

Q. What was the reference to the piano?

A. My first wife was a wonderful musician and she had a piano which I had given her as a wedding present and I wanted my younger boy who was musically inclined, inherited from his mother, and I wanted to have him taught music. He was at that time boarding outside of Wilmington with a Mr. Keown who was a fine musician and I thought that was a wonderful time to have his musical education started. So I sent to the house to get this piano, I didn't think there would be any trouble about it, and I sent a moving van to get it, and she bawled the moving drivers out something awful, she said the only way they could get that was over her dead body, and she propped herself against the front door, and the men sat down and grinned at her, they were colored men, and finally went away.

Q. Did you get the piano?

A. No, I wrote her the letter and this is what this is in answer to.

Q. Have you the letter?

A. No, I didn't keep a copy of it.

Mr. Wescott: (To Mrs. Willis.) Have you got that letter?

Mrs. Willis: I think I have somewhere around here.

Q. Take up the next letter in its chronological order. I offer that in evidence.

(Said letter marked Exhibit P1.)

A. The next one is September 7, 1921. "Wildwood, N. Jersey. Surfside Hotel, 25 Ave. and Beach. Mr. Willis"——

Q. Calls you Mr. Willis?

A. Yes, sir. "Please send my check to the above address until further notice. If not to much trouble would like it every week as I am boarding. Thanking you in advance. Resp. Blanche."

Mr. Wescott: I offer that.

(Said letter marked Exhibit P2.)

The Witness: September 30, 1921. "Wildwood N. J. Mr. Willis: Will you please send my allowance to my Brothers home 2342 E. Huntington St. Philada, Pa. untill further notice. As the looking for a home may take me out every day you will favor me very much by not registering my mail. As I may not be there to receive it. Thanking you in advance. Very Respectfully, Your Wife."

(Said letter marked Exhibit P3.)

The Witness: November 26, 1921. "Collingswood, N. J., 225 Lees Ave. c/o Mrs. Geo. Eynon. Mr.Willis: Please send check to above address untill further notice. I am here with relatives. Your Wife Blanche."

(Said letter marked Exhibit P4.)

The Witness: This is the one I don't know when it is written, it is undated. This one begins, "Rob: Will you please send my check to the above address" —6836 No. 9 St.—"as Vernon and I have gone to live with Ada Hanna for the winter. Vernon has

been very sick ever since he was bitten by dog. Had blood poisoning twice and altogether it has been to much for his nerves for he has never been strong. He has been under the Doctors care since the twenty fifth of July (25th). I notified you at the time. The Doctor thought the change would be the very best thing for him. Would be glad to have you call at any time to see him. He seems a little better these last two days only his cold and cough does not heal very fast. Trusting this will not inconvenience you when you feel you would like to see Vernon. Sincerely, Blanche. P. S. You have only called to see Vernon once since May, 1923."

(Said letter marked Exhibit P5.)

Q. Is that all the letters you have ever gotten from her?

A. If that is all I have in the package; I got them all together.

Q. Did you go to see Vernon?

A. Oh, yes.

Q. When and where?

A. First we applied here before the Vice-Chancellor for permission for me to see the boy and have him in my custody, which the Vice-Chancellor granted, and I used to visit the boy as often as I could out at Collingswood and take him out driving, and when it wasn't fit to go driving I would sit on the porch or in the house, and after that I was granted permission by the Vice-Chancellor to take him to my own home over week ends, which I did. By the way, I think there is a letter in there, Judge, I recall a letter she wrote me refusing to allow me to come after him.

Q. When you went to see Vernon after Vice-Chan-

cellor Leaming gave you permission, did you ever see his mother?

A. She was generally there.

Q. Ever have any communication with her?

A. No, except to speak to her and ask her how she was, and she used to snap me off, and I asked about Vernon and he was always all right, and that is all I could get out of her.

Q. Couldn't get into any conversation with her?

A. No, indeed.

Q. That letter you refer to——

A. I think there is a letter in there, I recall very clearly one Friday——

Mr. Backes: One minute, let us see what the letter is.

Mr. Wescott: Maybe you can find it better by stepping down here.

The Witness: "April 19/23. Collingswood, N. J. 741 Park Ave. To Mr. R. F. Willis, Pennsgrove, N. J. Rob: The court order reads every other Friday afternoon or Saturday morning. If you failed to come Friday 13 or 14th, 1923, then your next visit to get Vernon is Friday or Sat. 27th or 28th, 1923. Respectfully, Your wife."

(Said letter marked Exhibit P6.)

The Witness: "Monday, Nov. 19/23 (4 P. M.) Mr. Willis: The last check you sent to me after you kept me waiting three weeks paid me up untill the (12th) twelth of November, 1923. Today the 19th of November, 1923, my allowance is due for one week. That I believe was the court orders that I should be paid every week. Will you kindly see

that I get it at once as I pay my room rent by the week and it is neccesary that I should have it. You hurt your little son Vernon very much when he spoke to you and raised his hat on Saturday at the ferries and you turned your head. Dear little fellow I don't know how you can be so cruel to your flesh and blood and yet you tell the courts you love him. I am sending a copy of this letter to my attorney. So when you speak of this letter, please bring it and read it, then the courts will know I haven't balled you out in it as you said I always do when I write about my allowance. Trusting it will not inconvenience you any to send my allowance at once, Hastely, Your Wife Blanche. P. S. I believe you have a nightie of Vernon's at your home and as you do not come for Vernon any more will it be any trouble to send it to me. B"

(Said letter marked Exhibit P7.)

Q. One of those letters referred to the Court's order when you should see this son of yours, will you explain what the trouble was?

A. The court orders read every other Friday and Saturday, and on this occasion I was suffering from a cold, a severe cold on this particular Friday when I was due to get the boy and it was storming besides, and I couldn't go up, and I immediately wrote her on Monday and asked if she would let me have him the next Friday and that was the letter.

Q. That was her answer?

A. Yes, sir.

Q. She refused to do it?

A. Yes, sir.

Q. Then in the other letter she speaks of your having hurt your son Vernon very much?

A. Yes, I recall that incident very clearly. It stunned me when I got that letter.

Q. Will you explain to the Vice-Chancellor that circumstance?

A. On that Saturday—my oldest boy was captain of his football team down at the high school and he had gotten his knee entirely wrenched out of the socket and I was taking him up to the hospital to see a specialist in Philadelphia, and as I recall it was about 1 o'clock Saturday afternoon, and I drove on the ferryboat——

Q. You were in an automobile?

A. Yes. I drove on the left side of the boat, the ladies' side and I was the front car, and I looked to my left and I saw Mrs. Willis sitting down within eight feet of me, and as I looked at her she turned her head, and I looked around and I couldn't see the little boy at all, he wasn't with her, and I saw she didn't want to notice me and I didn't bother her any more, and I spoke to the boy about mother sitting there, he always called her mother, and we talked about the bridge, and so on, as we drove across, or the proposed bridge, and when we got off the boat, of course, we went off with the cars and at the same time the people went off, and we were over on the last slip to the left of the Philadelphia side and the people went out and passed in front of us, and I noticed her ahead and she had Vernon by the hand, on her left hand, and I had to hesitate to let them pass across in front, and I saw the little boy kind of look back and smile, and I smiled at him, and she pulled him ahead so he couldn't see, and he pushed his head around to see me and she snatched him back and she was very deliberate in her efforts to stop him from seeing me.

Q. Your boy saw it?

A. Yes.

Q. That is the incident she alludes to in this letter?

A. Yes, sir.

Q. I show you some photographs and ask you to state whose pictures they are?

A. My first two boys.

Q. Do you know when they were taken?

A. This picture here was taken, the first one here was taken not long after their mother died.

Q. And the second one?

A. These were taken about two years or two and a half years afterward.

Mr. Backes: May I ask the object of introducing those?

Mr. Wescott: The object is this, it is to verify Mr. Willis' statement that this Mrs. Willis was cruel to these children.

Mr. Backes: Now——

Mr. Wescott: Wait a minute. Photographs don't lie as a rule. These are pictures taken of the children; the first two pictures are happy faces, and the other two pictures are contorted faces, showing pain and distress.

The Court: Let them be introduced.

Mr. Backes: Does your Honor let them in?

The Court: Yes. There should be, if you insist upon it, some evidence that they accurately represent the children as they appeared at the time

they were taken. Unless there is some question about that being the case they may be admitted.

Mr. Wescott: I want to be perfectly fair about it.

Mr. Backes: Go right on, Judge, I will let you know.

Q. I want you to select from the various letters that you wrote your wife those in which you request her to return or have an interview, or that bear upon the subject of reconciliation. I want to offer them in evidence.

A. I had better get them in the order they came, hadn't I?

Q. Yes.

A. They seem to have gotten mixed up. I did have them in order.

Mr. Backes: No question about the pictures. These are not the originals, are they?

The Witness: Yes, sir.

Mr. Backes: Isn't that a copy you had made?

The Witness: No, sir, the original photographs.

Mr. Backes: Where did you get it?

The Witness: We had it at home ever since it was taken.

Mr. Backes: And this was taken on a postal card?

The Witness: Yes, sir.

Mr. Backes: And that was taken——

The Witness: Taken in Philadelphia.

Q. Do they accurately represent the faces and condition of the children at the time they were taken?
A. Yes, sir.
Q. Were the children at the time those pictures were taken, taught by anyone or did anyone suggest to them the expression of face they should assume?
A. No, their stepmother had the pictures taken.
Q. She had the pictures taken?
A. Yes, she had the pictures taken.
Q. Where were those pictures kept after they were taken?
A. In the house. One we had in a frame and the other was kept by the boys themselves, sticking in the corner of their mirror.
Q. How did you get the pictures?
A. They have been in the house ever since.

Mr. Backes: In reference to what dates do these pictures speak of, how long after your marriage to your present wife?

The Witness: I am not sure of the time, a matter of two years.

Mr. Backes: And these are taken when?

The Witness: Those before we were married.

Mr. Backes: How long?

The Witness: I suppose three or four months.

The Court: Can't you tell how long after your marriage the others were taken?

The Witness: Two years. I think in the summer of 1912, possibly 1913, I am not sure, your Honor. I know they were taken at Wildwood, N. J.

The Court: If you introduce any evidence touching them they may not be received in evidence, but they can be marked as identified at this time.

(Photographs marked Exhibits P8 & P9 for identification.)

Q. Mr. Willis, will you proceed to select those letters?

A. Shall I read them all in the order they came?

Q. Only read those where you are making an effort to have your wife come back.

A. "Pennsgrove, N. J. Jan. 6th, 1922."

The Court: January when?

The Witness: January 6, 1922.

The Court: Are you reading from a copy?

The Witness: This is a carbon copy of the letter.

Mr. Backes: When you are called upon to read a letter I will produce the original letter. You may use the copy.

The Witness: "Inclosed please find my check for

$75 to apply on your payments; having misplaced my records of payments would you be kind enough to advise me what date this check pays you up to, I can go back and check up my checks on this but have no doubt that you keep a ready record of these payments and can easily give me the above data. I am glad you have located yourself nearer me as the boy is getting older now and I should like to come up and see him occasionally, I could not well do this while you were keeping him out at Doylestown but now that you are near it will be easy for me to run out there when I have to go to the city on business; you know the law gives me a right to see him when I choose. Please write me as to how you feel about my coming up to see him and where I shall find you; I shall probably have more time to visit him in the near future than I have in the past few years, the Dr. has advised me to quit work for six months or more or he says I may have to quit altogether soon, my general health is badly broken down and I am hardly able at time to attend to any duties; this also means that my income is considerably impaired not being able to attend to business and besides this business in this town is very very dead so do not be at all surprised if I am compelled to ask that you take less alimony money per week before long. Should be glad to hear from you by early mail. Very resp. R. F. Willis."

Q. How did you address her?

A. "Mrs. Blanche Willis, Collingswood, N. J. Dear Blanche."

Q. As time went on under these conditions whether it was your fault or your wife's fault, what effect did it have on your health or ability to attend to business?

A. My health was entirely shot to pieces. I went from one doctor to another and finally I was directed to a nerve specialist, Dr. Ludlam, and I went out there and he kept me there for three days, had me come out three days in succession, and I stayed in Philadelphia over night, and he didn't say anything to me about my condition until the third day, and on the third morning after he examined me he looked at me and said, "How soon can you go to New Mexico or Arizona?" and I said, "I can't go," and he said, "You have got to go somewhere pretty quick," he said, "What about the Adirondack Mountains," and I said I might be able to go there, and he said, "Just as quick as you can, don't waste any time."

Q. When was this?

A. The spring of 1922, I think.

Q. Did you go?

A. The spring of 1921 I went as soon as I could get my affairs in order.

Q. How long did you stay in the Adirondacks?

A. I was there from the latter part of May until the first of October.

Q. Did you find your health improved very much?

A. Yes, very slowly and gradually. My blood pressure was down to 118, pulse to 48, and weight was 136¼ to be exact.

Q. Was that due to the mental condition you were in growing out of this domestic trouble?

A. Yes. My weight hadn't been under 150 for years, and I was slipping, slipping, slipping, couldn't sleep, and if I got to sleep I would wake up with a start as though somebody had stuck a needle in me every time the telephone bell would ring.

Q. Every time what?

A. A bell would ring or somebody blowed a horn,

or somebody honking a horn, I would feel as though somebody stuck half a dozen needles in me, it would go right through me like that.

Q. Have you ever had such experiences before?

A. No, it was all new to me.

Q. Go on with these letters, please.

A. "January 31st, 1922. Mrs. Blanche Willis, Collingswood, N. J. Dear Madam: I wrote you on January 6th asking just how far the check I was inclosing you paid you up to; I also asked you consurning other matters that merited an answer but as yet I have had no reply. I was in Camden some days ago and called Mrs. Eynon and had a little talk with her, she confirmed a report that I had already recd. from a friend that you had moved to 741 Park Ave. Collingswood; yesterday when I was in Camden I called Mrs. Capewell and had a talk with her, she said you were unable to come to the phone, I could not understand clearly just what she did say because I am getting quite deaf and have considerable trouble hearing on the phone. I wanted to know from you if I should send your mail to Lees Ave. or to Park Ave. but not being able to get in touch with you except through a third party I am sending this to the last address you gave me viz. 225 Lees Ave. I asked you consurning the boy and stated that I wanted to come and see him; to this I have had no reply, I must insist that you at least answer me stating your wishes in this matter, I do not wish to annoy you but you should know I have a right to see the boy and in fact have a right to have him in my possession and under my management a part of the time & I should like to have you write me how you feel in this matter. I am inclosing a check to apply towards your payments, I think this pays you a little ahead; I

have been pretty hard up for money recently and I see visions of being much harder put, business has gone down to nothing here, we lost a lot of money last year and I am afraid we will loose a lot more this year, so do not be surprised if I am forced to ask you to accept less allowance. A friend also reports to me that you are understood to be a widow, that I have been dead about five (5) years; have you been circulating this report? You are not a widow nor can you be unless you get a divorce from me and I think I can keep you from this if I am not misinformed. I should like to have you write me at once consurning the boy, I learn you are sending him to school and if you will not allow me to see him at the house I shall go to the school and meet him. Shall expect your reply by early mail.

Very resp. yours,
R. F. Willis."

Q. Did you get any response to that letter?

A. No, sir.

Q. Was it after writing to her about the boy you had to apply to the Court to get permission to see him?

A. Yes, sir.

(Said letter marked Exhibit P11.)

Mr. Backes: What letter do you want now?

The Witness: March 8, 1922.

The Court: What year?

The Witness: 1922. "Penns Grove, N. J. March 8th. I am inclosing my check 1036"——

Q. How is it addressed?

A. "Dear Blanche: I am inclosing my check 1036 for $75.00 which according to your figures pays you up to March 13th. although I think you are one week in error, however I will check up my figures as probably you are right. I am sorry to note the tone in your letter still displays the fact that you still have it in for me and would put me in jail if you could; I am very sorry for this as I had hoped some day that you might forget your anger at me and feel that you would like to come back and live with me as a good wife should do; you and I are both getting too old to want to be fighting, I am getting very tired and worn out with the worry of it all and I wish you would consider coming back to live with me; from what I learned from Mrs. Capewell you have been sick, what has been the matter? Please write me Blanche, I would be glad to hear from you. Very resp. yours, Rob. P. S. Shall I send your mail to 225 Lees Ave. or 741 Park Ave. I sent you a check yesterday to 741 Park Ave."

Mr. Backes: Which one now?

The Witness: March 22, 1922. "Penns Grove, N. J. March 22nd, 1922. Dear Blanche: Inclosed please find check 1045 of 3/20th. for $25. which I hope reaches you O. K. Blanche you recall my writing you some time in Jan. about giving up business here and taking a much needed (in fact it has now become quite compulsory) rest; I have two purchasers for my share of the business here and I have about decided to sell, I must however ask you if you will carry out your part of making the deed for this store property to the new owner? in other

words will you sign the deed? I would like to have you answer me this by early mail as I am to give purchaser an answer very soon now. I had thought that possibly your reason for not answering my letter of 8th inst. where I asked you if you would consider coming back to me and live with me as a good wife should, was because you would have to live in Penns Grove where you probably would not have as many friends as you have elsewhere; please answer me this, would you consider coming back to me if I should take up my residence elsewhere? I should like to go out west, it is healthier there, I have some relatives in Missouri as you know who are anxious for me to come out there; I would like to go there or to Kansas or California whichever you and I could agree on. Please answer me about the Deed Blanche, also about the other more important matter. Should be glad to hear from you by early mail, as ever, Yours sincerely, Rob."

(Said letter marked Exhibit P13.)

Q. Did you get any answer to that?
A. No, sir.

The Witness: March 15, 1922.

Mr. Backes: I haven't any.

The Witness: I have a carbon copy. This is a carbon copy with check attached. "March 15, 1922. Dear Blanche: Inclosed you will find my check 1044 dated 3/13 which remittance covers your allowance for this week acording to your figures. Why do you not answer my letters consurning Vernon, don't you stop to think that he is just as much mine as yours and you should be glad to have me ask about

him and also I think should be glad to have me see him even if you will not allow me to see nor talk to you; please write me about him; I had thought of trying to see him even if I could not have your permission but I would much rather have you consent to it. Have you given the matter any serious thought that I spoke of in my last letter? Please write me Blanche. Very sincerely, Rob." No answer to that.

(Said letter marked Exhibit P14.)

The Witness: "March 29, 1922. Pennsgrove, N. J. Dear Blanche: Inclosed you will find check 1050 of 27th inst. for $25. trust you will find same O. K. Blanche why do you not answer my letters? particularly about Vernon, I want to see that boy and I want to have him a part of the time now that he is getting big enough to need the paternal companionship that I only can supply, you should know that when boys reach the age of Vernon they need the companionship and associations of a Father and that a Father ONLY can supply, while they are little it does not make much difference but he is getting to be a BOY now, he is not a baby any longer and I feel that he should be with me quite a part of the time. Wish you could see Bobbie and Marion what wonderful fellows I am bringing them up to be, you would be proud of them, they are both handsome fellows and never cause me a moments anxiety or trouble. Marion still has a lot of the nose trouble which I think the western air will dissipate if I get away out there. Blanche please don't spoil Vernon we will all be sorry later on in life if you do, I heard indirectly that he was quite a little spoiled and humored, this came in a

round about way from one of your neighbors but I hope it is not true. Please write me if you will let him come down here for a few days or occasionally on little visits, he will have a good time visiting Marion and Bob and I will of course take the best of care of him; Blanche, you must answer me in this and please consider seriously the other matter (of coming back to me) and let me have your answer to that soon. With best regards, and love to Vernon, As ever, Yours, Rob."

The Court: What is that date?

The Witness: March 29, 1922. There is a postscript to that.

The Court: What date did you make your visit in Collingswood where you said you went to see her to seek a reconciliation and she flew into a passion and you came away?

The Witness: It was in November or December, 1921.

The Court: That was before any of these letters?

The Witness: Yes.

The Court: November or December, 1921?

The Witness: Yes. I am not absolutely clear about the time, but it was about that time, your Honor.

Q. And now the postscript to that letter.
A. "Blanche, are you using the Angelus Piano

Player that you took away from my house when you moved away? If you are not would you please let me have it, Bobbie is developing some of his dear Mothers wonderful musical talent and I think the Player will help him to develop this gift; please let me have it if you are not in immediate need of it."

Q. Any answer to that?

A. No.

(Said letter marked Exhibit P15.)

The Court: It wasn't answered at all?

The Witness: No, sir. "April 20, 1922. Pennsgrove, N. J. Dear Blanche: Inclosed you will find my check 1057 for $25. you probably received my last weeks check a little late, this was due to my being up in Pennsylvania to a sanitarium undergoing a physical examination to determine just what condition I am in and my Dr. has ordered that I absolutely quit all work of any kind whatever for a long while. This prompts me to again ask you what you have decided about letting Vernon come down here with me for a part of the time, I need not repeat that I have a right to him a part of the time and I propose (since you have shown your determination to be as mean to me as you ever were) to exert my rights in this matter; I guess I have let you think you can continue, but you know even a worm will turn and unless I hear favorably from you in this matter I shall have my Lawyer proceed through the courts to give me possession of Vernon for half of the time which I am entitled to; I have an excelent house-keeper and he would be in excelent hands here so I think I shall go ahead in this matter unless I hear from you or your attorney very quickly. I was very much surprised at receiving a letter from your

lawyer some days ago, and particularly so in his guggestions that you would be willing for me to see Vernon while in charge of a nurse, when I see him Blanche he will be in charge of me and not a nurse, he is my son and there is no one who has a right to say who shall have charge of him while he is with me as I am a perfectly responsible and highly respected citizen in this and every other community that I have ever been in and I am just a little surprised at your attorney who is a learned lawyer saying I could see Vernon while in charge of a nurse; my attorney informs me that I do not have to submit to him being in charge of anyone while he is with me, that I have a full right to him for quite a part of the time. I shall expect a reply from you by early mail looking towards my having custody of Vernon a part of the time and in a peaceable manner with you; I am not going to have any more "wars" with you but this one thing of having Vernon a part of the time is the one thing that I am going to have. I will not say more about your coming back to me as a good wife should as your lawyer says you absolutely refuse to do this; however I hope you may reconsider this some day. Very resp. yours, Rob."

Q. Any answer to that?

A. No, sir.

(Said letter marked Exhibit P16.)

Q. The next is what date?

A. "May 14, 1922. Penns Grove, N. J. Dear Blanche: I am inclosing a little note to Vernon, I wish you would read it to him if he does not read well, it is just as well for him to get acquainted with the fact that he is now old enough to make visits and spend some time with me which I am going to

insist that he do; your own lawyer has no doubt told you that I have a perfect right as well as a legal right to have him under my guidance and disciplin a part of his time and I wish to exercise that privilege. I do not wish to be arbitrary in this matter Blanche but you know you are unfair when you both refuse to come back and live with me as a good wife should and also refuse to or are unwilling for me to see or have my boy. Why are you so dead opposed to my seeing Vernon? are you willing to meet me and talk it over or meet Mr. Leap my atty. and talk it over with him if you will not see me? I want to be just as peaceable with you as I possibly can and I should like to adjust this matter peaceably and out of court if possible; phone Mr. Leap Monday Blanche and tell him your wishes in this matter. With best personal regards, and love to Vernon. As ever, Yours, Rob."

(Said letter marked Exhibit P17.)

The Witness: "May 14, 1922. My dear little Boy Vernon: I will write you a letter this morning as I have several things I wish to say to you; first; I am very anxious to see you, and I want you to come down here and spend some time with me and Marion & Bob your brothers, they are fine big boys and you will have a most wonderful time with them; Bob has a boat and goes rowing out on the river and you could have a fine time boating and fishing with him this spring and summer, he and Marion catch a lot of fish and crabs in the summer and go swimming in the river too, won't that be a lot of fun for you. Uncle Ralph next door has three boys too and you could have a lot of fun playing with them, Donnie is just about your age and is a very fine little fellow and you could have a lot of fun playing with

him. I hear you are going to school in fact I think I saw you the other day at school, I happened to be passing through Collingswood and saw you. If you have learned to write yet I wish you would write me a little letter. Be a good boy and try to grow up strong, With love from your, Dad."

Q. Did you get any answer to that?

A. No, sir.

(Said letter marked Exhibit P18.)

The Witness: "May 30th, 1922. Penns Grove N. J. Mrs. Blanche Willis, Collingswood, N. J. Dear Blanche: You will find inclosed herewith my check 1082 paying you in full to 5th June. Should you have any matters which you wish to address me regarding you will please address same Care Mr. S. Rusling Leap at his office 506 Market St., Camden, N. J. after today and until further notice my address will be in his care as I will not be here. Should you have occasion to change your address please notify Mr. Leap at once as your checks will probably be mailed hereafter from his office. Give my love to the boy and say to him that I am arranging to have him with me soon now. As ever, Very truly yours, Rob."

(Said letter marked Exhibit P19.)

The Witness: Here is the letter I received from Mrs. Willis under date of July 19, 1922.

Mr. Wescott: That is one you omitted?

The Witness: One that is in here; I assumed they were in order.

The Court: Is that a letter from Mrs. Willis?

The Witness: Yes, sir. Do you want that letter, Judge?

Mr. Wescott: Yes, the whole business.

The Witness: "741 Park Ave. Mr. Robinson F. Willis, Pennsgrove, N. J."

The Court: Any date?

The Witness: July 19, 1922. "Mr. Willis. I am enclosing in this letter check 1097 date 7/10/22 which I received today in the same mail with the one mailed at Camden, N. J. I received last weeks check marked or rather dated 7/10/22 on Wednesday July 12/22. My check for this week came this A. M. in same mail as this check did, 7/17/22 is the check due me and I rec. it today. Thinking you did not know of your mistake and presuming the right one came from your attorney I am returning the one I am not entitled to. Respectfully, Your wife."

Mr. Backes: She returned you a check you overpaid?

The Witness: Yes, I paid in duplicate.

(Said letter marked Exhibit P20.)

The Witness: The next letter is October 3, 1922. Penns Grove, N. J. Dear Blanche: Just a note to say I shall be out to see Vernon just as soon as I can get some matters straightened out at home here, I have just arrived from the woods where I have lived in a camp all summer and feel somewhat im-

proved, as to how permanent my improvement realy is I cannot say. If the Dr. or specialist who ordered me away does not send me away again I shall be to see Vernon each Saturday and Sunday for the next two months also on one afternoon during the week after which time I trust that an amicable arrangement can be made for me to have him with me a part of the year. If you should not be living at your recent Collingswood address would you be kind enough to advise me just where Vernon may be found, I also might say in view of your many changes in address that should you again change your place of abode that you do not remove any further from Penns Grove than you are now living as it will be quite a hardship to me now in traveling so far to see Vernon and should you move further away it would be physically impossible for me to make three visits to him per week, you would oblige me very much if you moved nearer Penns Grove if you should again make a change in abode. Trusting that you will give Vernon my love and that you will tell him of my proposed visits, I remain, Very truly yours, Bob."

(Said letter marked Exhibit P21.)

Q. During all this period of time down to the present, have you had a well furnished, well equipped home in which you have lived?

A. I have.

Q. The same one you lived in when you were first married?

A. Yes, I built it in 1908, the fall and winter of 1909-10.

The Witness: October 11, 1922, just a little letter I wrote to the boy. "My dear Vernon, Just a

note to say I will not be able to get up to see you this week until Saturday afternoon, Uncle Ben is away and Mr. Williams is at home because of the death of his Father neither will return until Friday late hence I cannot get away. I will be there to see you on Saturday as soon as I get lunch and we can have a nice time together like we did Sunday; did you tell Mother of the good times we had Sunday together? Be a good boy and keep out of doors as much as possible as fresh air and sunshine will make you strong and will keep you well if you don't get feet wet. If there is a foot ball game Saturday afternoon maybe we can go, then Sunday let's go for a ride in the car like we did last Sunday, ask Mother if she will go riding with us some day. Couldn't you write me a letter some day Vernon? I should be glad to hear from you. Love from Dad."

(Said letter marked Exhibit P22.)

Q. Any answer to that?
A. No, sir.

Mr. Backes: That was a letter written to the boy, wasn't it?

The Witness: Yes. "October 25th, 1922. My dear Vernon:— I recd. your very nice letter and was glad to hear from you; sorry you were not home Sunday as I had both Marion and Bob with me and I wanted you to meet them and go out for a ride with us, we had a very nice ride, we went over in Phila. to see your Aunt Florrie and Uncle All, and your cousins Alan and Thelma, they are very nice and if you do not know them I was to take you over to see them some day. I am coming to see you this Thursday afternoon if I can get

out there in time, I have to go to the Drs. office at one o'clock in Phila. and if he does not keep me too long I will run out to see you before I go home. Must stop now as it is dinner time, Love from, Dad."

(Said letter marked Exhibit P23.)

Q. Did you get any answer to that?
A. Not that I have any record of.

The Witness: "10/25/22. Penns Grove, N. J. Dear Blanche:— Inclosed please find my check 1137, also a note to Vernon which I trust you will read to him. I regret that you saw fit to take him away from Collingswood on Sunday last as you knew that I had made it a point to visit him on Sundays. I had Marion and Bob with me and it was my purpose to have them together for the afternoon thus allowing them to become acquainted. I have avoided visiting Vernon on Saturdays since you through your attorney Mr. Backes objected so strenuously to my visiting him on both Saturday and Sunday, and had intended visiting him on Sundays and such other days during the week that it would be possible for me to get away, & not on Saturdays. I shall call to see him this Thursday afternoon 26th inst. after his school hour if possible and I shall call again to see him early Saturday afternoon (about 1 P. M.) as it will not be possible for me to see him this Sunday; in the guture I shall advise you as far in advance as possible when I shall call to see him. When it is not possible for me to see him on Saturdays I wish you would permit me to have a part of Sunday with him & vice versa. I shall not insist on seeing him on both these days if you have any serious objections to my doing so as I wish to continue in harmony with your wishes. I will ad-

vise you each week as early as possible which day it will be possible for me to visit Vernon & should you make previous arrangements to be away on either of these days I wish you would be kind enough to advise me in advance so that our plans will not conflict. Very resp. yours, R. F. Willis."

(Said letter marked Exhibit P24.)

The Witness: "10/31/22. Dear Blanche:—Inclosed you will find my check 1139 due this week. I will be to see Vernon on Wednesday afternoon after school for a little while also will see him again on Saturday right after noon and for the afternoon; I will not see him on Sunday 5th. I presume he told you of the good time we had together Saturday. Resp. yours."

Mr. Backes: That is signed "R. F. Willis."

The Witness: Yes.

Mr. Backes: You forgot the Bob that time.

(Said letter marked Exhibit P25.)

The Witness: "11/8/22. Dear Blanche:—Inclosed please find check 1141. I will be in Collingswood on Saturday afternoon of this week to see Vernon also on Thursday after school, trust it will suit your convenience to have me see him on these dates. Very resp. yours."

Mr. Backes: That is signed "R. F. Willis"?

The Witness: Yes.

(Said letter marked Exhibit P26.)

The Witness: "11/14/22. Penns Grove, N. J. Dear Blanche:— I inclose you check 1149 which I trust reaches you O. K. Regret to say I shall not be able to get to see Vernon until Sunday next 19th. I am called away on a business matter and shall not be able to get to Collingswood until Sunday morning, please have Vernon ready by ten thirty A. M. if possible as I wish to take him out for quite a nice trip in auto, we shall probably be out for the day returning at night fall. With my love to him, I am, Very resp. yours." How was that signed?

Mr. Backes: "R. F. Willis." Did you go that day?

The Witness: Yes, I have a note at 10:30 I 'phoned from a nearby drugstore and she said, "He isn't ready, he won't be ready for an hour or so, he hasn't had breakfast yet."

Mr. Backes: Isn't it a fact you didn't go there that day?

The Witness: I think not.

Mr. Backes: Did you go to the house?

The Witness: If I recall correctly, yes, sir.

Mr. Backes: There is a note endorsed on this original letter, "He did not come."

The Witness: That is possible, but I have a note that at 10:30 I 'phoned from a nearby drugstore and

she said, "He is not ready and won't be for an hour." I am quite sure I went.

(Said letter marked Exhibit P27.)

The Witness: "11/21/22. Penns Grove, N. J. Dear Blanche:— Inclosed you will please find my check 1151 for amount due. Very sorry I could not get to see Vernon Sunday, my car broke down Friday and I could not get it fixed up in time to drive up though I had thought I could; I shall be to see him this Thursday afternoon after school, also will plan to spend this Saturday afternoon with him 25th inst. Now that the time of visitation given me by Judge Leaming is drawing to a close I have wondered if you have given the matter of returning to me any further thought, Blanche, I find Vernon a very nice little boy but very much in need of Fatherly advise and supervision & if you will return to me as you should we could then work together in bringing up this little fellow and make a good man of him, this would also obviate any further court proceedings and the necessary expence say nothing of embarrasments involved. I trust you will think well over this matter Blanche, do not be hasty nor vindicative in your decision, we have both done wrong and I assure you I regret my part and am willing to be forgiven and to forgive you. Let me hear from you please. Very truly yours." I didn't sign the carbon copy at all.

Mr. Backes: You signed the original "Bob."

(Said letter marked Exhibit P28.)

Q. Did you get any response to that letter later?
A. No, sir, I am quite sure I did not.

The Witness: "12/12/22——

Mr. Backes: Have you a carbon copy of that letter?

The Witness: No, this is a pen copy. This letter was written from Atlantic City.

Mr. Backes: You had better read from the original. (To Mr. Wescott.) You will call for the production of this letter?

Mr. Wescott: Yes, sure.

The Witness: "12/12/22. Atlantic City. Dear Blanche:— Inclose you check 1164 due this week, also inclose check 1165 for $6.00 this is to pay your and Vernons transportation from Collingswood to Atlantic City should you come down as I am about to ask you to. I have been sick since Thanksgiving and Dr. sent me down here to stay a while and I would like you to let Vernon come down for Sat. & Sunday if you will, the check inclosed will pay his carfare and yours to bring him down, I will keep him here with me and return him safely to you on Sunday P. M. or Monday A. M. in time for school, I have not been able to get to see him & besides I presume I should now ask your permission being that the two months the court gave me has expired. If you do not come down Sat I wish you would write me if you are willing for me to continue my visits to Vernon until such a time as the Court gives me possession of him a part of the time. Write me here until Monday next when I shall go home. Love to Vernon. Resp. yours. R. F. Willis. P. S. I would like to have a talk with you, possibly we could come to some agreement about Vernon and

our future happiness also his that would obviate or prevent any further court proceedings & the necessary expense say nothing of embarrassments attendant thereto. Please let me hear from you about this, we need mention nothing of the past let that be a closed book we will talk of and plan only for the guture and what it has in store for us, it has nothing as we are going along now. If you come down Sat. morning phone me on your arrival at the station here & I will meet you where you designate. I will be at the Seaside. Resp. R. F. W."

(Said letter marked Exhibit P29.)

Q. Did you get an answer to that?

A. Yes, there was just this, your Honor. The check was sent back to me in a registered envelope with no comments or no letter in it.

Q. What check?

A. The $6.00 check was sent back by registered letter. That was sent back as you see it there.

Mr. Wescott: I offer that.

(Said letter marked Exhibit P30.)

The Witness: The next letter is December 21st, isn't it, Mr. Backes? Either the 21st or 22nd. It is blurred here on the carbon copy.

The Court: Which is that?

The Witness: Either the 21st or 22nd, 1922. My copy is slightly blurred.

Mr. Backes: See if that is the letter.

The Witness: Yes, sir. "December 21, 1922. Dear Vernon:— Have been wondering how you are since I saw you last; I have not forgotten the Pair of Roller Skates I told you you could have for Xmas. I will bring them up to you or will send them to you some day this week, probably Saturday. I hope that you are well and that you can come down to Penns Grove real soon, Bobbie is getting his electric train all fixed up under his Xmas tree and I hope you can come down to see it; ask your Mother to write to me if you can come down to see it; I will come for you if she will let you come down with me. Be a good boy and keep well, As ever, Dad."

(Said letter marked Exhibit P31.)

Q. Did you get any answer to that?
A. No, sir.

The Witness: "Jan. 3rd, 1923. My dear Vernon: — I was so sorry that you were not at home on Christmas Day as I wanted to see you; I had something for you, a nice pr. roller skates, you said this was what you wanted; Mr. Capewell said you had a pr. so I am writing to ask you what you would like to have in their stead. Please write me or have mother write me by return mail what you want me to bring you, also tell me if you will be home Sat. or Sunday afternoon and if Mother will be willing for me to come to see you and bring you what you want. I wrote Mother some time ago and asked her if she was willing for me to come and see you but she has declined so far to answer my letter at all; you write me Vernon if you want to see me and whether I can see you Saturday or Sunday and what time in the day. Wishing you a very Happy New Year, I am as ever, Yours, Dad. Dear Blanche:—"——

The Court: What?

The Witness: "Check 1184 is herewith inclosed."

Q. Did you get any answer to that?
A. No, sir.

(Said letter marked Exhibit P32.)

The Witness: "January 9th, 1923. Dear Blanche:— I inclose you herewith check 1187 for amount due you this week, also inclose a note to Vernon and shall be in Collingswood to see him on Sat. P. M. or Sunday about noon. I have just been wondering if you realized we were entering upon a new year and have thought possibly you might have turned over some new leaves and among these I hope you have turned over I trust there is one wherein you have resolved to be a little more agreeable towards me—a little less (seemingly) desirous to make this world as cold and miserable for me as possible; Blanche why can't we draw a curtain over the past, shut it out entirely or that part of it which has been so unkind to us both and begin anew; I am not urging you to come back to me though I still hold out this standing invitation, but I ask that we try to forget the ugly part of our past & let us agree together for the good of our boy Vernon, this boy craves the companionship of a Father, you have seen I know how delighted he has been to see me on my recent visits and I should like to visit him much more often but you are so cold and disdainful towards me as soon as I am in sight that you freeze me up and I cannot help but feel that I must get away as soon as possible; I feel that I must help bring Vernon up in the manner that he should be trained in and unless you will agree with me in

this then there is but one alternative and that is I shall have to apply to the Vice Chancelor whom I am quite sure will grant my request; don't be arbitrary in this Blanche, you will be sorry if you are. Marion is to be operated on for nose trouble Sat. or early next week, if I am not taken up entirely with this I will be out to see Vernon, Very truly yours, Bob."

Q. Any answer to that?
A. No, sir.

The Court: We are now up into the period since the divorce was pending. The divorce suit was pending during the time that some of these latter letters were written, that is, the present divorce suit.

Mr. Backes: I think not.

The Court: No, it was filed in 1924. I am wrong about that. It is now 1 o'clock. How soon can you come back? Will half an hour be enough?

Mr. Wescott: I guess you had better give us three-quarters.

The Court: Come back at quarter of two then.

(Said letter dated Jan. 9, 1923, marked Exhibit P33.)

(At this point a recess was taken until 1:45 P. M.)

Trial of the cause resumed at 1:45 P. M., pursuant to adjournment.

Robinson Willis, resumed.

By Mr. Wescott:

Q. Will you kindly read the next letter.

A. "January 11, 1923." This is a letter to the boy. "My dear Vernon:— I was sorry not to have been able to get up to see you on Sunday but the weather was so bad that I was afraid to try to travel that far; I intended getting to Collingswood to see you yesterday but had to take Marion to the Doctors and to the hospital and did not get through in time to get to Collingswood before dark. I shall try to see you on either Saturday or Sunday of this week if you will be at home; I have ordered a wagon for you with rubber tires, it is coming from the factory so will not reach you for a little time yet; sorry I could not see you Christmas how long were you away? I was there Christmas day and Mr. Capewell said you were to be away for over the Xmas holidays, he did not know just when you were coming back. Will see you either Saturday afternoon or Sunday about noon. How is Mother, I heard she was sick. Be a good boy, Hastily, Dad."

(Said letter marked Exhibit P34.)

The Witness: "Jan. 19th, 1923. Penns Grove, N. J. I inclose check 1193 for amt. due this week, please pardon delay, I have been so very busy that have overlooked this. I shall endeavor to see Vernon at your home Sunday about 1 P. M. if this is

agreeable to you, if it is not would you kindly phone me at my expense at my home Sunday morning. Very resp. yours,"

(Said letter marked Exhibit P35.)

Mr. Backes: What date is this?

The Witness: January 19, 1923.

Q. Any answer to that?
A. No, sir.

Mr. Backes: I don't find that letter.

Q. You mailed the letter?
A. Yes, the check is attached to it.

Mr. Backes: January 19, 1923?

The Witness: Yes, sir.

Mr. Backes: Were you accustomed to writing that kind of a letter on that kind paper? Is that the letter?

The Witness: I think that is a carbon copy of it, yes, sir. "January 24, 1923. Penns Grove, N. J. Dear Blanche:— Inclosed please find check 1201 dated 1/22/23. for ammt. due you this week. I shall be in Collingswood Sunday 28th. to see Vernon if same is agreeable to you, if it is not would you kindly drop me a postal to that effect. Trusting you are both well, Very resp. yours."

Mr. Backes: January 13th is that?

The Witness: January 24th.

Mr. Backes: Is that it?

The Witness: Yes, sir.

(Said letter marked Exhibit P36.)

The Witness: January 19th I have a letter copy I wrote to Mr. Newton Browning of Philadelphia who is Mrs. Willis' brother.

Mr. Backes: We are only seeking letters that passed between husband and wife as I understand it.

The Court: That will not be evidence unless it can be shown she has received it.

Q. Do you know whether your wife ever received that letter?

A. This letter was written to Mr. Browning in Philadelphia, Mrs. Willis' brother, it was about Mrs. Willis, asking his assistance.

Q. Is that one of the relatives you appealed to to help you with your wife?

A. Yes, sir.

Q. And is that the letter you wrote him?

A. One of the letters, yes, sir.

Mr. Backes: I don't think that is competent, at any rate.

The Court: It isn't competent unless it reached Mrs. Willis.

Mr. Wescott: It is purporting to show he wrote to her brother about their domestic difficulties.

The Witness: Yes, sir.

The Court: But he can't make evidence in his own behalf in that way.

Mr. Wescott: That is true. Lay that aside then.

The Witness: Letter January 30, 1923. "Dear Vernon: I could not get to Collingswood Sunday morning as I expected, I have quite a severe cold and you know how it was raining and snowing. I will try to get up to see you some day the latter part of this week if I can possibly do so, am not feeling at all well, cold not much better. Be good boy and I will see you soon as I can, As ever, Dad."

(Said letter marked Exhibit P37.)

Q. Any response from that?
A. No.

The Witness: "Feb. 20, 1923. My dear Vernon: Sorry I could not get up to see you in the last week but have been so busy that I could not get away a minute, we have had a lot of employes sick and I have been compelled to stay here. How have you been wish you would write to me and let me know how you are; there seems to be no use to write your Mother asking her to let me know how you are, I have written her time and time again asking her to write to me how you are and she refuses to answer hence I guess you will have to write me. I will be up to see you just as soon as I can get away from here, if I do not come up this week some afternoon I will try to get up Sunday; the last two Sundays have been so stormy and disagreeable or cold that I could not come and this last Sunday a very in-

timate friend was buried and I was Paul-bearer so was kept home until too late to get up there before dark. Be a good boy, write to me, I shall expect a letter from you this week. As ever yours, Dad."

(Said letter marked Exhibit P38.)

Q. Any response to that?
A. No, sir.

The Witness: "3/13/1923. Penns Grove, N. J. Dear Blanche: Just a note inclosing check 1221 for amt. due this week. I shall stop for Vernon this Friday afternoon shortly after he is out of school, I trust you will have such clothing packed as you think he will need until I shall return him on Sunday night. I know this does not meet with your approval but the time has come I am glad to say when you cannot have your own way about everything, I am really glad now that you forced me to take you into court in this matter as it is proven now beyond a doubt that I am right and that you are in the wrong otherwise the Vice-Chancellor would not have granted me my request in its entirety which he did. If you do not have a grip for his clothing and will advise me I shall gladly furnish one. Very resp. yours."

(Said letter marked Exhibit P39.)

Q. Any answer to that?
A. No, sir.

The Witness: "3/29/23. Dear Vernon: Just a note to say I shall be up for you on Friday afternoon about four o'clock possibly may be a little later than that but will be there sure unless I phone

you to the contrary. Hope weather will be good for this week end, Donnie & Warren have both been in and asked Mrs. Gates if you were coming down this week, she told them yes. Am expecting Uncle Al and Aunt Florrie & possibly Cousin Alan & Thelma down for this Sunday so you will have a chance to get acquainted with them, they are awfully nice people and Aunt Florrie wants to see you very much. Bob & Marion are busy now Marion working at store most of the time and Bob is building another Radio for a customer. See you Friday afternoon, Hastily, Dad."

(Said letter marked Exhibit P40.)

The Court: What date is that?

The Witness: 3-29-23.

Q. Any answer to that?
A. No, sir.

Mr. Backes: That is a copy you have?

The Witness: Yes, sir, a carbon copy.

Mr. Backes: I don't seem to have the original, Judge.

The Witness: "Dec. 22nd, 1923. My dear Vernon: Just a little note to wish you a very Merry Xmas and a Happy New Year; I sent you today a very nice Socker Ball, which you can have a lot of fun with. Let me hear from you some day. Very sincerely yours, Dad."

(Said letter marked Exhibit P41.)

Q. Did you get any answer to that?
A. No, sir.
Q. Did you send the ball?
A. Yes.

The Witness: "February 29th, 1924. Mrs. Blanche Willis, Collingswood, N. J. Dear Blanche: Just a note to advise you that I shall resume my visits to see Vernon and to have him with me & I trust that I shall have your real cooperation in his management; he is older now than when he was last here with me and probably quite a little more manageable as he was then quite incorrigible. Have you given my proposition of returning to me any further thought Blanche? I have refrained from addressing you in this matter for some time giving you ample opportunity to think well over it hoping that you might relent and be willing to forgive and be forgiven and return to me; you know you are my lawful wedded wife and as such should return to me when there is no real reason for you not doing so. Blanche I want you to think seriously over this, my two dear boys Bob & Marion are nearly grown up's now and will probably go away to Prep. school this fall, this will leave me entirely alone & I urge you to think this matter over seriously and resolve that you will come back to me; I urge you as well as earnestly request you to come back to me, we can forget and forgive if we try at least the Bible Teaches us so, and this makes it your christian duty to do your part, and be assured that I am willing and anxious to do mine. Lay aside your grievances—be they real or imaginary and let's start anew. If Sunday 9th March is a nice day I shall call for Vernon at about 10.30 and will have him with me for the remainder of the day. With kindest per-

sonal regards, I am Yours as ever, Bob. P. S. My check 1387 for $50 is inclosed herewith."

(Said letter marked Exhibit P42.)

Q. Did you get any answer to that?
A. No.

The Witness: "March 25th, 1924. Penns Grove, N. J. Dear Blanche:— Intended writing you sooner but have been feeling pretty miserable and under Drs. care for nearly a week now. I had hoped to come up for Vernon last Sat. but Saturday morning I had a bad attack of heart weakness I nearly fell over at my desk everything went spinning around and I could hardly get my breath for several minutes; Drs. say it is nervousness affecting my heart & etc. Monday (yesterday) I went up in Pennsylvania to see a specialist and be examined and he pronounced my trouble as weak heart due to overwork or too much worry & insists that I must cut out whatever it is, at least until my heart action is much better; I did not tell him what was worrying me Blanche but of course you know. What have you decided to do about coming back to me Blanche? If you would just stop being so severe & relentless towards me I am sure I would be much better, why won't you forgive and forget & come back to me & let us start all over again; we can live together in peace and harmony again as we used to I am sure & we would both be much happier and cease to be the targets of criticising friends & neighbors to say nothing of the numerous acquaintances in general; it surely must place you in even a worse position than me Blanche; If I had done any terrible wrong towards or to you to cause you to treat me as you are it would be different but you know I always

treated you right and I will be just as good to you as it is possible for a man to be if you will come back and live with me as a kind and loving wife again; think well over this Blanche and write me your decision in the matter, please do. I found Vernon a very much better boy than when I last had him down here & he and I had a very nice afternoon together; Blanche I should like to have the opportunity of teaching that Boy how to be a good man and a real one. Let me hear from you please. Love to Vernon & tell him I am mailing him the lacers for his Socker Ball, As ever, Rob. P. S. My check 1400 for $25. herewith enclosed."

(Said letter marked Exhibit P43.)

Q. Did you get any answer to that?
A. No, sir.

The Witness: "4/3/24." Mr. Backes, this is not a carbon copy. Have you the original, please?

Mr. Backes: What month?

The Witness: April 4, 1924. This is a letter I wrote on the stationery of a hotel in Atlantic City when I was down there.

Mr. Backes: 4/3/24?

The Witness: Yes, sir.

Mr. Backes: Written in long hand?

The Witness: Yes, sir. "Dear Blanche:— I have just learned of your recent visit to Mr. Janvier at Wilmington and am informed that you told him among other things that I am not supporting you.

Blanche why did you go to him a personal friend of mine in the first place and more particularly why did you grossly misrepresent such a matter as he knows how well I am supporting you and how little return or thanks you give me for it; it is no wonder he dismissed you so abruptly; it is strange Blanche that you are so determined to make my life as miserable as possible for me and might I suggest that it won't get you anywhere with the good thinking and good living people of our acquaintance. I have had no answer at all from any of my many letters to you asking that you come back to me & live with me as a good wife should. I have assured you and again assure you that I will treat you right and will let the past be a closed book have you answered any of these? If you have your answers have not reached me; if you intend to ignore my plea in this matter I wish you would say so, I do not wish to annoy you if I am doing so, I only wish to be fair in all things. I shall try to see Vernon Sat. P. M. of this week or Sunday A. M. if I am well enough, have been to Atlantic City for several days my heart has been bothering me quite a lot recently but am better now. I wish you would please write me answering my letters, I want you to give me an expression of your thoughts in regards to my plea to have you return to me. Tell Vernon I will see him Sat. or Sunday. As ever, Bob."

(Said letter marked Exhibit P44.)

Q. Any reply to that letter?
A. Here is a letter from Mrs. Willis April 8th.

The Court: The same year?

The Witness: Yes, sir, April 8, 1924.

Mr. Backes: This is a letter you received from her about that time?

The Witness: Yes, sir.

Mr. Wescott: Suppose he reads it.

The Witness: "741 Park Ave. Tuesday 2 P. M. Rob:— Vernon has been sick in bed witth bronchitis it had gone down on his lungs, he is getting better Doctor said I could let him be up around the room but not to go out before Friday. I have been Doctoring for the same as you the heart for the past five years. This last three weeks have been very poorly. I too have gone to a big Doctor in Penna. and as they do not Doctor for nothing you no doubt know how far your allowance goes. I need last week's money very much my rent must be paid and Doctor for Vernon and medicine. Will you try and send it at once. I would not bother you if I did not need it and I am very sorry you have been so ill. Hastily, Blanche."

(Said letter marked Exhibit P45.)

Q. What did you do about that?

A. There wasn't anything to do. I sent her the money as usual. I probably had the check in my pocket and forgot it, as once or twice I did.

Mr. Backes: I move that be stricken out.

The Witness: I don't know that I made any response. "April 9, 1924"—oh, yes, this answered it right away. "Dear Blanche:— I am in rect. of yours of yesterday advising me of Vernon being ill, I am sorry to know this and trust he is much better

by now; would you please let me know how he is and if you think he will be well enough to have me call for him on Sat. or Sunday of this week end to take him out for a walk or ride. It was my intention to have him spend last week end with me but when I returned here from Atlantic City last Friday I found my car broken down, and I was unable to get it running again until Saturday night at about eight o'clock; I then planned to come for him Sunday morning but you know just how it pured rain all day Sunday making it impossible for me to travel, or rather unwise for me to do so. Please let me know at once if I may call for him Sat. P. M. or Sunday of this week end. I inclose you my check 1403 for $50. and am taking this to Camden with me this morning so it may reach you this afternoon by Special Delivery. Very truly yours."

(Said letter marked Exhibit P46.)

Mr. Backes: That was a $50 check?

The Witness: Yes.

Mr. Backes: That was her weekly allowance, was it?

The Witness: That was her weekly allowance. That was for two weeks, probably paid her ahead.

Mr. Backes: In response to the former letter when she advised you of the illness of her son and going to the specialist, you never offered her any money?

The Witness: Yes.

Mr. Backes: But only what has been fixed by the alimony decree?

The Witness: That is all. The next letter the carbon copy isn't dated, but I think it is around 4/24/24. Have you the original, Mr. Backes?

Mr. Backes: What is the note?

The Witness: I have the carbon copy marked in lead pencil 4/24/24.

Mr. Backes: Written from where?

The Witness: Pennsgrove, N. J.

Mr. Backes: I have one here with no date on it.

The Witness: That is probably it. "I am inclosing my check 1422 for $100 which according to my records pays you in advance to May 11th. would you kindly check this up and advise if my records are correct. I have been sick for quite a while now with Gripp but am gradually getting clear of it and hope to be normal again soon. Tell Vernon I recd. his note and will answer it real soon. If my records are correct in the above matter you need not trouble yourself to answer this letter as I have asked you several times to answer my letters which I have written you but it seems to be too much trouble for you to do so in other words you seem to wish to continue to 'bite the hand that is feeding you.' Very resp. yours."

(Said letter marked Exhibit P47.)

Mr. Backes: What date was that?

The Witness: Somewhere around the fourth month, 24th. That is the date of the check.

Mr. Backes: I think that is your letter.

The Witness: April 26th Mrs. Willis answered that letter. "Saturday 11 A. M. April 26/24. Mr. R. F. Willis, Pennsgrove, N. J. Rob:— Your letter just received. The check No. 1422, dated 4/24/24 pays me up untill May 12, 1924, May the twelth, Nineteen hundred and Twenty-four. Thank you and also for the other check. I did not answer your letter because if you could go to Mr. Leap's office to have letter written you certainly could have come to see your little Son, who was ill in bed as I notified you. I am sorry to hear you have been ill, if you really have. You have lied so much to me about being sick that I am really disgusted with you. I have inquired about you being so ill this winter, and the people have laughed and said You were never better in your life and that you play golf every Sunday morning. You are not hurting me by telling falsehoods you are only hurting yourself. And please cease to slur me about the money you send. You know you would not do it if the courts had not granted it. I will not write to you so you need not ask me. I simply cannot tolerate a person who does not tell the truth. I have never disgraced the name you gave me or the one my Father gave me. I live only for my boy to educate and raise him right. If I died tonight you would not have one bill to pay for I do not owe any one except Dr. Jack for the last two visits he made for Vernon and I did not have it then. Hoping you will try from now on to tell the truth for your own sake, Hastily, Blanche."

(Said letter marked Exhibit P48.)

Mr. Backes: That was a letter from Mrs. Willis to you?

The Witness: Yes, sir. The next one is June 25, 1924. "Pennsgrove, N. J." ——

Mr. Backes: Enclosing check for $75?

The Witness: Yes, sir. Shall I read the original? "Penns Grove, N. J. June 25th, 1924. My dear Blanche:— I am inclosing my check 1450 in the amount of $75, which kindly credit me with. Would you be kind enough to give me the address of your Brother Newton, both his house address as well as where he may be found during business hours, I have a matter that I think quite important that I should like to see him about. I am inclosing a stamped envelope for your reply. How is Vernon? Very sincerely yours, Bob."

(Said letter marked Exhibit P49.)

Q. Did you get an answer to that?

A. Yes, she did send me on a slip of paper the address of her brother.

Mr. Backes: Is that the slip?

The Witness: Here is the letter. Shall I read it?

Mr. Backes: Yes.

The Witness: "Collingswood, N. J. 741 Park Ave. Rob:— My Brother Newton is in Prothonotary Office at City Hall, Philadelphia, Pa., Room 280, second floor, where he has been for the past twenty five years. Sorry to have kept you waiting. Vernon and I have been visiting for the past eight days. Thank you for check. Vernon not very well. Sincerely, Blanche."

(Said letter marked Exhibit P50.)

The Witness: "June 25, 1924. My dear Blanche: —I am enclosing my check 1450 in the amount of $75. which kindly credit me with. Would you be kind enough to"— That is the one I just read. "July 1, 1924"—no, that is the letter I wrote to her brother.

Mr. Wescott: Don't read that.

The Witness: Here is a letter from Mrs. Willis, "July 27, 1924. Collingswood, N. J. Sunday Noon. Mr. Robinson F. Willis, Pennsgrove, N. J. Rob:— Vernon was badly bitten by a dog yesterday evening about 5.20 o'clock (Saturday). Doctor said today if Rabbies did not develope in twenty one days he would be safe and would be all right. He is watching it very closely, said I must keep him quite. I thought you would like to know. Vernon would be very glad to see you I am sure if you cared to call. Respectfully, Blanche."

(Said letter marked Exhibit P51.)

Q. Do you remember whether you called?

A. No. I was away when that letter came in and I answered it as soon as I could.

The Witness: Here is August 1st. Possibly you have the original, it begins, "Dear Blanche, I received your letter of recent date ——"

Mr. Backes: Is that your letter?

The Witness: Yes, sir.

The Court: Did I understand you to say you did not call when you found your child was bitten with this dog?

The Witness: No, sir.

Mr. Backes: Didn't concern yourself about it?

The Witness: Yes, I concerned myself.

Mr. Backes: Did you send any physician there?

The Witness: No, sir.

Mr. Backes: Didn't do anything toward furnishing supplies or medical care?

The Witness: No, sir. "I recd. your letter of recent date advising me of Vernons misfortune; I am sorry indeed to learn of this but have no reason to fear any serious results if you have had proper treatments administered; you know I carry quite a scar from a similar accident as nearly all boys or men do. I should like to see Vernon but have decided some time ago that I shall not visit him again until such a time as I am more welcome by you than I ever have been; I am only a human being and have considerable feeling which you have trampled on for the last time as I believe I told you in my last letter. I wish you happiness and luck in your method of living, but seriously question your judgment when you absolutely refuse to live with a man who is and was as good to you as I always was; you are denying me my rights in my marriage contract with you and you are denying Vernon his birthright in denying him the advantages which he would have by his associations with me and his two brothers. I

am inclosing my check 1475 for $75. which pays you up to August 18th thinking that perhaps you may need a little extra ready money just now,"—I paid her in advance.

Mr. Backes: But it wasn't extra money?

The Witness: No, just in advance. "Would you kindly advise me who the physician is that is attending or did attend to Vernons wound." Very Cordially yours."

(Said letter marked Exhibit P52.)

Q. Did you get an answer to that?
A. No, sir.

The Witness: "Nov. 18th, 1924. Dear Blanche: Inclosed please find my check 1537 in the amount of $75 which pays you ahead to Dec. 1st, if my records are correct" ——

The Court: November what?

The Witness: Dated November 18th.

Mr. Backes: That is one day after the filing of the petition in this case, isn't it?

The Court: Yes, the petition is filed November 17th.

Mr. Backes: Simply a sending of the money, isn't it?

The Witness: I will read it if you would like me to. "Nov. 18th, 1924. Dear Blanche:— Inclosed

please find my check 1537 in the amount of $75. which pays you ahead to Dec. 1st. if my records are correct. Would you be kind enough to advise me consurning Vernon, as to whether he is going to school or not & if so what school he is attending; also advise me—if you will please—if you have had a Dr. see him since you moved to Oak Lane & who the Dr. is and his address, I think I might explain some things to him that will materially assist him in his diagnosis of Vernons trouble; your recent letter advising me that you were leaving Collingswood gave as the reason that Vernons health demanded it. I inclose you a stamped envelope for your reply. Would you be kind enough to let me hear from you by early mail. Very resp. yours, Bob."

(Said letter marked Exhibit P53.)

Q. Did you get any answer to that?
A. No, sir.

The Witness: The next is a letter to Mr. Peter Backes.

Mr. Backes: I don't think I am a party to this suit.

The Court: I think the letters since the suit was pending are probably of little force.

Mr. Wescott: How was that, your Honor?

The Court: I doubt whether the letters after the suit was brought are of any special force.

Mr. Wescott: They may not be, I don't know.

The Court: Your right of action matured when the petition was filed, if at all.

Mr. Wescott: Evidential of the attitude, I suppose.

The Court: If you have anything special you want to introduce since then, all right.

The Witness: My only idea was on account of the boy's condition I wanted to see the doctor, I wanted to find out what doctor was attending him so I could see what condition the boy was in.

Mr. Backes: Didn't you write your wife for that information?

The Witness: Yes, sir.

Mr. Backes: Didn't she give it to you?

The Witness: No, sir.

Mr. Backes: No reply?

The Witness: No, sir.

Mr. Backes: Haven't any letters from her in the month of October and November, 1924?

The Witness: No, sir, only what I have read.

Mr. Backes: None except what you have read. I show you one here, a copy of one, did you ever receive that letter?

The Witness: I don't recall it. It might be in my files here somewhere, but I don't recall it at all.

Mr. Backes: You don't say you didn't receive it?

The Witness: No, I might have received it. It got away from me if I did.

Q. That is the end of the letters, is it?

A. Wait a minute. Here is a letter October 27th, down under this other one. "October 27th, 1924. Penns Grove, N. J. Dear Blanche:— I am inclosing my check 1525 which pays you on acct. of allowance until Nov. 10th next; if this does not agree with your records would you kindly notify me. With reference to your recent letter advising me that you have moved your residence from Collingswood, N. J. to Oak Lane Pa. would advise that I think you have made a very bad move indeed particularly for Vernon; you have moved him from a beautiful village with abundance of parks and country all around you where sunshine and fresh air abounds to a cooped up nosy city with its customary disadvantage; furthermore you have moved him from one school community to another of entirely different methods policies & etc. and further during a school period at which time it is not possible for a child to get into proper classes & go on with his studies in the same grade which he was in at his former location; furthermore you seem to have forgotten entirely that Vice Chancellor Leaming instructed you to keep Vernon at Collingswood or a place equally as accessible to me; had you consulted me in the matter I think that better arrangements could have been made as to location—that is if it was necessary for you to leave your Park Ave. location in Collingswood; I could reach Collingswood from here in an hour and twenty minutes whereas I cannot reach your new address under three hours to say nothing of the additional expense. I think the

best thing you can do is to get back to Collingswood as soon as possible or to some place over here in New Jersey equally as advantageous as to climatic conditions and schools; you were very nicely situated at Collingswood and very conveniently located as to schools & I know that Collingswood schools are above the average. I trust you will give my love to Vernon, would you permit him to have a bicycle for Xmas.? Very sincerely yours. Bob."

(Said letter marked Exhibit P54.)

Q. Did you get an answer to that?

A. No, sir.

Q. Mr. Willis, I want now to see if you can remember an incident that occurred in your house involving a drink of whisky?

A. Yes, sir, I recall that incident very clearly. I had a severe cold ——

The Court: When was this?

The Witness: That was in the late fall of 1923—no, the late fall of 1913, it was when we were living together. I had a severe cold and Dr. Barnart gave me—I stopped at his office, and he said, "As soon as you get home take some hot whisky," and this medicine he gave me, and go to bed as soon as you can. I got home and supper was ready, and I went in the kitchen and got some hot water and put some whisky and hot water in a glass, put about two tablespoons of whisky in a glass and took it, and Mrs. Willis was in a bad humor about something and I sat down at the table to eat supper, and the two boys were at their places, and Mrs. Willis was at her place on the side, and the whisky bottle was sitting on the table, and I couldn't imagine what

it was there for, and she looked at me and poured out some in a glass, and spilt some of it, and said to the boys, "If your father is going to drink I am, too," and she sat there and every once in a while would take a sip of it as she ate her supper.

Q. You were through with the whisky yourself?
A. I had finished myself. I drank the prescribed amount and finished that.
Q. Mr. Willis, you remember sometime back in 1914 going home and finding the house locked, doors locked, against you?
A. Yes, that occurred pretty near all the time through the summer of 1914.
Q. When did that occur?
A. No particular time.
Q. Did it occur more than once?
A. Yes, the house was locked against me every night I wasn't home before dark.

The Court: What month was the separation, I haven't got that.

The Witness: Why, the time she ran me out with the revolver was in October or late September of 1914; after that I never went back, but it was during the early part of that year I was kept out, locked out of the house quite a number of times.

Q. What I want is for you to give the Court, if you can some details of some incident where you were locked out. Let us understand just what was done. To say you were locked out means one thing, but to give us the details and circumstances may mean something entirely different.
A. I was locked out every night that I wasn't home early. I tried to get in the door, and I had

these chain fasteners inside the door, and she had them chained and I could not get in.

Q. How did you get in?

A. I could not get in. I went over to my brother's or down to the store to sleep that night.

Q. Did that happen more than once?

A. Oh, yes, lots of times.

Q. What do you mean by "lots of times?" That is sort of a general expression.

A. Well, two or three times a week, some weeks. If I got home before she got to bed, or before I got my meal downtown, I would not be locked out; but otherwise, if I was after eight o'clock coming from downtown, I was locked out.

Q. Did she ever tell you why you were locked out?

A. No, indeed; she would not speak to me.

Q. She would not speak to you?

A. No, except when she would get after me about Stella Slifer. She got after me with a cane that time.

Q. Mr. Willis, this is a most remarkable story we have listened to. Have you any idea why your wife acted that way?

A. No, I haven't. She had not the slightest cause for such actions toward me.

Q. Did you ever abuse her in any way?

A. Not in the slightest.

Q. Ever punch her?

A. No, sir.

Q. Swear at her?

A. No, sir.

Q. Ever fail to supply her needs and wants in any way?

A. Not in the slightest, no, sir.

Q. You had a good, comfortable home, as I understand?

A. Yes, very comfortable.

By the Court:

Q. You said at times she would be ugly to you. How long would those conditions continue during the latter part of the time you lived together?

A. After I took the children away she never addressed me at all.

Q. Before that?

A. Before that her ugly mood would continue, carry over a period of maybe twenty-four hours or maybe two or three days; and then, without any warning at all, she would be just as sweet as pie; when I came home, maybe meet me at the door and kiss me and take my overcoat and hang it up for me.

Q. What would occur that would change her attitude?

A. I presume some little thing—the children did or some general difficulty, or if I was five minutes late at noon or night getting home from the store I was due for a lecture. She would want to know what woman detained me down there.

Cross-examination.

By Mr. Backes:

Q. The Court asked you what would induce your wife to change to these moods you speak of, from a loving, endearing wife to one of repulsion. What was the cause of it?

A. There was no cause, Mr. Backes.

Q. Didn't you give her a cause?

A. No, sir.

Q. Wasn't it your conduct that urged her on to resent you?

A. Not in the slightest.

Q. Did she ever abuse you?
A. Did she abuse me?
Q. Yes.
A. Why, most assuredly.
Q. In what way?
A. Calling me vile names and foul epithets.
Q. Did you ever call her any vile names?
A. No, sir.
Q. Did you ever arouse any anger against her?
A. I answered her sharply.
Q. Yes, and did more than that, didn't you?
A. No, not that I recall.
Q. You don't recall any instance of it?
A. No.
Q. You were married several years before these differences arose between you?
A. Oh, no, no, she started to fuss with me while we were on our wedding trip.
Q. Oh, as early as that?
A. I testified to that.
Q. How long had you known her before you married her?
A. Oh, a matter of two or three years I guess I knew her before.
Q. And you had not courted her except for a month or two?
A. Oh, yes, two or three months.
Q. And you married her very shortly after your first wife's death?
A. About a year and a quarter or a year and a half.
Q. So you took up your residence in Collingswood after this trip you speak of, by automobile?
A. No, sir, Pennsgrove.
Q. In Pennsgrove?
A. Yes.

Q. And you lived there happily for how long?

A. Well, in a state of semi-happiness, you might say, from the fall of 1910 until March, 1914, when I took the boys away, and there were periods when we were very happy.

Q. There were periods you were very happy that whole time?

A. Yes.

Q. And up to that time you occupied the same room and occupied the same bed, didn't you?

A. Yes, sir.

Q. Never any question about your conduct there?

A. No, sir.

Q. No objection to you, or by you to her?

A. No.

Q. So you enjoyed the privileges of a married man with his wife?

A. Yes, sir.

Q. No question about that?

A. No, sir.

The Court: Answer—not by the shake of your head—so the stenographer can hear.

Q. When did you first learn your wife was pregnant with child?

A. Well, right after, or about the time I took my boys away, she told me she was in delicate condition.

Q. You didn't know it before then?

A. No.

Q. You didn't take your boys away on that account?

A. No, not in the slightest. I took them away because of the foul language she used in their presence.

Q. You have spoken so much about the foul language, tell just what was the nature of her outbreaks.

A. Calling me a "dirty, stinking, white-livered cur," "dirty dog," "dirty bull," and accusing me of doing vile things with other women, using very vulgar language in that respect.

Q. How soon did she commence using that sort of language?

A. Used it—used that for a year or two.

Q. Didn't she use it during this period she was ill?

A. No, indeed, she had been using bad language toward me for some time.

Q. Didn't your wife, shortly after her marriage to you, begin to fade and sicken?

A. No.

Q. She wasn't sickly during that period?

A. No. In fact, she took on quite a little weight, if I recall correctly.

Q. She is a much younger woman than you are?

A. I don't know that. She has said she was two years younger. I don't know.

Q. Up to this time of the revolver incident you speak of, you never had any really serious differences, only disputes or tongue-lashings between one another?

A. Oh, yes; she had treated my boys terribly.

Q. When did you first leave your home?

A. Just what do you mean?

Q. Just what I am asking you.

A. I left it every morning to go downtown. I left it on the 16th of March, or right after the 16th of March, to take the boys down to Maryland; and I came right back.

Q. You had been away from your home before that, hadn't you?

A. No, sir, excepting on business, and on one occasion going up to Trenton and to Princeton.

Q. Up to the time you took your boys away you had never left your house?

A. No, sir, except on business.

Q. And you always returned there after your business was done?

A. Yes.

Q. Always was received well by your wife?

A. Sometimes—not always.

Q. Not always?

A. No, sir.

Q. And that was your mode of life up to the time of this revolver incident?

A. Our life, Mr. Backes, was very——

Q. Answer my question. Was that your mode of life up to this revolver incident?

A. I have given a very good recital of the mode of our life. It was happy and unhappy. We had very quiet days and weeks.

Q. Now, coming down to the time you say she ran you from the house with a revolver, where were you living at that time?

A. I was living at my own house whenever I could get in there. I was locked out a good many times at nights. I had to sleep down at the store many times; and if my brother heard of it he invited me in.

Q. Hadn't you, as a matter of fact, given up your residence before this time, using your brother's house next door?

A. No, I had not. I had slept there many times when I was locked out of my own house.

Q. How did you come to go to your house on the day of this revolver incident?

A. I went there as was my custom, went in there and went to bed.

Q. Did you occupy the same bed with your wife?

A. Oh, no, I had been locked out of my own room since March.

Q. March of what year?

A. 1914 I think it was—I know it was.

Q. When did you find this revolver?

A. When I first found it?

Q. Yes.

A. I don't recall where I kept it.

Q. No—after you found it, after you had been locked out?

A. I found it on my bureau. She had stood it up with a pincushion, pointing toward me in front of the mirror.

Q. When did she threaten you with it?

A. She had it the next morning. She had access to my room when I was absent.

Q. Had she been there that night?

A. No, during the day when I was not at home. She took it the next morning.

Q. How did she threaten you with it?

A. As I came out of my room she came out of her room, and had it in her hand, and said, "You dirty, stinking dog, I have got your revolver"——

Q. Was it loaded?

A. I had taken the cartridges away from it, but didn't know whether it had been reloaded.

Q. You ran away from it?

A. I did, yes, sir.

Q. Cowardly, were you?

A. No, I am not cowardly in running away from a gun.

Q. You didn't take the gun away from her?

A. No.

Q. Stayed not a minute?

A. No.

Q. Simply gave leg bail?

A. I didn't stay.

Q. You don't know why she handed you that revolver, or what she intended doing with it?

A. I have no idea. She said what she was going to do.

Q. What did she say?

A. Said, "I am going to use it on you."

Q. Did she make any effort to use it on you?

A. I don't know.

Q. Did she make any effort?

A. I don't know; I didn't stop to see.

Q. So you don't know what she intended doing with it?

A. Only what she said—that she intended using it on me.

Q. After that you left your home entirely?

A. Yes, sir.

Q. She had never made any threats against your life before, had she?

A. Not that I remember.

Q. She didn't threaten your life that time, did she?

A. Well, now, you can construe that as you please. If a person says, "I have got your revolver and I am going to use it on you," you know the answer.

Q. And was it after that that you took these children away?

A. Oh, no, no; I had taken my first two children away back in March.

Q. When was it this incident happened?

A. The latter part of September or first of October.

Q. Didn't your wife seriously object to your taking the children away?

A. No, sir, she never said a word about it.

Q. Didn't you say to her then, when you took the children away, that you would not return to her?

A. No, sir. I had warned her the week or so before that if she used any more bad language in their presence I would take them away.

By the Court:

Q. But after you took them away she ceased speaking to you? There was no intercourse between you after that?

A. No.

Q. Not even periods of affection?

A. No, sir. She would not even notice me, except to fly up at me once in a while. I offered some money to her one day when she was sitting in the living room, and I said, "Blanche, don't you want some money?" And I offered her a ten dollar bill. She said, "I don't want any of your dirty old money."

Q. Her conduct toward you had been pleasant at intervals up to the time you took the children away. Afterward, I understand, it was not?

A. Not after that.

Q. From March until October. To what do you attribute her change of attitude from March until October?

A. I don't know unless she was just mad because I had taken the children away from her.

Q. Did you ask her—and what did she say?

A. Yes, I asked her several times. I tried to be pleasant when I came in, asked how she was, and I tried to draw her out; but she would not notice me at all.

Q. What was her reason for the change as you gathered it?

A. I presume she was just mad because I had carried out my promise of taking away the two boys because of her abuse of me in their presence.

Q. Did you offer to return them?

A. No, I did not offer to return them.

By Mr. Backes:

Q. Up to this time she had cared for these children, hadn't she?

A. Yes, in a way—had been nice to them at times.

Q. Twenty-two months old or two years old when you married her?

A. Past two years old.

Q. She mothered those children for you?

A. Yes, she mothered them at times, and at times would abuse them something frightful, would not prepare anything to eat for them. I had to prepare the meals for several days.

Q. You had no help in the house, I take it?

A. Once in a while we had some help in the house.

Q. Did you ever talk to your wife after you came back, after leaving the children down in Maryland where you had taken them?

A. I attempted to. She would not answer me.

Q. You never got together after that?

A. No, sir.

Q. When did you for the first take up permanently your home next door, in your brother's house?

A. After I came back from St. Joe, Missouri.

Q. When was that?

A. That was in December, 1924.

Q. And all during 1923, where did you live?

A. At home.

Q. In 1923?
A. No, that is not right.

By the Court:

Q. You mean in 1914, don't you?
A. Yes, 1914.

By Mr. Backes:

Q. When you were living next door you knew your wife was in the adjoining house?
A. Yes.
Q. Did you concern yourself about her at all?
A. I kept a man there and a woman, both to take care of the premises; I think I paid the one seven dollars a week and the other six—I don't recall what I paid the man, I paid the woman six dollars a week.
Q. You knew your wife was confined to the house with a small infant?
A. Yes.
Q. Did you take care of that infant?
A. I wasn't allowed to, wasn't permitted to see it.
Q. Did you provide your wife with the means to take care of it?
A. Yes.
Q. To what extent?
A. To whatever extent I could.
Q. To what extent?
A. I had accounts at the stores, and would go in to see it—but not after that revolver incident.
Q. After you took Dr. Barnart and Judge Davis and another physician——
A. Not another physician.
Q. Dr. Barnart was one?

A. Yes.
Q. And Judge Davis?
A. Yes.
Q. When was that?
A. In the summer of 1912.
Q. What was your object in doing that?
A. To try to persuade her to be more peaceful. Judge Davis, you know——
Q. Wasn't it for the purpose of testing her mental capacity?
A. No, sir.
Q. Didn't you threaten to put her in the asylum?
A. No, sir.
Q. Well, they were at your place only on that one visit?
A. Yes.
Q. Didn't accomplish anything?
A. No, sir.
Q. How long did your wife continue living in the house where you had taken her as a bride after you

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A. The records in the alimony pendente lite case brought against me, and Vice-Chancellor Backes rendered her the alimony she sought—she left there shortly afterward.
Q. Isn't it a fact, you commenced foreclosure proceedings, or had foreclosure proceedings commenced to force her out of that house?
A. No.
Q. Didn't you try to force her out of that home?
A. No, sir, I did not.
Q. Didn't you direct your counsel, Mr. Leap, to notify your wife that the proceedings had commenced to foreclose on that property?
A. No, sir.
Q. It was actually sold, wasn't it?

A. Sold afterward.

Q. While your wife was still in possession?

A. No, no.

Q. The suit had been commenced, had it not?

A. Not that I know of. I am quite sure it hadn't.

Q. Didn't you institute that suit for the purpose of dispossessing your wife?

A. No.

Q. You say she lived in the house and you provided sustenance for herself and for the support of that house?

A. Yes.

Q. Up until the time the alimony was granted in the maintenance suit?

A. Yes.

Q. And from that date until the present time you have paid that alimony?

A. Yes.

Q. Ever contributed anything else toward your wife or your son's support?

A. No, sir.

Q. Voluntarily made any contribution?

A. No, sir.

Q. Although you knew both your wife and your son were ill at times?

A. I heard from her——

Q. Well, you knew as a fact——

A. No, I didn't know it to be a fact. I only had her letters to that effect.

Q. Although you were quite a prolific letter writer you never went to see your wife only on one occasion, and you say she turned you down?

A. Yes, sir.

Q. You never went to solicit her to return to you, did you?

A. That day I spoke of I certainly did.

Q. That was the only occasion at any time you went to her at all?

A. I think I went one time later, when I went out to see the boy.

By the Court:

Q. What was that day, in Collingswood?

A. In December, 1921. The date I don't recall.

By Mr. Backes:

Q. You think that on one other occasion you went to see her?

A. I know on another occasion when I was visiting the boy I asked her if she had thought over the matter I had brought up before her.

Q. What did she say?

A. I don't know that she said anything; she turned away from me.

Q. You didn't go there with a bunch of flowers or box of candy?

A. No.

Q. You didn't go there as a lover again, did you?

A. No, sir.

Q. Mere matter of cold-blooded proposition to say, "Will you or won't you come back?"

A. I wasn't so cold-blooded. I tried to be very decent about it.

Q. But you didn't go laden with presents as a youthful lover would go?

A. No.

Q. Never did at any time after this trouble?

A. I don't believe I ever gave her flowers at any time.

Q. Don't you think some flowers or a loving embrace might have changed the course of events?

A. No, I don't think it would.

Q. So you continued from 1917 until the time of filing this bill writing her these letters you have read into the record?

A. No, I wrote those letters in 1922, 1923 and 1924.

By the Court:

Q. There are no letters prior to the time you visited your wife in Collingswood in 1921?

A. No, sir.

Q. Are you sure?

A. Not that I recall.

Q. Will you look to see when the first letter is?

A. January 6th, 1922.

Q. 1922?

A. Yes, sir.

Q. Have you any letters in 1921?

A. No, I have no copies.

Q. Then the first letter was shortly after that visit?

A. Yes, the visit was in December that I met her in Collingswood.

Q. Does your first letter, the letter of January, 1922, make any reference to that visit?

A. No, sir.

By Mr. Backes:

Q. After the Court granted you permission to visit Vernon, did you visit him?

A. Yes, sir.

Q. In the presence of your wife?

A. Yes, sir.

Q. Did you see your wife on every visit?

A. Not on every visit, no.

Q. What?

A. Not on every visit, no.

Q. She admitted you to the house?

A. No, I don't think she ever admitted me to the house but once. The little boy, if he knew it was me, he would come down running.

Q. Then you mean to say she avoided you on these occasions?

A. Yes, sir, she avoided me as much as possible on all those visits.

Q. You never made any inquiry for her, or called to her?

A. I always asked the boy how she was.

Q. You never carried her any presents during those visits?

A. No.

Q. How frequently did you go to visit Vernon?

A. Well, as often as I could——

Q. Well, how often?

A. Twice a month, sometimes once a month. I believe I was granted permission to see him twice a month. I kept that up as closely as my business would permit me.

Q. There were intervals during that period that you did not visit him at all?

A. Yes, sir.

Q. This letter you have written from the Seaside in Atlantic City—you simply asked your wife to bring Vernon down to see you, didn't you?

A. Yes.

Q. Didn't ask your wife to spend any time with you at the Seaside?

A. No, I didn't believe there was any use.

Q. But you didn't ask her, did you?

A. I don't think so; the letter will show.

Q. Well, you know you didn't, don't you?

A. To my recollection I did not.

Q. So that the mode of life between you was simply that of you sending her stipend, and she acknowledging it?

A. Through what period?

Q. Through the whole period from the time of the maintenance suit down to the present time?

A. My thought——

Q. Never mind what you think. Answer the question.

A. Repeat the question, please.

(The stenographer was requested to read the two questions as follows: "Q. So that the mode of life between you was simply that of you sending her stipend, and she acknowledging it? A. Through what period? Q. Through the whole period from the time of the maintenance suit down to the present time?"

A. From the alimony pedente lite case, which was in 1917, wasn't it?

Q. I think so.

A. From that until 1921 I just let things drift, hoping that time would heal up things.

Q. But during that time, you made no personal effort to see your wife?

A. No, I was hoping time would smooth things over.

Q. And during that time, you were visiting in Atlantic City, and wanted your son to come?

A. I was in bad health. The doctor sent me down there.

Q. But during that time you wanted your son to come, and didn't ask your wife to come down to see you?

A. No.

Q. And during that time you had two hearings before us, one as to the custody of the child?

A. If I remember correctly.

Q. And you didn't on either of those occasions speak to your wife or try to induce her good offices?

A. No, sir.

The Court: I don't think any hearings touching custody, Mr. Backes, were before 1922.

Mr. Backes: I thought it was 1921.

The Court: I don't think so. The files are here; but I feel pretty sure it was so. I will tell you in a minute when the petitions were filed for the custody.

(The Court looks through file of papers.)

The Court: One paper was filed July 5, 1922. My conclusions in this case were filed August 2nd, 1922; and a still later aspect of the case—on the question of custody—I don't see how that came up, but I presume it was on further petition, I filed my conclusion for that March 21st, 1923. So I don't think there was any case involving custody before me before 1922. If there was, the files in that proceedings are not here.

Mr. Backes: I think there were only two occasions.

The Court: Well, one of those——

Mr. Backes: It was in 1922. I have it here.

The Court: I think that is correct.

By Mr. Backes:

Q. When do you say your wife deserted you?
A. I think that is recorded in the papers here.
Q. When did your wife desert you? I want to know from you. You say she left you—deserted you.
A. I haven't the records of it; the records are right there.
Q. Is that your best answer?
A. Yes—I cannot give you the exact date.
Q. You read a great number of letters here from yourself to your wife, all during 1922, 1923 and 1924. Were there any other letters besides those?
A. Not that I recall, Mr. Backes.
Q. There may have been?
A. There might have been.
Q. Have you ever received any replies or responses to any of these letters?
A. Not that I recall, excepting those I have here.
Q. Never received any responses from your boy?
A. No, sir. I have one little note from him that I recall, possibly two.
Q. Is it possible that there were more?
A. Not to my knowledge, because I always keep all my personal papers in a file very carefully.
Q. It is possible you may have lost some of them?

(Not answered.)

Q. Didn't you receive a letter from him in 1922, thanking you for some skates and so on?
A. I don't recall.
Q. Or in October, 1922, for a box of candy you sent him?

A. I don't recall receiving those letters.

Q. One in 1923—that looks to be a child's handwriting. I wonder if you received anything like that?

(Witness reads letter.)

A. I don't recall it, Mr. Backes.

Q. See if you can recall one in 1924. There is a copy.

(Witness reads copy.)

A. I don't recall it, Mr. Backes.

Q. So you don't think you received any of these letters, do you?

A. No, sir. I don't recall any, at least.

Q. Isn't it a fact, your wife did acknowledge receipt of——

(Mr. Backes speaks to his client, the respondent.)

Q. You have no other letters from your wife?

A. No, sir.

Q. This whiskey drinking incident you speak of —it wasn't the practice to drink whiskey in your house?

A. To drink whiskey in my house?

Q. To drink it in your house?

A. No, sir, it was not.

Q. Is that the only occasion when your wife sat beside you at the table and sipped a little brandy?

A. It was not brandy. It was whiskey.

Q. Well, whiskey?

A. She was at the end of the table, and I at the side.

Q. Neither of you was angry at the time?

A. I wasn't angry at anything.

Q. You never got angry?

A. Oh, yes, I did.

Q. You had as much temper as she did?

A. No, I have not.

Q. But you could hold your own in a straf?

A. What do you mean by that?

Q. I will put it this way: If your wife abused you, you could abuse her equally well?

A. I would not do it.

Q. But you did do it?

A. No, sir, I never abused her in the manner in which she abused me.

Q. You could do as much tongue-lashing as she could?

A. I didn't make a practice of it.

Q. Did you make a practice of it with your wife?

A. No, I did not.

Q. Sure of that?

A. Yes.

Q. And on all these occasions you, as a meek man, walked away?

A. No, not on every one of them.

Q. Not on every one of them?

A. No.

Q. Didn't you do it in every instance?

A. No. That is when she called me a "dirty bull;" and I would not answer her at all.

Q. Didn't you on every incident you had a quarrel?

A. No. That is the reason she called me a "dirty bull"—because I would not say a word; and then she would call me a "dirty, stinking bull."

Q. And that would arouse you?

A. No, not always. I would get out of the house as soon as I could.

Q. You don't mean you went along the line of least resistance in these things?

A. I am not guilty of doing it.

Q. You are not guilty of doing it with your wife, are you?

A. Well, just what do you mean by "line of least resistance?"

Q. Well—think.

A. (Not answered.)

Q. Mr. Willis, did you ever make any honest, sincere effort to get your wife to come back?

A. I certainly did.

Q. You were always willing she should stay away from you, though, were you not?

A. No, it was not according to my belief of the way you should live. This thing has always been a cloud over my mind, over my life.

Q. Were you ever jealous of your wife?

A. Not in the slightest. I have too much sense to be jealous— I hope I have.

Q. Well, tell me now, in all honesty, what was the trouble between you and your wife, if you know?

A. In the first place, she didn't have any love for me at all.

Q. Why did you marry her?

A. I married her because I liked her.

Q. Why do you know she didn't have any love for you?

A. She displayed it very clearly.

Q. But you lived happily for two years?

A. In a semi-happy condition.

Q. Why do you say she had no love for you? She bore you a child?

A. Yes.

Q. You support that child?

A. No, I tried to see it and she threw me out of the house.

Q. You mean a woman out of the sick bed five days threw you out?

A. She took me by the back of the neck, and I did not resist; I knew she was in no condition to have such a mix up.

Q. You mean to have this Court understand that a woman five days off her back in bed had a fight with you, and grabbed you?

A. No, not five days.

Q. You said the child was about five days old?

A. I don't think I did.

Q. I so understood it.

A. I think I said it was a week.

Q. Well, a week—or even give you the benefit of another week—you mean to say a frail woman could better you and grab you by the neck?

A. Yes, she did do it.

Q. Who was present on that occasion?

A. Dr. Barnart and the nurse—I think her name was Kerner or Kirk, I don't know which it is. I have a letter from her, which will show.

Q. Did you ever strike your wife?

A. No, sir. I grabbed her by the shoulder once, and carried her out of the sick room of my little boy. I didn't strike her.

Q. You never beat her?

A. No, sir.

Re-direct examination.

By Judge Wescott:

Q. Just explain that incident of grabbing her by the shoulders. In the first place, when was it, if you recall?

A. It must have been in the summer of 1915. I recall the incident very——

Q. Where was it?

A. In that bedroom of my little boy. The boy is now present in the room.

Q. In the home in Pennsgrove?

A. In the home in Pennsgrove.

Q. Explain the incident fully.

A. The little boy was sick. Dr. Fleming, who was here, had been up to see the little fellow. He said he was pretty sick. I was going to sit up with him —he should be watched very carefully. I had a chair and sat alongside of his little cot; and Mrs. Willis came in and said, "You go to bed. I will stay up with him." I said, "No, you go to bed, you are tired; you have been working around the house all day. You go to bed." She said, "No, I will not go to bed. You are just trying to make people believe you care for him." And it went on like that, and soon she called me a very vile name. I said, "These boys don't have to hear that." And I grabbed her by the shoulders, and marched her across the hall and into the bedroom—she called me all the vile names she could think of—"dirty stinking cur," "dirty bull" and "dirty dog."

Q. What time of the day?

A. Ten o'clock at night.

Q. Who was there?

A. Nobody else was there.

Q. How long did you keep her there?

A. I suppose for a minute.

Q. Then what did you do?

A. I went back and sat down by the crib of my little boy; and she went on to bed.

Q. That was the end of the incident?

A. Yes.

Q. Did you ever put hands on her before or since?

A. No—except one day I put my hand over her mouth when she was calling me dirty names; and in attempting to bite my hand she bit her lip.

Q. When was that?

A. I don't know whether before or afterward.

Q. In your home?

A. In my home, yes. I was getting breakfast Sunday morning, and she came down stairs mad about something, and she called me a dirty name; and my smallest boy was sitting on a little stool, laughing, as a child will; and she called him a dirty stinking something, I don't remember what it was; and I put my hand over her mouth.

Q. Did you go out after that?

A. Yes, I took the boys and went out. She was in a terrible temper, and I took them away and stayed until she had cooled off.

Q. Why did you, after your wife left—or you left, whoever it was, and she got an order of alimony —you wrote her a number of letters and you wrote to your little boy a number of times, and you visited him a number of times and made him presents?

A. Yes.

Q. And after a while you quit?

A. Yes.

Q. Why did you quit going to that little boy?

A. Because my own judgment seemed to dictate it wasn't good sense. It would have a bad effect on any child's mind. Their minds are receptive, and they perceive quicker than we do; and I knew that to have that boy know his mother and father were fighting—I knew that to form on that little fellow's mind that his father and mother were fighting over him—he could just know his mother and let me fade out of his life until later, when he could think

things out for himself. And I have the desire yet to go back into his life and help him to become a man.

Q. You have been shown some other letters—by Mr. Backes—that seem to have been written by a little boy.

A. These letters which have just been shown me by Mr. Backes?

Q. Yes.

A. I know most of them seem to have been written by Mrs. Willis—the copies.

Q. But were they from your little boy?

A. No—to my knowledge I have only received two letters from him in his life.

Q. But you were shown some letters by Mr. Backes, and asked, in substance, whether they were copies of letters you received from him?

A. I don't remember any letters like those received from him at all.

Q. Were they letters written you by your little boy?

A. No, those were in Mrs. Willis' handwriting.

Q. Those letters you have no recollection of ever having got?

A. No, sir.

By Mr. Backes:

Q. Isn't it a fact, one of those is written in a child's handwriting? (Showing one letter.)

A. That one is, I believe.

Q. And you said it was in his handwriting?

(Not answered.)

By Judge Wescott:

Q. Is that letter written in your little boy's handwriting? (Showing letter to witness.)

A. That one is, I believe.

Q. Did you ever get that letter?

A. I don't recall it at all, no, sir.

Q. Is all the writing on that page in that little boy's hand?

A. Oh, no. This is Mrs. Willis' handwriting here (indicating)—all in there (indicating) is Mrs. Willis'.

Q. Read that there, which is in Mrs. Willis' handwriting.

A. "A copy of Vernon's letter to his father, December 27, 1923."

Q. That is in her handwriting?

A. That is in her writing.

Q. I show you three other papers that were handed you, and ask in whose handwriting they are.

A. That is all Mrs. Willis'—they are all three Mrs. Willis' handwriting.

Judge Wescott: May I have these marked, with the permission of your Honor?

The Court: You may.

Q. Look at Exhibit No. 54½, purporting to be the little boy's letter, and read the writing on that page. Is that in your boy's handwriting, excepting "This is a copy of letter written by" your little boy?

A. Since I see it, that is Mrs. Willis' W. The boy never wrote the W, or the "be."

Q. What W?

A. In "would."

Q. That is her writing?
A. Yes.
Q. Is there anything else there in her handwriting?
A. Yes, that "cer"—that "r" is exactly like this one down here. (Indicating.)
Q. Anything else in her handwriting?
A. Here is another "r" and an "n"—that is hers; yes, and there is another one there. (Indicating.)
Q. Read that letter, will you please?
A. Now, that I get a good look at it I would say she wrote that letter.
Q. Read that letter, will you please?
A. That is her "n," too. (Indicating.)

(The witness reads the letter.)

The Witness: But this is not his writing.

Q. You may be wrong, then, when you said you thought it was his handwriting?
A. Yes, since I have examined it closely.
Q. You are not sure, then, are you?
A. No.
Q. These other three that you say are in whose handwriting?
A. Mrs. Willis'.
Q. Read them in their order.
A. "October 23, 1922."

(The witness reads the letter.)

The Witness: Down here, "This is Vernon's first letter to his father."

Q. In whose handwriting is that?
A. All in Mrs. Willis' writing.
Q. Read the next letter.

(The witness reads letter, beginning "Saturday, 12/23/22" and ending "Copy of letter sent by Vernon to his father, 12/23/22.")

Q. Is the whole of that page in Mrs. Willis' handwriting?
A. Yes, that is all hers, every bit of it.
Q. Read the next one.

(The witness reads the letter beginning "Collingswood, N. J., March 17, 1924.")

The Witness: It is signed "Vernon," and then that is scratched out and then signed "Vernon B. Willis."

Q. In whose handwriting is that?
A. All in Mrs. Willis' handwriting.
Q. And you didn't get those letters from your little boy?
A. No, sir.

Re-cross examination.

By Mr. Backes:

Q. And you would certainly have remembered if you had received those letters?
A. I would have been apt to, and they would have been in my files if I had received them.
Q. And because of the absence of them in your files, is that why you say you did not receive them?
A. No, not because of their absence, but my memory tells me I did not receive them.

(Witness excused.)

Doctor C. L. Fleming, called as a witness on behalf of the libellant, being duly sworn, was examined and testified as follows:

Direct examination.

By Judge Wescott:

Q. Doctor, you live where, please?
A. Pennsgrove, New Jersey.
Q. How long have you lived there?
A. Sixteen years—a little over.
Q. You know Mrs. Willis, the lady sitting here? (Indicating respondent.)
A. Yes, sir.
Q. How long have you known her, please?
A. I have been acquainted with her since shortly after they were married.
Q. Yes?
A. I don't know exactly how long.
Q. Didn't know her before that?
A. No, sir.
Q. How long have you known Mr. Willis?
A. Sixteen years.
Q. He is a business man down in your community?
A. Yes, sir.
Q. How, did you hear, from any source, of their domestic difficulties?
A. Indirectly, yes.
Q. Did Mr. Willis ever request you to see anyone about his difficulties?
A. Yes, sir.
Q. Can you tell, Doctor, when that was, about?
A. Not definitely. I imagine it was in 1913, I think.

Q. Can you recall from whom you had heard that there were family difficulties in this family?

A. Before that time?

Q. Yes.

A. No.

Q. Can't recall how you heard it?

A. No.

Q. Who requested you to see someone?

A. Mr. Willis.

Q. And he requested you to see whom?

A. He requested me to see Mrs. Willis, but she was not home at the time.

Q. Yes?

A. He came to the office and told me of some of the things she had been doing.

Q. Yes?

A. And he requested I go up and see her. I went up and she wasn't home, and I was talking to her mother. The only thing I remember definitely, her mother told me——

(Objected to.)

Q. You are not permitted to state what the mother told you.

A. No, sir.

Q. The mother was an old lady living in Mr. Willis' house?

A. Yes.

Q. Did you see Mrs. Willis at all?

A. At that time?

Q. Yes.

A. No, sir.

Q. Did you see her afterward?

A. I think I did.

Q. Well, can you tell under what circumstances you saw her, or where you saw her?

A. Well, Mrs. Fleming and I frequently visited the Willises.

Q. Yes?

A. Frequently.

Q. Yes?

A. Of course, I saw her at that time.

Q. What, if anything, did you see or hear on the part of Mrs. Willis or Mr. Willis that directed your attention?

A. You mean that would indicate there was trouble between them?

Q. Yes.

A. Nothing. I didn't see or hear anything definite.

Q. Then, you didn't see in the house or hear in the house anything——

A. No, sir.

By the Court:

Q. Are you not the physician who Mr. Willis said went there with him in company with Mr. Davis, Judge Davis?

A. No, sir.

Q. That was someone else?

A. Yes, sir.

By Judge Wescott:

Q. Did you ever see Mrs. Willis get excited?

A. I don't believe so.

Q. Ever hear her scold the children?

A. Not in my presence.

Q. Well, out of your presence, did you hear her?

A. No, no.

Q. How frequently did you visit the Willis home?

A. I should say twice a week. That is just an estimate.

Q. Day or——

A. At night.

Q. At night?

A. In the evenings.

Q. You and your wife go there?

A. Yes, sir.

Q. I have been requested by opposing counsel to ask how long a period of time your visits extended over?

A. That is pretty hard to answer, it has been so long.

Q. Yes, that is true, it has.

A. I could not recollect, I could not give any definite dates.

Q. Well——

A. I would say over a period of a year.

Q. And did the old lady, the mother of Mrs. Willis, live there all that time?

A. I don't think so, not all that time.

Q. Not all that time?

A. No.

Q. That is correct. Do you remember about the time she ceased to live there?

A. No, sir.

Q. Did you, in any wise, learn why she went away from there?

A. No, sir.

Q. Did the old lady ever tell you why she went away?

Mr. Backes: I object, if your Honor please—to what the old lady told him.

The Court: It is not competent unless in the presence of the respondent.

Judge Wescott: I am not going to ask what she said—just going to ask if she told.

The Court: That is all right, if that is as far as you are going.

Q. Did she ever tell you why she left?

Mr. Backes: I object to that.

Judge Wescott: I am not going to ask him what she said.

The Court: I think it is competent.

A. I don't think so.
Q. Did you ever learn why she left?
A. I assumed why she left.
Q. Well, what led you to assume why she left?
A. Just observations, that is all.
Q. What did you observe that led you to assume why the mother of Mrs. Willis left?
A. From what I observed—and also what she told me.
Q. What the old lady told you?
A. Yes.
Q. What did you observe which harmonized with what she told you?
A. Well, it is pretty hard to answer that without telling what she told me.
Q. Well, do you know whether she wanted to leave or not?
A. Yes, sir.
Q. What is your knowledge on that point?
A. I know she did want to leave.
Q. Do you know why she wanted to leave?
A. Yes.

Q. Why did she want to leave?
A. Oh, from what she told me, that——
Q. Don't state what she told you.
A. That is the only way I could tell, by telling what she told me. I saw nothing myself.
Q. What?
A. I saw nothing myself.
Q. How old a lady was she, have you any idea, Doctor?
A. Approximately, seventy.
Q. Did you see her when she did leave the Willis house?
A. No, sir.
Q. Did you ever see her after she left?
A. No, sir.

Cross-examination.

By Mr. Backes:

Q. And your observation of the Willis household was that of a happy home, was it not, Doctor?
A. From my observations, yes.

(Witness excused.)

Joseph S. Flanigan, called as a witness on behalf of the libellant, being duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Wescott:

Q. Where do you live, Mr. Flanigan?
A. Pennsgrove.
Q. What?

A. Pennsgrove.

Q. How long have you lived there?

A. All my life with the exception of one year when I was a child, about ten years old.

Q. What is your position?

A. Banking.

Q. President of a bank?

A. Vice-president.

Q. What bank?

A. Pennsgrove National.

Q. Do you know Willis?

A. Yes, sir.

Q. How long have you known him?

A. Ever since he has been in the town, about twenty-five years or more.

Q. Are you acquainted with his wife, Mrs. Willis?

A. I have met Mrs. Willis.

Q. You have met her?

A. Yes, sir.

Q. Did you know her before she married Willis?

A. My recollection is that I did meet her before they were married. I am not positive of that, but I think I did.

Q. Did you learn of domestic infelicities in that house?

A. Only from hearsay, that is all.

Q. Did you ever visit the place—or visit the home?

A. I think we called on them on one or two occasions.

Q. Did Mrs. Willis ever accost you on the street and have a conversation with you or put questions to you or make statements to you?

A. Well, I presume I could tell that in a different way from what I could answer that, if you will allow me.

Q. Well, you have never talked with me about it, have you—your testimony?

A. Well, I don't think I have told anybody in recent years about it. It was rather amusing, and was——

Q. Therefore, it is a little awkward to ask a question as to what you know. I don't know how to get at it. Well, tell it in your own way.

Mr. Backes: Well, what is the question, Judge?

Judge Wescott: Some conversation that Mrs. Willis had with him on the street.

Mr. Backes: About what?

Judge Wescott: About affinities.

By the Court:

Q. Tell us about when it was, first, will you?

By Judge Wescott:

Q. Yes, please.

A. Well, if the Court will allow me I will tell you as near as I can—tell you in my own way when it happened, about, and how it happened.

Q. That is just what we want.

A. In the year 1909 I was master of Pennsgrove Lodge.

By Mr. Backes:

Q. 1909?

A. 1909.

Q. That is before they were married.

The Court: He said he was master of the lodge.

A. Mr. Willis at that time was Senior Warden.

By Judge Wescott:

Q. Of the lodge?

A. Of the lodge. We attended the Grand Lodge at Trenton, and stayed in Philadelphia—could not get home that night, and went home the next day. That year Mr. Willis slipped from being advanced; and after they were married I don't recall whether I was going up Oak Street or going down but Mrs. Willis and I met, and we were talking, very near in front of the Temple, when something was said about "Pop" not going out, we should get him out more, when I asked the question why he ever dropped out and didn't go on and pass through the chairs—at which time Mrs. Willis remarked that each and every one of us had our affinities, and she would be delighted some time to look in and see the interior.

Q. Yes?

A. It struck me rather amusingly, and, of course, I had to smile a little bit; and, finally I saw she was not taking it the way I meant it, and I told her I didn't have a key at that time, I had passed on and it had been turned over, but I would be glad some time to take her in and show her the women we had in there for each of us.

Q. What did she say— to your recollection? That is the important thing.

A. Just— the thing was that each of us had our affinities in this lodge room, and that is why we wanted to go, that was the only desire we had to go.

Q. Did she make that direct declaration to you?

A. Just that same assertion—why we had any desire of going.

Q. What did you say to her in response?

A. All I said—when she first made that remark I had to laugh at her; and then I told her——

Q. You found she meant business, she was in earnest?

A. She meant it.

Q. Then what did you tell her?

A. If I had a key I would be glad to show her in there, and let her meet the diffierent affinities we had in there.

Q. How much in earnest was she, Mr. Flanigan?

A. I would say she was in real earnest.

Q. Did you talk to her any length of time about it?

A. No, I would say a period of fifteen minutes or half an hour, I think it would be, to tell that story.

Q. Well, you can tell that story—the way you tell it——

Mr. Backes: In about three minutes.

Q. ——in about half a minute?

A. Well, there were other things led up to it.

Q. Well, you haven't seen me about this case or told me a word about it?

A. No, sir.

Q. What led up to it?

A. The only thing was, why we didn't get Pop out and get him interested in things; and then I asked the question why he didn't come out, why he slipped when he was so near the goal.

Q. What did she say?

A. That is what she informed me, that we had our affinities there and that was no place for any married man.

Q. Did she give that as the reason why Pop had slipped?

A. Well, I would infer that, due to the conversation—and I wasn't any too eager to talk about it.

Q. Did you ever have any further talk with her?

A. I don't think so. We have met at different times and spoke and passed the time of day.

Q. Well, you have heard, haven't you, of the difficulties of this family down there—the common talk?

A. Oh, yes—the common talk only.

Q. Did you know Mrs. Willis' mother, the old lady, lived at the Willis home?

A. No, I don't recall the old lady ever being there, or ever seeing her. When Dr. Fleming was testifying I didn't recall ever having seen her.

Cross-examination.

By Mr. Backes:

Q. That is the only conversation you ever had, if you did have that conversation, with Mrs. Willis? Is that what I understand you?

A. I say we have met at different times, and we called at the home one evening.

Q. What?

A. My wife and I called at the home one evening, one or more.

Q. The so-called talk you say you had is too absurd to think of. You mean to say this lady sitting at my right put that proposition to you, you have just spoke of?

A. Absolutely.

Q. In all seriousness?
A. Yes.
Q. When was it?
A. I don't say just when it was—after 1909.
Q. After 1909?
A. After 1909.
Q. Do you know when she married Willis?
A. I don't know what year, no, sir.
Q. Do you know she wasn't married to him in 1909?
A. I know she wasn't married to him then.
Q. You are sure it wasn't while she was married to him that you had this talk with her?
A. Absolutely.
Q. And the reason for her solicitude was "getting Pop out?"
A. Absolutely.
Q. You mean you wanted him to get out to meet these affinities?
A. She didn't want to get him out to the lodge. That was the critical point. I wondered why he didn't go on.

Re-direct examination.

By Judge Wescott:

Q. And when you got to that critical point, was it then she referred to the affinities?
A. Yes, at that time.

Re-cross examination.

By Mr. Backes:

Q. And you want us to understand she made that speech to you in all seriousness?

A. Well, I don't know whether I want you to understand, but I understood that she made it in all seriousness.

(Witness excused.)

David A. English, called as a witness on behalf of libellant, being duly sworn, was examined and testified as follows:

Direct examination.

By Judge Wescott:

Q. Mr. English, where do you live?
A. Pennsgrove.
Q. And you have lived there how long?
A. Since 1897.
Q. Do you know Willis?
A. Yes, sir.
Q. Have known him how long?
A. Ever since he has been in Pennsgrove.
Q. Know his wife?
A. Yes, sir.
Q. How long have you known her?
A. Well, I guess ever since she came to Pennsgrove.
Q. You occupied the office of Overseer of the Poor, down there?
A. Yes, sir, about fourteen years.
Q. Did Mrs. Willis come to you and make complaints of destitution?
A. Yes, sir.
Q. Can you recall about when that was?
A. Well, I just haven't got the dates right in my

mind, right off at my fingers' tips, but somewhere in the fall of 1914.

Q. What did she say to you?

By Mr. Backes:

Q. Have you any record?

A. I have none with me. Whether I have at home —I haven't looked them up. I generally keep a record of that stuff.

Mr. Backes: That would be the best evidence, if your Honor please. I don't know what the Judge has in mind, but if it is going to be a question about complaint being made there.

The Court: I suppose if he has an official record of what transpired.

The Witness: I have an official record, if your Honor please.

By Judge Wescott:

Q. It was after they were married?

A. Yes, sir.

Q. Did you before you were approached by Mrs. Willis on the subject of her destitution, hear of any difficulties existing in the Willis home?

A. Yes, sir.

Q. Was it a subject of common gossip in the neighborhood?

A. Yes, sir.

Q. What was the first thing, the first knowledge you got of any difficulties there?

A. The first knowledge?

Q. Yes.

A. Mr. Willis' leaving home.

Q. Well, I thought it was in reference to destitution?

A. Oh, what Mrs. Willis came to me about—yes, and wanted coal put in her cellar, she had no coal.

Q. What did she say to you, Mr. English, please?

A. Mr. Willis was mayor at that time—if you will allow me?

Q. Yes.

A. And she wanted me, as being council night, council meeting—wanted me to go up and call Mr. Willis' attention to this before council.

Q. To what?

A. To her having no coal, and her and the child being in there with no coal.

Q. Yes?

A. Of course, I used my best judgment about that.

Q. Yes?

A. And I immediately reported—went to the council chamber and called the mayor out and told him what I was there for.

Q. Yes?

A. And what I expected him to do.

Q. Yes?

A. According to my report——

Q. Yes?

A. ——he told me he would attend to it the first thing in the morning.

Q. Yes. Did you go to the Willis home?

A. Yes, sir.

Q. When did you go there, after you received this statement from Mrs. Willis about her destitution?

A. The next day or the next day but one.

Q. Who was there when you got there?

A. Mrs. Willis and myself.

Q. What did you ascertain the actual truth to be?

A. I ascertained that she was out of coal.

Q. Yes?

A. But Mr. Willis had a man attending to the furnace, and during the shortage of coal he carried in a few buckets and tided her over until she got some more.

Q. Did they get more coal in?

A. They got more coal in, by eight o'clock the next morning.

Q. Was there any shortage of coal in the community at that time?

A. I think not, I am not sure about that.

Q. But coal had run out in the Willis home?

A. Coal had run out in the Willis home.

Q. What did she say to you? That is what is important. What was her state of mind when she came to you about the shortage of coal?

A. When I went to make the investigation, as is my duty——

Q. Yes?

A. ——she didn't only tell me about coal but she told me about moneys.

Q. Yes?

A. Things that she needed for herself and baby.

Q. Yes?

A. Laid the case before me—of very bad circumstances existing around the home.

Q. Yes?

A. Nothing to get any little dainties for the baby.

Q. Yes?

A. Or anything of that kind that the baby needed.

Q. Yes?

A. I always allowed my sympathy to run with the women, in a case of that kind.

Q. I am afraid most of us do.

A. I immediately goes down to Mr. Willis' office.

Q. Yes?

A. And asked him if I could speak to him privately.

Q. Yes?

A. He took me up on the second floor, by ourselves. I stated the case to him.

Q. Do you remember what you said to him?

A. I told him Mrs. Willis was in destitute circumstances, with not enough to eat.

Q. Yes?

A. And without money to get little things.

Q. Yes?

A. And without coal to keep her warm.

Q. Yes?

A. But she had coal at that time, the coal had been put in.

Q. Who put the coal in, do you know?

A. Mr. Willis.

Q. Yes?

A. R. F. Willis.

Q. This gentleman seated here? (Indicating petitioner.)

A. Yes. When I reported to him, as I had heard —with tears running down his cheeks he said, "What do you want me to do?"

Q. Yes?

A. "I will do anything you want me to do, to have peace and harmony at home."

Q. Yes?

A. I said, "I want you to send your wife some money, so that she can have the necessary things in life, like she is used to having." He ran his hand down in his pocket and gave me ten dollars, and said, "If you need more, come and get it." I took the matter up with him about her food supply, and he said, "She has free access to S. R. Leap's store,

free access to Slope & Hogan's butcher shop, free access to Long & Hilden's store," for anything she wanted.

Q. Yes?

A. And also had two accounts in Philadelphia, I don't remember—or two coins, if you allow me?

Q. Yes?

A. I don't remember whether Lits and Gimbels, but I think it was.

Q. Yes?

A. And after we had this conversation he asked me if I would not talk to Mrs. Willis to see if he could not go home; and if he could not go home, could he have his overcoat and undercoat.

Q. Yes?

A. I made it my business to go right back. I always try to make peace if I can; and I went right back and took her the ten dollars.

Q. Yes?

A. She accepted the ten dollars, and I told her when she wanted any more, if she would let me know I would gladly go and get it and bring it to her.

Q. Yes?

A. I told her that Mr. Willis wanted to come home to live, he wasn't satisfied with the way he was living, he wanted to be in his own home; and would she allow him to go home. She said, no, he could not come in that house because she was afraid of him.

Q. She was what?

A. She was afraid of him.

Q. Yes?

A. I said, "Mrs. Willis, can he come here if I come with him, and some men, to have a talk with him?" She said, "No, he can't come in this house."

I took these matters up thoroughly; and I went on another occasion and asked if she wanted any money. She said she didn't want any of his money.

Q. Did you take her money after that?

A. She said she didn't want any. I thought I would go again to see how the matter had straightened out.

Q. How long a time elapsed between the first occasion and the second occasion you went?

A. About a week or ten days—because ten dollars wasn't very much for a lady who had been used to living as Mrs. Willis—as we say, "No, 1," in our county. I also asked if Mr. Willis could not go in the house and get his overcoat and underclothing, and she said she had sold them; and I reported the same to Mr. Willis. I had a preacher, and very dear to me—my pastor; and I went out and talked to him.

Q. Don't tell us what he said.

A. I went to have a talk to him, to see if he could help me to make peace and straighten things out.

Q. Did the minister take an interest in it?

A. Yes, sir.

Q. Is he alive or dead?

A. He is alive.

Q. Is he here?

A. I don't see him.

Q. He will be. You saw the minister and talked to him about the unfortunate condition in the Willis home?

A. Yes, I asked him to go and have a talk with Mrs. Willis.

Q. Did you go with the preacher?

A. No.

Q. When you went the second time what conversation did you have with Mrs. Willis?

A. We had a little chat, but she said she didn't want any more of his money.

Q. Do you recall what she said?

A. She didn't want any more of his money—"any more of the old money."

Q. "Old"?

A. Yes—something like that. Nothing was serious.

Q. Well, did you talk to her about a reconciliation with her husband?

A. Two or three different times.

Q. Two or three different times?

A. Yes.

Q. Give his Honor, the Chancellor, your best recollection, if you please, of the conversation you had with her.

A. I talked to her along the line of having Mr. Willis come back home and live—it was a serious thing to break up a home. I took quite a general interest, as overseer of the poor. I made overtures of peace, and got people fixed up again. I used my influence in all cases, so as to make peace before it went too far.

Q. What measure of success did you have in your efforts in this case?

A. I didn't have any.

Q. Why not?

A. Why, Mrs. Willis was not willing to allow anything I presented to her to happen. She was not willing I should bring Mr. Willis there that we could have a general conversation.

Q. Yes?

A. She headed me off, and would have nothing to do, no way.

Q. Did she talk to you again?

A. Well, after she kind of felt I was going against

her, or taking sides with Mr. Willis, she kind of felt she would not say any more to me.

Q. Did she show any temper in what she said to you?

A. No, not that I recall.

Q. Did she tell you of any treatment she said Mr. Willis accorded her?

A. Yes, on one or two occasions she said he had abused her and had threatened to do something to her. I don't recall the circumstances of that; I didn't pay much attention to it.

Q. You don't recall the details of the threats?

A. No.

Q. Do you recall anything about a horsewhipping incident—was anything said about a horsewhipping?

A. It seems just like a flash over my mind, I don't grasp it just at present so as to be clear in saying anything about it.

Q. Was ever anything said by her about getting a crowd of people together to horsewhip Willis?

A. On one occasion.

Q. Just tell us that, please.

A. I took Squire Elkenton along with me on one occasion. He was a great friend of the family also —Justice of the Peace, and did my legal work in the Borough of Pennsgrove when I had any to do.

Q. Yes?

A. I took him along with me when I went to try to make peace. She said he ought to be taken out by a crowd of men and horsewhipped, at that particular time.

Q. Did she tell you why he ought to be taken out and horsewhipped?

A. Only from the way he had treated her and the baby.

Q. Well, what treatment of her and the baby did she give you?

New Jersey State Library

A. Forsaken them, and not caring for them so they would have the proper things to live.

Q. What did you ascertain to be the truth about the care she and her child had?

A. When I thrashed it out thoroughly I found out she had all the care and all the necessary things of life any woman ought to wish for if she was reasonable; and perhaps just at that particular time she didn't have the ready cash she might have felt she needed, but she had a man and woman to take care of the furnace, and woman to help take care of the house. And I went into the thing very thoroughly—I went to the man and woman myself and asked questions—who they thought was to blame.

The Court: I would not tell what they said.

The Witness: All right, sir.

Q. Was there fire in the house when this complaint was made?

A. Yes, sir.

No cross-examination.

(Thereupon the hearing was adjourned until Wednesday, March 31st, 1926, at 10 o'clock A. M.)

PLAINTIFF'S EXHIBIT 54½

Collingswood, N. J.

Dear Daddy:—

That sure is some nice socker ball you sent me Would be glad to have you and my Brothers come

and see my Christmas. Santa was certainly good to me.

Sincerely
Vernon

copy of Vernon letter to his Father.
December 27th 1923

PLAINTIFF'S EXHIBIT 55.

Collingswood, N. J.
March 17, 1924.

Dear Dad:—

I have been very sick and Mother also. I am able to be out but my cold does not clear up. Why don't you come to see me? Mother said you know you are welcome to come without waiting for a letter. I hope you are feeling better. How is Marion and Bob?

With love
Your Son
Vernon
Vernon B. Willis.

Copy Vernon letter.

PLAINTIFF'S EXHIBIT 56.

Saturday, 12/23/22.

Dear Daddy:—

Thank you I have the skates so I guess you will have to give me something else: Will you bring Marion and Bobby to see my Christmas

I wish you a Merry Christmas

With love
Vernon

Copy of letter sent by Vernon to
his Father 12/23/22

PLAINTIFF'S EXHIBIT 57.

Monday, Oct. 23—1922

Dear Daddy:—

Thank you very much for the lovely box of candy. I looked for you all last week and waited all day Saturday but you did not come or send any word. Mother took me out on Sunday

Your little boy
Vernon B. Willis

This is Vernon's first letter to his Father Oct. 23—1922

Wednesday, March 31, 1926.

Trial of the cause resumed on the above date at 10 o'clock A. M., pursuant to adjournment.

JERRY H. LONG, sworn.

By Mr. Wescott:

Q. Mr. Long, what is your age, please?
A. 47.
Q. Do you know Mr. Willis?
A. Yes, sir.
Q. The petitioner in this case?
A. Yes, sir.
Q. How long have you known him?
A. About 22 years.
Q. You lived during that time in Pennsgrove?
A. Pennsgrove.
Q. What association had you with Mr. Willis, generally speaking?
A. Both social and in a business way.
Q. Did you know his first wife?
A. Yes, sir.
Q. Ever visit his home?
A. Yes, sir.
Q. While she was living?
A. Yes, sir.
Q. I show you a photograph and ask you if you recognize that?
A. I do.
Q. What is it a photograph of?
A. Mr. Willis' residence on Pitman Street.

Q. In Pennsgrove?
A. In Pennsgrove.

Mr. Wescott: I want to offer that, if the Court please.

(Said photograph marked Exhibit P58.)

Q. You say you visited Mr. Willis' home during the life of his first wife?
A. Yes, sir.
Q. What kind of a home was it in respect to furniture and general endowments?
A. I should call it an ideal home with all the comforts of home.
Q. Were you acquainted with his wife as to business?
A. Yes, sir.
Q. About how frequently did you have occasion to go in Mr. Willis' home before he was married to his second wife?
A. On an average of three times a week.
Q. Your business was what?
A. General store business.
Q. What do you mean by general store business?
A. We carried a line of shoes, dry goods, notions, meats, groceries.
Q. Did Mr. Willis' family deal with you?
A. Yes, sir.
Q. In your dealing with Mr. Willis, what kind of a man did you find him to be?
A. Very straight in every respect.
Q. What?
A. Very straight in every respect in his dealings.
Q. What sort of a man was he?
A. Very good, very good.

Q. Now, did you ever visit his home after his first wife died?

A. Yes, sir.

Q. About how frequently?

A. Well, until 1914 I should say about three times a week, probably oftener, because I was often there at dinner.

Q. How was his home furnished and supplied?

A. Very good.

Q. During that time?

A. Very good, fully as good as his former wife had it.

Q. Now, when he married his second wife, do you know of your knowledge, personal knowledge, where she dealt and with whom she dealt?

A. For a time she dealt with us, too, Long & Holten.

Q. How much credit had she in your store?

A. Unlimited.

Q. And that covered what, what was she entitled to get?

A. That covered shoes, dry goods, notions, groceries, meats, green groceries.

Q. Can you give the Court any idea to the extent in which she dealt in your store, can you suggest any standard which would tend to show to what extent she dealt in your store?

A. I wouldn't like to place an estimate upon that.

Q. What I am driving at is, was it an economical dealing or generous dealing?

A. I should say it was economical, yes.

Q. That is to say, it was limited?

A. Yes.

Q. And taking the size of the family into account what have you to say as to the quantity of things that your store furnished, your store alone?

A. I should say just about the same quantity of any ordinary family of the same size, which at that time was the two children and Mr. and Mrs. Willis.

Q. Now, had you occasion during your visits to Mr. Willis' home after his second marriage to note anything about the relation between Mr. Willis and his second wife, how they got along together?

A. On one or two occasions.

Q. Well, refer to the first occasion, what was it?

A. The first occasion was, if my memory serves me right, in the summer of 1913, my wife and Mrs. Willis assisted at a funeral which was next door, and I was called on the 'phone to come up to Mr. Willis' for dinner that evening, which I accepted and went.

Q. Did your wife go with you?

A. Yes, my wife was already there. She came in from the house where the funeral was. When I got there the rest were on the porch and Mrs. Willis wasn't.

Q. I didn't catch that.

A. The rest were on the front porch and Mrs. Willis wasn't, and in a few moments Mrs. Willis came from upstairs and I heard her say to Mr. Willis, "You would just let me lie up there and die, me with a bursting headache, me doing as much work as I done today, and you let me lie up there to die and not come up to put down the window," and he said, "Blanche, I think you are feeling badly, you will feel better if we all get in the car and go and take a ride," and she positively refused, and she stormed a little at him.

Q. What did she say as far as you can recollect?

A. The principal thing was that he didn't care a thing for her or he would have been up there and put those windows down, lowered those windows,

and he remarked he didn't even know she was up in the bedroom.

Q. Was she angry?

A. Very much so.

Q. How did Mr. Willis comport himself?

A. Very mild, very mild.

Q. Then Willis suggested that you all take a ride?

A. Take a ride.

Q. Did you go on the journey?

A. No.

Q. Why not?

A. She wouldn't go.

Q. Did she give any reason for not going?

A. No, no more than simply refused.

Q. Then what did she do?

A. She spent the rest of the evening there on the porch with the rest of us.

Q. Did you dine together that evening?

A. I think we did. I think Mr. Willis helped to get the meal on the table.

Q. Mr. Willis?

A. Yes, sir.

Q. Put the food on the table?

A. Yes, sir.

Q. Where was Mrs. Willis?

A. That was while she was in her room upstairs.

Q. Did she come down to dinner?

A. I am not sure whether she ate dinner or not, that I couldn't say, I don't remember.

Q. But you do recollect that Mr. Willis had to put the food on the table?

A. Yes, sir.

Q. Now, what was the other incident that you noticed, if you please?

A. The other one was we were sitting there one evening, which he and I often did, talking about business affairs——

The Court: Can you fix that time?

The Witness: I cannot.

The Court: What?

The Witness: I cannot.

The Court: What year?

The Witness: I am quite sure it was 1914.

The Court: Was it before or after the boys had been taken away?

The Witness: Before. We were talking about business affairs, and Mr. Willis made a remark to me that the money situation was so tight he was going to have to throw some notes in bank and raise some money——

Mr. Backes: Was Mrs. Willis there?

The Witness: Yes. He said money was so tight he would have to throw some notes in bank to raise some money to carry on his business, and Mr. Willis in a few moments got up and went into the house and she made the remark to me, "Bob Willis is a liar, he doesn't have to throw any notes in bank, because he has plenty of money but he did that in her absence to let her think he was poor."

Q. Did you make any reply to that?
A. No, sir.
Q. What did she do after making that remark?
A. That is all. Mr. Willis came out and there was nothing more said.

Q. Did Willis say anything?
A. No.
Q. And this occurred on the porch, as I understand it?
A. Yes.

The Court: He wasn't present when she made the remark?

The Witness: No, he wasn't there, she made the remark while he was in the house.

Q. Do you recall anything else ?
A. No, I recall nothing more because I stopped making my visits.
Q. Stopped going there?
A. Yes.
Q. Why did you stop going there?
A. I saw there was domestic trouble and I didn't care to be around where it was.
Q. What effect did those experiences apparently have, according to your observation, on Mr. Willis himself?

Mr. Backes: Unless this witness is an expert physician I don't suppose he can tell.

The Court: He can tell what he saw with reference to Willis' changed condition; I think his opinion of the cause of the change wouldn't be competent.

Q. What did you observe about Mr. Willis?
A. Early one morning in 1914, I can't tell you the date, Mr. Willis came to my house and rang the doorbell, I was still in bed, and I got up and went down and he was at the door, and he looked to me

as though he was a nervous wreck. That was a time he used to place a great deal of confidence in me, and he explained to me, he said——

Q. Don't tell us what he said.

The Court: Was that before the children were taken away in March?

The Witness: Yes, sir, that was before. I think it was in the month of March but before the children were taken away.

Q. Do you remember the time his children were taken away, do you remember that circumstance?

A. No. I remember the children being taken away, but I can't recollect.

Q. You don't know when it was?

A. No.

The Court: The testimony was it was in March.

The Witness: Yes.

Q. After Mr. Willis' children were taken away from his home, did you have occasion to observe anything about Mr. Willis' condition then, his apparent condition?

A. Oh, yes.

Q. What did you observe?

A. I observed he looked like a very sick man.

Q. Would it be proper and truthful to say he looked like a worried man?

A. Very much so.

Q. I suppose you heard of the town talk about their domestic difficulties?

A. Oh, yes.

Cross-examination.

By Mr. Backes:

Q. Mr. Long, Mr. Willis' family were customers of yours trading at your store, weren't they?
A. Yes, sir.
Q. Both while the domestic establishment was being run by the first wife as well as by the second wife?
A. Yes, sir.
Q. And also during the period when he had no wife?
A. Up to three months ago.
Q. Was there any change in the mode of living during any of those periods or was it just about the same?
A. Just about the same.
Q. You knew, didn't you, that Mr. Willis wasn't living in his house after some time in 1914?
A. Oh, yes.
Q. You knew that, didn't you?
A. Yes.
Q. You knew Mrs. Willis was living there?
A. I heard she was.
Q. Didn't she deal with you?
A. No, sir.
Q. Not after Mr. Willis left?
A. Not after Mr. Willis left the house.
Q. Not after Mr. Willis left the house?
A. Yes.
Q. Did he stop her credit?
A. He did not.
Q. Why didn't she continue to deal with you?
A. I couldn't answer that.
Q. Did you get any orders from Mrs. Willis?
A. None whatever.

Q. Did you get any orders from Mr. Willis?

A. The account was still open.

Q. But Mr. Willis never ordered any supplies from you for that house?

A. No, sir.

Q. After Mrs. Willis left the house and Mr. Willis again returned, you continued to give supplies, didn't you?

A. When they were ordered.

Q. They were ordered, weren't they?

A. Some.

Q. For how long a period did you visit, socially now, Mr. Willis' home?

A. Oh, I should say two years.

Q. While the present Mrs. Willis was at the head of the house?

A. I should say from a year to two years.

Q. You and your wife visited there?

A. Yes, sir.

Q. Dined there?

A. Yes, sir.

Q. How did they appear to act toward one another?

A. Well, very nice, only certain occasions, as I have stated.

Q. Only on these two occasions then?

A. That is the only two occasions I recollect.

Q. On this first occasion which you fix in 1913, that was the first incident that you observed some unhappiness or difference between the two?

A. Yes, in my presence.

Q. Neither one of them were angry, were they, at that time?

A. I should say Mrs. Willis was angry.

Q. She wasn't worn and fagged out by reason of her labors during the day?

A. She complained of being.

Q. That is all she did do, didn't she, complain of being worried and tired out from the day's work?

A. She complained of that.

Q. She didn't say anything out of the ordinary to her husband, did she?

A. I should say it was out of the ordinary.

Q. What did she say?

A. She said he would just let her lie up there and smother.

Q. I thought you said "lie up there and die."

A. Die and smother.

Q. What did she say?

A. Both.

Q. She didn't say that in an angry tone, did she?

A. She did.

Q. Had you dined up to that time?

A. No.

Q. It was after that you dined together?

A. Yes.

Q. Mrs. Willis was a party at the dinner table?

A. I don't think so.

Q. After that you went riding?

A. No, sir.

Q. Now, that was the first incident?

A. Yes, sir.

Q. Now, the second incident. You say while you and Willis were talking about your business affairs and while he temporarily left Mrs. Willis turned to you and said, "Bob Willis is a liar."

A. That is it.

Q. "He says those things to me to make me think he is poor."

A. Exactly.

Q. Did she say that in an angry tone to you?

A. No, I wouldn't say it was angry.

Q. A mere matter of statement between the two?

A. Yes, sir.

Q. Mr. Willis didn't hear it, did he?
A. No, sir.
Q. And Mrs. Willis was on friendly enough terms with you to make such a statement to you?
A. We were very friendly.

By Mr. Wescott:

Q. Do you know, Mr. Long, whether or not Mrs. Willis stopped dealing with you because she said that you were a friend of her husband's?
A. I understood that.
Q. How did you understand it?
A. By people who lived close by.
Q. You didn't get that from Mrs. Willis herself?
A. No.

Joseph Craig, sworn.

By Mr. Wescott:

Q. Mr. Craig, what is your age, please?
A. 26.
Q. You live where?
A. Pennsgrove.
Q. Do you know Mr. Willis?
A. Yes.
Q. For how long?
A. For 26 years.
Q. What is your business?
A. Working in the boiler room at the dye works.
Q. Did you live anywhere near Mr. Willis' home?
A. Right across the street.
Q. You knew him when he was living with his first wife?

A. Yes.
Q. Ever visit his home?
A. Not with his first wife.
Q. Did you know his little boys?
A. Yes, sir.
Q. The children of the first marriage?
A. Yes.
Q. Now, did you ever visit his home after he was married the second time?
A. Yes.
Q. How frequently?
A. Three times a week.
Q. What took you there?
A. I was employed with A. Gibbs & Son, Pennsgrove, they kept a store, groceries and provisions.
Q. Why did you go to Mr. Willis' house three times a week?
A. Due to the fact that Mrs. Willis was dealing at A. Gibbs & Sons at that time.
Q. Do you know whether she had credit in that store?
A. She did.
Q. Was it limited or unlimited credit?
A. Unlimited.

Mr. Backes: I object. This boy was probably an errand boy, how does he know?

Mr. Wescott: He may have knowledge enough.

Mr. Backes: I object.

The Court: Did you take orders there?

The Witness: Yes, sir.

The Court: Were they filled?

The Witness: Yes, sir.

The Court: Then you didn't know of any limit?

The Witness: No.

Q. Who gave the orders?
A. Mrs. Willis.
Q. I am talking about the second Mrs. Willis?
A. Yes, sir, she gave me the orders.
Q. Now, how long a period of time about did that cover?
A. Well, I should say probably six months.
Q. Can you locate the year?
A. I think it was in 1914 and 1915.

The Court: Was it while the boys were living at home or after they had left?

The Witness: While the boys were at home.

Q. Do you remember the fact the boys were taken from home or left home?
A. Yes, they left home shortly after I started to solicit orders there.
Q. Can you tell us now how long she kept dealing with your store?
A. Not exactly the period of time. I should say close to six months. I really don't know how long it did occur.
Q. After the boys were taken from home did you go to the house?
A. Yes.
Q. And deliver orders?
A. Yes.
Q. During any of your trips at the house did you hear Mrs. Willis say anything about her husband?

A. Well, she didn't speak very good of him; of course, I can't just recall what words she said at the time.

Q. Can you recall any of the occasions in which she spoke of her husband to you?

A. No.

Q. Do you remember anything about a powder or dynamite incident?

A. I remember one evening I guess gas formed in the heater and therefore kind of made a cracking noise, and Mrs. Willis thought he was trying to blow the house up.

Q. How do you know she thought that?

A. She as much as told me that.

Q. What did she tell you?

A. She said, "He is trying to blow the house up."

Q. What did she tell you?

A. She said, "He is trying to blow the house up."

Q. That was in the evening?

A. That was in the evening.

Q. Was Mr. Willis there?

A. No, he was not.

Q. What did you say to her about that?

A. I didn't say anything.

Q. What was her manner when she said he was trying to blow the house up?

A. She was very furious.

Q. How did she act?

A. Just pranced to and from.

Q. Was this while you were delivering something to the house?

A. No, this was in the evening.

Q. How did you happen to be there?

A. She called across the street.

Q. That is interesting, tell us about that.

A. Mr. Carter happened to be at home, a gentleman who lived right across the street, and she came

out on the porch and hollered and, of course, Mr. Carter went over and then, of course, I went over, too.

Q. You say she hollered; what did she holler?

A. She just came out on the porch and screamed.

Q. And you went over?

A. And, of course, I went, I living right in back of Mr. Carter.

Q. Was that the occasion when she said Willis was trying to blow the house up?

A. Yes.

Q. What did Carter say?

Mr. Backes: I object. I don't think that is competent, Judge.

Q. What did he say to Mrs. Willis, if anything?

A. Mr. Carter came in and seen she was kind of worked up and he said, "What is the matter?" and, of course, we went all over the house and finally we found there was nothing wrong.

Q. Do you remember anything else that Mrs. Willis said on that occasion?

A. No.

Q. Did you assure her after your examination that everything was all right in the house?

A. I went from there right on to my home, right across the street.

The Court: Do you remember the time that was, was that before or after the children had been taken away?

The Witness: That was after the children had been taken away.

Q. Do you remember her saying anything about Mr. Willis stealing?

Mr. Backes: What, Judge, about what?

Q. Stealing things?
A. No.
Q. Do you remember whether Mr. Willis had anybody to take care of the heater and house?
A. Mr. Willis had a gentleman care for the heater.
Q. Do you know him?
A. I did.
Q. What was his name?
A. Joseph Flanagan.
Q. Is he alive or dead?
A. He is dead.
Q. What period of time did it cover when Mr. Flanagan was taking care of the heater?
A. I really couldn't tell you how long.
Q. Do you remember any trouble about ashes being put in the street?
A. No, I do not.
Q. Did you know the mother of Mrs. Willis, the old lady?
A. No, I did not.
Q. Didn't know her?
A. No.
Q. Do you know anything about a horsewhipping talk?
A. Oh, there was just rumor around town they were going to horsewhip Mr. Willis.
Q. Did you hear Mrs. Willis say anything on the subject?
A. No, I did not.
Q. Then you didn't know the mother of Mrs. Willis, the old lady who lived there?
A. No, I did not.

Q. Never saw her in the house?
A. Not to the best of my knowledge.

Cross-examination.

By Mr. Backes:

Q. You were about fourteen or fifteen years old then, weren't you?
A. Yes.
Q. You lived directly across from the Willis, didn't you?
A. Yes.
Q. Except for these errands when you went back and forth to the house, did you ever go there at any other time?
A. No.
Q. Now, on this one occasion when you say that Mrs. Willis called to you she was afraid somebody was trying to blow the house up, was she alone in the house at that time?
A. She was.
Q. And very much frightened, wasn't she?
A. She was.
Q. And told you she was frightened and told the other man she was frightened?
A. She didn't call to me.
Q. I know, but when you went there on her call you found she was frightened and she told you she was frightened?
A. Yes.
Q. And she feared the house was being blown up?
A. Yes.
Q. Didn't say anything else, did she?
A. That is all that was said.
Q. And this prancing up and down was simply her state due to her fright, wasn't it?

A. I should say so.

Q. Well, now, do you know when Mr. Willis left his house and lived next door?

A. I don't remember what the date was.

Q. You know of that fact?

A. Yes, he did.

Q. Did you ever go to Mrs. Willis' house then?

A. I was working there at A. Gibbs & Son at the time and went three times a week to solicit orders.

Q. After Mr. Willis had left?

A. Yes.

Q. You got the orders then from Mrs. Willis. Who was living in the house with her at the time?

A. Who was living in the house?

Q. Yes.

A. A girl by the name of Holsten.

Q. That was after the child was born, was it during that period?

A. I couldn't say about that.

Q. Did you ever go to the house while Mrs. Willis lived there between 1914 and 1917?

A. Only to solicit orders.

Q. Did Mrs. Willis ever call to you or bring you in the house and tell you she was destitute and ask you to go to Mr. Willis and get her supplies?

A. Mrs. Willis has called me in the house and I have taken a note to Mr. Willis in regards to coal.

Q. You mean she was without heat in the house?

A. She had coal. Mr. Willis read the note and said, "All right, Joseph," and the coal was delivered the next day.

Q. Did she complain to you at that time that Mr. Willis was not supplying her with the necessities of life?

A. No, she did not.

By Mr. Wescott:

Q. This girl that was living there, what was she doing there?

A. She was a school teacher, I don't know what she was doing living there.

DR. NEWTON BARNART, sworn.

By Mr. Wescott:

Q. Where do you live, please, Doctor?

A. Pennsgrove, New Jersey.

Q. And you have lived there how long?

A. About thirty-five years.

Q. You are a physician?

A. Yes.

Q. And you have been subpoenaed by the other side?

A. I was in the fall, yes.

Q. How long have you known Mr. Willis?

A. I suppose about twenty-five years, ever since he has been in Pennsgrove.

Q. Have you known him well?

A. Yes.

Q. Did you know his first wife?

A. Yes.

Q. Do you remember whether or not you delivered her two boys?

A. I did.

Q. I suppose you had occasion to become pretty well acquainted with the family?

A. Yes.

Q. What kind of a home did Mr. Willis have, if

that conveys any meaning to you, as to equipment, furnishings, supplies?

A. Very comfortable.

Q. Did you know the second Mrs. Willis?

A. Yes, I knew Mrs. Willis the second.

Q. Did you deliver her child?

A. Yes, I was in attendance at the time.

Q. Who got you to do that?

A. Mr. Willis.

Q. Did he pay you?

A. Yes.

Q. Did you have any nurses?

A. Yes, one nurse.

Q. One nurse?

A. Yes.

Q. From the time of Mr. Willis' second marriage, have you any intelligent idea about his physical condition, his health in general?

A. No, I don't know, except in a general way.

Q. In a general way what would you say?

A. Mr. Willis was never so very strong since I have known him, he has been of a nervous temperament.

Q. After his marriage to his second wife did you notice any change in his physical condition?

A. No, I don't think so physically.

Q. Did you give him any advice about his physical condition after his second marriage?

A. I don't remember, except in a general way when I was consulted.

Q. You don't recollect advising him to go away?

A. I have done that a number of times since I have known him.

Q. You did that a number of times?

A. Yes.

Q. Well, do you recollect whether he complied with your suggestion and went away?

A. He has a number of times, yes, sir.

Q. And before he went do you recollect whether he arranged with you to report to him the condition of his wife and children?

A. I know he did before the second Mrs. Willis' confinement.

Q. Before her confinement?

A. Yes.

Q. And did you report to him?

A. I did.

Q. Well, was he at home when the boy child Vernon was born?

A. No, he was not.

Q. He was away then in the quest of health?

A. He was in the West, yes.

Q. Do you remember his coming home and going to see the baby Vernon?

A. Yes, very well.

Q. Can you tell about when that was, Doctor?

A. The baby was born on November 12, 1914, and this was several days later, I don't know just how many.

Q. What is your recollection of that incident? Did he get you—let me withdraw that. Did he get you to go with him to see the baby?

A. Mr. Willis was in need of some clothing that was in the house, as I remember it.

Q. Yes.

A. And he came to see me and asked me when I was going up there next and I told him the next morning and told him what time I would be there, and when I got up there Mr. Willis was waiting and he went in with me.

Q. What happened, what did you hear and notice?

A. Why, I went upstairs to see Mrs. Willis, I believe she was still in bed, and I told her Mr. Willis was downstairs, and I think I asked if it would be

all right if he came up to see the baby, and my recollection is he didn't get upstairs before Mrs. Willis either met him on the stairs or downstairs.

Q. She got out of bed?

A. She got out of bed.

Q. Do you remember how she was dressed?

A. No, I do not.

Q. Did she stop to put on her full clothing?

A. I don't think she stopped.

Q. Why do you say you don't think she stopped?

A. I don't think she had time. It happened very suddenly, very surprising to me.

Q. Tell us the details, please?

A. Mrs. Willis didn't seem to be willing for Mr. Willis to be in the house, and she got up and went and protested his coming.

Q. Do you remember what she said?

A. No, I do not.

Q. Go on. She protested against his coming?

A. I protested against her being up out of bed and tried to get her back in bed and she eventually did.

Q. I know she did eventually, but I want the balance of this incident. What did Willis do and what did his wife do, and what did they say, give us your best recollection of it, please. I know it is unpleasant, but you will have to tell us.

A. Do I have to tell this intimate matter?

The Court: Unfortunately we have got to go into these things, Doctor. Tell it as near as you can remember it.

The Witness: I don't remember that Mr. Willis said anything. Mrs. Willis did say a lot but I don't remember just what. I don't think I could remember it.

Q. Why not?

A. Well, it was so rapid and a lot of it and I don't remember just what it was. She berated Mr. Willis for the trouble that occurred and she didn't want him around there, that was the gist of the matter, and I think he left pretty soon.

Q. Can you recall any language she used, Doctor?

A. No, I don't, I can't.

Q. Can you tell whether it was vigorous language or mild language?

A. It was vigorous.

Q. And rapid?

A. Very rapid.

The Court: Did she lay her hands on him to put him out?

The Witness: I don't remember that she did.

Q. Doctor, did she use any vile or foul language?

A. Not that I remember; I don't remember what she said.

Q. Well, Willis left, did he?

A. He went out.

Q. Do you know where he went?

A. I think he was still outside when I came out, and if I remember rightly there was an overcoat he wished to get particularly and I went back to get the overcoat, but I didn't get it.

Q. Why not?

A. I think Mrs. Willis objected.

Q. What kind of an objection did she make to his having his overcoat?

A. I guess she gave me to understand he couldn't have it or I couldn't have it for him.

Q. Was she very mild in her manner on that occasion?

A. No, I wouldn't say she was.

Q. Do you remember the incident when Mr. Willis was going to the bathroom and his wife caught him by the neck?

A. No, I don't remember that.

Q. You don't remember that?

A. No, I do not.

Q. Did you hear them talking to each other on any occasion?

A. Well, it takes two to talk to each other. I don't remember ever hearing Mr. Willis so very much and Mrs. Willis nothing, practically.

Q. Did you hear her say very much to Mr. Willis?

A. Yes, at times.

Q. How did she talk to him?

A. Sometimes she was finding fault with things that he did.

Q. Can you remember what she found fault about?

A. No, I don't recollect anything particular.

Q. What was her manner and style of fault finding?

A. Vigorous.

Q. Rapid again?

A. Rapid.

Q. Did it indicate a very profuse affection for Mr. Willis, or the contrary?

A. I should say displeased.

The Court: On the war path?

The Witness: War path?

The Court: Yes.

The Witness: Frequently, yes.

Q. You are president of the Pennsgrove National Bank?

A. President of the board of directors.

Q. Willis is connected with the institution?

A. As a director.

Q. Well, is Willis a cross, disagreeable fellow, or a mild-mannered man, so far as you can judge from your observation of him?

A. Mr. Willis has always been very mild and very cool and collected as far as I have known him.

Q. Did you have any knowledge of Mr. Willis trying to get his wife to enter into a reconciliation, or to return to him?

A. I believe he did in this court room one time.

Q. Well, I know, but outside of efforts he made in this court room. Did you know anything of his efforts to get his wife to come back and behave herself and be a decent woman?

A. I don't like that word "decent" being put in there.

Q. Strike that out. I am obliged to you for calling me down about that.

A. You are welcome. I believe one time Judge J. Warren Davis was invited to Pennsgrove——

Mr. Backes: Were you present at that conference?

The Witness: Yes.

Mr. Backes: With Warren Davis?

The Witness: Yes. He was requested to come to Pennsgrove and go and see Mrs. Willis here——

Mr. Backes: You don't know, but you met there.

Q. Let him go on.

A. Judge Davis or somebody asked me to go with the Judge to see Mrs. Willis; we were there one evening and I accompanied the Judge.

The Court: Can you fix that date, approximately, Doctor?

The Witness: No, I can't.

The Court: Was it before or after the two boys were sent away from home?

The Witness: I don't know. I don't know when they were sent away from home, I haven't any idea.

Q. Go on, give us your recollection of that whole difficulty?

A. I accompanied the Judge up to the Willis residence and he began to talk to Mrs. Willis and she listened to the Judge a while, and then the Judge stopped talking and Mrs. Willis talked, I don't remember just what was said, but the Judge didn't have much success.

Q. Didn't have much success?

A. In peacemaking, no, didn't have any success.

Q. Did you take part in the thing, too?

A. No, I was just a friendly accompanist of the Judge's; I think I went along at his request. I don't know whether he knew Mrs. Willis or not.

Q. Can you recall the gist of what Judge Davis said to Mrs. Willis?

A. No, I don't know.

Q. All you are willing to say it was a peace errand?

A. It was a peace errand and a failure.

Q. To get Mrs. Willis to come down off her high horse and live right?

A. I don't know that that was just it.

Q. What was it then, Doctor? There was some reason for your going there. Tell us candidly about it.

A. I don't know just what idea the Judge had in his mind, except to see if we couldn't patch matters up between them. There had been trouble.

Q. You say you had no success?

A. I will say we did not.

The Court: Do you remember any specific request he made looking toward Mrs. Willis coming back, or anything of that kind, or any answers she might have made?

The Witness: I don't remember, except he asked if they couldn't fix matters up between them.

The Court: And her reply was what?

The Witness: The effect of her reply was it couldn't be done.

Q. Did you know Aunt Rachel?

A. Aunt Rachel Farr. I think she was the nurse at the confinement of the older boys, Mr. Willis' boys by his first wife.

Q. Did you know the old mother of Mrs. Willis?

A. I don't remember ever meeting Mrs. Willis' mother.

Q. Doctor, do you remember Mr. Willis taking his boys away from home, taking them down to Delaware or Maryland, or some place?

A. No, I don't know anything about that, I don't remember a thing about that.

Q. I suppose you heard in the community the talk about the domestic difficulties of these people?

A. I suppose I have heard it more or less, yes, very little.

Q. Do you know whether or not Mr. Willis employed Aunt Rachel to attend to his wife at the birth of Vernon?

A. I am sure he did.

Q. Do you know whether or not Mrs. Willis refused to have her?

A. I am quite sure of that, yes.

Q. Mr. Willis employed her. She was a competent woman, was she?

A. Yes, I think so.

Q. And Mrs. Willis refused to have her?

A. Yes, as I understand it, and engaged another nurse, had another nurse.

Cross-examination.

By Mr. Backes:

Q. Doctor, you have known Mr. Willis how long?

A. Twenty-five years, I believe.

Q. Have you been his physician that length of time?

A. Most of that time.

Q. He has been under your care off and on during that whole period?

A. Yes.

Q. He has never been very strong?

A. No, I wouldn't say Mr. Willis has ever been a rugged man.

Q. A very nervous and irritable man, wasn't he?

A. Nervous. I never knew him to be irritable.

Q. Temperamental?

A. No, I won't say that.

Q. Would he go up and down, have fits occasionally?

A. No. I said I thought he was very cool and collected.

Q. All during this period, all during the time you have known him?

A. I haven't seen him riled.

Q. You don't see any material change, except that due to his increased age, in his condition now and when you first knew him?

A. What do you mean?

Q. Just what I said. Is there any material change in his present condition of health now, except allowing for the additional age, and when you first knew him?

A. About the same.

Q. About the same?

A. Yes.

Q. So that this great disorder he is laboring under has not affected his health, as you think?

A. He has been nervous ever since I have known him.

Q. So that when Mr. Willis says that his health has been impaired by reason of the trouble with his wife, that isn't so, is it?

A. His general health?

Mr. Wescott: I object to the question.

The Court: What did you say, Doctor?

The Witness: I asked if he meant his general health.

Q. His general health?

A. No, I think his general health is about the same.

Q. Now, you delivered the children of both wives, didn't you?

A. Yes.

Q. Did you visit the house when he brought his second wife home, continue to visit there as a physician?

A. I believe so.

Q. Ever find that there were any differences between the husband and the wife?

A. Any differences?

Q. Yes.

A. Well, I should say there were differences, because I have heard complaints.

Q. What would you observe in visiting the house?

A. I have heard Mrs. Willis complain of Mr. Willis' conduct.

Q. What did she complain about?

A. Well, he didn't do things to suit her; I don't know what particularly.

Q. What kind of things?

A. I think sometimes it was that he was away from home overnight, or something of that sort.

Q. Ever complain of being mistreated by him?

A. Physically, no.

Q. Or otherwise?

A. No, not that I know of.

Q. When were you first called in to attend to Mrs. Willis when her baby came along?

A. I don't know, I couldn't give the date.

Q. Mr. Willis was ailing at one of these periods when you sent him away?

A. That occurred frequently.

Q. He wasn't at home when this child was born?

A. No, he was not.

Q. Did you advise him of the birth of the child?

A. I did, immediately.

Q. He employed you to take care of his wife?

A. Yes, sir.

Q. When he returned you say a few days after the birth of this child you were asked by Willis—were you asked by Willis to arrange to see the child?

A. No, there wasn't anything said about seeing the child.

Q. The only thing he was concerned about was getting his overcoat out of the house, wasn't he?

A. Not his overcoat solely.

Q. And other personal effects?

A. Yes, sir.

Q. Didn't concern himself about the child at all, did he?

A. Well, he asked me about how things were at the house and arranged with me to let him know how things were going.

Q. Take the day when you say you went to the house.

A. A few days after the child was born.

The Court: How many?

The Witness: A few days.

Q. How many days do you think it was, Doctor?

A. Perhaps a week, five, six or seven days.

Q. Mrs. Willis was confined in bed?

A. Yes.

Q. And weak, due to her condition?

A. Yes.

Q. Did Willis ask about his wife that morning when you took him to the house?

A. I don't remember.

Q. Did he ask you to arrange to see the child that morning?

A. I don't think anything was said about that, I think that was my own.

Q. Your own dictation?

A. I wanted to patch things up if I could, I always try to.

Q. Did you know there had been trouble between them?

A. Did I know there had been?

Q. Yes.

A. Yes, I knew they weren't getting along well together.

Q. Did you know before you sent Mr. Willis away he had actually left his home and taken his home next door, living next door?

A. I don't think I did.

Q. So that on this morning you didn't know whether he was living in this house where his wife was or not, did you?

A. I knew he had been away but I don't know how many weeks. He had been away for some time.

The Court: You gave the date of the birth of the child, Doctor, do you remember what it was?

The Witness: This is the original stub of the birth certificate. November 12, 1914.

Q. You told Mrs. Willis her husband was downstairs, I understand?

A. I believe so.

Q. Where did you go and what did you do after that?

A. I suppose I went up to see the baby. I don't just remember.

Q. When did you first observe Mrs. Willis out of her sick bed?

A. When she was standing on the stairway.

Q. At the head of the stairs?

A. About half-way down; it was a winding stairway.

Q. Where was Mr. Willis?

A. As I remember he was downstairs in the living room.

Q. And you heard her berate him?

A. Yes.

Q. You don't recall what was said by her?

A. No, I don't remember.

Q. Do you recall anything that was said by Willis?

A. No, I don't know.

Q. Did you continue to treat Mrs. Willis after that?

A. I went to see Mrs. Willis for 11 days after the baby was born.

Q. Did you attend her any time after that?

A. I made several trips there up to December 5th to see the baby, according to my records. After that I don't remember.

Q. Now, can you give us the time when you and Judge Davis went to the house?

A. No, I don't know.

Q. Was it before or after this child was born?

A. I don't remember that.

Q. What was the purpose of going there?

A. My understanding was the Judge was trying to fix matters up between them, they weren't happy together.

Q. And who asked you to go?

A. Mr. Willis or Judge Davis, I don't know which. They came to my house and I think the Judge asked me to go with him.

Q. Willis and the Judge came to your house?

A. I believe so.

Q. Wasn't the object of going to see Mrs. Willis to determine as to her sanity or mental condition?

A. No.

Q. Hadn't Willis complained of that and he was going to put her in an asylum?

A. There had been some talk about that.

Q. Willis had consulted you about that?

A. He had spoken about her mentality.

Q. And wasn't the purpose of your going there that day to test out whether you could or could not give the certificate?

A. No, I always discouraged the idea. I didn't go there with that intention.

Q. At whose request?

A. And I am sure Judge Davis didn't go there with that idea at all.

Q. I wouldn't say that, but didn't Mr. Willis seek your services for that purpose?

A. He spoke to me about it, yes, sir.

Q. On how many occasions?

A. I don't know, two or three, perhaps.

Q. Over how long a period?

A. I don't know, a year maybe.

Q. Can you fix when he first spoke to you about it?

A. No, I don't know.

Q. But you always discouraged the idea?

A. I discouraged the idea always.

Q. Of having her adjudged incompetent?

A. Always.

Q. Mr. Willis insisted upon it, didn't he?

A. No, he didn't insist, he mentioned it.

Q. Aside from these two occasions when you were present in the house, after the birth of the child, and the incident with Judge Davis, did you or didn't you, of your own observation, see anything strange between this couple?

A. I frequently heard Mrs. Willis complaining

to Mr. Willis of the way he did and the way he treated her.

Q. What did she complain about, Doctor?

A. Just like that, that he didn't do to suit her. I don't know of any particular, identical instance.

Q. Did you ever call at the house to prescribe for Mrs. Willis at the request of her husband aside from this one time?

A. I suppose I did; I had calls to go there at times.

Q. Had calls to go there?

A. I don't remember from whom.

Q. Do you know what you were treating Mrs. Willis for?

A. I was consulted frequently during her pregnancy, if I remember rightly.

Q. But before that?

A. I don't remember.

Q. Didn't Willis frequently ask you to go to the house because his wife had another one of those spells?

A. I don't remember that.

Q. Did you ever come to the house and find Mrs. Willis very much agitated and you say, "What has that brute been doing to you again?"

A. No, I never said that.

By Mr. Wescott:

Q. Well, Doctor, just one word further, please. You say that Mr. Willis suggested the possible insanity of his wife, that is correct, isn't it?

A. Yes.

Q. Was he serious about it?

A. Yes.

Q. What did he tell you was the basis of his con-

cern about his wife's mental condition, what was the substance of his complaint?

A. I guess the idea was he didn't think she was mentally balanced.

Q. Did he tell you why?

A. I don't remember any particular.

Q. I know you don't remember particularly, but give us the general idea. You know, Doctor. Here was a husband who came to you to consult you about the mental condition of his wife; there must have been some reason for that. Didn't he tell you about her brainstorms and her outbursts of temper and the impossibility of getting along with her?

A. That was all brought out, Judge, I guess.

Q. He told you about that?

A. I knew all that.

Q. You knew she had outbursts of temper?

A. I have stated that.

Q. And stormed terribly, finding fault with her husband, and you knew her husband was kind to her and had done everything in his power to make her happy, you knew all that?

A. I knew of the outbursts.

Q. And wasn't that the reason that Willis was actually concerned about the mental integrity of his wife, isn't that the truth now, Doctor?

A. That was the basis.

Q. So you made up your mind it was either a mental condition or a question of devilishness, didn't you?

Mr. Backes: I object to that characterization, Judge.

Q. I will withdraw it.

The Court: I think you opened up this re-direct.

Mr. Backes: Yes, I did, and I am perfectly willing to have it come out, too.

Q. It is true.
A. All raving women aren't insane.

Mr. Backes: Nor are all raving men?

The Witness: They don't rave. We men must stick together.

Mr. Backes: If that is your attitude do I understand you are trying to protect this man Willis?

The Witness: No.

Mr. Backes: What do you mean by saying we men must stick together.

The Witness: You and I.

The Court: I think that was very obviously a joke.

Mr. Wescott: But the truth.

The Witness: The joke didn't sound good under the circumstances.

Mr. Backes: It is all right, we will forget it.

Q. It was a good piece of wit. Now, the truth is there was some justification for Willis having some doubt in his mind as to whether his wife was actually mentally sound?
A. I never thought she was, never considered that she was, I didn't think she was unsound.
Q. And you told him so?

A. Yes, always.

Q. He told you of his repeated difficulties with her and he had the idea the woman was actually crazy, didn't he?

A. I suppose he did.

Q. And you told him she wasn't?

A. Yes, I said she wasn't.

Q. Then wasn't it true that if she wasn't crazy she was decidedly temperamental?

A. Lacking in tact.

Mr. Backes: That is a good way to leave it, Judge, lacking in tact.

Q. You say you were frequently consulted during the pregnancy of Mrs. Willis?

A. Yes.

Q. Who consulted you?

A. I consulted with Mrs. Willis mostly, I suppose.

Q. Did Mr. Willis consult you about it?

A. He was in consultation with me frequently.

Q. He was concerned about her, wasn't he?

A. Yes, I think so, naturally.

Q. And he paid the bills?

A. Yes, sir.

Mr. Backes: Did you ever see Mrs. Willis in any outbursts of temper?

The Witness: Yes, sir.

Q. How frequently, Doctor?

A. I don't know.

Q. What?

A. I couldn't say how frequently.

Q. Many times or few times?

A. Several times.

RALPH WILLIS, sworn.

By Mr. Wescott:

Q. How are you related to this Mr. Willis, the petitioner?

A. How am I related?

Q. Yes.

A. Brother.

Q. How old are you?

A. Forty-four.

Q. Married?

A. Yes, sir.

Q. Where do you live?

A. Pennsgrove, N. J.

Q. What kind of a home has your brother?

A. He has the average home that is in keeping with a man of moderate circumstances.

Q. Is it a comfortable home or like a chicken coop?

A. I would say very comfortable.

Q. Did you know his first wife?

A. Very well, yes, sir.

Q. Visit them frequently?

A. Yes, very frequently. Lived with them for a year or more.

Q. What kind of a home had Willis then?

A. Very nice comfortable home; lived in a rented house at that time, but very comfortable.

Q. What kind of a family life had he?

A. Very congenial.

Q. Do you know the second Mrs. Willis?

A. Yes.

Q. Did you visit your brother's house more or less frequently after his marriage with the second Mrs. Willis?

A. Occasionally during the first year or so of his married life with his second wife.

Q. When you visited his home what did you observe, if anything?

A. Well, everything was apparently congenial for the first—well, during the period that I visited his house occasionally.

Q. They were very congenial?

A. Yes, sir.

Q. Nothing the matter with them at all?

A. As far as I could see during the first short period of their married life.

Q. What did you observe afterward, if anything?

A. In what way do you mean?

Q. Any way at all. Were they hugging and kissing each other all the time?

A. No, I never saw a public demonstration of affection.

Q. Did you ever see any private demonstration?

A. No, sir.

Q. What?

A. No.

Q. Then you didn't see anything at all?

A. No, sir, no demonstration of affection.

Q. Did you see anybody in the house when you went there or was the house empty?

A. I can't recall, only with reference to his own family.

Q. Then you did see some people in the house when you went there?

A. Yes.

Q. That is all you did see?

A. That is all I can say.

Q. Do you know anything about the conduct of Mrs. Willis toward the two sons, the two children of the first wife?

A. Yes, I know at times she was very nice to them and at other times very disagreeable to them.

Q. What do you mean when you say she was very disagreeable?

A. Continually scolding them unnecessarily, I thought, as far as I could observe. I remember on one occasion when my family was away and I was taking dinner with them she locked the younger boy in a closet and made him stay there for some little minor offense he had committed, which I thought was entirely unnecessary.

Q. Then you did see something. What else did you see?

A. I just recall that one occasion.

Q. Can you recall anything else?

A. I might say that is the only occasion I can recall where I was in their home, but often outside I would hear her scolding the boys I thought unnecessarily.

Q. When you were on the outside?

A. That is when I was at my home or on my lawn, and I would see the boys probably playing on the street or on the porch.

Q. How close did you live to your brother?

A. The adjoining home. Our houses were probably eighty to one hundred feet apart.

Q. What did you hear? Tell us according to the best of your recollection?

A. I can't recall any particular words, only the natural trend of a woman's voice when she is scolding.

Q. Did you ever see her punish any of the boys beside locking one up in a closet?

A. I couldn't say, except scolding them and making them go in the house.

Q. Did you ever hear her say anything about her and her husband when you were present?

A. Not while I was present, no.

Q. Did yo uever hear her say anything about her husband?

A. No, she didn't discuss her husband at all in my presence.

Q. Did you have any inkling of any difficulty in this family?

A. Not for sometime after they were married. My first intimation was one night I heard some loud voices, being the summer time our windows were up, and I could hear Mrs. Willis' voice and she was scolding and berating her husband and I could hear him in mild tones trying to make her stop, and finally she did stop.

Q. Can you locate that as to time?

A. I can't recall what year it was, it was probably the summer of 1913.

Q. Do you know what she was storming at her husband about?

A. I couldn't get a word, just a steady harangue.

Q. What was that?

A. I said a harangue, that was my expression.

Q. What was your business?

A. Wholesale hardware and lumber business.

Q. Associated with your brother?

A. Yes.

Q. Do you remember Mrs. Willis ever calling at your office?

A. Calling me?

Q. Yes, calling at your office?

A. Calling in person?

Q. Yes, in person or proxy, or any other way?

A. I can't recall any particular calls she made; naturally being the wife of my brother she came in at times.

Q. What did she call about?

A. I can't say particularly, I don't remember.

Q. Did she call you on the telephone?

A. At times, yes.

Q. What did she say on the phone?

A. I can't recall the exact words. I remember on some occasions she would call me and ask for my brother and ask him to call around to the house immediately, or something like that, on some occasions when it seemed unnecessary.

Q. I can't hear you.

A. At times she would call on the telephone and ask for Mr. Willis to be sent home immediately. I don't know why she did it or anything about it.

Q. Do you know anything about her accusing you of stealing from your brother?

A. I understood she said I stole something.

Q. Did you hear her say so?

A. No, I didn't hear her say so.

Q. Do you have any personal knowledge about Mr. Willis being locked out of his house?

A. I know he left his home and I can't just say whether I heard any threats of her's to keep him out but I know she treated him in such a manner he was afraid to try to enter his house even.

Q. You know that?

A. I do.

Q. Now, when you say you know that, what do you mean? That is very important; that is the first thing you have said of any consequence.

A. I know from having lived so near we could overhear remarks at times.

Q. What remarks for instance?

A. I can't recall the words; they were steady.

Q. Was it a human voice you heard?

A. How is that?

Q. Was it a human voice you heard or was it a cat's?

A. I might say a human voice, but usually in a very excited tone.

Q. Do you know whether your brother lived with you a part of the time?

A. Yes, he did part of the time after he left his own home.

Q. When did he leave his own home, do you remember?

A. I can't remember the date, sometime early in the spring of 1914.

Q. Where did he live after he left his home?

A. He spent a week, or a couple of weeks, in Maryland with my mother and he returned, and I think he came to my house directly after his return to Pennsgrove.

Q. How long did he stay at your house?

A. I can't just remember, probably about a year.

Q. Where was his wife, Mrs. Willis, during that time?

A. In her home.

Q. Where was her home?

A. In her home, her husband's home, adjoining mine.

Q. Where her husband had lived with her?

A. Yes.

Q. Do you know how she lived during that year, have you any knowledge on that subject?

A. I couldn't say.

Q. Probably lived on faith.

Mr. Backes: Now, Judge.

Q. Do you remember any occasion of your guests on the lawn being insulted?

A. Yes, I recall one afternoon we drove up to my front door which faced the same street their home did, and I had a couple of ladies and my wife with

me, and they started to alight and Mrs. Willis came from her home and started to approach us, and I drove away, drove around the back of my house, and as she approached us on the street she expressed several remarks.

Q. What were they?

A. I can't recall the words, but she expressed her remarks toward these ladies.

Q. What was the nature of them, tell us about it?

A. Something about them being some of her husband's lady friends, and that she was going to see that they were kept away from there, very unpleasant remarks, and it made these ladies very nervous, and we drove to the back of the yard and they hurried in the back door of my house as quickly as they could, and Mrs. Willis called to us across the lawn what she thought of these ladies being friends of her husband.

Q. What did she say?

A. I can't recall the exact words.

Q. Tell us the substance.

A. I am trying to. These ladies went in my house and they were extremely excited and nervous.

Q. Give us an idea of what she said when she yelled across the lawn to your guests?

A. Judging from her expression she was accusing these ladies of being some of my brother's lady friends. They had come from a distance to spend a few days with my family, and they were so frightened they decided immediately to leave town.

Q. Did they leave town?

A. Yes.

Q. When did they go, that evening?

A. Yes, immediately that evening. That was four or five o'clock in the afternoon and they left immediately.

Q. When was that time?

A. Sometime probably during the latter part of the summer of 1914. I am not just sure about that.

Q. Was it before or after Mr. Willis' boys had left home?

A. After the two boys had left home?

Q. Yes.

A. It was after that.

Q. After they had gone?

A. Yes.

Q. Do you remember the boys being taken away by Mr. Willis?

A. Yes.

Q. Can you tell us in point of time about when it was?

A. I can't exactly remember the time, it was during March or April, 1914.

Q. Do you know why he took his boys away?

A. Yes, he took them away because he didn't want them under the influence of Mrs. Willis any more, under her care.

Q. How long were they away?

A. I don't know.

Q. Can't you recall?

A. I don't know. They spent, I might say, a few months in Maryland, and then they were brought back to Delaware, where they were boarded at the home of a cousin of mine, and later they were taken to North Jersey and entered in a school where they were kept for some time.

Q. There for several years, weren't they?

A. Yes, several years; I can't remember just how long.

Q. After your brother married his second wife you told us you were frequently in the house. How was the house furnished?

A. The house was furnished very comfortably.

Very comfortably for a person with moderate means, as my brother had at that time.

Q. Ever have any help about the house?

A. Yes, irregularly as far as I can remember.

Q. Did you ever talk with Mrs. Willis about her troubles with her husband?

A. No, sir.

Q. Did she ever talk with you?

A. Did she ever talk to me?

Q. Yes.

A. No.

Cross-examination.

By Mr. Backes:

Q. You weren't on friendly terms with the second Mrs. Willis, were you?

A. Not after the first year or so of their married life.

Q. When she married Mr. Willis these boys you speak of, one was a small infant, one was less than two years old?

A. Yes, the younger one.

Q. And the other about four?

A. Yes. The younger one was under two.

Q. Mrs. Willis cared for these children, didn't she?

A. Yes.

Q. And apparently the children were well cared for?

A. Apparently so.

Q. And that was so up to the time Mr. Willis took them away, wasn't it?

A. Yes, as far as I know.

Q. As far as their general appearance went?

A. Yes.

Q. And so far as you knew she never mistreated these children, did she?

A. On the occasions I spoke of.

Q. Only on two occasions you heard her correct them for something they had done?

A. One occasion in the home and several occasions on the outside.

Q. And so far as you know the correction may have been deserved?

A. I said unnecessarily.

Q. That was your judgment about it?

A. Yes, that was my judgment.

Q. You don't know what offense the boys had committed?

A. Not entirely.

Q. Or what it was she was correcting them for?

A. Not always.

Q. When did your brother leave his home?

A. Sometime in March, I think, 1914.

Q. Why did he leave it?

A. Incompatibility.

Q. On his part or his wife's part?

A. On the part of his wife.

Q. He had no other reason for leaving, had he, except that?

A. None that I could see.

Q. He always had a key for the house, didn't he?

A. I don't know that; I presume so.

Q. He lived next door with you for a year?

A. Yes.

Q. Did he ever go across to see his wife?

A. Not to go in the home; not to my knowledge.

Q. Did you ever take any message over to her during that time?

A. No.

Q. Do you know whether he sent any message to see whether his wife would receive him?

A. I couldn't answer that.

Q. Did he make any effort to have a reconciliation at that time?

A. Not through me.

Q. Would you have known it if he had?

A. I probably would.

Q. So they both agreed because of incompatibility to live separate and apart, isn't that so?

A. I don't know, I don't know that they both agreed.

Q. Did your brother tell you that was the reason why he left?

A. Not that they both agreed to live apart.

Q. Did your brother at any time express to you a desire to go back to his home?

A. I can't say, I can't remember.

Q. You say your brother's house was furnished as well as it could be and provided for as well as it could be for a man of his means?

A. That is what I said.

Q. What are his means at the present time?

A. At the present time?

Q. Yes.

A. Probably his means are a little better now than at that time. Naturally, that was twelve years ago.

Q. Very much improved, aren't they?

A. I can't say very much; the natural course of improvement a man will make in business if he is successful.

Q. Are you in business with him or he with you?

A. I am with him.

Q. Who owns the control of that business?

A. There are three members of our firm.

Q. Do you know what the interest of your brother is?

A. Do I have to answer that, Judge?

The Court: I don't know any reason why you shouldn't. I don't know that there is very much reason why you should, though, there is no question of alimony involved here.

Mr. Backes: Not now, unless there is a question respecting her future.

The Court: If the witness doesn't wish to answer, all right.

The Witness: I object to answering it.

FLORENCE WILLIS, sworn.

By Mr. Wescott:

Q. This gentleman who just left the witness stand is your husband, isn't he?
A. Yes.
Q. Is he?
A. Yes.
Q. How long have you known Mr. Willis, this gentleman sitting here?
A. Almost 17 years.
Q. You knew his first wife?
A. I did.
Q. Visit their home?
A. Yes.
Q. What kind of a home had Mr. Willis?
A. Very comfortable home.
Q. What kind of a wife had he, the first wife?
A. A very agreeable wife I would say.
Q. Do you know what their domestic life was together?

A. Very happy.

Q. Brought up two little children?

A. Yes.

Q. Two boys?

A. Yes.

Q. Now, did you visit Mr. Willis after he married the second time?

A. Yes, I did.

Q. How was the home conditions?

A. Comfortable home, a new house and very comfortable.

Q. Did you observe any difficulty in the home?

A. For a while not.

Q. Did you afterward, further along?

A. Just how do you mean?

Q. You said, if I understood, that at first you did not. Did you afterward notice any difficulty?

A. We used to hear Mrs. Willis scold in a very loud tone of voice and go across to the neighbors on the various corners.

Q. Calling across to the neighbors at different corners?

A. Yes.

Q. Who was she scolding in a loud tone of voice?

A. Mr. Willis, and she has scolded us because, of course, we took care of Mr. Willis when he had no place to go.

Q. When did you take care of Mr. Willis, please?

A. I don't remember the exact date. Sometime after we were married when he left there.

Q. Why did you do that?

A. I certainly didn't want to, I had plenty to do, but the town was full at that time with people and he didn't have any home, and naturally being Mr. Willis' brother we gave him a room in our home.

Q. How long did he live with you?

A. I guess less than a year, somewhere around a year.

Q. During that time do you know where his wife was living?

A. Next door in the home where they used to live together.

Q. Were the boys there then?

A. I think they were for part of the time.

Q. For part of the time?

A. Yes.

Q. Are you quite sure they were there part of the time?

A. I am not positively sure, but I think so.

Q. You knew the boys were taken away from the home, I suppose?

A. Yes.

Q. Do you know why?

A. Because Mrs. Willis scolded and treated them so disagreeably.

Q. You say sometimes you heard her calling to her neighbors?

A. Very often.

Q. Can you recall what she said, or the substance of what she said? What was she calling to them about?

A. No, I don't exactly remember her words.

Q. I know you don't. Can you tell us what it was about?

A. She thought Mr. Willis didn't treat her right, and we had things often she thought we shouldn't have, seemed to be, I should say, jealousy, I don't know how else to express it.

Q. Your husband testified to an incident when you had some visitors there, do you remember that?

A. Yes, I was in the car.

Q. Will you tell his Honor what happened?

A. We had been downtown in the car and drove up in front of our home to stop to alight, and I just happened to turn around and saw Mrs. Willis coming rapidly toward us on the pavement and started to talk in a very loud tone and she was excited, so we were afraid and we drove downtown again, we didn't get out of the car, and we waited a while and came back and drove in the yard and came in the back door as quickly as we could, because we were afraid, and we heard Mrs. Willis talking—we really locked the doors because we were afraid—and we heard Mrs. Willis talking in a loud tone.

Q. Do you remember what she was saying?

A. I remember one thing, it was indelibly impressed on my mind, she said, "So these are the women you are running with, is it?" and it was Mr. Willis' cousin who was visiting us, and an old lady, the aunt.

Q. An old lady?

A. Yes.

Q. I didn't catch the other?

A. Two ladies, one was a cousin about seventeen or eighteen, and the other was an aunt about sixty years old, and they had expected to visit us for several days.

Q. Did they stay?

A. They left that night. The older lady was so nervous and afraid that something might happen that she said she couldn't stay.

Q. Did you hear Mrs. Willis on that occasion hollering across the lawn?

A. Yes.

Q. What did she say then?

A. Accusing Mr. Willis of having—calling the one girl his friend. I don't believe she knew the girl, that it was a relative.

Q. About what time in the day did that occur?

A. In the afternoon late, the middle of the afternoon.

Q. Can you recall anything about your husband being charged with stealing?

Mr. Backes: Well now, by whom?

Q. By Mrs. Willis?

A. I don't believe I heard Mrs. Willis say that, I just heard she said that.

Q. If you didn't hear her don't tell us. Have you been on speaking terms with Mrs. Willis, the second Mrs. Willis?

A. Not after the first year or so, not after she started to ill treat Mr. Willis.

Q. Did she visit you?

A. Used to at first. We were very friendly.

Q. Now, so far as you can judge what is the trouble between these people? You are a pretty keen-minded woman I notice.

A. Thank you. I have known Mr. Willis, of course, before I was married and all the time since lived next door to him, and I have always found him calm, considerate, and I should say a man easy to get along with, any woman could live with him who did her part; and, of course, although I didn't live in the home, Mrs. Willis seemed very excitable and jealous, and I thought unreasonable.

Q. Can you recall about the time that Mrs. Willis left her husband's home?

A. You mean just for a trip?

Q. Now, when she left permanently?

A. I remember one time she left home and went away—I didn't know she had gone away until someone told me she was away, and I didn't know she had returned until I just happened to look out the window and saw her mother who was visiting there

at the time, the little old lady, going down the street, and it was in the summer time and terribly hot, and I wondered why the old lady was going down the street at that time, and the railroad station is right near our place of business and Mr. Willis called me then and told me his wife ——

Mr. Backes: No.

Q. Did you know this old lady, Mrs. Willis' mother?

A. I had met her.

Q. How old a woman was she?

A. I guess she must have been sixty, anyhow; a little old lady with white hair, a delicate looking old lady, she must have been sixty, a very delicate, little lady.

Q. Do you know how long she lived at the Willis home?

A. She was just visiting there, I believe, for some length of time.

Q. A considerable length of time?

A. I don't remember just how long.

Q. Was it a considerable length of time?

A. Over some weeks I should say.

Q. You are speaking of her going towards the depot.

A. The old lady?

Q. Yes.

A. Yes.

Q. Where did you see her first on that occasion?

A. Passing my house, and I wondered where she was going, because it was so terribly hot.

Q. What did she have in her hands?

A. I think she had a bag, but I am not sure.

Q. Did you follow her to see where she went?

A. No.

Q. You don't know where she did go?
A. No.
Q. Did you ever see her there afterwards?
A. No.
Q. Who was occupying the Willis home at the time you saw this old lady going down the street toward the depot?
A. I didn't know anyone was there then until Mr. Willis called me and told me his wife——
Q. Don't tell us that; you will get the other side crazy. Let me understand this situation. This old lady is the mother of Mrs. Willis, isn't she?
A. Yes.
Q. And she had been, according to your recollection, some weeks in the Willis home?
A. Yes.
Q. And on this hot day—what time in the day was it?
A. Around noon I believe the train leaves.
Q. And you saw that old lady where, in the front of your house?
A. Yes.
Q. Going toward the depot?
A. Yes, I just happened to glance out the window at the time.
Q. And you think she had a bundle in her hand?
A. Yes, I think so.
Q. But you don't know whether Willis' home was occupied by anyone at that time or not?
A. The younger boy was there.
Q. Do you know whether Mrs. Willis was there?
A. No, I don't know.
Q. Why this old lady went along the street toward the depot you don't know except from hearsay?
A. No.

Cross-examination.

By Mr. Backes:

Q. This old lady you refer to is not a Mrs. Willis at all, is she?

A. No, she was Mrs. Willis' mother.

Q. She was Mrs. Browning?

A. Yes.

Q. Now, you say you were on good terms with Mrs. Willis for a year or more?

A. I don't remember how long, a year more or less.

Q. Did you have a scrap?

A. No.

Q. Have some difficulty?

A. No, I didn't.

Q. It takes two to have a scrap?

A. When things are made disagreeable for you you stay away.

Q. Who made things disagreeable?

A. Mrs. Willis.

Q. And you stayed away?

A. Yes, sir.

Q. And thereafter you didn't speak?

A. We did not.

Q. And that has been your attitude ever since, hasn't it?

A. Yes.

Q. So Mr. Willis, the husband of this defendant, lived at your house for a year or more?

A. More or less, I don't remember how long.

Q. Did he live there steadily during that time?

A. He went away several times.

Q. But that was his home, wasn't it?

A. Yes.

Q. Where did he keep his clothing and stuff, in your house or next door?

A. He didn't seem to have so very much clothing, he kept what he had with us.

Q. Did he ever visit the house next door?

A. I am not sure.

Q. Did he ever go to see his wife?

A. I am not sure.

Q. Did he ever send any mesages over by you or anybody in the household?

A. Not by me.

Q. You would have known it if he had?

A. Yes.

Q. Did he ever make any inquiry of you about his wife?

A. Several times he asked me to sort of watch the house so that nothing would happen to the boys while they were there.

Q. He didn't ask you to speak to his wife for him?

A. No.

SARAH CHEESMAN, sworn.

By Mr. Wescott:

Q. Mrs. Cheesman, where do you live?

A. I live in Pennsgrove.

Q. How?

A. In Pennsgrove.

Q. I can't quite hear you?

A. In Pennsgrove.

Q. I suppose you are over sixteen, aren't you?

A. Yes.

Q. How much?

A. I am getting along, pretty well along in years. People don't always tell their age.

Q. But you are getting along in years?

A. Yes.

Q. Now, I suppose you know Mr. Willis, this gentleman sitting here?

A. Yes, sir.

Q. How long have you known him?

A. Twenty-two years.

Q. Did you know his first wife?

A. Very well.

Q. How?

A. Yes.

Q. I can't hear you?

A. Yes.

Q. Did you visit his home when he was living with his first wife?

A. Frequently.

Q. What kind of a home had he?

A. Very nice.

Mr. Backes: Is there any question about the home?

Mr. Wescott: Yes, I think it is a pretty important fact.

Mr. Backes: I know, but we are not questioning the home.

Mr. Wescott: I don't know what you are going to put in. All I want to show the Court is what kind of a place this lady lived in.

Q. It was a pleasant home, was it?

A. Yes, very pleasant.

Q. How close did you live to that home?

A. To the first wife?
Q. Yes.
A. I couldn't tell you the distance, but it is just a little piece.
Q. Just what?
A. A little piece.
Q. Ten feet?
A. Maybe. I judge it was ten or twelve feet, somewhere around there.
Q. Do you remember Mr. Willis marrying his second wife?
A. Yes.
Q. Did you visit the second Mrs. Willis?
A. Yes.
Q. Was the home well furnished?
A. Yes, a very nice home.
Q. He had two little boys, I understand?
A. Yes.
Q. Did you work for her?
A. No, I never worked for her.
Q. Did you ever hear any wrangling or fussing between Mrs. Willis and these boys?
A. Well, I never knew much about that.
Q. What?
A. I never knew much about that.
Q. Did you ever hear any wrangling or fussing?
A. Not much.
Q. Did you hear any?
A. I don't know that I did between them, I don't know that I did.
Q. Do you know anything about the red pepper incident?
A. Yes, I knew that.
Q. You do know that?
A. Yes.
Q. Tell us about that?
A. Well, I can't tell you anything, only she put

red pepper in his mouth, that is all I can tell you about it.

Q. How do you know she put red pepper in the boy's mouth?

A. I was very close and I knew about it.

Q. How?

A. I was very close so I knew about it.

Q. Did you see it?

A. I saw the child.

Q. How soon after she had given the boy the red pepper?

A. Presently.

Q. What did you do about it?

A. I don't remember. It has been so long I can't remember I done, whether I did anything or not.

Q. Do you remember the condition the child was in?

A. Yes, I remember he cried a good bit, and, of course, we all know that red pepper burns, you can't expect anything else only for the child to cry. I remember his crying and going on.

Q. Where was the child at the time?

A. Well, he was in his home, I couldn't tell you the place he was at.

Q. How is that?

A. He was home but I couldn't tell you right where he was.

Q. Do you have any recollection about being threatened with arrest?

A. Yes.

Q. Who threatened to arrest you?

A. What?

Q. Who threatened to arrest you?

A. Well, Mrs. Willis threatened to arrest me for taking her husband in and giving him his breakfast and supper.

Q. Tell us all about that?

A. That is all I can tell you.

Q. Where were you when she threatened to arrest you?

A. In my own home, right alongside of her home.

Q. How?

A. Right alongside of her home; we both lived close together.

Q. What did she say to you?

A. I couldn't tell you, I don't know.

Q. Did she talk about the moon, stars, or what?

A. No, I don't think so.

Q. What did she say?

A. She wasn't pleased because I took her husband in and gave him his meals, and I was very innocent about it. I thought the man looked bad and I asked him myself to come in and get his supper.

Q. What did she say?

A. Oh, I can't tell you what she said, I don't know.

Q. You have already told us she threatened to arrest you.

A. Yes, she threatened to arrest me, but the words she said I couldn't tell you that. She said if he kept on coming there she was going to arrest me.

Q. Did he keep on coming?

A. No.

Q. Why not?

A. I was never used to any fusses.

Q. Why didn't he keep on coming?

A. Just simply because I thought it was the best thing he not to.

Q. You wouldn't keep him as a boarder?

A. I thought it was the best thing for him not to come on account of her getting so excited over it.

Q. Do you remember anything else that occurred between these people?

A. No, I can't remember.

Q. What?

A. No, I can't remember anything much.

Q. Did you ever hear them quarreling?

A. No, I never heard no fusses with them. No, I never heard them quarreling; to the best of my knowledge I never heard them quarreling.

Q. Do you know that Mr. Willis took his boys away from home?

A. Yes.

Q. Do you know why he took them away?

A. I don't know why he did that.

Cross-examination.

By Mr. Backes:

Q. You lived neighbors to this couple for how long a period?

A. I lived neighbors to them for 22 years.

Q. I am speaking of this Mrs. Willis.

A. Yes. I just can't remember.

Q. How long did they live next to you?

A. Somewhere around fifteen or sixteen years.

Q. This Mrs. Willis?

A. This Mrs. Willis I mean; I just don't remember how long she lived there next to us.

Q. What?

A. I can't remember.

Q. How long has she been gone from there?

A. I don't know that.

Q. Do you know when Mr. Willis left his home?

A. Yes.

Q. What?

A. Yes.

Q. Did he come to your house for meals?

A. Mr. Willis didn't come to my house for meals, I invited him in to take his meals.

Q. Did you know he and his wife were living happily together next door to you for several years?

A. No, I didn't know that.

Q. What?

A. No, I didn't know that.

Q. Did you know they were angry?

A. Well, I didn't know exactly about that.

Q. Do you know that they had any quarrels between them?

A. I know Mrs. Willis had a very violent temper, I know that. Now, whether that was the cause of their not living together I can't say.

Q. You don't know?

A. No.

Q. Where was this child when you saw this red pepper in its mouth?

A. I can't just state the spot where he was.

Q. Was he in your house or their's?

A. No, he wasn't in my house.

Q. Were you in her house?

A. No, I wasn't in the house at that time, but went on in a little later on.

Q. Who did you go in with?

A. Alone.

Q. And was Mrs. Willis there?

A. I think she was.

Q. Did you ask her whether she put any pepper in the boy's mouth?

A. No.

Q. What did you go there for?

A. I heard the child crying and making a big time and I went in. I used to go in frequently.

Q. You were a frequent visitor at the house?

A. Yes, I used to go often, always did, in both wifes' time.

Q. From what you observed in the house this couple lived happily together, didn't they?

A. Well, I don't know.
Q. You don't know?
A. No, I don't know.
Q. And from your own knowledge you don't know who placed this red pepper in the child's mouth?
A. Yes, Mrs. Willis did.
Q. How do you know?
A. I think she told me so herself, I think she did.
Q. But you are not sure about that?
A. I am not right positive, but I am pretty sure she told me that she did.
Q. Are you on friendly terms with Mrs. Willis now?
A. I suppose we are, I don't know.
Mr. Backes: I am glad of it.

WILLIAM L. MORTON, sworn.

By Mr. Wescott:

Q. Mr. Morton, you live where?
A. I am living at Sewell now, New Jersey.
Q. You used to live at Pennsgrove?
A. Yes, I was pastor of a church in Pennsgrove for three years.
Q. What three years?
A. Doing my pastoring in November, 1913.
Q. 1913?
A. Yes.
Q. Do you know Mr. Willis?
A. Yes, I became acquainted with Mr. Willis very soon after I entered town.
Q. And with his wife?
A. Yes, I visited the home.
Q. A pleasant home, was it?

A. Yes, very pleasant, I should say very pleasant.

Q. Do you remember some difficulty arising between these two people?

A. Well, I remember there was a difficulty. I wasn't acquainted with the circumstance at its beginning.

Q. Were you requested by anyone to see if you could patch it up, remove the difficulty?

A. The first time I entered the home was during the holiday season of 1914 and 1915, I went in as a neighbor and as a pastor of that community in particular to call on Mrs. Willis and the child, and shortly after that visit, a day or two, I guess, I was in the store of the Willis Brothers, and I spoke to Mr. Willis stating I had been in and called on the wife and child, and I said to him, I said ——

Mr. Backes: Now.

Q. Did he make any statements to you about difficulties he had with his wife?

A. He said he was very sorry ——

Q. Don't tell us what he said. Did he refer to that subject?

A. Yes.

Q. Did he request you to see his wife to see if you could effect a reconciliation?

A. Yes.

Q. Can you recall what you did, what happened?

A. I mentioned that to Mrs. ——

Q. You went to see Mrs. Willis as the result of what Mr. Willis said to you?

A. Yes.

Q. Where did you call to see her?

A. In their home where she was then living.

Q. Tell us as nearly as you can recollect everything that was said?

A. After I was in the home and had spoken casually, as a man in my profession would, I said, "It is a great pity that conditions cannot be so reconciled that the parents of the children might live happily together and thus together raise the family," that is the way I broached the subject, and Mrs. Willis said, "Under no circumstances can Mr. Willis ever enter the home except he does it over my dead body at the door," and that is about as far as I could get with the subject of reconciliation.

Q. That ended the interview, did it?

A. At that time.

Q. Did you afterwards undertake to ——

A. I mentioned it again at another visit at the home and Mrs. Willis seemed to be very much excited as she was before, and I said nothing more about it. I changed the subject immediately, talking about something else. I saw there was no possible use.

Q. How long did your pastoring last there?

A. Three years, beginning in the fall, November of 1913.

Cross-examination.

By Mr. Backes:

Q. And when did you first call on the Willis home?

A. The first visit was during the holiday season of 1914 and 1915.

Q. Were Mr. and Mrs. Willis living together at that time?

A. I believe not.

Q. Did you know it?

A. That is what I understood.

Q. Did you go to see Mrs. Willis and offer your good advice, or did Willis solicit that from you?

A. Mr. Willis solicited it through me after my first visit to the home.

Q. And you reiterated to him what you found at the home and you had seen his wife?

A. Yes, sir. I was in his place of business every week or two. That was a custom of mine to visit in all business places in the community.

Q. You made more than one visit in that house, didn't you?

A. Yes.

Q. How many visits did you make all told?

A. I should say around four or five altogether.

Q. When did you first speak to Mrs. Willis about becoming reconciled to her husband?

A. The second visit, which was in the early part of the year of 1915.

Q. You knew then Mr. Willis wasn't living at the house?

A. Yes.

Q. Did Mr. Willis tell you why he left the house?

A. No.

Q. You went to the house to baptize the child, didn't you?

A. The second visit was the time I christened the child.

Q. And that was the purpose of your going there?

A. The second visit, that is, the second time I went. The first time was merely to call. I lived just a few doors from him on the same street.

Q. You don't mean to tell me that after this christening of the child you had that outburst on the part of the mother against the father?

A. I do.

Q. That you have mentioned here?

A. Yes. I possibly remained in the home for an hour, maybe an hour and a quarter, possibly an hour and a half. It was during the latter part of the visit that I mentioned it. I didn't mention that during the period of the christening of the child. I am more tactful than that.

Q. You knew nothing about their family life at all?

A. I didn't make any effort to find out.

By Mr. Wescott:

Q. You were asked whether Mr. Willis told you why he left his home?

A. He didn't tell me why he left.

Q. You didn't inquire?

A. I didn't make any inquiry. The only thing I was concerned about if it were possible to make the home happy, and I was glad to lend my services to that end.

F. Marion Willis, sworn.

By Mr. Wescott:

Q. How are you related to this gentleman sitting here?

A. That gentleman is my father.

Q. How old are you?

A. Twenty.

Q. What do you do now?

A. I am in school at Pennsgrove and I also work at my father's place of business.

Q. Do you remember when you left home at Pennsgrove?

A. I don't remember the day particularly. I don't remember but one incident that happened in the day and that was that my stepmother asked my brother and I when we were in the bathroom of the house preparing to leave she requested that my brother and I always remember her as our protector, or something of that sort. The theme of it was that all through the time—though I didn't realize it then I do now—that she constantly persuaded my brother and I to believe that my father was anything but a man. She made us believe ——

Mr. Backes: Not what she made you believe.

Q. Don't listen to that, go ahead.

Mr. Backes: We haven't any objection to his telling what happened, but I don't want his thoughts.

The Court: He will have to confine himself to what was told him, as nearly as he can, the substance of it.

Q. That is what he is trying to do. What did she make you believe, explain it?

A. To make it clear to us that Dad was no good, that is the best I can say.

Q. Do you remember how she treated you?

A. Well, her favorite punishment to me was to tie me to a chair in the upstairs hall.

Q. Yes.

A. Of course, that was quite a while ago. I don't remember anything especial happening but I do remember that because that was my particular punishment.

Q. Do you remember any other punishment she visited upon you?

A. I don't remember any particular severe punishment as I remember; of course, I got lickings the same as the rest of the kids, I suppose.

Q. Do you remember the incident about breaking a mantel glass, or something, a glass mantel?

A. I certainly do.

Q. Tell us about it?

A. It happened a lady by the name of Bennett or sort of—I don't know, she helped out to clean the house and keep things in shape around there, I don't know whether she was there once or twice a week, I don't know, but I presume once a week, and for some reason they wanted a stool that was in the kitchen, and this stool was located between the kitchen range and the table, the kitchen table, and there wasn't room enough to get it out, and I pushed the stool over, whether I pushed it over or helped pick it up I don't know, but after I let go of the stool the lady, Mrs. Bennett, raised it up to get it out and tapped the gas mantle and broke the mantle.

Q. What happened?

A. I got the usual punishment of being tied to the chair upstairs. I told my stepmother, naturally, right away that Mrs. Bennett broke the mantle, and, of course, I was accused of lying and tied to the chair, and after that special occasion I resumed my usual punishment of getting a spanking.

Q. By your stepmother?

A. No, by my father, but my stepmother told my father of the incident.

Q. And your father spanked you?

A. She made it very clear to him, as I remember, that I lied to her about it

Q. Do you remember anything about the red pepper incident?

A. No, I don't remember the red pepper incident.

Q. You heard about it?

A. Yes, I heard about it frequently.

Q. Do you know anything about the use of soap?

A. Oh, yes, yes. I wouldn't swear to it, but ——

Mr. Backes: Do you remember it?

The Witness: No, not positively.

The Court: Don't testify to it unless you know.

Q. Do you know anything about your brother's hands being held on the fire?

A. I remember distinctly the day but the incident I don't remember—I don't remember the day but I remember the incident and how it happened that my brother's hands were held on the stove.

Q. By whom?

A. My stepmother.

Q. What was the trouble there that she held his hands on the stove?

A. It seems as though my brother and I were chasing each other around the house, or something like that, like any boys would do, and my brother bumped into a book case and toppled a vase, an empty vase there on top of the book case, and it smashed in a thousand pieces on the floor, and my stepmother flew into a rage and grabbed my brother, and, of course, I suppose she was going to use ——

Mr. Backes: What did she do?

The Witness: I supposed he was going to receive a spanking, or something of that sort, but instead of that she rushed him out in the kitchen and put his

hands on the stove, and when she did I went to the sun parlor on our second floor, and after that I don't remember anything that happened, but I do remember that very clearly.

Q. Was there any fire in the stove?
A. There most assuredly was.
Q. Did she lock you in a closet?
A. I don't remember any time I was locked in a closet. My punishment was being tied to a little white chair in the upstairs hall.
Q. Do you remember whether your brother was locked in a closet?
A. No, I do not.

Cross-examination.

By Mr. Backes:

Q. How old were you when you were taken away to Maryland by your father?
A. I don't know.
Q. Do you know how long ago that is?
A. How long ago?
Q. Yes.
A. No, I don't know.
Q. You were a small boy?

The Court: Apparently eight.

The Witness: I was rather small, but there were some incidents I remember.

Q. Do you remember Mrs. Willis caring for you for at least three years or more while you were at the house?
A. Yes, she always cared for us, and I always pre-

ferred her to my father for the simple reason that she was always with us and I was led to believe that she was my real protector and, as I said, my father was absolutely no good.

Q. Mrs. Willis always treated you kindly, didn't she?

A. At times very kindly.

Q. All the time, didn't she?

A. Absolutely no.

Q. She only corrected you as she would a small boy?

A. If you would take it that way, yes.

ROBERT WILLIS, sworn.

By Mr. Wescott:

Q. You are a brother to the witness who just left the stand?

A. Yes.

Q. You know your father and stepmother, I suppose?

A. Yes.

Q. How old were you when you were taken away from home by your father, have you any idea?

A. About five.

Q. About five?

A. Yes.

Q. Do you remember the fact of your being taken away?

A. Yes.

The Court: How old are you now?

The Witness: I am eighteen.

Q. Where were you taken to?
A. To Maryland.
Q. And from there you went where?
A. Delaware.
Q. And from there where?
A. Pennsgrove.
Q. Went back to Pennsgrove?
A. Yes, at my cousin's home.
Q. How long did you stay at your cousin's?
A. About a year, I think.
Q. What?
A. About a year.
Q. Did you go to Pennington?
A. Yes.
Q. How long were you there?
A. About two years, I think.
Q. Do you remember anything about your stepmother punishing you by putting red pepper in your mouth?
A. Yes.
Q. Tell us about that as far as you can recollect it.

Mr. Backes: Pardon me. May I ask if you have any recollection of when you were five years of age?

The Witness: Yes.

Mr. Backes: What?

The Witness: Yes. I remember having red pepper put in my mouth.

Q. Did it hurt you much?
A. Yes.
Q. Do you remember another time of having your hands put on the hot stove?

A. Yes.
Q. Who did it?
A. My stepmother.
Q. Wereyour hands burned?
A. Yes.

Cross-examination.

By Mr. Backes:

Q. Have you any recollection of your stepmother at all?
A. Yes.
Q. Now, these two incidents you speak of, they have been told you, haven't they?
A. No, sir.
Q. You recall that?
A. I do.
Q. Your stepmother was always kind to you, wasn't she?
A. No.
Q. You always liked her, didn't you?
A. No.
Q. Did she treat you well?
A. At times.
Q. Always cared for you, gave you your meals, and comforted you when you were in distress. You were a small boy at the time, weren't you?
A. Yes.
Q. What?
A. Yes, I was.
Q. You really don't know much about it at all, do you?
A. I do, yes.

Mr. Wescott: If the Court please, it is now quarter to one. Mr. Leap, I guess, will be the last wit-

ness. Judge Davis is sick in bed and can't be here, I regret to say. I am going to ask you to accommodate us by adjourning now so we can get Mr. Leap.

The Court: All right. How soon can you get back, by half-past one?

Mr. Wescott: Yes, I think so.

(At this point a recess was taken until 1.30 o'clock P. M.)

(Trial of the cause resumed at 1.30 o'clock P. M., pursuant to adjournment.)

S. Rusling Leap, Esq., sworn.

By Mr. Wescott:

Q. Mr. Leap, I don't suppose the Chancellor knows you are a member of the bar?

Mr. Backes: We will admit it.

Q. Do you know Mr. Willis?

A. Yes, sir.

Q. You represented him once, I am informed, in a proceeding before Vice-Chancellor Backes?

A. Yes, sir, together with W. Holt Apgar.

Q. Do you remember whether or not he had a lot of witnesses in court to contest his wife's case?

A. Yes, sir.

Q. Can you recall why they weren't put on the witness stand? What was the reason of withholding them?

A. The real reason was that Vice-Chancellor Backes asked the question of Mr. Willis as to whether or not he was going back or was willing to go back with Mrs. Willis and live again at Pennsgrove, and as soon as the question was asked Mrs. Willis then stepped up and said, "That is exactly as I have tried to get him to do," and Mr. Willis in answer to the Vice-Chancellor's question said, "I am afraid to go back because she has tried to kill me, or tried to injure me several times, and I am afraid of my life."

The Court: Mr. Willis said this?

The Witness: Yes, and that was practically the end of the case. Mr. Apgar decided after that statement had been made there was little or no use putting any more witnesses on the stand.

The Court: Did you put on any?

The Witness: My impression is David English and, I think, Mr. Elkonton were put on the stand, and Mr. Willis and the Vice-Chancellor then said he didn't care to hear any more testimony, as I recall it. That has been seven or eight years ago.

Q. Mr. Willis informed me that his hope was that his wife might see the error of her ways and she would come back, do you remember about that?

Mr. Backes: I object to that. How is he going to bind this man, what Mr. Willis' hopes were?

The Court: The question calls simply for the witness to state what he remembers. If he governs himself by that I don't think he need be influenced by the form of the question.

The Witness: I remember Mr. Willis during this time, I am speaking back in 1914, was of the opinion that Mrs. Willis' attitude toward him was caused by the fact that she was pregnant, and he was hoping after that condition ——

Mr. Backes: The question relates what occurred at the hearing.

The Witness: You mean at the hearing.

Q. Whether that was one of the motives that prompted you and Mr. Apgar and Mr. Willis not to go on with the further contest of the case?

A. It was Mr. Willis' idea there was a possibility of getting back together and he wanted to try to do that if possible.

Q. Another thing, do you remember some incident about a piano?

A. Yes, sir.

Q. Will you tell us your recollection about that, please?

A. As I recall, it was in the late summer or early fall of the year that the baby was born I think, before the baby was born, and Mr. Willis arranged with me to go to the house and call on Mrs. Willis asking that the piano be allowed to be removed in order to send it to the place where the two boys were living in order that they could take piano lessons, and I called on Mrs. Willis at her home in Pennsgrove and requested that the piano be allowed to be taken out and she refused.

Q. Can you recall what she said on that occasion?

A. I doubt very much, I don't believe I can. I remember the visit, and I remember something being said that the new baby might want the piano, something to that effect. There was some other conversation I had, as I recall it; I must have been at the house fifteen or twenty minutes and we were talking all the time I was there.

Q. Do you remember going down somewhere in Cape May County to interview Mrs. Willis?

A. Not to interview Mrs. Willis. Mr. Willis received a letter from a man by the name of Williams, and the letter requested Mr. Willis' presence at Wildwood. Not knowing what it was we both went to Wildwood and called at the address—I don't remember the house, but it was near the turntable of the West Jersey and Seashore Railroad Company in Holly Beach, and we rang the doorbell and a lady who said her name was Williams talked with us and said ——

Mr. Backes: You didn't see Mrs. Willis there?

The Witness: We saw Mrs. Willis as we came out of the house, and Mrs. Willis looked at both Mr. Willis and me and said, "What are you devils up to now?" and she then turned on her heels and we said nothing and she walked away.

Cross-examination.

By Mr. Backes:

Q. What were you up to then?

A. We were answering the letter that Mr. Williams had sent to Mr. Willis. We didn't know what had happened or what it was about.

Q. You didn't see Mrs. Willis and talk to her?

A. She gave us that parting shot as we left.

Q. That is the only talk you had with her there that day?

A. Yes.

Q. This piano incident you speak of, was that after Willis had left his home?

A. That is while Mr. Willis was locked out of the house.

Q. You say while he was locked out of the house. How do you know he was locked out of the house?

A. Only what he tells me.

Q. Don't characterize it as such then. I move that be stricken. Going back to this hearing on the former suit before Vice-Chancellor Backes, that was a bill for alimony, wasn't it?

A. Yes.

Q. That was the only question involved, wasn't it?

A. Yes, sir.

Q. There wasn't any question of separation or divorce at that time, between these people?

A. None whatever. It was a suit for alimony on the ground of desertion.

Q. The sole and only purpose was to ascertain the amount of alimony which would be paid this woman?

A. The amount of alimony and if any should be paid.

Q. Nothing else?

A. That is all.

Q. So it was immaterial whether you had sixteen witnesses or sixteen hundred witnesses, so far as the merits of the case went, isn't that true?

A. Possibly, and possibly not.

Q. You had no valid defense to allowing this woman alimony at that time, had you?

A. I felt we had.

Q. But you didn't put your witnesses on?

A. No.

Q. You felt satisfied with the Court's determination after hearing the petitioner's case?

A. The Court wouldn't hear them.

Q. You mean to say the Court of Chancery refused you permission to put your witnesses on the stand?

A. You can usually tell by the attitude of the Court, and when he has made the remark that he cares to hear no further testimony along that line that is sufficient.

Q. So you felt under the circumstances in this case, you weren't justified in presenting your witnesses?

A. And we thought of the possibility that they might get together again.

Q. You mean to say that was the motive that actuated you in not putting your witnesses on?

A. One of the ideas of Mr. Apgar and Mr. Willis. Mr. Apgar was in the active management of that case, I was simply assisting him.

The Court: Mr. Leap, I have here the files in the maintenance suit which you refer to and the decree appears to be consented to by you. Will you see whether that is your signature?

The Witness: That is correct. I am familiar with that. I did that at the direction of Mr. Apgar.

Mr. Wescott: We will close now.

The Court: Make your defense.

Mr. Backes: If the Court please, I desire to call a Miss Fitzpatrick who is a trained nurse and who

is exceedingly anxious to go on a case. May I call her out of order with your Honor's permission?

The Court: All right.

THE CASE FOR THE DEFENDANT.

ANNA FITZPATRICK, sworn.

By Mr. Backes:

Q. Your full name?
A. Anna Fitzpatrick.
Q. Do you know Mr. and Mrs. Willis here?
A. I know Mrs. Willis very well.
Q. How long have you known her?
A. I have known her since 1914.
Q. Did you know her at the time the child was born?
A. Yes.
Q. Were you in attendance at the time?
A. No.
Q. How frequently did you visit the house after that?
A. Quite often I took Mrs. Willis food.
Q. Tell me under what circumstances you took her food and when?
A. Because Mr. Willis had deserted Mrs. Willis without food and without clothing, and I took money from my own pocket and bought the little boy clothing.
Q. When was that?
A. I just can't recall the time, but that was around 1914.

Q. When was it with reference to the birth of this child?

A. About in December, but I took Mrs. Willis food before the baby was born.

Q. Where did you take it to?

A. To her home.

Q. Were you living at the home at that time?

A. I was living in Pennsgrove at John H. Vogetees.

Q. At whose request did you take that food?

A. Mrs. Vogetees'.

Q. Were the boys living at the house?

A. No, sir.

Q. Were you living at the house while the boys were living there?

A. No.

Q. You don't know how the children were treated?

A. I know when Mrs. Willis used to come in the store she brought the boys and she treated them nicely then.

Q. When was that?

A. Before the separation.

Q. Came to what store?

A. Our store, Mr. Vogetees'.

Q. Where?

A. At Pennsgrove.

Q. Did she have the children with her?

A. Yes.

Q. How often did you see her?

A. Not very often, only once in a while.

Q. How did she treat them?

A. Very nice, she was very kind to them.

Q. Do you remember these children being taken away?

A. Yes, sir.

Q. Now——

A. I remember hearing of them being taken away and I know who took them away.

Q. Of your own knowledge?

A. Yes, sir.

Q. Do you know what the condition of the children was at that time?

A. Not when he took them away.

Q. When they came back, do you remember they coming back?

A. I remember little Bob when he came back.

Q. What was he like?

A. He was very thin. I just can't express it.

Q. Why did you take this food and clothing to Mrs. Willis?

A. Because she was in need of it.

Q. How do you know that?

A. Well, because I was sent with it to her. She didn't have anything to eat, or clothing. Mr. Willis had stopped all her food from the store.

Q. Stopped what?

A. Stopped her dealing at the stores until she went to the Overseer of the Poor, I think, Mr. David English.

Q. That is all you know about their life?

A. Yes.

No cross-examination.

Blanche Browning Willis, sworn.

By Mr. Backes:

Q. Mrs. Willis, how long have you known your husband?

A. Since 1908, personally acquainted, but I had

met him just before he married his former wife, he was a friend of mine.

Q. How long had you known him before you married him in 1908?

A. Do you mean how long he called on me?

Q. All right, we will put it that way. You knew his first wife died?

A. Yes, I knew she died. I had an invitation to her funeral, but I didn't go.

Q. When did Mr. Willis first call on you?

A. I met him at her father's funeral, that was Tuesday, and he called on me the following Thursday.

Q. How long after his wife's death?

A. About a year after.

Q. And then did his call continue?

A. Every day—every night, rather, he came from Pennsgrove, 58 miles.

Q. To where?

A. My home in West Philadelphia, 53rd and Market, rain or shine.

Q. How long did he continue that suit?

A. About a year and a half.

Q. With you?

A. Yes, sir.

Q. And you were finally married?

A. Yes, sir.

Q. When?

A. September 14, 1910.

Q. Did you go on a honeymoon?

A. Yes, sir.

Q. Did anything unusual happen while you were on this honeymoon?

A. Yes.

Q. Between you and your husband, I mean?

A. Yes, sir. The first night we stayed at Asbury

Park, and the second night in New York, and we were going into the Hippodrome when I slipped on a loose brick and strained my ankle, and we went into the Hippodrome and I said, "My ankle is swelling," and when I came out I said, "Don't you think I had better have a doctor?" and he said no—we rode to the Hippodrome but he walked me back to the hotel with the bad ankle, and he said, "I will go to the drug store and get some liniment, that is all it needs," and he got some liniment, and I suffered all night, and cried, and he apparently slept sound, and the next morning I said I wasn't able to walk down to the dining room, and he said, "I will have somebody come upstairs and help me take you down," and the colored house-porter and my husband took me to the dining room for my breakfast, and his brother-in-law and sister-in-law of his former wife had come the night before and were spending the night with us at the hotel, and we went out in the automobile to visit New York and I suffered intense pain all the time and yet he refused to get me a doctor.

Mr. Wescott: Refused to get what?

The Witness: A doctor.

Q. Where did you spend the next night?

A. At Little Falls, and from there—I just can't remember the towns now, and we traveled for two weeks, and one day we were in one of the towns, it has just left my memory now, and it was raining very hard and Mr. Willis wanted to start away that morning over the Blue Hill Mountains to Scranton and the garage man told him it wasn't safe to travel, and I objected, I said, "Please don't go," and he said, "I am going," and I said, "If you give me

the money I will go back on the train," and so he got cross at me and he didn't speak to me for two days. That was on my wedding trip.

Q. Now, when you got home——

A. When we reached home, the second day, Mr. Willis was taken sick with a bad cold, and he called in Dr. Barnart and he introduced me to him, and after he prescribed for my husband I went to the door to let him out and he said, "My gracious, I had no idea he was marrying a woman like you," he said, "Be careful of him and don't mind anything that his children do. If I had known he was marrying a woman like you I would have prevented the marriage."

Q. Was Mr. Willis there?

A. No, he was in bed.

The Court: You musn't testify to statements made to you by others unless Mr. Willis was present.

Q. How did your life continue after that, after you had gotten in the house? Did you find the house comfortable?

A. Yes, everything his first wife had.

Q. Tell us truthfully and as briefly as you can how you and your husband managed to get along, happily or unhappily, as the case may be. Do it in your own way, and briefly.

A. I thought an awful lot of my husband and, of course, everything he told me I thought was all right. I had never been a woman of the world to go out with any men, and I didn't know what he told me wasn't so, so he started to illtreat me and abuse me in a way I don't think a husband is supposed to do to a wife. At that time I thought it

was all right because he told me that is what men did to their wives after they were married, and I lived with Mr. Willis three years, five months and eight days before he really had sexual intercourse with me. He made a plaything out of me to make me insane. I became very nervous. I weighed 138 pounds when I was married and in three months' time I went down to 110 pounds, and after he would illtreat me at night, two or three times at night, he would say, "I guess you will cry all day tomorrow," and invariably Dr. Barnart would be called in and he would say, "She has got another spell," and Dr. Barnart always asked me what he was doing, and I said, "You will have to ask Mr. Willis," I was ashamed to tell it.

Q. Continue your story.

A. I will in just a minute. I have been sick, you know. How I came to find out Mr. Willis was doing wrong to me he said to me one night, "My, you are a strong woman, I used to do this to Florrie and she couldn't stand it at all, in fact," he said, "she went off her head," and I said, "Did you do this to Florrie?" and he said, "Yes," and I said, "Is that what made Florrie go insane and you put her in an insane asylum?" and he said, "Don't be so fussy, I never saw a woman like you, you pick everything up," and I said, "Rob, you are not doing right by me," I said, "I am innocent of wrong but I know you are not doing right," so the next day I asked if he minded if I went to the city, so I went to the city and called on a friend of mine, a Mrs. Crabtree, I knew her physician was a woman doctor, and I said, "Mrs. Crabtree, it is terrible, I know, but will you go and ask your woman doctor"

The Court: Don't tell this conversation when your husband was not present.

The Witness: The doctor told me he wasn't doing right and inside of six months I would be in an insane asylum if I allowed Mr. Willis to continue that, and that night I told him he couldn't touch me unless he did it in the right way, I said, "I don't know what it is, but a doctor has told me and it is a woman doctor," and he was very mad, and, of course, after that my life was never pleasant with Mr. Willis, because I suppose he didn't like the idea of my finding out that he wasn't doing right by me. So on several occasions after that he would go into this spare bedroom and stay there, lock the door at night, and stay there for two or three weeks at a time, and then finally he would come back to my bedroom.

The Court: Can't you fix the period of time, Mr. Backes, the witness refers to?

Q. Fix the time?

The Court: Yes, I can't get a very clear notion of their lives unless I know something about the relative time.

The Witness: That was in 1911 and 1912, your Honor.

Q. When did your husband first leave you?
A. He left me the 28th day of March, 1914.
Q. What was your life as between husband and wife during the time you lived together?
A. I always tried to do everything he wanted me to; I never tried in any way not to.

Q. You heard his story the other day, yesterday, about these various scenes that he testified to, that happened between the two of you?

A. The only time there was ever a scene was on account of this way he wanted to illtreat me and I objected to it.

Q. When was that?

A. At night and in the day time.

Q. How often was it and during what period?

A. I just don't quite understand.

Q. How often did you make any objection and have a scene with him and during what time of your married life?

A. From 1911 to 1913.

Q. When did you first have any quarrels?

A. It was after a party we had given on the 17th of March.

Q. What year?

A. 1914.

Q. Had you never quarreled before that?

A. Just little spats, like, I suppose, people have.

Q. Never an outburst of temper or threatening him?

A. No, not that I know of.

Q. You heard him testify?

A. Yes, I did hear that, but I never drank a drop of liquor in my life and never used profanity in my life, never.

Q. Did you ever swear at him or call him these nasty names?

A. No, sir. I would have to learn how to use profanity, I don't know how.

Q. I am not speaking of profanity. Mr. Willis on the witness stand made use of some very nasty names he said you had called him. Did you ever call him any names?

A. The only time I ever remember speaking to him in that manner was when my baby was two weeks old when he came in with Dr. Barnart. My nurse had gotten me up to surprise the doctor, and she put me in a chair, and I had my shoes and stockings on and a bathrobe, and when the doctor came he said, "Your husband is downstairs," and I said, "What is he doing, Doctor?" and he said, "Taking some things out and putting them on the porch," and I said, "He mustn't do that, Doctor, I think what is in this house belongs to this little baby now, and I am going down and stop him," and he said, "No, you musn't," and I said, "I am," and I went downstairs and Mr. Willis was carrying things out and putting them on the porch—I don't recollect the things now—but a few little things he had taken out of the house, and I said, "Rob, you can't take nothing out of the house, what is here now belongs to our son."

Q. What did he say?

A. He never let on, and he pushed by me and went upstairs and I followed him upstairs.

Q. Did you attack him upstairs?

A. No. He went into the bathroom and opened the medicine closet, and I said, "Come out of that closet, I am afraid you will put some poison in there"—because he poisoned me three times, he put poison in the castor oil I was to take after the baby was born, and Dr. Barnart saved my life, and my nurse broke the bottle and buried it, and I saw her do it, and when I accused her of doing it she said, "Dr. Barnart could take my profession away from me if I go against his orders." On another occasion he brought home medicine for me to take for a cold and I only had taken two of the tablets when I thought I was dying, and he sent for the doctor and the doctor said to me, "What have you taken?"

and I said, "There is the box of medicine"—Mr. Willis was there at the time, and Dr. Barnart opened the box, put it up to his nose, went out in the kitchen, opened the kitchen stove and threw the box into the kitchen stove and said, "Nobody else will take any of that stuff. I wish you wouldn't take things like that, when you want to be doctored you should send for me," and he gave me the same thing he gave me after the baby was born, a little brown pill every eight or ten minutes until I was relieved. And another time I was in Atlantic City when I was poisoned.

Q. Do you remember anything about this revolver incident your husband referred to?

A. I remember he came—you see, when Mr. Willis left me on the 28th of March he was gone two weeks and then he came back, and I said, "Rob, what have you done with the children, where have you been?" and he never let on he heard me, and he went upstairs, and when he came down he had a grip, and I said, "You are getting silly, what in the world is the matter with you?" and he has yet to answer me. When he went out the door his brother was standing on the porch and he said, "Did she touch you or say anything to you?" and he said no and they went off the porch, then Mr. Willis came in once a week after that to change his underclothing, left it in the hall upstairs, locked the spare bedroom door and sent the washwoman, Mrs. Bennett, for the clothing and she brought them back to me, and I said, "Mrs. Bennett, you had better take them next door, Mr. Willis is not living here," and she said, "Mr. Willis said to leave the clothing here so you could mend them," and I mended his clothing and darned his stockings until October when he left the house for good. Up

until that time he came in once a week. I presume that was to hold himself within the law so it wouldn't be desertion.

Q. Do I understand then after leaving the house in March he continued to make these periodical visits until October?

A. Until October.

Q. And then what happened?

A. He went away to St. Joe, Missouri.

Q. When he came back, what happened?

A. He came back two weeks after my baby was born, he came in the house.

Q. Did he come to see you before he went away?

A. No, sir.

Q. Say anything to you?

A. I used to tell him his meals were ready and

Q. Did he ever say anything to you about going to St. Joe, Missouri?

A. No, sir, he never talked to me.

Q. When did he last talk to you?

A. On the 28th of March when he took the children away.

Q. Didn't he talk to you when he came back?

A. No, sir.

Q. What next happened? In October, 1914, where was he living?

A. Next door with his brother.

Q. With his brother?

A. Yes.

Q. After he came back from St. Joe?

A. Before he went to St. Joe he was living there the days he wasn't in my home, in our home, rather.

Q. Did he ever live in your home after he left in March?

A. No, sir, not to sleep there. He only stayed there one night.

Q. Who occupied that home with you then?

A. Myself. Occasionally I would have friends visit me and stay with me.

Q. Who supplied the house?

A. Mr. Willis up until sometime in July supplied me and then he advertised in the papers he would pay no bills contracted by me, and, of course, the storekeepers wouldn't give me anything.

Q. What did you do?

A. The neighbors brought me in what food I needed.

Q. How did you continue to live until 1917 before you brought your former suit?

A. Mr. Elkonton, the squire, he told him the people were getting up in arms against it and he had better send me food.

Q. Did he send you food?

A. He sent three letters, just little slips of paper, which said I could get food at Leap Brothers, S. R. Leap, at Gibbs, and the butchers.

Q. You got supplies there after that, did you?

A. Yes.

Q. How long did you continue to live in the house?

A. I lived there until the 6th of February, 1917.

Q. What happened then?

A. After the case in court, Mr. Leap told me I could take $15.00 and stay in the house or I could take $25.00 and leave the house, and, of course, he said if I stayed Mr. Willis would have to charge me rent.

Q. You went out?

A. I asked my attorney, Mr. Heher, what to do and he told me to leave the house.

Q. After that, did your husband ever call on you?

A. No, sir.

Q. Did he ever make any advances to you looking to bringing you back?

A. I never heard from him until 1921, except to receive the check for my allowance.

Q. You say you never heard from him?

A. No, sir, only to receive the check.

Q. He wrote you not letters during that period?

A. No, sir.

Q. Or made calls on you during that time?

A. No, sir.

Q. That was about the time of these proceedings to get the custody of the child, was it?

A. Yes, in 1921.

Q. Then what happened, did you have any communications with him?

A. He came to call on Vernon and I was always very nice to him when I saw him.

Q. When he called on Vernon, did you see him at all?

A. On two or three occasions. I had an apartment on the second floor and most of the time he called the folks downstairs would let him in, and Vernon would be ready and go downstairs. I invited him to come upstairs to see the child but he said no he preferred to sit on the porch.

Q. He never accepted your invitation to come up to see you?

A. No, sir.

Q. You heard him testify he called on you and you rejected him at one time?

A. That was one time before the case came into court he called me on the 'phone and asked me if I would listen to him and I said yes, and he came down and he said he had made up his mind we had been separated long enough and that I ought to go back with him, and I said, "Have you forgotten all you have done to me?" and he said, "Well, I didn't come here for you to accuse me of any-

thing," and I said, "I am not accusing you, but I am asking you if you have forgotten all you have done to me and the way you have treated me?" and he said, "You make me laugh, Blanche, don't you know I have money and money talks, and I can buy any lawyer you can get in the State of New Jersey, and there is not a judge that will sit on the stand that won't give me the decision, and I will take up at once the custody of my child," and I said, "All right, there isn't a judge in the United States that would give you my child."

Q. That was before he brought the suit for the custody of the child?

A. Yes, in 1921.

Q. Did he make any further advances to you looking toward a reconciliation?

A. Only with these letters shown in court, but I didn't answer them because writing gets you in trouble and I didn't answer them.

Q. You didn't answer any of those letters?

A. No, sir.

Q. On these occasions when he called for Vernon, did he ever come to your apartment?

A. Only once when Vernon had been ill and I went down to the door and I said, "Vernon has been ill and I rather he not sit on the porch, can't you come upstairs?" and I told him I had a dining room and a bedroom, and he and Vernon stayed in the bedroom and he amused Vernon with some of Vernon's toys for about an hour or so, and he addressed me and talked to me and I answered.

Q. Did he make any advances looking toward a reconciliation?

A. He talked about different things.

Q. Did he ever bring you or Vernon any presents while he was calling for Vernon?

A. No, sir. He sent him a socker ball one Christmas and bought him a little penknife.

Q. Did you keep your husband advised as to Vernon's health and your health?

A. I always advised him when anything was wrong with my child.

Q. He learned from you the child was ill on one or two occasions?

A. Yes, sir.

Q. Did he ever give you any further contributions or do anything in taking care of the child?

A. No, sir.

Q. Ever send the boy or you any presents?

A. No, sir. My little boy was bitten by a dog the 25th of July and up to the 8th of September the doctor never stopped coming, he had blood poison, and I wrote Mr. Willis and two weeks after he answered it and that letter was read here yesterday. He never came to call on Vernon, never called on me since the last visit he made to Vernon which was June 23, 1923.

Q. Has he seen him since?

A. One afternoon in 1924 he came to take Vernon for a drive to the park and he let the child off in the park and told him to come home, that he had business in Philadelphia, and the child came home, he was just gone thirty-five minutes from the house. He was supposed to take my boy every other Friday until Sunday until the courts would say different, and he has come four times and taken my boy to Pennsgrove. He missed coming several days and we stayed in the house both Saturday and Sunday and waited for him, and I kept the child home from Sunday school, and he always had excuses which were all right. One Sunday he found it wasn't his Sunday to come, and he said, "I cer-

tainly have an awful life to live down there, you would pity me; I couldn't come for Vernon," but I didn't make any remarks to that because I didn't think it was necessary.

Q. Did he ever invite you to go to the seashore with him?

A. One time he sent a letter to bring Vernon down.

Q. He didn't invite you?

A. No, I was to bring the child down for him to have there for several days.

Q. He has written you a number of letters here, Mrs. Willis, that you have read. Several of them he makes an offer of wanting to come back, why didn't you answer him?

A. Well, because I didn't think he meant it. If I met him on the street after I received these letters he would turn his head, which I frequently did after I received those letters, and I would look up at him to speak to me and he would turn his head.

Q. Were you always ready and willing to accept his return if he behaved himself?

A. Yes, sir.

Q. Were you always ready and willing to return to your husband if he would make a home for you?

A. Yes, sir, but I didn't think I ought to be subjected to the treatments I had to go through when I was his wife. I don't think any court would ask me to do that.

Q. Mr. Willis testified to an incident that happened between you in which a revolver was in question, or in which he was threatened with a revolver, what do you say about that?

A. I don't know anything about what he was telling, but sometime in July he came into the house and he always kept a revolver on the top of the

medicine cabinet in the bathroom, and I never touched the revolver, it was there unloaded, and he came in the house this evening and went into the bathroom and loaded that revolver, I saw him do it myself, and he came out in the hall and told me he expected to take his life and mine that he wasn't going to live any longer, and I went into my bedroom and closed the door, that was before my baby was born, and I locked the door, and he brought a chair and sat down at the bedroom door all night long, and I sat on the side of the bed all night, and the next morning about five o'clock he left the house and about eight o'clock Mrs. Gertrude Riley came to the house and she said, "Mr. Jerry Long has just been to my house"——

Q. No, no. What went on between you and Mr. Willis?

A. I know he told Jerry Long he was going to kill himself.

Mr. Wescott: I haven't objected.

Q. All right, I will let her go the limit.

The Court: Did you ever threaten him with a revolver?

The Witness: No, sir, because he took the revolver away with him at the time. Do you remember he said it was in October sometime I threatened his life and there was no revolver in the house and I never had access to the bedroom he went into, he kept it locked.

The Court: You say it is not true you chased him with a revolver and he ran away?

The Witness: I did not, sir.

Q. Now, there was another incident testified to about your embarrassing your husband by drinking some whiskey, what do you say about that?

A. I never took an intoxicating drink in my life.

The Court: Be specific and state whether or not what he said was true or not?

The Witness: It was not true.

The Court: Did anything like it happen?

The Witness: No, sir. Mr. Willis used to take it, he said by the doctor's orders, and that, of course, I never objected to, if it was the doctor's orders it was all right. Mr. Willis was always delicate.

Q. These small children by the first wife, who mothered them when you came into the house?

A. The baby was a little over two years old and Marion was somewhere near five when I married Mr. Willis, and I don't think Bob ever knew any mother but me, and I loved the ground those children walked on. I was a good, faithful mother, and the only whippings they received were from their father.

Q. Did they receive the whippings because you told tales on them, something of that kind?

A. No.

Q. Were they ever beaten by you?

A. No, sir, and I never tied them on chairs. I might have sat them on a chair because they were naughty, like little children will be naughty, but I never tied them.

Q. Did you ever abuse the children?

A. Never did.

Q. Why did Mr. Willis take them from your home, that is, before your child was born?

A. It was all on account of a party we had, a party that I didn't approve of, and I told him I wouldn't entertain those people any more in that home, and he said, "If you don't entertain my friends then you will have to get out," and I told him no I wouldn't because that was my home, that was on the 17th of March, and on the 28th of March he came home and he said, "Blanche, get the children ready, I am going to take them to Maryland, my mother is ill," and the oldest boy, Marion, said, "Mother, don't let him take us," he said, "He is going to take us away from you," and I said, "No, don't think that," and the boys were taken away the oldest boy tore the front of my dress out holding on to me. The children apparently loved me then.

The Court: You haven't answered the question yet. Why did he take the boys from you?

The Witness: I don't know, except he wanted to leave me himself, and, of course, he didn't want to go and leave the children with me, because they weren't my children, they were children of a former wife.

Q. Did he ever threaten at any time to leave you?

A. He never accused me of mistreating the children in any way.

Q. I am asking whether Mr. Willis ever threatened to leave you?

A. No, sir.

Q. So that when he left that was a surprise to you?

A. Very much. I wrote him two letters after he was gone, under special delivery, and asked him if the children were all right, and whether he was all right, and the reason he didn't get back. When he went out the door he said, "Don't cry, tell mother we will be back on the eight o'clock boat," and they waved their hands to me until they got out of sight.

Q. Did you get any reply to those letters?

A. I did not.

Mr. Backes: Have you those letters, Judge, she speaks of writing to the husband?

Mr. Wescott: No.

Q. Have you copies of the letters?

A. No, sir, because at that time I didn't dream of Mr. Willis leaving; I thought he was ill.

Q. He made no reply?

A. No. I never saw him until the following Thursday when I saw him go into his brother's home.

Q. After he went into his brother's home, did he ever return to his own home again?

A. The very next day he went upstairs and changed his clothing and went out without saying anything.

Q. Did he after that resume his relations with you?

A. No, sir.

Q. Was Mr. Willis a man of good health when you married him?

A. No, sir, but I didn't know it at the time.

Q. You learned of it afterward?

A. Yes, sir.

Q. Who from?

A. Different people around there. Dr. Barnart was one who told me, and Dr. Loomis.

Q. What did Mr. Willis say about his health?

A. He told me he was delicate and he was doctoring and if I could just put up with him for two years the doctor would make a man out of him so he could go with me as a husband should.

Q. Describe generally his characteristics as to his temperament, and so on?

A. Well, he would get cross at little things and not speak to me for weeks, and I couldn't understand what was the matter with him, so I let him be.

Q. Was he moody?

A. Yes, sir.

Q. Did you give him any reason for getting these moods?

A. Not that I know of.

Cross-examination.

By Mr. Wescott:

Q. Did you know the first Mrs. Willis?

A. Yes, sir.

Q. How long did you know her?

A. Do you mean before she married Mr. Willis?

Q. How long did you know her?

A. I guess I knew her at least five years before she married Mr. Willis.

Q. Then you were pretty well acquainted with her?

A. Yes, sir.

Q. Did you know her after she married Willis?

A. I visited only once, because I was employed.

Q. Did you know her after she married Willis?

A. Yes, I visited them once.

Q. I didn't ask that. I asked you if you knew her?

A. Pardon me.

Q. You kept on knowing her?

A. Yes.

Q. And you visited her once after her marriage?

A. Yes.

Q. Where?

A. At Pennsgrove.

Q. Pretty nice kind of a woman?

A. Very nice.

Q. Lived happily with Willis?

A. Apparently. I suppose she did, I didn't ask her.

Q. You didn't ask her?

A. No, sir.

Q. She made no complaints?

A. No, sir.

Q. Of the cruelty of Willis?

A. I didn't ask Mrs. Willis any of her affairs.

Q. And she said nothing to you?

A. No.

Q. So far as you could judge it was a happy home?

A. I suppose it was, the little I saw of it.

Q. Now, how long did you know Willis before you married him?

A. I met him the day he married the former Mrs. Willis, at her wedding.

Q. How long did you know Mr. Willis before you married him?

A. I don't know when they were married, I don't recall that time, but I met Mr. Willis the day of the wedding.

Q. The day he married his first wife?

A. Yes, sir.

Q. Not the day he married you?

A. No, sir.

Q. When was that?
A. The day he married her?
Q. Yes.
A. I can't recall that.
Q. From that time on you knew Willis, didn't you?
A. Yes, sir, but I only saw him once after that.
Q. Only saw him once after that?
A. Yes. That is the day I visited their home.
Q. That was when?
A. That was when the youngest boy was born and he was just two weeks old.
Q. That is the first time. Your acquaintance with Willis continued from that moment on?
A. No, I never saw Mr. Willis until after he buried his wife.
Q. He buried his wife when?
A. She had been dead a year or a year and a half when I met him at her father's funeral.
Q. When you met him?
A. Yes.
Q. You hadn't met his children?
A. No, sir, only when I visited them.
Q. The one visit, is that all you saw the children?
A. Yes, sir.
Q. So you had no opportunity to give special attention to the children?
A. No, sir.
Q. And didn't?
A. No, sir.
Q. And you weren't particularly interested in the children up to that point?
A. I didn't have any cause to be.
Q. You weren't particularly interested in them, and you weren't particularly interested in Mr. Willis?
A. Oh, no, sir.

Q. Now, when did you begin to get particularly interested in Mr. Willis?

A. I told you I met him at her father's funeral, I can't recall the year.

Q. When was the year?

A. It was the Thursday after this funeral that Mr. Willis pressed the date.

Q. It was after the funeral you began to get particularly interested in him?

A. Yes.

Q. Have you any idea when that was?

A. Well, I guess that was sometime in 1908-1909.

Q. What made you get particularly interested in Mr. Willis right after the funeral?

A. I couldn't tell you that because I don't remember. He came to see me and took me to the theatre, and a couple of weeks after that he brought his two children and left them at our house for two weeks and stayed with my mother and I.

Q. And then you got more particularly interested in him?

A. He said his housekeeper wasn't taking proper care of his children.

Q. And you got more interested?

A. I suppose I fell in love with him.

Q. At the end of two weeks?

A. I suppose so.

Q. How did he look and behave during those two weeks?

A. Very much of a gentleman; that is why I fell in love with him.

Q. Put his best foot forward and wore his best clothes?

A. Yes.

Q. And the result was you fell in love with him?

A. I presume so.

Q. You were in love with Willis two weeks after you met him?

A. Yes.

Q. How long did Willis court you after you fell in love with him at the end of the two weeks?

A. I think it was in February I met him and September I married him.

Q. How long did he court you?

A. That is how long, from February to September.

Q. Then it was in February you fell in love with him?

A. Yes, sir.

Q. Now, between February and September how much did you see of Willis?

A. Saw him every night.

Q. I suppose he had his best clothes on?

A. I didn't ask him.

Q. Did you get more and more in love with him the more you saw him?

A. I suppose I did.

Q. Was he in love with you, apparently?

A. Apparently, he was.

Q. Apparently?

A. Yes.

Q. As far as he was concerned you afterwards learned it was a mere pretense, isn't that true?

A. Yes.

Q. While it was appearance on his part it was a reality on your part, that is correct?

A. Yes, sir.

Q. But you supposed that Willis was honestly in love with you from February to the following September?

A. Yes, sir.

Q. Then you got married and you went on your honeymoon, didn't you?

A. Yes, sir.

Q. Now, here was a woman dead in love with a man and the man apparently dead in love with a woman going on their honeymoon, that is correct?

A. Yes, sir.

Q. You went on your honeymoon, and the very first day what happened?

A. I said the second day.

Q. What happened?

A. I hurt my ankle.

Q. Hurt your ankle. Wasn't there anything that happened before that?

A. Only what would happen, I suppose, the first night a man and woman are married.

Q. What happened then?

A. Mr. Willis told me I need not be afraid of him, he was delicate and under the doctor's care, and he wasn't able to be a man until after the doctor was through doctoring him.

Q. The first night this man who was apparently in love with you, but actually not in love with you, went to bed with you he told you he was in delicate condition and couldn't have sexual relations with you, isn't that true?

A. Yes, sir. At the time I didn't know what he meant.

Q. You didn't know what that was?

A. No, sir.

Q. How old were you at that time?

A. Mr. Willis says I am two years younger than him.

Q. How old were you at that time?

A. I just don't remember.

Q. Did you have married sisters?

A. Yes, sir.

Q. How old are you now?

A. Is it necessary to tell?

The Court: There is no reason why you shouldn't answer.

The Witness: I am fifty years old.

Q. What was your age at the time of the wedding?

A. Thirty-four or thirty-five, something like that.

Q. Let us go back to the beginning. You were quite matured as far as years went, weren't you?

A. Yes.

Q. And you had no idea what sexual relations meant?

A. No, sir, I did not, sir, not the slightest.

Q. Had you ever been schooled in it?

A. I never had.

Q. Had you been to school?

A. Yes.

Q. Study physiology?

A. No, I didn't study physiology, I was taken from that because my heart was weak and I couldn't stand the study of physiology.

Q. Maybe that is the reason you didn't understand the differences in the sexes?

A. Perhaps it was.

Q. At any rate when you married this man he was apparently in love with you and you had no idea what a man was like?

A. I certainly did not.

Q. And you went to bed with him?

A. Yes.

Q. What time did you go to bed that night?

A. I don't remember whether it was ten o'clock or half-past nine or eleven o'clock.

Q. Was he very affectionate toward you?

A. Mr. Willis was never an affectionate man.

Q. Was he very affectionate toward you?

A. No, sir.

Q. Were you affectionate toward him?

A. I suppose—I don't know just how to answer that question.

Q. Did he hug you any?

A. No, sir, he never was a man to have a lot of affection.

Q. Did he hug you any that night?

A. I don't remember.

Q. Did you hug him?

A. No, sir.

Q. Did you sleep close together the first night?

A. Do I have to answer these questions?

The Court: Yes, you have introduced the subject of this mistreatment in sexual matters and it would be impossible for me to understand what your grievance is unless the details are gone into. You haven't given it definitely enough for me to understand. There are a lot of ladies in the court room. There is no necessity for their staying if they don't want to hear this line of investigation. You will find lots of room outside if you feel your feelings will be injured. I think that is the place for you, anyway, when this examination is in progress. I am very sorry, Mrs. Willis, that it is necessary for you to go through this ordeal, but it is absolutely necessary.

The Witness: Don't you think the boys could be removed?

The Court: Yes, I think they ought to; in fact, all boys under 21 years of age had better go out. I would be glad to spare you this examination, but it isn't possible for me to do it, and we will have to go into every detail that counsel seeks to investigate,

and if he doesn't ask those questions I think I will have to do so. I want to know exactly what the trouble was and up to this stage I am not clear in my own mind what you refer to.

Q. Did you sleep close together the first night?
A. Mr. Willis immediately ——
Q. Did you sleep close together?
A. Well, if lying in bed together is close together we did.
Q. Were your bodies touching each other?
A. Yes, sir.
Q. Have your arms around each other?
A. Yes, sir.
Q. Kiss each other?
A. No, sir.
Q. Now, here was a woman earnestly in love with a man, whom she believed was in love with her, on her honeymoon, the first night together—did you wear night clothes?
A. Yes, sir.
Q. Wearing night clothes, bodies in contact, in the same bed, arms around each other, and never kissed each other, that is true?
A. I didn't say he never kissed me.
Q. That night, we are talking about that night?
A. I don't remember him kissing me.
Q. What did Mr. Willis do that was unnatural that night?
A. Well, he told me he would have to take his hand and tear me apart, when he was able to go with me I would have to be large enough for him to go with me. I didn't know what he meant and I was frightened, and he said, "You needn't get frightened, it isn't going to hurt you," but it did hurt me, and I bled something terrible, and I believed what my husband said that it was perfectly

natural for a man to do this to a woman he married.

Q. Can you tell me how old you were at that time?

A. Thirty-three or four.

Q. And weighed about how much?

A. 138 pounds when I married Mr. Willis.

Q. Did you have any sexual excitement up to that time?

A. No, sir.

Q. How did he tear you apart?

A. He took his hand—I don't know how he did it, but he did it.

Q. What did you do?

A. I suppose I laid there and took it.

Q. Laid there and took it?

A. Yes.

Q. He tore you apart and you bled terribly. What did you do to catch the blood?

A. This is awful.

The Court: There is no way of escaping it. You will have to testify.

The Witness: I got up and changed my clothes.

Q. How long did it take Willis to tear you apart?

A. I couldn't tell you that, your Honor, because I don't know the time.

Q. Did you faint?

A. No, sir, I didn't faint; I was too disgusted.

Q. What?

A. I was too disgusted.

Q. Too disgusted?

A. Yes.

Q. Very well. After he got you torn apart what did you do?

A. I got up and changed my clothes.

Q. When did he begin to tear you apart, when you had your arms around each other?

A. I suppose that was it.

Q. You suppose that is the time?

A. Yes.

Q. Did he hold you with one arm and tear you apart with the other?

A. I don't just remember how it happened.

Q. You can't remember that. I suppose you were horrified?

A. I was.

Q. After he got through tearing you apart did you still keep your arms around each other?

A. No, I turned over on my side, I was really disgusted.

Q. I know you turned over on your side, but what did he do, turn over on his side?

A. Yes, I suppose so. I was really disgusted to think I had married a man like that.

Q. You went to sleep?

A. Yes, I apparently did.

Q. And slept to daylight?

A. I don't remember those things that far back.

Q. Willis left you alone after he got you torn apart?

A. That night.

Q. Did he tell you how long you had to submit to this tearing apart before you could submit to marital relations with him?

A. Two years.

Q. You understood from this man who was in love with you and you were desperately in love with him that you would have to live two years with him after he tore you apart before you could have any sexual relations with him?

A. Yes, sir.

Q. Now, were you pretty sore the next morning?

A. I surely was.

Q. Could hardly walk, I suppose, could you?

A. I could hardly walk.

Q. Complained a good bit?

A. No, I didn't complain; I guess I was a little plucky with it all.

Q. How much did you weigh?

A. 138 pounds.

Q. You went down to breakfast?

A. Yes, sir. We went away the next morning in the car, we went away.

Q. Did you eat a good breakfast?

A. I don't remember what I ate.

Q. You left the hotel how?

A. In a car, in our automobile.

Q. And you went where?

A. We were traveling and stopped at hotels at night.

Q. To where?

A. To New York the next night.

Q. This didn't happen in New York?

A. This was in Allenhurst outside of Asbury Park.

Q. You got to New York at what time?

A. Why, I can't remember, some time in the evening.

Q. Then went to the theater?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. After you had your supper?

A. Yes, sir.

Q. How did this man apparently in love with you treat you during that day after tearing you apart the night before?

A. All right, the same as he always treated me, very nice.

Q. Hug you and kiss you?

A. He never did a lot of that.

Q. Not enough to suit you?

A. I wouldn't say that.

Q. He didn't do much of it?

A. He never did, he wasn't an affectionate man.

Q. But he was cruel enough to tear you apart and let you rest that way for two years. Now, he was calling on you for a period of two years, every night, before he tore you apart. Did he show you any affection then?

A. He didn't call on me for two years.

Q. How long a time did he call on you?

A. From February until September, that isn't two years.

Q. From February to September. And I understood he called on you every night?

A. Yes, sir.

Q. Did he show you any affection during that time?

A. He might have put his arm around me, but he was a gentleman in the calling.

Q. Did he kiss you?

A. He may have kissed me.

Q. Did you kiss him?

A. I may have.

Q. Sit in his lap?

A. I don't remember whether I ever did that or not.

Q. Did he seem to be a pretty affectionate, ardent man?

A. No, sir, he wasn't affectionate.

Q. He certainly wasn't the first night he slept with you when he tore you open?

A. No, sir.

Q. Now, the next day. Let us go back. You went to the theater after you got your supper?

A. Yes, sir.

Q. And went to the Hippodrome?

A. Yes, sir.

Q. And there you strained your ankle?

A. Yes, sir.

Q. During that day did Mr. Willis give you any attention?

A. We drove around nearly all day in the automobile.

Q. Did he give you any attention that day?

A. How do you mean?

Q. Any way at all?

A. We went out immediately after breakfast and didn't come back until evening and he sat in the front of the car with Mr. Marcus Farr and I sat in the back with Mrs. Farr.

Q. He didn't give you any attention during the day?

A. No, sir.

Q. Here was a husband just married, didn't give his wife any attention during the first day of the honeymoon, took you to the Hippodrome and you strained your ankle, and then he refused to get you a doctor, didn't he?

A. Yes, sir.

Q. Why did he refuse to get you a doctor?

A. I couldn't tell you. I asked him to and he said he would go to the drugstore and get some liniment.

Q. When you asked him why he refused to get a doctor he said he would go and get some liniment, did he?

A. Yes, sir.

Q. What did he do with the liniment?

A. Bathed my foot and bandaged it.

Q. Ankle and foot?

A. Yes.

Q. Bandaged it in the room?

A. Yes, sir, in the presence of Mrs. Farr.

Q. Did you sleep together that night?

A. Yes. I sat up in a chair most of the night crying with the pain.

Q. When you were sitting up most of the night crying with pain what was he doing, sleeping in bed?

A. We weren't together, there were twin beds in the room and he was in one and I in another.

Q. Willis occupied one bed and you another?

A. Yes, sir.

Q. And you didn't sleep much?

A. No.

Q. You were in a great deal of pain, weren't you?

A. I certainly was.

Q. First you had a strained ankle and that was paining you like everything so you couldn't sleep and then when you were torn apart that pained you?

A. I didn't say it did that night, did I?

Q. I don't know, I am asking you. Did you get over that right away?

A. I didn't get over it, but it didn't pain me the next day the way you are saying.

Q. Then you got over it in a day?

A. No, I didn't get over it.

Q. How long did it take you to get over that?

A. I didn't get a chance to get over it he was at me every night.

Q. You have got me mixed again. We have gotten down to the second night. Where did you stay the second night?

A. In New York.

Q. Where?

A. I don't remember the name of the hotel. On 23rd Street it was.

Q. Did you occupy the same room?

A. Yes, sir.

Q. Sleep in the same bed?

A. I told you there were twin beds in the room.

Q. The second night?

A. Yes, sir.

Q. And I understood you to say he was at you that night?

A. I said every night afterwards.

Q. Was he at you that night?

A. No, sir, because I was sick with this strained ankle.

Q. Sick with a strained ankle the second night of your honeymoon?

A. Yes, sir.

Q. Where did you spend the third night of your honeymoon?

A. I think it was the hotel at Little Falls.

Q. Did you sleep in the same room?

A. Yes, sir.

Q. Had you gotten over your strained ankle?

A. No, sir.

Q. Did you go to bed that night?

A. Yes, sir.

Q. How?

A. Yes, sir.

Q. Did Mr. Willis go to bed with you?

A. I suppose he did, he was with me.

Q. He was with you?

A. Yes, sir.

Q. What did he do that night?

A. The same as he did the other night, he played with me.

Q. Tore you open again?

A. No, sir, he played with me with his hand.

Q. What do you mean?

A. That is the only way I can express myself, because I don't understand this relation.

Q. You don't understand?

A. No, sir.
Q. Did he play with you all night?
A. For two or three hours.
Q. For two or three hours the third night he played with you?
A. Yes, sir.
Q. What else did he do?
A. I don't remember, Mr. Wescott.
Q. Did you finally go to sleep after he got through his playing?
A. Yes, sir, I suppose I did.
Q. What did he do?
A. I couldn't tell you.
Q. Were you very lame and sore when he had been playing with you?
A. It affected my nerves.
Q. Were you lame and sore where he played with you the third night?
A. I suppose I was. It has been several years now.
Q. Let us go to the fourth night of the honeymoon, where were you then?
A. Well, I can't remember the cities, we stopped at different places.
Q. What did you do the fourth night?
A. Just the same.
Q. Just played with you?
A. Yes, sir.
Q. How many hours?
A. I don't remember.
Q. And the fifth night?
A. I was subjected to the same abuse.
Q. The fifth night just the same?
A. Just the same.
Q. Did you play with him?
A. No, sir.
Q. Now, don't get mad at me, I am just asking

plain questions. You weren't interested in the playing game?

A. I was a lady.

Q. That is to say, you were a woman with the organs of a woman and he was a man with the organs of a man, isn't that correct? Did you know he was a man all this time?

A. I thought he was when I married him.

Q. I know, but did you know from investigation he was physically different from you?

A. I did not.

Q. That is the truth, is it?

A. That is the truth.

Q. Now, how long were you gone on this honeymoon?

A. Two weeks and two days.

Q. And every night of that honeymoon he played with you?

A. Except the three nights he was mad at me.

Q. Mad at you three nights and played with you every other night?

A. Yes, sir.

Q. What was he mad at you for?

A. Because I wouldn't go over the mountains on the rainy day when the garage man said it wasn't safe to take a car over the mountains.

Q. Did you begin to find out then that this man was a mere pretender, his apparent love for you was a sham and amounted to nothing? Did you find it out then because he got mad at you then because you wouldn't go over the mountains?

A. I began to get awfully disappointed in him.

Q. When your honeymoon was up in two weeks and two days where did you go?

A. To Pennsgrove.

Q. And lived there how long?

A. Lived there from the 2nd day of October, 1910,

until the 28th of March when Mr. Willis went away from me, and I stayed in the house to the 6th of February, 1917.

Q. That made a period of how long you were living in that house, Mr. Willis' house?

A. 1910 until 1917.

Q. Very well. Now, how many nights during that time did he sleep with you in the same bed?

A. Indeed I couldn't tell you how many nights.

Q. A great many?

A. I suppose.

Q. How long did you live with Mr. Willis sleeping in the same bed with him before you found out the physical difference between him and yourself?

A. I don't quite understand that, you will have to make it more plain.

Q. In the first two weeks and two days of your marriage you told us, if I understood you correctly, that you didn't know the difference between Mr. Willis' makeup and your own physical makeup; you were a lady and you hadn't your hand on him, and you didn't know the difference, you didn't know whether he had the sexual organs of a woman or the sexual organs of a man, did you?

A. No, sir.

Q. Now, how long did you live with Mr. Willis in Pennsgrove, sleeping in the same bed with him, before you found ——

A. Three years, five months and eighteen days.

Q. Before you found out he was a man and was different from a woman?

A. That was the only time I ever had sexual intercourse with Mr. Willis.

Q. When?

A. Three years, five months and eighteen days after I married him.

Q. That is the first time you found out what sexual intercourse was?

A. The first time and the only time.

Q. The first and only time?

A. Yes, sir.

Q. During those three years of that time Mr. Willis was abusing you. What I want to inform myself about is what kind of abuse he was subjecting you to over a period of three years, playing with you?

A. Yes, sir.

Q. Every night?

A. Every night; sometimes two and three times of a night.

Q. Doing the same thing right over?

A. Yes, sir.

Q. For years?

A. Yes.

Q. And during all that time he didn't undertake to have sexual intercourse with you?

A. No, sir.

Q. Did you enjoy that playing with you?

A. I knew it must be wrong.

Q. Did you enjoy it?

A. No, sir.

Q. You knew it was wrong, didn't you?

A. Yes, sir, I certainly thought it must be wrong.

Q. Why didn't you inquire of somebody who knew about such things?

A. I did finally. I was ashamed to tell any one.

Q. I know you were. Of whom did you inquire?

A. Dr. Vannaman, Broad and Diamond, Philadelphia.

Q. She knew the difference between a man and woman, did she?

A. She knew what he was doing to me would put me in an asylum in a short time.

Q. He was at it three years and still you kept out

of an asylum, two or three times a night for three years and upwards and you kept out of an asylum all that time?

A. Yes, but he tried to put me in one.

Q. You say it was two or three times a night he played with you. Can you divide the night up into periods and tell what parts of the night he began playing?

A. No, I cannot.

Q. And when the second one was and when the third. How long a time did he play with you on each one of these three occasions, how long?

A. Sometimes a period of half an hour, sometimes an hour.

Q. Then you had very little sleep during the three years and some months he was playing with you, very little sleep, and it made you nervous, of course?

A. It surely did.

Q. Exceedingly nervous?

A. Yes, I used to get crying spells, and he told me I would be crying all day and he would bring Dr. Barnart and say, "She has got another spell."

Q. He was playing a game on you, wasn't he?

A. I don't know.

Q. He was fooling the doctor, anyhow?

A. No, I don't think he fooled the doctor.

Q. Why, being an ordinarily intelligent woman, at least, if not an extraordinarily intelligent woman, didn't you find out during those three years and some months that this man was doing this unnatural thing to you two or three times a night, inquire of somebody about it, and learn——

A. Because I was ashamed to tell anyone.

Q. You have said for a period of three years you lived with Mr. Willis without knowing the difference between a man and a woman?

A. Yes.

Q. Did you ever see Mr. Willis undressed?

A. I suppose I have.

Q. What?

A. I suppose I have.

Q. Don't you know?

A. I know there is a difference between man and woman.

Q. What is the difference?

A. I don't think I want to answer those things.

Q. When did you find out that difference?

A. I don't remember.

Q. You don't remember. I thought it was three years and some months before you found out Mr. Willis was different from you physically?

A. I said it was three years, five months and eighteen days before I ever had sexual intercourse with him.

Q. Didn't you say it was three years, five months and eighteen days before you found out the actual physical difference?

A. I thought you meant intercourse.

Q. You often saw Mr. Willis naked, didn't you, before you, didn't you?

A. I suppose I have seen him undressed.

Q. So you want the Judge to believe that for three years and five months Mr. Willis slept with you, dividing the night up into three periods of unnaturally exciting your sexual organs by his fingers without ever attempting sexual intercourse with you, that is true?

A. That is true.

Q. Now, we understand what you mean. Why did you submit to that?

A. Mr. Willis told me that all men did the same thing to their wives.

Q. That is the reason you submitted?

A. Yes.

Q. Were you surprised when he had sexual intercourse with you?

A. I certainly was.

Q. And he never had sexual intercourse with you but once?

A. That is all.

Q. And that is when your child was conceived?

A. Yes.

Q. That is the truth?

A. Yes. May I tell why?

Q. Certainly.

A. The very next day Mr. Willis took his clothing out of my bedroom and put it in the spare bedroom, and I said, "Rob, what is the matter, what are you doing that for?" and he said, "You have had a taste of the real thing and I am afraid now you will want too much," and he went into the other room and slept in the spare bedroom until he left me the 28th of March, from the 4th of March to the 28th he slept in the spare bedroom.

Q. Then he didn't have any sexual intercourse because he was afraid you would want too much?

A. That is what the gentleman told me.

Q. What did you say to that?

A. I don't remember what I said, I was too disgusted.

Q. Too disgusted?

A. Yes.

Q. Now, after he had sexual intercourse with you this one time, did he stop this unnatural playing with you?

A. I told you he didn't sleep with me after that.

Q. Did he stop the unnatural playing with you?

A. He undoubtedly did, because he never slept in the same bed with me after that.

Q. He could have done that without sleeping with you.

A. He didn't even talk to me after that.

Q. If I understand your story, it is this. That you loved this man and you thought he loved you, and you went upon your honeymoon and you began to see at once from the way he got mad at you and the way he treated you when you got hurt, that he didn't love you, and he took you down to this home and kept you for three years, five months and eighteen days, abusing you every night, had sexual intercourse with you once and got you with child and then left you?

A. Yes, sir.

Q. Have you any idea why he left you?

A. I told you the only thing I can see is on account of this party the 17th of March when I refused to entertain these people any more in our home.

Q. It isn't your idea he left you because of the fact he thought you would want too much sexual relations?

A. I never thought of that.

Q. What was that party incident, I don't quite get that?

A. It was a party we gave on St. Patrick's night, and the ladies were to wear green stockings and the men were to wear green neckties.

Q. Where was the party?

A. At our home.

Q. Do you know when it was?

A. The 17th of March, 1914. When they had all arrived Mr. Willis said, "I move we see how many of the ladies have green stockings on, and we will start with Mrs. Willis first," and I said, "Don't do that," and he immediately grabbed hold of me by one arm and he asked Mr. Hotten to take the other and they stood me up on the stool and my husband pulled my dress up and burned two holes in my stockings with his cigar and he said, "Look at her.

face, she is embarrassed," and I was embarrassed, because I had never had such an insult given to me before.

Q. Go on.

A. Several of the ladies objected because they didn't want any holes burned in their stockings, but they stood up on the stool and pulled up their clothing and showed their stockings, but several did object. We had a poolroom on the third floor and finally they went upstairs to play pool and I remained downstairs to get the luncheon we were going to serve ready and I had it ready and went upstairs to call call them, and some of the behavior up there was shocking, and when I came downstairs after I had told them to come down I happened to open the back stair door to call up the stairs and my husband was sitting on the back steps with one of the ladies and his hand was up her clothing.

Q. Playing with her?

A. I don't know what he was doing to her.

Q. His hands were up her clothing?

A. She said, "What is the matter, are you jealous because your husband is playing with me?" and I didn't say nothing, I wasn't used to that kind of behavior.

Q. Hadn't gotten used to be played with?

A. I wasn't used to associating with people who did such things, your Honor.

Q. Tell us the balance of the story?

A. As a hostess I kept my mouth closed and after they went I said to my husband, "That is the last time I will entertain those people in my house, their behavior isn't fit for decent respectable people," and he said, "Then when you won't entertain my friends out the door you will go," and I said, "No, I won't, because this is my home and the home you brought me to," and he went upstairs and went to

bed in his room and locked the door, that was on the 17th of March, and he came home and ate his meals and he wouldn't answer me or speak to me in any way from that time until the 28th of March when he left the house with the children.

Q. How long were the skirts of the ladies?

A. I don't know. We didn't wear short dresses then.

The Court: May I ask when that was, that party?

The Witness: The 17th of March, 1914.

The Court: With reference to the night he had intercourse with you?

The Witness: The 4th of March, 1914.

By the Court:

Q. I thought you said he went into the other room the very next night after you had had the intercourse?

A. That was the 5th of March, 1917, the party was the 17th of March.

Q. Judge Wescott asked you why he went into the other room and locked himself up the next night after the sexual intercourse with you and you say it was because of what happened at that party, and the party was a week or so later?

A. No, I did not. Pardon me.

Q. I want to know what you said.

A. I said the only thing I knew for him leaving was because I objected to these people coming to the house.

Q. That objection was made after he left you?

A. No, sir, he wouldn't sleep in the bedroom after the 4th of March, he slept in one of the spare rooms.

Q. Did you say that the very next night after he had sexual intercourse with you he went into the other room and didn't sleep with you any more?

A. Yes.

Q. What was the date of the sexual intercourse?

A. The 4th of March, 1914.

Q. And the 5th of March, 1914, he went into another room?

A. Yes.

Q. And the 17th of March was the time of the party?

A. Yes.

Q. What was his reason for staying away from you and sleeping in a room by himself between the 5th and the 17th?

A. I told you his answer to me, that I had had a taste of the right thing and he was afraid I would want too much.

By Mr. Wescott:

Q. That is the reason he deserted you?

A. I don't know whether that is why he deserted me, or the party.

Q. You said, if I got you correctly, that your husband poisoned you three times?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. Before I ask you a further question about that poison incident. During those three years and five months your husband was playing with you three times every night, how did he treat you outside of that?

A. Apparently very nice.

Q. Very nice?

A. We never had any quarrels that I can remember.

Q. He supplied your wants?

A. Oh, yes, sir.

Q. He didn't abuse you, except playing with you?

A. He struck me twice.

Q. When did he strike you twice?

A. The first time he struck me—the youngest boy used to wet the bed every night, and I used to say to him, "Bobby, you call mother and I will get up," and this night I was ill, and when he called he said, "Mother, I have wet the bed," and I said, "Rob, you will have to go and change his bed, I am too sick," and he said, "No, you will have to get up and change the bed," so I got up and went in the room, and I said, "Bob, you are old enough to get up and go to the bathroom," I said, "This is awfully hard every night to come in here and change this bed," and that is all I said, and he grabbed me and threw me out in the hall, and I struck my head, the back of my head, against the jamb of the door, and I didn't know anything else until I came to, and when I came to he had locked himself and the children in our bedroom, and their room, and I went in one of the spare bedrooms.

Q. And the other time?

The Court: I will get you to fix the time as nearly as you can.

The Witness: That date?

The Court: Not the exact date, but approximately.

The Witness: Some time in 1913.

The Court: Now, go ahead.

The Witness: The next time that Mr. Willis struck me I had a visitor there, Mrs. Crabtree. Mr. Willis had been to the city the day before on a Saturday and took his oldest boy, and when he came back in the evening, I think the train got in somewhere around eight o'clock, I am not sure of the exact time the trains got in there, but there was nothing said until the next morning, and the next morning I was dressing the little fellow in the bathroom, and he said, "Mother, daddy took me to somebody's house yesterday, I don't know whose it was, but they put me outside on the steps and they closed the door and I could hear daddy through the window talking about you," and I said, "I guess not," and he said, "Yes, he was," and when I went downstairs, I said, "Rob, where did you have Marion yesterday, Marion said you took him somewhere and wouldn't let him in the house because you were talking about me," and he deliberately up with his fist and struck me in the mouth and cut my mouth open, and this Mrs. Crabtree came down the stairs and she said, "Mr. Willis, I consider you a brute, I didn't think Mrs. Willis had to take anything like this off of you."

Q. Outside of these two assaults committed by your husband on you, and outside of his poisoning you three times and playing with you every night for three years and five months, he was a gentleman, wasn't he?

A. I suppose if that is what you call a gentleman, all right.

Q. I am asking you. Did he treat you kindly outside of the two assaults he committed on you?

A. He supplied the home with what was necessary and we talked congenially to each other.

Q. Didn't quarrel?

A. I don't remember a whole lot of quarrels Mr. Willis referred to.

Q. Neighbors didn't hear you quarreling?

A. No, sir.

Q. And all these incidents Mr. Willis was hours detailing on the witness stand are untrue, are they?

A. A good many of them are.

Q. And all his neighbors said in corroboration of what he stated is untrue, isn't it?

A. I am afraid it is.

Q. Now, let us come to the poisoning business. Now, he poisoned you three times. When was the first time?

A. The first time was when I had a cold and asked him to get me some medicine.

Q. When was that?

A. He brought the medicine up from the drug store—I really can't give you the exact date, unless it is in my writings that Mr. Backes has.

Q. You had a cold?

A. He brought home medicine from the drug store, he said, and he gave me two of the tablets, he opened the box and gave me two of the tablets, and in a short while after I took the tablets I said, "I can't get my breath," I just felt as if I might die, and I was really very sick, and I said to get the doctor, and Dr. Barnart came up and he said, "What have you been taking?" and I said, "I took some medicine Mr. Willis brought home for me," and he opened the box and smelled it and went out in the kitchen, opened the kitchen stove and put it in the kitchen stove and said, "Nobody else will ever take any more of this," and he said, "When you are sick again I will come and see you instead of getting medicine from the drug store."

Q. Do you know what drug store it came from?

A. Robinson's but I am not sure. That was the drug store we dealt at.

Q. Did your husband get the tablets?

A. Yes, sir.

Q. He had a box of the tablets?

A. Yes, sir.

Q. And he gave you one?

A. Two.

Q. And that poisoned you?

A. Yes.

Q. What was the color of the tablets?

A. I don't remember them now.

Q. Didn't you see the box?

A. A little round box about that size.

Q. So you say now on your oath before the Judge here that your husband went to the drug store, got a box of tablets that were poisonous and brought them home and gave you two and poisoned you?

A. I don't know whether he went to the drug store, but he brought the box of medicine home.

Q. He gave you these poisonous tablets?

A. Yes, sir.

Q. Did you say anything to him about his effort to poison you?

A. No, sir, because I didn't dream of such a thing.

Q. When did you find out he had poisoned you?

A. The next time was in Atlantic City.

Q. When did you find out he had poisoned you with these tablets?

A. I didn't find out about that until I was poisoned again, and then I remembered that incident when I was sick from those pills he gave me.

Q. Have you any idea why the doctor threw those tablets in the fire?

A. I haven't the slightest.

Q. Did he tell you they were poisonous tablets and your husband was trying to poison you?

A. Not exactly.

Q. How near did he come to it?

A. He said, "Nobody else will take any more of those."

Q. And you understood from those circumstances that your husband was trying to poison you, I suppose?

A. I suppose that is my idea.

Q. Let us come to the second time, when he poisoned you the second time?

A. In Atlantic City.

Q. When was it?

A. I think it was some time in 1912 or 1913.

Q. What did your husband do to poison you that time?

A. I was taken sick in the night, and we had a lady along with us that was to take care of the children, and I called Mr. Willis but he wouldn't respond to me, I shook him but he wouldn't awaken, and I went in the bathroom and I was deathly sick, and I called to this lady—the bathroom was between our two rooms—and she came in and said, "Mrs. Willis, you are awfully sick," and I said, "Get a doctor as quick as you can," and she called and called to Mr. Willis and he wouldn't wake up, and she tried to get a doctor and she came back and said, "I can't find anyone; will you permit me to go into the bedroom and make him get up?" and I said, "Why, yes," so she went into my husband's bedroom and shook him and she finally aroused him, she said, "Mrs. Willis is very sick," and he got up and went downstairs and looked on the register and found there was a doctor in the hotel, and he woke up the doctor and the doctor came up and said, "It is a clear case of poisoning," he said, "Can you account for it?" and he said, "It must have been something she ate," but the lady that owned the ho-

tel said nobody else was sick there that day, so he doctored me from two o'clock in the morning until nearly eight, and he gave me the same medicine, a little brown pill, that Dr. Barnart gave me when I had taken the tablets.

Q. What was it your husband gave you on that occasion?

A. I don't know what he gave me unless it was the glass of cold water he handed me and it had it in.

Q. You say he poisoned you because the doctor said it was a clear case of poisoning, is that right?

A. There was nobody else there to poison me.

Q. And that was when, you say?

A. That was some time in 1913.

Q. During that time your husband was abusing you or playing with you?

A. That was after I told him I found out he wasn't doing right that this poison business came.

Q. What?

A. After I told him he wasn't doing right by me.

Q. Then it was he poisoned you?

A. Yes, sir.

Q. That is all you know about his poisoning you the second time, is it?

A. Yes, sir.

Q. Tell us about the third time?

A. The third time was two days after my baby was born, Dr. Barnart asked the nurse if there was any castor oil in the house, and I said, "There is a bottle downstairs," I said, "I don't think any of it has been used except one spoonful I took out to give Bobby," that was the youngest child, and Dr. Barnart sent the nurse down for it and he said, "All right, nurse, give her two tablespoons of it," and the doctor left and the nurse gave me two tablespoons of the oil and fifteen or twenty minutes after

it was down I was very sick, and she called the doctor up right away and he came up and he gave me the same little brown pills, every eight minutes for quite a while.

Q. How did you find out you were poisoned?

A. I said, "Doctor, I am poisoned," and he said, "Well, I am here to save you."

Q. He was there to save you?

A. Yes, sir.

Q. And he did finally save you?

A. Yes. And two weeks from that I told the nurse to get the bottle and I would have it analyzed, and she broke the bottle.

Q. Mr. Willis was out West, so he didn't know about this?

A. But he had access to the house right along before he went out West.

Q. Which had given him a good chance to put the poison in the house?

A. I suppose so. Nobody else came in there to do it.

Q. If he was putting poison in the house he knew there were other people in the house besides you?

A. There wasn't anybody else in the house besides me.

Q. Weren't there any children?

A. No.

Q. Did you have a nurse there?

A. Not then. Mr. Willis went away in October and I had no nurse until my baby was born.

Q. I understood you to say it was two days after the baby was born?

A. The nurse was there then.

Q. Your husband frequently met you on the street and never noticed you, you told us?

A. Yes, sir.

Q. That is after you left?

A. I mean after I left the Pennsgrove home.

Q. Yes.

A. Yes, sir.

Q. Frequently saw you on the street and never noticed you?

A. Yes, sir.

Q. And that is the reason you didn't notice any of his letters, isn't it?

A. I didn't answer the letters because writing gets you in trouble.

The Court: I didn't hear that.

The Witness: Writing gets you in trouble.

Q. When your little boy wrote that letter which was offered in evidence yesterday, did you know the little boy was writing that letter?

A. My son answered every letter. I kept the letters, kept a copy of them. My boy wrote to Mr. Willis every time he sent him anything or wrote him a letter. My son is old enough, your Honor, to vouch for that himself.

Q. Where did Willis frequently meet you on the street?

A. I saw him on Market Street several times.

Q. In Philadelphia?

A. Yes, sir.

Q. Where was this that he met you frequently on the street?

A. Second and Market Streets in Philadelphia I saw him.

Q. Where else did he frequently meet you on the street?

A. That was about the only time I met him.

Q. At Second and Market Streets, Philadelphia?

A. And my boy and I met him once on the ferry-boat.

Q. Just one other thing. He told you he was going to take your life and his own?

A. Yes, sir.

Q. He told you that?

A. Yes.

Q. Did he tell you why?

A. No, sir.

Q. He did not?

A. No, sir.

Q. It frightened you pretty nearly to death, didn't it?

A. I guess it did, I was in no condition to be frightened.

Q. What condition were you in?

A. I was pregnant.

Q. You were pregnant and in no condition to be frightened and he got a pistol and told you he was going to kill you and then kill himself?

A. Yes, sir.

Q. And you locked yourself up in a room?

A. Yes.

Q. And in order to carry out that purpose he sat on the steps outside?

A. No, on a chair.

Q. On a chair outside?

A. Yes.

Q. Did he go to sleep?

A. I couldn't say.

Q. Did you hear him snoring while he was sitting there with a pistol in his hand waiting to kill you?

A. No.

Q. What did you do?

A. I sat on the bed.

Q. And he sat on the chair all night?

A. Yes.

Q. Did you look through the door?
A. No, sir.
Q. How did you know he was there?
A. I heard him clicking the revolver.
Q. Did he click the revolver all night?
A. Off and on.
Q. And you sat on the bed listening to it all night, that is true?
A. It is certainly true.

By the Court:

Q. How did you know he was on a chair?
A. I saw him sit down on it before I closed the door.
Q. Saw him sit on it before you closed the door?
A. Yes.

Mr. Wescott: What did your Honor say?

The Court: I asked her how she knew he was sitting on a chair and she said she saw him sit on it before she closed the door.

MABEL TURNER, sworn.

By Mr. Backes:

Q. Do you know Mr. and Mrs. Willis?
A. Yes.
Q. Did you know them when they lived together as husband and wife in Pennsgrove?
A. I did.
Q. Do you know when they separated?
A. I do.

Q. Did you frequently visit the house?

A. Yes, I did.

Q. During their married life how often did you go to their house?

A. Quite often after I met them.

Q. What was the relationship between the husband and wife as far as you could observe?

A. It seemed to be very congenial.

Q. Ever hear them quarrel?

A. No.

Q. Ever hear Mrs. Willis make complaints against her husband?

A. No, I did not.

Q. Now, do you recall the occasion when the separation took place?

A. Yes, I do.

Q. Do you know the condition Mrs. Willis was in at the time?

A. Yes.

Q. What was it?

A. She was pregnant.

Q. Do you know what provisions, if any, were left in the house for her care and keep at that time?

A. No, I do not.

Q. Did you ever have occasion to take food and clothing there?

A. I took clothing for the baby before it came.

Q. Did you ever take any food there to provide for Mrs. Willis?

A. No.

Q. Was there anybody living in the house with Mrs. Willis at the time?

A. No.

Q. She was there alone?

A. Yes.

No cross-examination.

MARTHA LEAP, sworn.

By Mr. Backes:

Q. You know Mr. and Mrs. Willis, do you, Mrs. Leap?
A. I do.
Q. How long?
A. Since the fall of 1912, I think it is.
Q. Did you visit their house?
A. I did.
Q. How did they get along?
A. Very well, as long as I was there.
Q. Did you ever hear any quarreling?
A. No, sir, not in my presence.
Q. Do you know when they separated?
A. That was while I wasn't in Pennsgrove.
Q. While they were living separately, did you visit the house?
A. I don't know.
Q. Did you ever visit the house when Mrs. Willis was alone and when she was in a delicate condition?
A. I will have to stop and think. I was there only two winters and I will have to stop and think of the dates to get them correct. I think not.
Q. You never supplied any food or clothing, or anything?
A. No, sir, I did not.

No cross-examination.

DELPHINE CAPEWELL, sworn.

By Mr. Backes:

Q. You know Mr. and Mrs. Willis?
A. No, I never knew Mr. and Mrs. Willis. I know Mrs. Willis but not Mr. Willis.
Q. Where did you meet Mrs. Willis?
A. She lived at my mother-in-law's house for probably three years.
Q. Ever see Mr. Willis call on her there?
A. Yes, once, I went to the door to admit Mr. Willis.
Q. Did they meet in your presence?
A. Mrs. Willis wasn't at home at that time.
Q. You don't know anything about their life?
A. No, sir.
Q. Where is your mother-in-law?
A. At home in Collingswood.
Q. Very old woman?
A. Yes, a woman of 76.

No cross-examination.

HARVEY W. JUSTICE, sworn.

By Mr. Backes:

Q. Mr. Justice, you are living where?
A. Pitman Grove.
Q. Did you ever live at Pennsgrove?
A. Yes, sir.

Q. Did you know Mr. and Mrs. Willis while they were living at Pennsgrove?

A. Yes, sir.

Q. How long have you known them?

A. I don't know the exact date. I have known him long before he married her, practically ever since he has been in Pennsgrove, and got acquainted with her possibly a year after they were married, or less.

Q. Ever go to the house?

A. Yes, sir.

Q. Ever see their conduct toward one another?

A. Yes.

Q. What was it?

A. Never saw anything out of the way.

Q. Do you remember when they separated?

A. I remember they separated, but I don't know the dates, no.

Q. Do you know how Mrs. Willis cared for the boys?

A. I positively do.

Q. Tell us.

A. I know the children both loved her and respected her as much as any child could its own mother. I never saw anything wrong.

Q. Ever see her abuse them?

A. No.

Q. Did you have occasion when you would have seen them? You were there how often?

A. That is hard to tell, sometimes frequently, might be down once a week, or once a month, it was hard to tell when I would be there or they would be out with us.

Q. You and your wife visited back and forth?

A. Yes, sir.

Q. Did you know there was trouble between the couple?

A. Just before it really broke out, I did.

Q. When did it break out?

A. I would say at the time of her pregnancy, I don't know exactly.

Q. Do you know the cause of the trouble?

A. No, sir.

Q. Do you know when they separated?

A. Somewhere during that time, that is all I know.

Q. Did Willis ever tell you why he left the house?

A. No, sir.

Q. Did he ever tell you he had left the house?

A. No, sir, I don't think so.

Q. Was Mrs. Willis living alone in the house after Mr. Willis left?

A. As far as I knew.

Q. Didn't you go to the house with supplies?

A. My wife did.

Q. You did not?

A. No, sir, not personally.

Q. Do you know whether your wife took supplies there?

A. Yes, sir. Took them away from home to take up there, anyway.

Q. Did Mrs. Willis ever complain to you about her husband's conduct toward her?

A. Nothing to any amount.

Q. But she did complain?

A. She said there was trouble between them, but that is something I don't like to get into, family affairs.

Q. And you didn't get into it?

A. No, sir.

No cross-examination.

Mr. Backes: That is our case, if the Court please. There are two other witnesses we have subpoenaed, but they are not here. If your Honor will pardon me, I understand the son is here, he knows he has written these letters and I would like to call him, I see he is out at the door.

VERNON BROWNING WILLIS, sworn.

By Mr. Backes:

Q. Your name is what?
A. Vernon Browning Willis.
Q. And you are how old?
A. Eleven.
Q. When do you recall your daddy first calling on you?
A. When I lived in Capewells.
Q. How long ago is that?
A. Three and a half years ago, I think, nearly four.
Q. Did he come to see you often?
A. When the judge gave the verdict to come and see me.
Q. Did you go out with him?
A. Yes.
Q. Did he ever ask you about your mother?
A. Yes.
Q. Did he ever say anything about your mother coming back?
A. No.
Q. Did you ever receive any letters from your father?
A. Yes.
Q. Do you remember how many?

A. No, I do not.

Q. Did you ever answer those letters?

A. Yes.

Q. Answer all of them?

A. Yes, sir.

Q. There was no reason why you shouldn't answer them, was there?

A. No, sir.

Q. Your mother never prevented you from answering the letters?

A. No, sir.

Q. Did your father ever bring you any presents?

A. Yes, a Christmas present once, and one time he gave me a knife, and one Christmas he gave me a ball, and another Christmas he said he was going to give me an express wagon, but I didn't get it until July.

Q. When he would come to your house and take you out for a ride, where did he take you?

A. Drove down around Haddonfield.

Q. Just went out driving?

A. Yes, sir.

Q. Give you a nice dinner and fix you up with candy. Did he give you any presents?

A. No.

Q. Never brought any presents to your mother, did he?

A. No, sir.

Q. But you are sure you answered all the letters of your father's?

A. Yes.

No cross-examination.

PETITIONER'S REBUTTAL.

ROBINSON WILLIS, recalled.

By Mr. Wescott:

Q. Mr. Willis, while you were courting your wife before you were married, were there any evidences of affection between you?

A. Yes, sir.

Q. Such as what?

A. Why, quite affectionate, sitting on the couch together and hugging and kissing her, and so forth, like any lovers would.

Q. You remember your honeymoon, do you?

A. Yes, sir, very clearly.

Q. On the second night of your honeymoon, do you remember your wife getting her ankle hurt?

A. That was in the afternoon or evening, I believe.

Q. You remember that, do you?

A. Yes.

Q. Did you refuse to get her a doctor?

A. No, sir, I certainly did not, I offered to get her a doctor. She stepped on a loose brick just outside the hotel and turned her ankle and she said, "Ouch, that hurts," and we went to the Hippodrome, and after we came out—while she was sitting in the Hippodrome I presume it swelled a little, and she said it was hurting a little, and we walked down the street and nothing more was said about it.

Q. She said you got mad at her about this incident and didn't speak to her for two days?

A. I did not. We were as pleasant as could be, the relations between us.

Q. What kind of relations did you have with her the first night?

A. Why, the customary relations of a young married couple.

Q. Did you have sexual intercourse with her?

A. Yes, sir.

Q. She says you tore her open with your fingers?

A. I absolutely did not.

Q. And she further says that for three years and five months subsequent to your marriage you used your fingers to play with her three times a night and a half an hour to an hour at a time, is that true?

A. That is one of the worst falsities I ever heard of, it is absolutely not so.

Q. During all the period of time, did you have sexual intercourse with her?

A. Yes, sir.

Q. Let me ask you this question now. What were her sexual capacities?

A. Decidedly strong.

Q. You couldn't go into any details?

A. I don't like to if I can help it.

Q. She had a strong sexual appetite?

A. Very strong.

Q. And you had sexual relations with her all during that time?

A. Quite often.

Q. She further says that on three different occasions you poisoned her, did you?

A. That is absolutely not so. I would like to give you——

The Court: Did you at any time engage in this practice she accuses you of?

The Witness: No, your Honor, I never did such a thing. I would like to relate the Atlantic City in-

cident she cited. There were nine people in the hotel that night who were poisoned from deviled crabs, and we happened to be two of them, I was sick, too, but she was worse than I, and I got a doctor and he gave her medicine, and me, too, and I was vomiting, but not as seriously as she was. There were nine people that night that were affected in the hotel, and it was caused by the deviled crabs they served us for dinner.

Q. You didn't give her any poison?

A. No, sir.

Q. That was the second time at Atlantic City. Another time was at home, the first time, when you got some tablets somewhere, poisoned tablets?

A. That wasn't so, absolutely not.

Q. What is your recollection about that?

A. I haven't any recollection about it, because it didn't happen. I can't remember anything that didn't happen. That didn't happen so you can't remember it.

Q. She says there was another time in your home there you poisoned her, is that true?

A. No, sir, that is a falsity.

Q. Did you ever poison her or try to poison her?

A. No, sir, I did not.

Q. Another time she said you got a pistol when she was pregnant and told her you were going to take her life and then your own life and she ran in the room and locked the door and sat on the bed and you sat on a chair outside of the door clicking the pistol all night, is that true?

A. No, sir.

Q. Did you ever tell her you were going to kill her or anything of that sort?

A. No, sir.

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Q. Was there anything else she said that you want to contradict?

A. I believe in her direct testimony I came every night, she said, for two years, calling on her, and I drove fifty to sixty miles. It was only twenty-nine or thirty miles to her house, and I only went once a week except when my Aunt Rachel would visit us and stay with my boys, and she would invariably keep one of the boys so I would have to come up after him.

Q. Anything else?

A. I believe she said I met her several times on the street in Philadelphia. I never recall meeting her. I never saw her except the times I related in my direct testimony, except seeing her on the ferry-boat with the little boy.

Cross-examination.

By Mr. Backes:

Q. You say this poisoning incident at your house never took place?

A. No, sir.

Q. Didn't you call Dr. Barnart and didn't he destroy the tablets?

A. No, sir.

Q. These other occasions your wife has testified to, do you want us to understand those matters are untrue as she has stated?

A. Yes.

Q. No truth in any of these allegations she makes against you?

A. Yes, I have just denied there is any truth in them, Mr. Backes.

Q. It is absolutely true that you never took your

hand and perpetrated these unnatural practices on her?

A. Yes, sir.

Q. At no time?

A. At no time.

Q. And you had intercourse with her the first night you were married?

A. Yes, and as often as I thought it was proper.

Q. You never abused her in that respect?

A. No, sir.

Mr. Wescott: We close, your Honor.

BOTH SIDES REST.

The Court: It is now four o'clock, a little after, and it will be impossible, I take it, to hear anything like adequate arguments this afternoon. Suppose you come in tomorrow morning at ten and argue the case. Does that suit you, Mr. Backes?

Mr. Backes: I am perfectly willing to submit the matter to your Honor on the facts, unless the Judge wants it argued.

Mr. Wescott: My associate seems to be inclined to take that view, unless your Honor is anxious——

The Court: I think I ought to hear counsel. I think arguments are apt to be enlightening no matter how simple the testimony may be. I think arguments are beneficial. There is one legal phase of this, however, that has bothered me during the progress of the trial and to which I have given no attention whatever so far as searching any authority

on the subject is concerned, but the thing keeps coming to my mind, and it is this, and I will ask counsel to aid me in that legal phase of the case which I am about to suggest. Admittedly in 1917, February 5, 1917, a final decree was entered in a suit brought by Mrs. Willis against her husband. That was a bill for maintenance filed under the statute. The averment of the bill is the basis of recovery, so that the husband had abandoned the defendant and deserted her without justifiable cause and had failed and neglected to support her. The decree that was entered in that case makes the finding of fact that the defendant without any justifiable cause abandons the complainant and separates himself from her and refused and neglects to maintain and provide for her and the child of their marriage. Now, that decree can only be inquired into in a direct attack in a proceeding in that cause. In this suit for divorce, I take it, I have got to accept that finding as a fact existing at that date. No matter whether that decree was entered under the circumstances as testified to by Mr. Leap or whether it was entered by consent, or whether it was entered after witnesses and counsel had been heard on each side, it stands, I take it, as a conclusive adjudication by a court of competent jurisdiction touching the facts therein found. Now, if that be true, if we start with that as the beginning point, we find that Mr. Willis on that date had separated himself from his wife without justifiable cause, not with cause, but without cause, and had refused to maintain and support her. On that date the petition in this suit says that she declared before the Court, she was willing to return and live with him, and that paragraph of the petition is admitted by the answer. Now, the question in my mind is, whether during the two years following the date of this decree, February 5, 1917, the

failure of Mr. Willis to ask his wife to return to him, or to avail himself of her statement that she would return, did not mature a cause of action in her behalf against him for wilful, continued and obstinate desertion, and if it did mature that cause of action, under the decisions of this court, no future efforts upon the part of the husband to bring about a reconciliation would be available, because that was a matured cause of action under the authorities to the same extent that a note matures on its day of maturity, and she is not obliged after that to receive overtures from her husband. The evidence here is very voluminous. The letters show very clearly that beginning in 1921, Mr. Willis was very active and persistent in his endeavors to procure a reconciliation, to procure his wife's return to him, but between February 5, 1917, the date of this decree, and 1921, nothing in that direction was done by him as far as the evidence shows. His testimony is that during that period he entertained the hope that she would see the error of her ways and return to him. Now, I want counsel to aid me in the solution of that problem, whether or not, without any real effort upon his part to procure his wife's return during two years from the date of entry of that decree, a cause of action for divorce matured in her favor which would make, if it did, unless any subsequent overtures on his part as a ground or basis of a divorce for him. If counsel will give that question reflection and research, and aid me in their arguments in the solution of it, I will be obliged, because it is a puzzling one.

(At this point an adjournment was had until Monday, April 5, 1926.)

April 5, 1926.

(Trial of the cause resumed on the above date, pursuant to adjournment, at 11 o'clock A. M.)

Mr. Backes: If the Court please, may I ask at this time that the case be opened for the purpose of formally offering the files in the first maintenance suit. While they have been referred to in my answer, yet, as I recall the testimony taken here, they were not submitted as part of the evidence in our case, and I desire to make them a part of the record.

The Court: I think that is proper.

Mr. Wescott: We object to that.

The Court: I will hear the ground.

Mr. Wescott: It is too late.

The Court: I think it is proper, Judge, to open the case for that purpose. It has been understood throughout the trial, or understood in the trial that there had been that maintenance suit. It is referred to in the bill as a fact, and I think it is proper to introduce the files if they were not introduced. I don't remember whether they were or not.

Mr. Backes: I think they should be introduced.

Mr. Wescott: Note our objection.

Mr. Backes: In view of the fact that the files are now a matter of record, I think our answer should be amended so as to——

Mr. Wescott: You are getting pretty rough now.

Mr. Backes: Yes, I am. I think perhaps the answer covers every point excepting we don't set up in our answer that this decree made in the maintenance cause is a bar to any proceedings in the present cause, that was the purpose. I think even after your Honor has heard the case we might make that amendment. However, I have prepared here a formal averment that the final decree in this court, dated January 23, 1917, in an action for maintenance under the statute, brought by the defendant in this case against the petitioner, the Court found and determined that the defendant had abandoned the petitioner and separated himself from her, and such findings and determination by the Court were final and conclusive, and therefore the relief prayed for by petitioner should be denied and he be barred from maintaining this suit. Our answer doesn't fully set up that as a defense, although it does refer to the bringing of the proceeding in the maintenance suit and refers to it.

The Court: I will hear counsel on that.

Mr. Wescott: We object.

The Court: I will hear counsel on the application just made.

Mr. Wescott: If this was a bar, it should have been pleaded in the first place. (After further argument.) Let me make this suggestion. I think this situation is a serious one, and it will require study, and I am going to suggest that you let us get a copy of the evidence taken in this case, have a copy of the pleadings, and that we make a careful

analysis of the situation in the light of such decisions as we have already had, as this case is going to the Court of Errors if we lose, and it seems to me that when you consider the difficulty of the situation as it now exists, with these amended pleadings, this bar, we ought to have an opportunity to carefully analyze the situation and have written arguments. I make that suggestion to your Honor. No member of the bar has more respect for this Court than I have, and I want to tell the Court we are willing to go to that expense, have this evidence transcribed, plus the pleadings, and then present it in writing, carefully, conscienciously and fully to your Honor. Probably your mind may be so clear on the subject it may not be necessary.

The Court: (After further discussion.) Now, touching the motion now made for leave to amend the answer I entertain some doubts. In the first place I am inclined to think it isn't necessary, because the petition in this divorce suit alleges that this maintenance suit was heard and determined and the decree entered, and the answer admits it. I am in doubt as to whether if Mrs. Willis, the defendant in this suit, wishes to amend the answer at this late stage I ought to permit it. I am inclined to think I ought. I am inclined to think that in a divorce suit the Court should occupy an attitude of the utmost liberality and extend to both parties every opportunity to mold their pleadings to suit the evidence, even after a long, tedious trial. A divorce suit differs materially from ordinary equity litigation. It has been repeatedly defined as a suit involving social status in which the public at large is interested and in which the Court should do its utmost to get all of the facts that can be procured. I believe it is my duty to permit this amendment.

I think your amendment, however, Mr. Backes, ought to be in the language of the decree and not as you have it.

Mr. Backes: When I prepared it I had no copy of the decree.

The Court: Then in the language of the statute, the decree follows the statute.

Mr. Wescott: I want to make a motion to amend the petition in this case by putting the date of desertion in the month of September, 1914. The evidence shows that was the time Mrs. Willis ran her husband out of the house at the point of a pistol.

The Court: I think you should be privileged to do that, Judge, and the answer may deny that, if it chooses.

Mr. Backes: September, 1914?

Mr. Wescott: September, 1914.

The Court: You had better fix that date, Judge, if you can.

Mr. Wescott: (To Mr. Willis.) Can you fix the date, Mr. Willis? The latter part of September is as near as he can come to it.

The Court: I will permit the amendment and you will redraft the paragraph relating to desertion or make such amendment as necessary to cover that feature you desire to urge and submit it, and Mr. Backes will please do the same thing with reference to his amendment, and those amendments when

presented I will mark filed. Now, with the understanding that these amendments are to be made I will hear counsel. In connection with the privilege that is extended to the defendant to amend the answer setting up the conclusiveness of the maintenance suit as a bar, the petitioner in this suit should be privileged, if it is desired, to introduce any additional evidence that may exist touching what transpired between the date of the alimony decree, February 5, 1917, and the time the bill was filed on November 17, 1924. That was probably fully covered in the testimony, but it may not have been, and if there is anything that occurred that the petitioner desires to produce touching anything that transpired during that period, especially from February 5, 1917, and for the succeeding two years, I think the privilege ought to be extended now to introduce such evidence. Can counsel at this time, without further consideration with your client state whether you would like to intrduce such testimony?

Mr. Wescott: Yes, I was going to ask for that opportunity, if the Court please.

(At this point an adjournment was taken until Monday, April 26, 1926.)

April 26, 1926.

LEAMING, V. C.

APPEARANCES:
WESCOTT & WEAVER, ESQS., for petitioner.
PETER BACKES, ESQ., for defendant.

S. RUSLING LEAP, ESQ., recalled.

By Mr. Wescott:

Q. Mr. Leap, I want to direct your attention to the matter before Vice-Chancellor Backes and ask you to state to the Vice-Chancellor the attitude of Mr. Willis at that time towards his wife?

Mr. Backes: I object.

Q. Evidenced by what was done before the Vice-Chancellor?

Mr. Backes: I object, if the Court please. That is immaterial to this issue. The Vice-Chancellor evidently found who was at fault by his decree, and I don't think whatever attitude these parties may have had toward one another is material on this issue here. The question here is whether this party did desert, and further, on this very issue we are raising now, and did within two years attempt to

become reconciled with his wife, and I don't think any question as to what transpired at the trial can be questioned now or produced here for the purpose of showing color, if nothing else.

The Court: I doubt whether I can properly entertain it. That decree is final and it must stand for what it professes to disclose.

Mr. Wescott: What I am after is Mr. Willis' attitude towards his wife at that time, which will be followed by testimony——

The Court: So long as it doesn't impeach the decree. If he wants to show any conversation they had together for the purpose of impeaching the decree, I don't think it can be done. We will have to assume that the decree at the time it was entered was correct. I don't think I can escape that.

Mr. Backes: If the Court please, I take it that question is entirely too broad and too general.

The Court: I don't believe it is competent if it is prior to the decree. I am satisfied I haven't any right to go back of the decree.

Q. In consequence of what Mr. Willis said to you at the time of the hearing before Vice-Chancellor Backes, did you act under his instructions and thereafter see his wife?

A. I did.

Q. How many times?

A. I know of one time in particular. I think I was at the house on two different times.

Q. What was your mission in going to Mrs. Wil-

lis' house? What were your instructions and what was your object?

The Court: This is after the decree, Judge?

Mr. Wescott: Yes.

Q. Can you tell when you went to see her?

A. As I recall the first trip was about a week after the hearing. It may have been longer than that, but I know I was there about the 5th or 6th of February.

The Court: After the hearing? You mean after the decree?

The Witness: After the decree.

The Court: You may tell what transpired. This is the first time?

The Witness: Yes. It has been so long ago I am not altogether clear as to whether the entire proposition occurred on February 6th or whether I was there actually a week before that, I am not altogether positive, but I do know this, that my instructions from Mr. Willis was to go and talk with Mrs. Willis and see what her attitude was, to see if she was still as bitter against him as formerly, and to also find out what she wanted to do in reference to retaining possession of the property, whether she still wanted to retain it or give it up. Does that answer the question?

Q. Yes. Now, what success did you meet with?

A. When we got Mrs. Willis at her house, I told her——

The Court: Where was she living then?

The Witness: In Mr. Willis' house.

Q. Where?
A. At Pennsgrove, on Pitman Street.

The Court: She was still in possession?

The Witness: Yes. I told her that under the decree she had been awarded $25.00 a week, as I recall, and if she wanted to continue in the house we would have to make an application to the court to have the amount of alimony or support reduced from $25, owing to the fact that the house was actually owned by the two children and there must be something in the nature of rent paid to the children or allowed to them, and Mr. Willis shouldn't be compelled to pay $25 a week if she was to remain in the house. Her attitude toward Mr. Willis was very bitter and we didn't consider it wise to make any further statement to her or say anything further about remaining in the house, as she said point blank she was going to get out on the next day or day after that, and we talked about things that were in the house, some property and furniture, and she told me that some articles were definitely her's and that she felt the others belonged to her on account of the infant child and she felt that is all she would get out of Mr. Willis, and her entire attitude was very bitter toward Mr. Willis, and as the result of my conversation with her I decided it was absolutely futile to attempt any other conversations or put any proposition to her at that time.

Q. Now, did you afterward see her anywhere?

A. Some time in the latter part of May or June, I don't recall the date, Mr.——

The Court: The same year?

The Witness: Yes, following the decree. I think this was in 1917, or 1918, was it?

The Court: The date of the decree is February 5, 1917.

Mr. Backes: No, I think it was filed on that day, but I think the date of the decree is—the decree is dated January 23, 1917, and filed February 5, 1917.

Q. Was it after the decree?

A. After the decree and the same year in which the decree was entered. Mr. Willis produced a letter which he had received from a man named Williams in Wildwood and together with Mr. Willis I went to Wildwood. We called at the home of the Mrs. Williams, who had written this particular letter and went in the house, and that was the testimony I gave the other time I was on the stand about calling at that particular house.

Q. What was your mission then?

A. To look over the situation and see what the Williams wanted and see what was to be done.

Q. Did you have any talk with Mrs. Willis, then?

A. I did not.

Q. As the result of your first interview with her, did you start proceedings of any sort in any court?

A. I started foreclosure proceedings, foreclosing the mortgage.

Q. Did you make her a defendant?

A. I did, yes, sir.

Q. Did she put in any answer?

A. She did not.

Q. Did you see her and Mr. Willis when you went down to Wildwood together?

A. Yes, sir.

Q. Where were they?

A. Mrs. Willis was down on the ground alongside of the Williams cottage and Mr. Willis was on the step or portico.

Q. Did you see them talking?

A. They were apparently talking. I came out of the house and was ahead of Mr. Willis and as we were standing on the porch Mrs. Willis had come around the corner of the house and she said, "What are you two devils up to?" and Mr. Willis then walked over to the edge of the step and I walked to the automobile by the shortest possible route.

Cross-examination.

By Mr. Backes:

Q. You and Mrs. Willis were on friendly terms, weren't you?

A. Yes, I had no quarrel with Mrs. Willis.

Q. She didn't quarrel with you because you represented her husband?

A. No, sir.

Q. Have you got the letter which she wrote to you on January 25, 1917, about moving out of the house?

A. I don't recall.

Q. Do you recall whether she wrote you such a letter?

A. I don't recall.

Q. Would you recall it if I showed you a copy of it?

A. I might have received such a letter. I don't

remember all of it. I remember I did get a letter from Mrs. Willis in which she asked Mr. Willis to come to the house or she had some things she wanted to talk over with reference to taking some of the property, but it was my impression it was later than January 25th.

Q. Wasn't that your only mission to the house, to see that Mrs. Willis left there and took the belongings with her that belonged to her and left the house?

A. I had two purposes in view.

Q. Wasn't that the only purpose?

A. No, sir, it was not.

Q. You had no other purpose in mind when you went to her in reply to the letter, a copy of which I show here?

A. I don't recall I went there in reply to this letter.

Q. You say you saw Mrs. Willis on another occasion and you say you think it was in the month of May or June, following the decree, and that occasion was in Wildwood?

A. Yes.

Q. You had no conversation with Mrs. Willis on that day?

A. I did not.

Q. And you are positive Mr. Willis had no conversation with her?

A. Mrs. Willis was at the side of the porch and they did talk.

Q. After that occurred, you say Mrs. Willis said, "What do you two devils want here." You mean to say now there was a conversation there?

A. Mr. Willis went to the edge of the porch and he talked to Mrs. Willis. I didn't hear the conversation.

Q. Will you say now positively there was a conversation between them?

A. They seemed to be talking together.

Q. But you don't know?

A. I didn't hear anything. They were standing alongside of each other, one on the porch and the other on the ground.

Q. And you know there was no conversation, too, don't you?

A. I do not.

Q. You said you left immediately for the automobile Mr. Willis, where did he go?

A. To the side of the porch toward Mrs. Willis.

Q. I thought you said Mrs. Willis was sitting on a bench down in front of the porch and Mr. Willis stood on the side of the porch?

A. Mrs. Willis walked around the corner of the house, in other words, from the back toward the front of the house, and as she came in view by the side there, the edge of the porch, is when she gave us this greeting.

Q. That salutation?

A. Yes. And that is when Mr. Willis went over to her at the edge of the porch, and I went to the car and got in the automobile.

Q. Your errand was to go to the house at the time. You don't mean to say she frightened you?

A. I didn't say I was frightened.

Q. But you immediately retraced your steps. Your errand was in the house, wasn't it?

A. We had been in the house.

Q. And you had interviewed Mrs. Williams?

A. We had.

Q. And your sole purpose in going there that day was to interview Mrs. Williams, wasn't it?

A. To see what was the situation and to see what could be done with Mrs. Willis.

Q. And you were the attorney then of Mr. Willis at that time?

A. Yes, sir.

Q. Now, it was through your intervention she left the house, wasn't it, at Pennsgrove?

A. I wouldn't say so.

Q. But you visited there at least on one occasion to see that she did leave it after this decree was made?

A. I visited there to see what she was going to do.

Q. And subsequent to her leaving the house, you commenced a foreclosure proceeding, didn't you?

A. No, sir.

Q. Who did, Leap, Sharpless and Way?

A. Subsequently? Afterwards?

Q. Yes.

A. Yes, sir. After she left the house we instituted foreclosure proceedings.

Q. For what purpose?

A. The mortgage was held by the trustees of the two boys, their money was in this house.

Q. For the purpose of depriving Mrs. Willis of whatever dower right she might have in the house?

A. For the purpose of foreclosing the mortgage which was given before the marriage of Mr. Willis to Mrs. Willis.

Q. And you knew as a lawyer, that Mrs. Willis had a dower right in the property, didn't you?

A. Did I?

Q. Yes.

A. I think she was joined as a party defendant in the proceedings.

Q. And there was no call for that money or that mortgage, was there?

A. No call for it?

Q. Yes. Who gave you that mortgage to foreclose?

A. A man by the name of Marcus Farr.

Q. Who is Marcus Farr?

A. One of the guardians of the two boys. I think he was named as one of parties complainant, isn't he? Isn't it Marcus Farr?

Q. And the other trustee was Robinson F. Willis, wasn't it?

A. Yes.

Q. So your client, Mr. Willis, caused you to foreclose a property which belonged to him at that time?

A. I said Mr. Farr delivered the papers with instructions to foreclose the mortgage. Mr. Farr and Mr. Willis were both guardians or trustees for these two boys under the will, I believe, of the boys' grandfather.

Q. Did or did not Mr. Robinson F. Willis give you this mortgage to foreclose?

A. I don't recall whether—I know Mr. Willis had talked the matter over with me.

Q. And he talked to you before the papers came to you for that purpose, didn't he?

A. He may have.

Q. And he talked to you while he was having this trouble with his wife and before this decree was made?

A. I think not.

Q. Subsequent to the decree being made?

A. After the decree was made, as I recall now.

Q. Were you present at the sale of this property?

A. I don't recall.

Q. Do you know who purchased the property?

A. I believe it was bought in for the two boys who were the rightful owners of the property.

Q. Do you recall now who held the actual title to the property you foreclosed this mortgage on?

A. Before the foreclosure, you mean?

Q. Yes.

A. I think it was in the name of Robinson F. Willis.

Q. Isn't it a fact that this mortgage you foreclosed, was actually made by Robinson F. Willis and Blanche, his wife, to these trustees?

A. It may have been, I don't recall, Mr. Backes.

Q. Do you remember the amount of it?

A. I do not.

Q. Don't you know that mortgage represented the only interest that his boys had by reason of this estate you speak of?

A. I don't recall the situation at all, Mr. Backes.

By the Court:

Q. You spoke of two purposes that you had in going on that first occasion to see Mrs. Willis. One purpose, you said, was to see about getting possession of the property, and I don't remember whether you gave the other purpose?

A. I said the first purpose was to see what her mental attitude was toward Mr. Willis, and the second what she wanted to do about surrendering the property, I believe. That must have been the first visit. As I recall now I believe I must have made two visits to the house. I think I did receive a letter some time in January, January or early in February, from Mrs. Willis, but, as I recall, before I received the letter I actually called at the house for this purpose, to find out her mental attitude toward Mr. Willis and then to see what she was going to do with reference to the property, but the second visit I made, as I recall now, was for the purpose of finding what property she was going to take and when she was definitely going to get out of the house, she having written the letter. It has been so long it is hard to remember just what did happen.

By Mr. Backes:

Q. You haven't any such letter as this?
A. Not as I recall, Mr. Backes. I did receive a letter some time, but it doesn't seem to be like that.

GERTRUDE RILEY, sworn.

By Mr. Wescott:

Q. Where do you live, Mrs. Riley?
A. Pennsgrove, N. J.
Q. Do you know Mrs. Willis?
A. Yes.
Q. The defendant in this case?
A. Yes.
Q. And Mr. Willis?
A. Yes, sir.
Q. How long have you known them?
A. I have known Mr. Willis ever since he has lived there, and Mrs. Willis, I suppose, two years after they were married.
Q. Did you hear of a suit by Mrs. Willis against her husband to get alimony that came off in Trenton?
A. Yes, sir.
Q. Now, after that suit came off in Trenton, did you ever have any talk with Mrs. Willis about Mr. Willis?
A. I used to work there and she used to speak of it occasionally, different things. I can't tell you the minute words she has said.
Q. Did she say anything about Mr. Willis, what she intended to do, or anything of that sort?
A. I know——

Mr. Backes: If the Court please, I don't know where this testimony is going to lead to, but I——

The Court: I think he may ask her what she said. Anything she heard Mrs. Willis say would be competent.

Mr. Backes: Yes, but before or after this decree?

Mr. Wescott: After the decree. I have asked her that and fixed it. Don't be foolish.

The Witness: I have heard her say maybe six different times that she wouldn't live with him any more under any consideration. One time she said that, and other times I have heard her say she wouldn't live with him any longer.

The Court: Do you know when the decree was made, we are talking about?

The Witness: No, sir.

The Court: Can you fix the date, Judge?

Mr. Wescott: I have asked her.

The Witness: I can't give you any dates, because I don't remember.

Q. You said you heard about the suit Mrs. Willis brought against her husband for alimony?

A. Yes, I remember that.

Q. Were these statements she made to you made after that suit?

A. These statements were made from the time—during the time that Mr. Willis went out of the house, between that and the time Mrs. Willis left.

Mr. Backes: I object on the ground that it is incompetent.

The Court: Can't you fix it any more definitely than that?

The Witness: Before that when they were having some trouble, I have heard her say she wouldn't live with him any longer.

The Court: Can't you remember when that case was heard in Trenton, when that suit was tried? What we want to inquire about is whatever she said after that, we are not interested in what she said before that.

The Witness: I don't know what date that was.

The Court: Can counsel tell me how long it was after the decree that the house was vacated? How long it was after the decree that the house was vacated? Is that a matter in dispute at all?

Q. You remember the case that Mrs. Willis brought against her husband?

A. Yes.

Q. You were a witness, weren't you?

A. At Trenton, do you mean?

Q. Yes.

A. Yes, I was there with her.

Q. Now, these conversations you speak of when Mrs. Willis said she wouldn't live with her husband any more, did they occur after that?

A. After that. And another time she said she wouldn't live with Mr. Willis any longer and she said, "Of course I wouldn't dare to say that on the stand."

The Court: Was that after the trial in Trenton?

The Witness: That was after the trial in Trenton.

Q. What were you doing for Mrs. Willis at the time she said that?
A. I worked there.
Q. What kind of work?
A. Housework.
Q. Do you remember whether she told you why she wouldn't live with her husband any longer?
A. No, she just didn't say that exactly, just why, because she knew I was there each week and knew myself what was going on.
Q. Where was Mr. Willis during the period of these conversations?
A. He was to work.
Q. Did he live down there?
A. He lived there, yes, he lived there.
Q. Did you state these facts to Mr. Willis?
A. No, sir.
Q. Now, do you remember a circumstance of being somewhere when a lot of you got sick?
A. Yes, sir.
Q. When was that?
A. That was—I can't recall at what time, but it was at Atlantic City.

Mr. Backes: I object, if the Court please, that all goes back beyond the time.

The Court: Before the trial at Trenton?

Mr. Backes: Yes.

The Court: I don't think we had better go back of that.

Mr. Wescott: I understood, if the Court please, the order was that this case should be opened and we should introduce any additional proof, that was my recollection about it and my honest understanding about it. Mrs. Willis testified here that her husband tried to poison her.

The Court: Additional proof upon the question of whether or not that decree would operate as a bar by reason of the fact there was no evidence to show that after that decree for a period of two years Mr. Willis had made no advances.

Mr. Wescott: I won't press it then. It was to contradict her and explain what that poisoning incident was.

The Court: I don't think the whole case ought to be opened up again.

Cross-examination.

By Mr Backes:

Q. You said you knew Mrs. Willis about two years after she maried Mr. Willis, didn't you?

A. Yes.

Q. But you had known Mr. Willis before that?

A. Yes, sir.

Q. Under what circumstances did you come to know Mrs. Willis at that time?

A. Mr. Willis stopped one day and asked me if I would go there and work.

Q. To do housework?

A. Yes, sir. Mr. Willis came and asked me and I went.

Q. Did you live in the house?

A. No, only there two days a week.

Q. How long did you continue?

A. I don't know. It must have been—I wouldn't say whether it was close to a year or not.

Q. But you never worked for Mrs. Willis after her husband left her, did you?

A. I was there in the house several days, and when she packed to go away I helped her.

Q. And that was the only occasion you did go there, to help her pack, isn't it?

A. I was there several times from the time Mr. Willis went out.

Q. Mrs. Willis never employed you after Mr. Willis left the house, did she?

A. I think she did two or three times, and paid me the same as she had always paid me.

Q. So the conversations you tried to tell us about, or these declarations you say Mrs. Willis made, must have been made while Mr. Willis was still living with her, isn't that right?

A. Some when they were having this trouble before he left the house, sure, and some afterward.

Q. Now, can you state which were made afterward?

A. It was just as I said. Before Mr. Willis went when they were having the trouble, she said she wouldn't live with him and after he went she said she wouldn't live with him under any consideration.

Q. But you say now you didn't live at that house or go to service in that house after Willis left, isn't that true?

A. No, I didn't say that.

Q. Except on one or two occasions and one occasion was when she was packing up?

A. I went then.

Q. Did you have any talk with her then, did she make that declaration then?

A. I never had any trouble, as far as that goes. She just talked to me.

Q. We are trying to find out, Mrs. Riley, just when this talk took place that you say you had with Mrs. Willis.

A. Well, I have told you it was two or three times while he was living with her, before he left, and then two or three times afterwards.

Q. So you think you had at least five or six conversations with her?

A. Yes, sir.

Q. Don't you recall, if you recall anything, that they weren't living happily together in their married life when you were working there in service?

A. Yes.

Q. And isn't it possible all this talk you now try to recall, took place at that time?

A. That may be, but I have heard her since then and——

Q. That is all.

The Court: Finish it.

The Witness: I have talked to Mrs. Willis even since she has went away. I have been to her home in Doylestown. When she was there I was there once to see her and it seemed to be the same there as it had always been, and I met her at Willow Grove once shortly after that and it always seemed to be the same thing, Mrs. Willis didn't seem to want to live with him any longer and said she wouldn't.

Q. Can you fix the time when you met her now

at Doylestown and another time when you met her in Willow Grove?

A. I can't say whether it is four or five years last summer.

The Court: Can you say how long it was after the hearing in Trenton?

The Witness: No, I can't give you that, I can't recollect.

By Mr. Wescott:

Q. Was it after she had left her home in Pennsgrove?

A. Yes, she had a home in Doylestown.

Q. We will fix that. How did you happen to go to Doylestown to see her?

A. I was visiting my cousin at Hatboro and we went to Doylestown one afternoon to a moving picture, and I knew Mrs. Willis was there, I had a letter from her, a postal card, and we went to see her. She was out at the time but she came back shortly and we waited.

Q. What did she say then about coming back to her husband?

Mr. Backes: She has already testified to that.

Mr. Wescott: You brought it out and now I am going to ask her.

Mr. Backes: I didn't bring it out at all, Judge.

The Court: I think it is competent.

Mr. Backes: That took place five or six years ago.

The Court: See how nearly she can fix the time. You may go on and testify to it, but fix the date if you can.

Q. What was it she said then about coming back to her husband?

A. All she did say was she didn't want to come back to Pennsgrove any more or live with Mr. Willis, that is the words, and the only thing about it.

Q. After that did you have a talk with her somewhere else?

A. No, sir.

Q. I thought there was another talk at Willow Grove?

A. Yes, at Willow Grove, but she didn't say anything about living with Mr. Willis then, or anything like that, I just saw her and we had a conversation.

Q. What I want to fix is whether this conversation at Doylestown occurred after Mrs. Willis left her home in New Jersey?

A. Yes, sir.

Q. About how long afterwards, have you any idea?

A. No, sir.

Q. But it was afterward, you are sure of that?

A. Yes, sir. She didn't live in Pennsgrove then.

Q. And it was after the trial in Trenton?

A. Yes, it was after the trial in Trenton.

Q. That you are not mistaken about?

A. No.

The Court: Could you tell whether it was the same year as the Trenton trial?

The Witness: No, it wasn't the same year.

The Court: Two years after, as much as two years? If you can't be sure don't try.

The Witness: I can't be sure, I don't know.

Mr. Wescott: Now, Mr. Weaver, read the testimony.

Mr. Weaver: These are depositions taken by consent of counsel in this matter on the 24th day of April, 1926, at 2 o'clock P. M., at 39 East Bennett Avenue, before Edward I. Berry, Master in Chancery of New Jersey, in the presence of the attorneys.

(Said depositions were here read by Mr. Weaver and then offered in evidence and marked Exhibit P60.)

The Court: It is half-past one, and we had better stop for luncheon. How long do you want to have?

Mr. Wescott: Not a great while. We have only one or two witnesses.

The Court: Can you get back at two—2:15, say.

(At this point a recess was taken until 2:15 o'clock P. M.)

(Trial of the cause resumed at 2:15 o'clock P. M., pursuant to adjournment.

Robinson F. Willis, recalled.

By Mr. Wescott:

Q. Mr. Willis, do you remember sending Mr. Leap, the gentleman who was on the witness stand, to see your wife?

A. Yes, sir.
Q. When did you send him to see her?
A. Around the 1st of February, 1917.
Q. With what instructions?

Mr. Backes: I object, if the Court please. Mr. Leap has already testified as to what he did. I don't think the question of what instructions he gave to his counsel are competent at all.

The Court: I think it is competent in view of the fact that the mental attitude s involved here. I am assuming he is going to testify he instructed his attorney to accomplish certain things. I think it is competent. Of course, as to what his wife did or what Mr. Leap did his own testimony will stand, but I think the instructions are competent.

The Witness: My instructions to Mr. Leap were to find out principally her frame of mind, to see if she was in a mental condition for me to come and talk to her. I had in mind the possibility I could hold her there and not have her leave the house and maybe I could go back and live with her. I thought it wasn't too late even then.

Q. Did Mr. Leap report to you the result of his interview?
A. Yes. I waited outside the house behind the hedge because she wouldn't see me. I knew she had a feeling of rage whenever she saw me near the property, and he came out and said, "There isn't any use of trying to have an interview with her now," and he further said, "She is walking up and down the floor——"
Q. Don't tell us what he said.
A. Pardon me.

Q. When did your wife leave your home?

A. The 7th of February, 1917.

Q. Where did she go?

A. To an address in West Philadelphia for a short while; afterwards to Wildwood.

Q. Do you know when she went to Wildwood?

A. Some time in May or June, 1917.

Q. Did you go with Mr. Leap to Wildwood to see her?

A. Yes, sir. I asked him to go with me.

Q. Where did you see her in Wildwood, if you saw her?

A. At her address, 104 Bennett Avenue.

Q. At whose residence?

A. I saw her in the yard of Mrs. Williams' residence.

Q. The lady whose testimony was read here before his Honor?

A. Yes. I expected to find her in that house, that was my hopes, but she wasn't there. Mrs. Williams was the one who answered the door.

Q. Now, on that occasion did you say anything to your wife?

A. Yes, sir.

Q. What did you say to her?

A. I asked her if she wasn't tired of making trouble for so many people and if she didn't want to come back. I said, "I have got the boys with me and you had better come on home with me and try to be a good girl."

Q. What did she say?

A. She flew into a rage and left.

Q. What?

A. She flew into a rage and started to call me vile names and I got away.

Q. Was Leap there?

A. He was there in the car.

Q. Now, did this lady, at whose house your wife was staying, tell you what your wife had said to her?

Mr. Backes: Now——

The Court: I think that is competent, Mr. Backes. If he was given reason to believe there was no use of his going to see her he would be relieved of the duty of going.

Mr. Backes: Is it competent in face of the testimony of this witness made this morning, read just before recess, that he didn't go to see her? This woman testified that he didn't see her at all.

Mr. Wescott: She didn't say anything like that.

The Court: The witness' counsel refers in this question to the young lady who was the maid and who said Mrs. Willis had repeatedly said she wouldn't see her husband any more.

Mr. Backes: No, this is the woman who lived in Wildwood whose testimony we took on Saturday last, and she said that Mr. Willis didn't see her on that occasion when he was there.

The Court: I think that is competent if he refers to the other lady; if she told Mr. Willis that his wife had said she wouldn't, under any circumstances, live with him, I think it would be proper.

Mr. Backes: In view of the fact that this lady has already testified, brought here by the same party?

The Court: Yes. That is not conclusive. She may be mistaken; she may be right or wrong about that.

The Witness: Shall I answer the question? Mrs. Williams told me that Mrs. Willis had said she didn't intend to live with me any more.

Q. Do you remember fully what she stated to you?
A. She told me approximately what was in the affidavit this morning.
Q. Repeat what she told you?
A. She said that Mrs. Willis had raved around there quite a little about me and said she was never going to live with me again, didn't intend to live with me, and she told me furthermore that Mrs. Willis had framed me up to marry her anyway, she intended to leave me shortly after she married me but a certain lawyer friend of her's told her she wouldn't get any alimony if she left now she would have to wait until she had a child.
Q. This same lady whose testimony has been read here, told you that?
A. Yes, sir.
Q. Was that after you had been down there?
A. Yes, sir, when we were down there.
Q. Now, there was another lady who testified here whose name I have forgotten.
A. Mrs. Riley.
Q. Did you know her?
A. Yes, sir, for twenty years.
Q. Did she at any time tell you anything about what your wife had told her?
A. Yes, sir, what Mrs. Willis had told her, yes.
Q. Can you tell us when it was she told you?
A. Not exactly. I recall it was the summer of 1918 she told me she had seen Mrs. Willis at Doyles-

town, and while engaged in conversation with her, Mrs. Willis had made the statement she had no intention of ever coming back with me again.

Q. When was your wife at Doylestown?

A. If I may use a notebook I have here—I have the exact date she went to Doylestown—October 8, 1917.

Q. How long did she stay there?

A. Until late in the fall of 1920.

10

The Court: Where?

The Witness: At Doylestown, Pennsylvania.

Q. Did you see her while she was up there?

A. I went to see her once but she saw me first and wouldn't let me in. I went to the house and no one answered the door, and I am pretty sure someone was in the house because I heard voices there.

20 Q. What was your object in going there then?

A. Trying to make peace, trying to get her back with me.

Q. After going to Doylestown, did you write to her?

The Court: When was that?

The Witness: The summer of 1919, if I recall clearly.

30

Q. Did you write to her after that at Doylestown?

A. I wrote to her New Year's day, 1919. I wrote sort of a New Year's day letter and asked her if she hadn't turned over a new leaf and decided to come back and stop this wrangling between us.

Q. Did you get any answer to that letter?

A. No, sir, not at all.

Mr. Wescott: Will you produce that letter, please, Mr. Backes?

Mr. Backes: I have never seen it, unless it was a letter that was offered here by me in your call before.

Q. How do you fix the time you wrote that letter, Mr. Willis?

A. I have a memorandum of it in an old memorandum book of mine and that is the reason I recall it clearly.

Q. Now, after this interview at Wildwood, I understand you never saw your wife again?

A. No, sir, not until when I went to see her in December, 1920. I went to Collingswood as soon as she went back, I went right out then.

Q. I mean, with the exception of the times you have already testified to?

A. No, sir.

Q. Then you began to call on her to see if she would come back and wrote her a series of letters?

A. Yes, sir.

Q. Now, between the time of your writing this letter to Doylestown and the letters which she has produced, did you write her any further?

A. Not that I recall. I used to put in a memorandum "How are you?" and "How is the boy?" put in little notes in my letters, but there is nothing I can fix in my mind. My object was to let her feel I didn't feel badly towards her and I wanted her to try to cool off towards me.

Cross-examination.

By Mr. Backes:

Q. You kept a careful copy of all the other letters that you had written to your wife?

A. Which ones do you refer to?

Q. All of them.

A. I don't know that I did. I didn't keep copies of all of them.

Q. Have you a copy of this letter you refer to having written on New Year's day, 1920?

A. No, sir, I haven't a carbon copy.

Q. Was that 1920?

A. 1919, New Year's day.

Q. You said in your direct examination it was 1920. Which is it?

A. 1919.

Q. Are you sure you wrote such a letter?

A. I certainly am.

Q. And you kept no copy of it?

A. No, sir.

Q. You kept copies of all letters you had written before that day, didn't you?

A. No, sir.

Q. You kept copies of all letters since that time you had written your wife?

A. I kept copies of my letters after my visit to her in Collingswood in December, 1920, then I started to keep copies of them.

Q. Did you ever see your wife after she left your home in Pennsgrove in March, 1917?

A. Yes, sir. I testified a few minutes ago I saw her on the porch at Wildwood, 104 Bennett Avenue, that day.

Q. And what other days did you see her?

A. That is the only time I ever met her face to face.

Q. That is the only time you met her face to face?

A. Yes, sir.

Q. Did you talk to her that day?

A. Yes.

Q. What did you say?

A. As I testified a few minutes ago. First I tried to shame her as to the trouble she was making for everybody and I asked her if she didn't want to be a good girl. I don't remember the verbatim language, but it was to the effect to stop the scrapping.

Q. Did you ask her to come back and live with you at that time?

A. Yes, sir, certainly did.

Q. Are you sure about that?

A. Yes, sir.

Q. Isn't it a fact, as Mr. Leap has testified, that when you reached this place that day you were greeted by the salutation, "What do you two devils want down here?"

A. That is when we were leaving, when we were leaving Mrs. Williams' house. We went to Mrs. Williams' expecting to find Mrs. Willis there, that was her address.

Q. Mr. Leap testified on that occasion that sort of a salutation greeted you and he, Leap, went to the automobile, and he wasn't sure whether you had any conversation with your wife or not, but you were in the attitude as if you might be speaking to her, is that a fact?

A. Yes, sir.

Q. And if you were conversing with her, how long were you so engaged?

A. A minute or so.

Q. That is all?

A. Yes, sir.

Q. And in that minute's time you professed your love and affection for your wife and asked her to come back?

A. I didn't say anything about love or affection. I merely asked if she didn't want to be a good girl and come back and live with me like she ought to.

Q. Did you offer any inducement to her?

A. I said, "I have the boys right here."

Q. Did you offer her any inducements?

A. What do you mean by that?

Q. You have been married twice; you have beaten me. Up to that time you had been at swords' point with your wife?

A. No, I hadn't with her, I felt sorry for her, anybody who wants to be fighting all the time.

Q. You had lived separate and apart for a number of years?

A. For a while.

Q. Since 1914, hadn't you?

A. That was 1914 when she ran me out of the house, yes.

Q. And you didn't go back to the house until 1917?

A. Oh, yes I did. Dr. Barnart testified to that.

Q. How did you come to go there?

A. I received a letter from Mrs. Williams and she said Mrs. Willis was making trouble for all of them and wanted me to come down and try to talk to her.

Q. Mrs. Williams didn't know you were living separate from your wife?

A. I presume she did.

Q. Do you know where she got your address?

A. Who?

Q. Mrs. Williams?

A. No, I don't.

Q. Isn't it a fact you wrote her first?

A. No, sir, I did not. Mrs. Williams wrote me and telephoned me, both.

Q. How long a time did you spend at Mrs. Williams' house?

A. I can't say, Mr. Backes, I don't recall.

Q. But you are positive the conversation you had with your wife didn't last over a minute?

A. It might have lasted longer that that, I don't know. I can't get down to fine details, it is too long ago.

Q. Have you that letter of Mrs. Williams'?

A. No, sir, I have not. I think it is in my files or Mr. Leap's files. I hunted for it the other day but I couldn't find it, but I have the envelope that contained the letter, I found that. There is the envelope, and on the back it says, "From 104 Bennett Avenue," and the postmark is July 19, 1917. I don't know what happened to the letter. We couldn't find it in Leap's files.

Q. You don't know what became of the letter?

A. No, sir, I do not.

Q. On the occasion when you say you went to the house with Mr. Leap and hid behind the bushes, you didn't have any talk with your wife, did you?

A. No, sir. I expected to.

Q. You didn't have any talk with her, did you?

A. No, sir, I didn't have any talk with her at that time.

Q. Did you have any talk with her at any time after the decree for maintenance was made against you?

A. Not until I talked with her at Wildwood.

Q. And that is the only occasion you say you did talk with her?

A. Until 1920 at Collingswood.

Q. Where was it you had this talk with Mrs. Riley?

A. In Pennsgrove.

Q. How do you fix the time when that took place?

A. I don't know that I can fix it exactly. Sometime in the summer of 1919, if I recall, either the summer of 1919 or 1918. I am not exactly sure which that was, Mr. Backes.

Q. Or it may have been the summer of 1920 or 1921?

A. No, because Mrs. Willis wasn't at Doylestown then, Mrs. Willis was in Collingswood.

Q. That doesn't fix the time when you had this talk with Mrs. Riley.

A. Yes, because Mrs. Riley had just seen Mrs. Willis at Doylestown, and Mrs. Willis left Doylestown in the fall of 1920.

Q. Isn't it a fact that Mrs. Willis didn't leave Doylestown until September, 1921?

A. No, sir, she left there in 1920.

Mr. Wescott: I offer the envelope in evidence.

Mr. Backes: For the purpose of fixing the time when Mrs. Willis was at Wildwood I don't think we have any objection. I think that fixes the time.

Mr. Wescott: I offer it.

The Court: Let it be marked.

(Said envelope marked Exhibit P60.)

The Court: What is the date?

The Witness: July 19, 1917.

The Court: Have you any rebuttal?

Mr. Backes: I will call Mrs. Willis.

BLANCHE WILLIS, recalled.

By Mr. Backes:

Q. Mrs. Willis, you have just heard Mr. Willis testify to seeing and conversing with you in Wildwood in July, 1917?

A. Yes.

Q. Tell the Court in your own way just what took place between Mr. Willis and yourself on that day, if anything did take place?

A. I rented a little cottage at the rear of 104 Bennett Avenue, it belonged to a Mrs. Williams and her son, I have the receipt there, from the 4th of June until the 15th of September, 1917, for $75.00. Somewhere around the latter part of July or the 1st of August I was sitting on the front porch writing a letter in the afternoon and I looked up and saw a machine stop in the front of the Williams house and in it was Mr. Willis and Mr. Rusling Leap. Mr. Willis got out and went in the Williams house. In a little while after he was in there Mr. Leap got out and also went in. They were both in there for about one hour and then they came out and got in the machine and drove away, and the two boys were not in the machine with the father and Mr. Leap. After they drove away and had been gone ten minutes Mr. Albert Williams, a son of this lady, came into my back yard, or front yard I should say, and he said, "Mrs. Willis, you pack your trunk and everything you have and come over to our house, we have been offered more money for this cottage and we will keep you in the house with your baby until the 15th of September for what you have paid." I said, "Mr. Williams, I don't do business that way, I have already paid you for the cottage and I hold the receipt

and the cottage belongs to me until the 15th day of September,'' and I said, ''Who offered you more money, Mr. Willis? I saw him and his attorney go in your house,'' and he said, ''That doesn't make any difference, you are going to get out, and if you don't I will turn the water off,'' and I said, ''If you do I will get police protection,'' and he said, ''You are a devil to your husband, his attorney said so, you are crazy and when we have our backs turned you will stick a knife in us, and my mother and I don't want you here,'' and I said, ''Do you see that gate? You walk out the same as you came in and don't put your foot in there until the 15th, because I hold possession here.''

Q. Did you see your husband on that occasion?

A. No, sir. He walked into the Williams house and was with Mr. Leap.

Q. Did you hear Mr. Leap's testimony?

A. I certainly did. I heard Mr. Leap state those things and they were absolutely false. I didn't approach Mr. Leap and I didn't use that kind of language.

Q. Did you and your husband get together then for a minute?

A. Not a second. We never spoke from the time he left me on the 28th day of March, 1914, until May 29, 1922, in Mrs. Capewell's living room at 741 Park Avenue, Collingswood, N. J.

Q. Did he on the visit to Wildwood say anything to the effect that he has testified to, ask you whether you weren't tired of making trouble for everybody?

A. He didn't see me to speak to. I only saw him go in Williams' house, and I only know what they told me when they tried to put me out of the house.

Q. Did you ever say to Mrs. Williams before that time your husband visited down there that there was trouble between you and your husband?

A. No, sir. She must have found that out from the lady who got the cottage for me who knew her son, Mrs. Crabtree it was.

Q. Did you ever tell that lady, as Mr. Willis has testified, you would never live with your husband?

A. I never told anyone I wouldn't live with my husband.

Q. Now, Gertrude Riley who was on the witness stand this morning, do you know her?

A. I certainly do.

Q. Was she ever employed by you?

A. A maid for me, worked two days a week.

Q. During what time?

A. During that period I lived with Mr. Willis before he deserted me.

Q. Did she ever live with you after that?

A. No, because I didn't have any money to pay a maid.

Q. Did she ever work for you on an occasion or two after that?

A. No. She came in the day I packed my things to move away and she wanted me to take everything and I said no, because what was there when I came I felt belonged to the boys.

Q. Did you ever say to Mrs. Riley that you would never again live with your husband?

A. I certainly did not. I don't talk to a maid in that manner.

Q. Do you recall Mr. Leap's visit to your house in January or February, 1917?

A. I certainly do. It was in January right after the trial.

Q. What brought him there?

A. He came to ask me if I intended to stay there or if I was going to move away, that Mr. Willis was anxious to have the home for his two boys, and he said, "Of course, if you stay the courts will have to

reduce the alimony and give you $15 instead of $25 and the other $10 will go to Mr. Willis for the rent of the house," and he said, "Of course, Mr. Willis would rather you would go, because he wants this home for his two boys and himself," and I said, "Mr. Leap, I want you to please to stay away and stop coaxing me to go," I said, "If that is all you want I will go," and he said, "I want to tell you what you can have," and I said, "He mustn't say what I can have, I hold possession and possession is 9/10 of the law and I am not going to take anything that doesn't belong to me," and he started to say I could have the old couch, and I said, "Mr. Leap, we won't discuss what I will take, but when I leave Mr. Willis won't find me dishonest."

Q. His whole errand, as you understood it, was for the purpose of seeing you didn't take certain property in that house that didn't belong to you?

A. That was the whole thing he came for.

Q. He brought you no message from your husband?

A. No, sir. He never said anything about Mr. Willis wanting to come back in any way.

Q. He had been Mr. Willis' attorney in the other suit, hadn't he?

A. Yes.

Mr. Backes: Now, the letter that was produced I asked Mr. Leap about this morning. Have you the original copy by Mr. Leap, copy of letter January 25, 1917?

Mr. Wescott: I guess not.

Mr. Backes: Mrs. Willis to Mr. Leap. Leap said he didn't have it this morning.

Mr. Wescott: No.

Q. I show you what purports to be a copy of a letter, it is endorsed "Copy of letter sent to Mr. Willis' attorney, Mr. Leap, January 25, 1917, when I was forced to leave my home in Pennsgrove, N. J." Did you write such a letter to Mr. Leap?

A. I surely did, and I made that copy at the time.

Q. And this is the copy you now produce?

A. Yes, sir.

The Court: Read it, Mr. Backes.

Mr. Backes: "January 25, 1917. Mr. Leap. Dear Sir: Would like Mr. Willis and yourself to call at our home Saturday afternoon or evening, January 27, 1917. I am packing the things I have brought here and also my wedding gifts, and would like to talk to Mr. Willis about the things he gave me. I am very anxious to get away before the bad weather begins, for baby's sake. Sorry I could not do as you asked me and will tell you when you come to the house. I have hired a packer and would like an understanding before the things are packed. I can only get him this coming Sunday and I don't want the things disturbed after they are once packed. I am sorry Mr. Willis thinks me very dishonest. I have never given him a cause to think so. Cordially, Mrs. Willis."

Q. Did they come to your house?

A. No, sir.

Mr. Backes: I offer the letter.

(Said letter marked Exhibit D10.)

Q. I show you that book and ask you what that is?

A. I kept an account of the checks that Mr. Willis has ever sent me in these little books.

Q. And that book was kept by you and in your own handwriting?

A. Yes, sir.

Q. Does that contain anything else?

A. One little memorandum about Mr. Willis calling on me at Capewells, May 29, 1922, and I put it down. It was the first time he had spoken to me since 1914.

Q. Will you read what there is here in this book?

A. "Mr. Willis came to see me 5/29/22 in afternoon, stayed about twenty minutes. First he has spoken to me since he deserted me March 28, 1914."

Q. And that is a true statement of that fact?

A. That is a true statement.

Mr. Backes: I offer the book, or entry in it, as far as it goes.

(Said entry marked Exhibit D11.)

Mr. Wescott: I think we object to that, if the Court please.

Mr. Backes: All right. I will withdraw the offer of the book. She has testified.

The Court: It is just a memorandum to refresh her memory, it is not in evidence.

Q. Did Mr. Willis ever write you a letter in January, 1919, or New Year's day, in the shape of a New Year's card, 1919 or 1920, asking you to come back?

A. No, sir.

Q. Did he write you any letter asking you to come back, and if so, when?

A. Not until after he came to see me in 1922, and then he wrote the letters here in court.

Q. How long did you live in Doylestown?

A. From October, 1917, until September 1921.

Q. Did Mr. Willis ever come to Doylestown to visit you?

A. He came to the hotel where I lived for a year, but not while I lived there, afterwards, but I didn't see him.

Q. Did you ever see him at any time?

A. I never saw Mr. Willis in Doylestown.

Q. Did you ever receive such a letter as Mr. Willis has spoken of as having written you on New Year's day 1919 or 1920?

A. No, sir.

Q. Mr. Willis at all times knew your address?

A. At all times. I always notified him.

Q. Your checks for alimony came through regularly?

A. Yes, sir.

Q. All the time you were living at Doylestown and elsewhere?

A. Yes, sir.

Q. Did you ever lose any letters in transmission?

A. I don't think so.

Q. You are positive you received no such letter?

A. I am positive, yes, sir.

Cross-examination.

By Mr. Wescott:

Q. Had you gotten such letters would you have gone back?

A. I never received any of those letters.

Q. Would you have gone back?
A. I may have.
Q. Would you?
A. At that time I may have.
Q. Would you? Would you have gone back?
A. Yes, sir.
Q. If you had gotten a letter at that time?
A. Yes, sir.
Q. You did get letters to come back?
A. Not until 1922.
Q. You got letters in 1920 or 1922 to come back?
A. 1922.
Q. You would have gone back then, would you?
A. Well, I don't think any Court would ask me to go back with him after that.
Q. Would you have gone back after that?
A. He wilfully deserted me and left me and my child.
Q. When did he wilfully desert you?
A. In March, 1914.
Q. Suppose you had gotten the letter when you were up in Doylestown you say you would have gone back then. Your husband deserted you wickedly, did he?
A. He certainly did.
Q. Why would you have gone back then?
A. He hadn't been quite so mean as he was afterwards.
Q. That is the reason, is it?
A. Yes.
Q. What did his meanness consist of?
A. Just chasing me from place to place telling people I was crazy. Every place I ever went he and Mr. Leap came and told people I was crazy, and every department store in Philadelphia has a letter to that effect. I saw two myself.

Q. When did Mr. Leap and your husband begin telling people you were crazy?

A. After 1917.

Q. After 1917?

A. Yes. Right down in Wildwood was the first.

Q. When were you in Doylestown?

A. I went to Doylestown in 1917.

Q. And if you had gotten a letter then asking you to come back you would have come back?

A. I may have.

Q. Notwithstanding the fact your husband said you were crazy you might have gone back? You might have gone back, might you?

A. (No answer.)

Q. Did you ever write more than one letter to Mr. Leap?

A. One letter, that is the letter I read.

Q. Only one?

A. That is all I know of. I may have written another one but I don't remember it; if I did it was something that was necessary I suppose.

Q. But you have written something on that letter there?

A. I wrote it.

Q. You have written something on it?

A. No indeed, that is a copy of a letter I sent Mr. Leap.

Q. Was that on the letter you sent to Mr. Leap?

A. No. I wouldn't write that on his letter.

Q. Was that on the letter when you sent it to Leap?

A. Well, no.

Q. Then you have written that on the letter since?

A. I wrote it on that when I copied it.

Q. Did you get that letter from Leap?

A. I wrote that letter.

Q. I mean, you wrote that letter to Leap?

A. Yes.

Q. Did you write that letter to your husband?

A. I wrote that letter.

Q. You couldn't tell without reading it whether you wrote it or not? You wanted to see it first to see what was in it, isn't that correct?

A. Yes.

Q. Before you made up your mind whether ——

A. That was perfectly correct to see what it is before I commit myself.

Q. You are not so crazy you can't take care of yourself in correspondence?

Mr. Backes: I object to that.

The Witness: I think it is terrible, this crazy business.

The Court: Yes, I think that is uncalled for, Judge.

The Court: If there is anything more you want to bring to my attention you had better do it now.

Mr. Backes: Will your Honor indulge me for a minute until I read these letters? If the Judge doesn't offer these letters I will, if the Court please. I think they are good for both of us.

The Court: Let them be marked, and then read them.

(Said letters marked Exhibits D12 and 13.)

Mr. Backes: The first is dated Pennsgrove, N. J., January 16, 1917. "Mr. S. Rusling Leap. Dear

Sir: Would like you and Mr. Willis to call at the house this Saturday, January 20, 1917, and I hope we will be able to adjust all matters. I will have a witness there as you suggested. Resp. Mrs. Blanche B. Willis."

"January 22, 1917. I haven't written to Mr. Leap or I don't intend doing so. If you will let me know when you will be here I will try and have some one here. I am packing the things I brought here and also my wedding presents. If you feel that I am so dishonest that I would take anything that didn't belong to me, why, you are at liberty to come and see what I am getting ready to pack . Will you please send me a copy of the receipt I have to sign then I will sign the one you sent. Cordially, Blanche."

That shows her mental attitude.

The Court: Do both sides rest?

Mr. Backes: I have nothing further.

Mr. Wescott: We rest.

The Court: I will hear counsel.

(After arguments.)

The Court: I will have to take it under advisement, gentlemen. You have put up to me a problem here that is difficult. Somebody is lying from the ground up. I don't know who it is. I wish I knew.

April 24, 1926.

APPEARANCES:

For the Petitioner, WESCOTT & WEAVER, ESQS.
For the Defendant, PETER BACKES, ESQ.

Depositions taken by consent of counsel in the above stated matter this 24th day of April, A. D., 1926, at 2 o'clock, P. M., at 139 E. Bennett Avenue, Wildwood, New Jersey, before Edward I. Berry, Master in Chancery, in the presence of Francis D. Weaver, Esq., of Wescott & Weaver, Esqs., for the petitioner, and Peter Backes, Esq., for the defendant.

It is agreed that the depositions shall be taken stenographically and the signatures of the witness waived.

MARY E. WILLIAMS, sworn.

By Mr. Weaver:

Q. Mrs. Williams, do you know Mr. Willis, Mr. Robinson F. Willis?

A. Mr. Willis, yes.

Q. How long have you known him?

A. Why, I think it must be seven or eight years since I met Mr. Willis; I don't just remember the year.

Q. Do you know Mrs. Willis, Mrs. Blanche Willis?

A. Yes.

Q. When did you first meet her?

A. I met her here in Bennett Avenue, 104 West Bennett Avenue, the first year.

Q. Was she boarding?

A. Yes, she had a cottage in the rear of ours; we had a cottage on Bennett Avenue, and she had a small cottage in the rear for the summer season.

Q. What year was that?

A. I couldn't say what year that was; I don't remember about the year now; I know it was during the war.

Q. During the war?

A. Yes.

Q. Can you fix it at all?

A. It must have been 1915 or 1916, during the war, I am sure; I can't say about that.

Q. Was she only here one season?

A. Only there the one season with us, yes.

Q. One season with you?

A. Yes.

Q. And you do not know definitely what year it was—is there any way you can fix it at all?

A. I could, I suppose, find out what year that was.

Q. Well, how?

A. I think my son would know likely.

Q. Was she only here the one season?

A. That is all, that year.

Q. Now, did you talk to her at any time about her married life?

Mr. Backes: Now, let's see how far we can go with that.

Mr. Weaver: I will withdraw that question; I don't want to lead this witness.

Q. Did she ever say anything to you about returning to live with Mr. Willis?

Mr. Backes: Now, hold on; first off, I think you should, if this woman knows, establish that she knew that she was living apart from her husband. She said she saw Willis once before, and I think perhaps you ought to lay some foundation for that. Don't you think so?

Mr. Weaver: Yes, that is all right.

Q. Did you ever see Mr. and Mrs. Willis together in your house?

A. Since that time?

Q. No, at that time, were they living together then?

A. Oh, no, she had left Mr. Willis, or they were separated, at least; I don't know anything about it, only they were separated.

Q. How did you learn that?

A. She told me.

Q. She told you that they were separated at that time?

A. Yes, she made a friendly call on me one day; I knew nothing about her affairs, and she told me herself.

Q. What did she say to you now?

Mr. Backes: I object to that.

Q. What did she say to you about being separated from Mr. Willis?

A. She told me that she would not live with Mr. Willis.

Q. Did she say why?

A. I don't know why she wouldn't live with him, but she wouldn't; she said she had a child in order that she could have a claim on him, but after she had the child she wanted nothing to do with him; now, that I remember well.

Q. Did she make any statement to you why she had the child?

A. Only that she said she was told that if she hadn't a child she would have no claim, so she said then she had a child, and she would have nothing more to do with him.

Q. Did she say anything about Mr. Willis asking her to return to live with him?

Mr. Backes: I object to that.

A. No, I don't think so.

Q. Well, is there anything further that you can say in respect to her statement that she would not return to live with him?

A. Well, no.

Q. Just how did she make that statement?

A. You know, she told me so much and she said so much that there is only a few things that seem to stand out that I remember so well, and I could not think of all of them.

Q. Just how did she state to you that she would not return to live with Mr. Willis?

A. Why, she told me after she had the child and she had a claim on him for his property, or a share of his property, why, then, she didn't want any more to do with him. She did say something about him, about his character or something, but I can't just remember exactly what it was.

Q. Did she say whether she would or would not return to him?

A. She would not return to him, never.

Q. Do you know anything about Mr. Willis coming down to see her here in Wildwood at one time when she was here?

A. To see her?

Q. Yes.

A. I don't know, I don't remember; I remember him coming down but not to see her, as far as I know.

Q. Do you remember anything about the time she wanted to have him arrested here in Wildwood, about that same period?

A. Well, she spoke of calling in the police to protect her; she did see Mr. Williams in the street ——

Q. Mr. Willis?

A. Or Mr. Willis, but not to speak to, I think, but she saw him, and she had an idea that we were all plotting against her, and she said she would call for police protection.

Q. And she told you that?

A. Yes, she did; she came—she had a man and a woman with her—to the back door, and she called to me and spoke very loud, and I didn't go out, outside of the door, but she said she wanted police protection, and she said it very loud, she thought we were all conspiring against her; but she talked too much and said so much ——

Q. That was the only summer you ever saw Mrs. Willis then, was it?

A. Yes, that was the only summer.

Cross-examination.

By Mr. Backes:

Q. You see Mr. Willis here now?

A. Yes.

Q. When did you first see him to learn to know him as Mr. Willis?

A. Why, he came down in his machine that time while Mrs. Willis was there.

Q. And where did he go?

A. He came from his home, I believe.

Q. No, where to?

A. To 104 West Bennett when Mrs. Willis was living there.

Q. In the bungalow?

A. Yes, but he did not go to see her.

Q. He did not go to see her?

A. No, he did not go in to see Mrs. Willis.

Q. But he did see you?

A. Yes, I think he did, but I don't remember much about the conversation or anything.

Q. What was his purpose of the visit to you, do you know?

A. No, I don't remember.

Q. You don't recall what that was for?

A. No—what he came down for?

Q. Yes, what did he come down for?

A. Well, I have a recollection—I think I wrote him about this affair; I am not sure about it, I forget now, what I did say, but Mrs. Willis acted so very strange, you know, and made such a fuss there —we had some girls in the house, and she found fault and complained about different things, and she acted really like some one that hadn't her right mind.

Q. Had you known Mr. Willis before that?

A. No, I never knew him before.

Q. So you think now that you wrote him?

A. Yes.

Q. When did you next see Mr. Willis?

A. I don't think I saw him until about a week ago.

Q. And you recalled him then, did you?

A. Oh, yes, I did.

Q. You recalled that that was the same man?

A. As soon as he told me, of course, mentioned his name, I remembered him, remembered all about the case; I had heard of it.

Q. And had you seen Mrs. Willis after that summer?

A. No, never saw her again.

Q. How did you know then it was Mrs. Willis that was living with you?

A. Well, you know she gave her name.

Q. She gave her name—that is the only way you knew it?

A. Yes.

Q. But you can't tell now whether it was the summer of 1915 or 1916, can you?

A. Well, no, I cannot.

Q. You think, however, it was the only summer that she was here?

A. Oh, it was the only one that she was with me, I know that.

Q. The only summer that she lived with you?

A. Yes.

Q. Or lived in your bungalow?

A. Yes.

Q. Now, see if you can't recall this: Didn't Mr. Willis come to see you for the purpose of having her removed from the bungalow?

A. Well, I think I must have written Mr. Willis and made a complaint about her, and I thought that perhaps he could do something.

Q. I see, but did you or did you not try to remove her out of your bungalow after Mr. Willis called on you at that time?

A. Well, no, I don't think so.

By Mr. Weaver:

Q. Just a minute; it was in the summer time, wasn't it, that she had this conversation with you?

A. Yes, and I think it was in the month of August.

By Mr. Backes:

Q. Was your husband living at that time?
A. No, my husband was dead quite a while before I came to Wildwood.
Q. Who was the man she referred to?
A. My son.
Q. Is he about?
A. Well, he wasn't; he was very seldom about in the day time; he was collecting for the Arctic Ice Company at the time, and he was out during the day, he collected all over the island, and he was very seldom home. In the evening, why, I don't think Mrs. Willis bothered much; she mostly said whatever she had to say during the day time.

(It is agreed between counsel that if the admissions which are testified to by Mrs. Williams were made, they were made some time in the summer of 1917.)

EXHIBIT.

IN CHANCERY OF NEW JERSEY.

Between
BLANCHE BROWNING WILLIS,
Complainant,
and
ROBINSON FORREST WILLIS,
defendant.

ON BILL FOR MAINTENANCE.
FINAL DECREE.

This cause coming on to be heard in the presence of Harry Heher, solicitor of the complainant, and S. Rusling Leap, solicitor of the defendant, and W. Holt Apgar, of counsel with the defendant, on bill, answer, replication, and oral proofs taken in open court; whereupon, and upon duly considering 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 complainant, Blanche Browning Willis, and the defendant, Robinson Forrest Willis, were lawfully married on or about the fourteenth day of September, nineteen hundred and ten, and that the defendant, without any justifiable cause, abandons the complainant, and separates himself from her, and refuses and neglects to maintain and provide for her and the child of their marriage; and that the parties have

their domicile in this State, and the defendant was personally served with process in this State:

IT IS THEREUPON, on this twenty-third day of January, nineteen hundred and seventeen, by his Honor, Edwin Robert Walker, Chancellor of the State of New Jersey, ORDERED, ADJUDGED and DECREED, that the defendant, Robinson Forrest Willis, do pay to the complainant, Blanche Browning Willis, or to her solicitor, the annual sum of Thirteen hundred dollars ($1,300.), in equal weekly instalments of Twenty-five dollars ($25.), whereof the first shall be paid on the date hereof, as and for an allowance for the week beginning on the date hereof, and a like installment of Twenty-five dollars ($25.) shall be paid at the beginning of each and every week thereafter, and until the further order of the court to the contrary;

And it is further ordered, adjudged and decreed, that the said defendant do further pay to the complainant, or to her solicitor, the costs of this suit to be taxed, and also the sum of Fifty dollars ($50.) which is hereby adjudged and decreed to be a reasonable counsel fee for the counsel of the said complainant; and that the said complainant do have execution for said costs and counsel fee according to the practice of this court.

And it is further ordered, adjudged and decreed, 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 the said complainant have the exclusive care, custody and control of the said Vernon Browning Willis, the infant child of the marriage aforesaid, until the further order of the court.

And it is further ordered, adjudged and decreed, that either party may be at liberty to apply, upon

a future change of circumstances of the parties, for a variance or modification of this decree, touching said alimony, maintenance and custody, as shall be just and equitable.

E. R. WALKER,
C.

Respectfully advised.
John H. Backes
V. C.

A true copy,
Robert H. McAdams,
Clerk.

42/447
IN CHANCERY OF NEW JERSEY

Between
BLANCHE BROWNING WILLIS,
Complainant,
and
ROBINSON FORREST WILLIS,
Defendant.

ON BILL FOR MAINTENANCE.
FINAL DECREE.

Harry Heher, Sol'r.
301-2 Commonwealth Bldg
Trenton, N. J.

Filed Feb. 5th, 1917.

I hereby consent to the entry of the filing of the within decree.

S. Rusling Leap,
Sol'r for deft.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between

ROBINSON F. WILLIS,
Petitioner-Appellant,
and
BLANCHE B. WILLIS,
Defendant-Appellee.

ON PETITION FOR DIVORCE.

ARGUMENT FOR PETITIONER-APPELLANT.

If the decree appealed from is sustained, it will follow that one of the best citizens, one of the best fathers, one of the best husbands in this State will be bound, as long as he lives, to support a vicious, false and impossible woman. This is so because no rational being would ever marry the defendant, nor would any rational being ever have such relations with her as would permit Mr. Willis to get a divorce. And this situation arises in a court of conscience, a court where right is supposed to be done. Some members of the court may know Mr. Willis, at least by reputation.

We will point out that the learned Vice-Chancellor unjustifiably misconceived the facts and misapplied the law. Before undertaking this task, it will be necessary to state the facts. Mr. Willis, when the case was tried, was forty-eight years of age (29), was born in Maryland and had lived in New Jersey twenty-five years. He is in the hardware and lumber business. He has been mayor of the town, member of council, on the school board, vice-president of the new Rotary Club, register of vital statistics, on the Board of Health, president of the Chamber of Commerce, vice-president of the Gold Club, director of Pennsgrove National Bank, had been director of the People's Bank and was obliged to decline the presidency thereof on account of his health (30). Other witnesses, throughout the trial, testified to the gentleness, humanity and civic virtue of Mr. Willis. The only contradiction was from his wife. His health broke down under his domestic difficulties (30).

Mr. Willis had been married before in 1904. From that union came two boys. He lived with his first wife a little over four years. Their relations were perfect and ideal, as testified to by several witnesses. His two boys, when his first wife died, were twenty-one months and four years of age respectively (31). The second Mrs. Willis was a friend of his first wife's cousin (31). The second Mrs. Willis visited the petitioner's home and gave such attention to his children, then motherless, as to completely win Mr. Willis (31, 32). The result was the marriage, which occurred September 14, 1910 (32). They lived at Pennsgrove in a nice and well furnished home. They went upon their honeymoon when (33) his wife surprised him by showing temper.

From that time on Mr. Willis details, on pages 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 64, 67, 70, 72, 128, 129, 130, 136, 139, 153, 154, 155 and 156 incidents, which are either true or untrue. If they are untrue, they were invented and they were invented without cause or reason, according to the denial of Mrs. Willis. If they are true, Mrs. Willis broke up his home, drove and locked him out of it, caused him to take his two children to members of his family in Maryland and send them to school.

Then followed a series of letters on pages 77, 91, 101, 104, 105, 111, 114, 116 and 120, which publish, first, the hatred of Mrs. Willis for her husband; secondly, the character and heart of Mr. Willis. These letters, as nothing else can, corroborate the details of Mr. Willis' testimony, as well as the details of the testimony given by numbers of witnesses. These letters are here referred to as establishing the *state of mind* of Mrs. Willis towards her husband. Their importance may be referred to in another connection.

Mr. Willis' testimony was supported by Dr. Fleming (159), by Joseph S. Flanigan (167, 169), by David A. English (172, 176, 177, 178), by Mr. Long (184, 186, 187, 188, 190), by Joseph Craig (197, 198), by Dr. Barnart (202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 215, 216, 219, 221), by Ralph Willis (224, 225, 226, 227, 228, 229, 231), by Florence Willis (233, 234, 235, 236, 237, 238, 239), by Sarah Cheesman (244, 245, 247, 248), by William Morton (249, 250, 251, 252), by F. Marion Willis (253, 255, 256, 257), by Robert Willis (258, 259) and by Mr. Leap (344, 345, 346, 348, 349, 353) and also by Gertrude Riley (355, 356, 357, 359, 360, 362) also by the petitioner again on pages 360, 364, 365, 367, 368, 369

and 371, and finally the testimony of Mary Williams on pages 388, 389, 390 and 391.

Then comes the testimony of the defendant, Mrs. Willis. Her chief testimony of importance is found on pages 270, 271, 272, 273, 275, 276, 279, 280, 282, 283 and 285. The important thing is her cross-examination. At that time she was fifty years of age (293). She says that her husband, during courtship, was very affectionate and kind to her, that she was very affectionate and kind to him, that they hugged and kissed each other. She found (291) that this was all a pretense on the part of her husband. She had no idea what sexual relationship meant (293). On their honeymoon (295) they slept together. Mr. Willis told his wife that he would have to take his hand and tear her apart. She bled terribly. She was then thirty-three years of age (296). She did not faint because she was too disgusted (270). This practice Mr. Willis continued every night, sometimes in the day, sometimes two or three times in a night for three years, five months and eighteen days (310). She had no idea of the difference between the physical make-up of a man and woman (304, 305). Mr. Willis had done this horrible thing for three years, five months and eighteen days (305) when, for the first time, he had sexual intercourse with his wife. During all those three years, five months and eighteen days he never attempted sexual intercourse (306). He did this thing for a half hour to an hour at a time (307). She submitted because Mr. Willis said that all men did such things to their wives (308). She was surprised when sexual intercourse occurred (309). After the act Mr. Willis left her room (309). He got her with child and left her (310). Her husband tried to poison her three times (316, 317, 318, 320). Then comes her story about

Mr. Willis trying to kill her with a pistol (322, 323). If any rational mind can read the testimony of Mrs. Willis and believe it, there is no hope for the rationality of that mind. Her own story is the best proof of the truth of the evidence of Mr. Willis and his supporting witnesses.

The learned Vice-Chancellor saw and heard this witness. Yet, on page 385, he said, "Somebody is lying from the ground up. I don't know who it is. I wish I knew." Such is the evidence.

II.

We come now to other facts in the case. The petition was filed November 17, 1924 (1). It charged Mrs. Willis with desertion and sets out many details. Paragraph 5 (3) alleges that in October, 1916, Mrs. Willis filed a petition charging her husband with cruel treatment and desertion. It further alleges that Mr. Willis had filed an answer and was ready to meet the petition with seventeen witnesses. It further alleges that the learned Vice-Chancellor asked petitioner if he was willing to return to his wife, whereupon he undertook to explain why he could not return to his wife. Thereupon the learned Vice-Chancellor asked the defendant if she was willing to return to her husband and she replied that she was. Her individual proof was then taken. The petitioner, on the advice of counsel, and moved by the hope that his wife would see the error of her ways and return to him and live as a wife ought to live, declined to put in his proof. Thereupon a decree was made on the 23rd day of January, 1917, requiring the petitioner to pay his wife twenty-five dollars per week, and which decree provided, among other things, "that either party may be at liberty

to apply upon a further change of circumstances of the parties, for a variance or modification of this decree, touching said alimony, maintenance and custody, as shall be just and equitable."

To that petition the defendant filed an answer contradicting all the allegations of the petition and admitting the decree made on the 23rd day of January, 1917. The answer did not set up that decree as a bar. Mrs. Willis joined issue with her husband. Doubtless, at the time the answer was filed to petitioner's petition, her counsel did not consider the maintenance decree as a bar. Mr. Willis' counsel entertained the same view. Therefore, upon this issue, so joined, the parties went to trial and detailed before Vice-Chancellor Leaming the whole story of their lives. That story conclusively shows that Mrs. Willis was vicious, selfish, calculating, hateful, false; that she hated her husband; that she drove her two stepchildren from their home; that she drove her husband out of his own house at the point of a pistol; that she compelled him to live with his neighbors; that he was forced, on account of his broken health, to seek rest; that she drove her own aged mother from her home and that she was altogether impossible. Such is the established fact beyond all question. No candid mind can reach any other conclusion.

Therefore, with a consent decree for alimony in the pleadings, the case was heard on its merits from the beginning and the evidence overwhelmingly shows that Mrs. Willis was, from the beginning, a deserter of her husband. That was the state of affairs at the conclusion of the trial.

III.

At the conclusion of the trial counsel on both sides (335, 336, 337, 338, 339, 340, 341, 342) were astonished by the remarks of the learned Vice-Chancellor, who, for the first time, suggested that the maintenance decree might be a bar to petitioner's petition. Obviously the defendant, on the proof taken, would suffer defeat. Her counsel saw the situation and asked permission to set the maintenance decree up as a bar. That was granted, also leave for the petitioner to amend and to take further proof to show efforts on his part, during the two years following the maintenance decree, to induce his wife to return. That proof was taken and the learned Vice-Chancellor dismissed it as worthless when he said (20), "Such declarations at most disclose a state of mind at the moment." As will be pointed out further on, this was a grave mistake on the part of the learned Vice-Chancellor. It will also be pointed out, further on, that the learned Vice-Chancellor misapplied the law in several particulars.

IV.

"State of mind" is a most important phrase. "State of mind" is what every court of equity, in matrimonial controversies, concentrates its mind upon. We propose now to direct this Court's attention to two "states of mind," first, the "state of mind" of Mr. Willis; second, the "state of mind" of Mrs. Willis. When this shall have been done, it will become overwhelmingly apparent that the "state of mind" of Mr. Willis was one of devotion to his

wife and children, devotion to his civic duties, anxiety growing out of his domestic troubles, the breaking down of his health, his seeking the intervention of influential friends to confer with his wife, his unbroken care for his wife and children, his hope that his wife would see her error, and, by the passage of time reflect sufficiently to see her mistakes and return to him and become a dutiful wife and mother. The "state of mind" of Mrs. Willis, by contrast, will convincingly appear to be, from the very beginning of her marriage to Willis, one of cunning, jealousy, fault finding, quarrelsomeness, antagonism, hatred, vileness, cruelty and utter unmanageableness.

We begin this examination with the statement that no Judge can read this story and fail to agree with the above characterization. With respect to the "state of mind" of Mr. Willis we direct attention to pages 29, 31, 33, 41, 43, 44, 48, 50, 51, 54, 55, 57, 58, 59, 60, 62, 64, 65, 66, 67, 68, 75, 77, 78, 83, 84, 85, 87, 88, 89, 91, 92, 93, 97, 98, 99, 100, 101, 102, 104, 105, 107, 109, 110, 111, 113, 114, 115, 116, 118, 123, 125, 127, 146, 151, 153, 159, 160, 176, 177, 178, 180, 184, 186, 187, 190, 202, 203, 204, 208, 210, 212, 215, 216, 218, 222, 229, 233, 234, 237, 242, 248, 249, 250, 251, 252, 262, 364, 365, 369, 371 and 372. The above references, tiresomely numerous, will thoroughly support the above characterization of Mr. Willis and expose his "state of mind" from the beginning of his marriage to the time of trial, even including the present hour.

We now turn to the "state of mind" of Mrs. Willis. What her husband says on this topic, as observed above, is either true or false. If false, he manufactured dozens of details. But, indeed, no man living, could have manufactured those details

and had them fit and harmonize with the testimony of numbers of witnesses, unless they were all geniuses and unless they studied these falsehoods repeatedly and with the greatest of care. Again, if the statement by Mrs. Willis that she was kindly, devoted, affectionate and obedient be true, it makes the possibility of the husband's numerous stories all the more improbable, if not impossible. No man could have lived an ideal life with one woman and repudiated an ideal life with another. The home was broken up. The marital relation was sundered. There was a reason for it, an adequate reason. That reason cannot be found in the "state of mind" disclosed by the testimony above referred to. It can be found, with crushing force, in the "state of mind" disclosed by the references now to be made. See pages 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 67, 68, 70, 72, 73, 75, 76, 78, 79, 81, 84, 86, 87, 88, 89, 90, 91, 92, 93, 97, 98, 101, 103, 104, 105, 111, 113, 114, 116, 120, 122, 123, 128, 129, 130, 131, 133, 135, 136, 137, 139, 151, 153, 154, 155, 156, 163, 164, 167, 169, 172, 176, 177, 178, 179, 180, 186, 187, 188, 189, 190, 193, 197, 198, 206, 207, 208, 210, 211, 212, 213, 215, 216, 217, 219, 221, 224, 225, 226, 227, 228, 229, 231, 234, 235, 236, 237, 238, 239, 244, 245, 247, 248, 249, 250, 251, 252, 253, 255, 256, 257, 258, 259, 261 and 263.

The above references include the testimony of Mr. Willis and others. That testimony must be true, because it could not be manufactured. If it be true, then Mrs. Willis was plainly a deserter. Manifestly her temper, her jealousy, her flightiness and her inability to control herself explain the disruption of the home and the destruction of the marital relationship.

We come now to the testimony of Mrs. Willis herself. If her own story does not corroborate and sustain the testimony, heretofore referred to, then it is impossible to prove anything in a court.

Her chief examination begins on page 269. On that page she said Mr. Willis called on her every night from Pennsgrove to Philadelphia, a distance of fifty-eight miles. He continued it for a year and a half. Everybody knows that she about doubled the distance between Pennsgrove and Philadelphia. It is characteristic of her exaggeration and the unreliability of her testimony. She goes on. On page 270 she strained her ankle the second night of their honeymoon. Her husband refused to have the doctor. "I suffered all night and cried and he apparently slept sound." Mr. Willis tells a very different story about the incident. But he slept soundly and she "suffered all night and cried." On page 270 she said that at the time of this incident, she was thirty-three or thirty-four and weighed one hundred and thirty-eight pounds. Her husband took his hand and tore her apart. She did not know how he did it. She just laid there and took it. She got up and changed her clothes. She did not faint because she was "too disgusted."

On page 297 she said her husband began to tear her apart when they had their arms around each other. She was horrified. After her husband finished tearing her apart she turned over on her side. "I was really disgusted to think I had married a man like that." Then she went to sleep. If her husband slept all night, as she said on page 270, and she suffered all night and cried, it is difficult to see how the testimony on pages 296 and 297 can be true.

On page 270 she said she travelled for two weeks. They disputed about going over the Blue Hill Mountains. He did not speak to her for two days (271). How that comports with her testimony on page 298, *et seq.*, especially, as she says on pages 302 and 303 he used his hand on her two or three years and so on for every night, some times in the day, Mr. Willis kept that thing up for three years, five months and eighteen days (305). On page 271 she repeats an impossible conversation with Dr. Barnart, which he contradicted.

On page 271 she said, "I thought an awful lot of my husband and, of course, everything he told me I thought was all right."

On page 272 she lived with Mr. Willis three years, five months and eighteen days before he had sexual intercourse with her. In three months she went down to one hundred and ten pounds. He ill-treated her two or three times at night. Her husband said to her, "I guess you will cry all day tomorrow." Invariably Dr. Barnart would be called in and he would say "She has got another spell."

At this point she began to cry. Then she says that her husband treated his first wife the same way and made her insane. This is a horrible invention, contradicted by the whole case so far as it relates to Mr. Willis' life with his first wife.

On page 273 she tells an impossible story. If her statement that her husband abused her every night for three years, five months and eighteen days is true, then her statement on page 273 is false, since there she says that he left her room and stayed two or three weeks at a time. This happened in the years 1911 and 1912. On page 273 she says, "I always tried to do everything he wanted me to; I never tried in any way not to."

On page 274 she says the only scene they ever had was about his ill-treatment of her day and night. She objected to this course of treatment from 1911 to 1914 (274). In 1914 they quarreled. She never swore and did not know how to swear.

On page 275 she had a combat with her husband about things. Dr. Barnart was there. Her husband had tried to poison her three times. This incident is continued on page 276. On its very face it is an impossibility and was denied both by Dr. Barnart and the petitioner. This is the woman that was doing everything her husband wanted her to do and never tried in any way not to (273).

Then on page 276 is another incident, which proves the unbalanced condition of this woman's mind. On page 278 the neighbors brought her in food. Mr. Elkinton, the Squire, said the people were getting up in arms about it. Both Elkinton, Willis and others contradicted this story.

On page 279 she was always very nice to Mr. Willis when she saw him She saw him in 1921. On that occasion her husband asked her to come back. The incident is continued on page 280 where she says, "All right, there isn't a Judge in this United States that would give you my child." On page 281 he never sent any presents. This is a flat untruth. On page 282 she gave her reason for not answering any of his letters begging her to return. It was because she did not think he meant it. He often met her on the street and turned his head. This is an untruth and is contradicted by Willis and other witnesses.

On the same page, she was always ready and willing to return, but did not think she ought to be subjected to such treatment as she had gone through with at the hands of Mr. Willis. On the same page

and on page 283 she says that Willis got a revolver and loaded it in her presence and said he was going to kill her and himself. She went into the bedroom, closed the door, which was before her baby was born, locked the door and he brought a chair and sat down at the bedroom door all night long, and she sat on the side of the bed all night and the next morning about five o'clock he left the house. If anybody can believe this story, they can believe anything. Mr. Willis gave a true account of the pistol incident.

On page 284, she loved the ground that Willis' children walked on. She was good and faithful to them and the only whippings they received were from their father. She never abused them. Mr. Willis, his children and the neighbors testified to the contrary. They say she punished them unduly. The photographs offered in evidence prove it. She put cayenne pepper in the mouth of one and held the hands of the other on a hot stove. Can there be any doubt about the truth?

Then on page 285 she explains why Mr. Willis took his children from home. It was on account of a party, which the lovely Mrs. Willis did not approve of. On the same page she says he wanted to leave her and he did not want to leave the children with her. When he left she was surprised. She wrote him twice and got no reply (286). On the same page Mr. Willis was not in good health when she married him. He never told her. He did tell her that he was delicate and that if she would put up with him for two years the doctor would make a man of him so that he could go with her as a husband should (287). This is her chief examination. It ought to be enough to satisfy any fair mind.

Then comes her cross-examination, beginning on page 287. She was in love with him (290). He was apparently in love with her (291). It was a mere pretense on his part as she afterwards learned.

On page 292, the very first night they slept together, Mr. Willis told her that she need not be afraid of him, he was delicate and under the doctor's care and he was not able to be a man until after the doctor was through doctoring him. She did not know what he meant.

On page 293 she had no idea what sexual relations meant. She did not know the difference in the sexes. She had no idea what a man was like. Mr. Willis was not affectionate. On page 294 she was affectionate towards him. On page 295 their bodies were touching each other. They had their arms around each other. They did not kiss each other. They wore night clothes. Then came, same page, the tearing apart process.

On page 297 her husband told her that she would have to submit for two years to this tearing apart before they could have marital relations.

On page 299 she reaffirms the unaffectionate character of Mr. Willis, who took her to the theatre. On page 300 they rode in an automobile with other parties, but her husband gave her no attention. He bathed and bandaged her foot. The next night (301) they slept together. She sat up in a chair most of the night crying with pain. They occupied separate beds in the same room. She did not get a chance to get over her injury, due to tearing apart, because Mr. Willis was at her every night.

On page 302 he was not at her that night because they slept in separate beds. On the same page she supposes Mr. Willis went to bed with her.

On page 303 Willis kept up the same process and the witness got mad at her interrogator. On page 304 she was a lady. She did not learn that her husband was physically different from herself. On page 304 she began to get awfully disappointed in him. On page 305 she had passed her honeymoon without finding out the difference sexually between herself and her husband. She lived with him three years, five months and eighteen days before she found it out. On page 306 that was the first and only time she ever had sexual relations with her husband. On page 307, he tried to put her in an asylum by this physical abuse. She had little sleep and it made her nervous. She cried and Dr. Barnart would come and say she had another spell. She did not think he fooled the doctor. She lived (307) three years with Mr. Willis without finding out the difference between a man and a woman. On page 308 she saw Mr. Willis undressed. On the same page she did not know when she found out the difference. Mr. Willis told her that all men did the same things to their wives and that is the reason she submitted.

On page 309 comes the strangest story yet. He then stopped this unnatural abuse of his wife. He did not even talk to her after that (310). Then 310, 311) comes the parting incident, which story refutes itself by its telling. Her husband left her room (313) for the reason that he was afraid that his wife would want too much sexual indulgence. On the same page, aside from his cruel treatment of his wife at nights in bed, he was apparently very nice and they never had any quarrels that she could remember (314). He supplied her wants. He struck her twice (314, 315), so obviously untrue that they need no comment.

On page 316 neighbors did not hear them quarrel. Many of the incidents recited by Mr. Willis are untrue. Those testified to by his neighbors are untrue.

Then follow (316, 317, 318, 319, 320) the poisoning incidents, her narrative of which is sufficient to expose their falsity. They were contradicted by Mr. Willis and others.

On page 321 comes the frequent meetings between her and Mr. Willis. This contradicts what she had said formerly and the many instances of meeting frittered out to one. On page 322 comes another narrative of the pistol incident, which needs no comment.

As to courtship, the ankle incident, sexual intercourse, poison, distance from Pennsgrove to Philadelphia and frequency of the visits by Willis to his wife during courtship see pages 331, 332, 333, 334 and 335.

On page 388 Mary E. Williams, an old and disinterested witness, says that Mrs. Willis told her that she would not go back to live with her husband. She further said that she had a child in order to have a claim on him and after the child was born she wanted nothing to do with him. See also page 389. Now turn to pages 375, 376 and 378. They show the pugnacity, irascibility, temper and "state of mind" of Mrs. Willis as nothing else could.

Then look on page 382 where she declares that she did not think "any court would ask me to go back with him after that." After March, 1914, she would not have gone back to him because of his meanness, "Just chasing me from place to place telling people I was crazy. Every place I ever went he and Mr. Leap came and told people I was crazy, and every department store in Philadelphia has a letter to that effect. I saw two myself."

On page 383 Mr. Leap and her husband began to tell people she was crazy after 1917. She went to Doylestown in 1917.

Such is the story told by Mrs. Willis. It might very well be asked why Mrs. Willis would act so strangely towards a man who was so provident and kind towards her, just as the question is pertinent why Mr. Willis would desert a wife as affectionate, obedient and loyal as was Mrs. Willis, according to her story. The answer is that Mrs. Willis was, first, disappointed in the wealth of Mr. Willis; secondly, she has an unbalanced mind. She was incapable of using ordinary reason about daily affairs. The burden of housekeeping, the care of children and the limitations put upon her freedom, by the marriage state, was too much for her.

Such are the two "states of mind" of the respective parties. Can a Court have the slightest doubt about these respective "states of mind?" If the analysis is correct, it follows, by the force of overwhelming proof, that Mrs. Willis alone is to blame for the disruption of her family; she alone was the deserter. Mr. Willis did all in his power to placate, educate and control this uncontrollable woman.

V.

We come now to the maintenance decree of January 23, 1917. Was it a consent decree? The learned Vice-Chancellor (21) deals with the subject. He simply quotes (21) Mr. Leap's consent to the decree. He does not refer to what Mr. Willis said about his purpose and motive on pages 63, 64, 65, 66, 67, 68, 146 and 151; nor to what Dr. Barnart said (208, 210); nor to what Mr. Morton said (250, 251); nor to what Mr. Leap said (261, 262, 264, 265);

nor to what Mr. Leap said again on pages 344, 346, and 348; nor to what Gertrude Riley said (355, 356, 357, 360, 362); nor again to what Mr. Willis said on pages 364, 365, 367, 368, 369, 371, 372, 372; nor to what Mrs. Willis said n pages 382 and 383; nor to the "state of mind" of the respective parties, as above pointed out. All this evidence bore upon the nature and purpose of the decree.

It is evident that, had Mr. Willis produced, before Vice-Chancellor Backes, the evidence of his seventeen witnesses; if the same set of proof had been presented to Vice-Chancellor Backes as was presented to Vice-Chancellor Leaming, the consent decree would never have been entered. It is evident that Mrs. Willis would have failed. Therefore, it is established, beyond contradiction, that the sole motive of Mr. Willis, in consenting to the decree for alimony, was purely humanitarian; that he hoped that his wife would see the error of her ways, and, after sufficient time for reflection, would return to him and be a wife to him and a mother to his children. Had not Mr. Willis entertained such a purpose and motive, he would have contested the case before Vice-Chancellor Backes. It is earnestly urged that no fact in the case more convincingly demonstrates the high character and noble purpose of Mr. Willis. Had he wanted to get rid of his wife then, he could have easily have done so. He loved all three of his children, as the entire proof abundantly shows; was sorry for his wife, as he repeatedly said, and wanted to restore his home. His business career and his standing in the community, when properly looked at, required him to restore his home. His material prospects required him. It is irrational to believe that a man of Mr. Willis' standing would not have done exactly what he did at the hearing before Vice-

Chancellor Backes. The maintenance decree, therefore, was purely and simply a consent decree.

When the learned Vice-Chancellor disposed of this serious question as he did on pages 21 and 22, it is respectfully submitted that he was in error. He was obliged to find, by the overwhelming proof, that it was a consent decree. Then when he disposed of the question, assuming it to be a consent decree, as he did on page 22, by reciting the case of *Oertel v. Oertel*, 92 N. J. Eq., 327, he was likewise in error. That case was totally unlike the present case. In the case of Oertel the learned Vice-Chancellor said, "But aside from the decree as evidence, the complainant sets up the fact that the defendant deserted her and that the desertion was wilful, continued and obstinate for a term of two years. There is no denial of this in the moving papers, and in the absence of denial I must accept it as true." In the instant case there was denial by Mr. Willis. Hence the Oertel case is inapplicable and uncontrolling. The nature and problem of consent decrees cannot be disposed of in this fashion. The consent decree *was* a consent decree. It meant that the parties agreed to live in a state of separation. The husband's motive was to redeem his wife and restore his home. The wife's motive was to get alimony. Therefore this decree, in its nature and effect, has not the force and significance of a contested decree, a decree reached after full investigation of the facts.

The situation is precisely the same as the following: The petitioner says, "I am not obliged to live with my wife at the present time. I agree to pay her alimony and live in a state of separation for some period of time. I agree to pay her alimony during that period of time. My hope is that my wife will see her error and return to me. Conse-

quently, I consent to a decree that I shall pay her alimony." Then the defendant says, "I accept this situation and agree to the same." If, as above pointed out, the learned Vice-Chancellor had heard the evidence of Mr. Willis this consent could not have arisen. In the absence of an investigation of all the facts, a final decree could not have been reached.

A desertion for a period of two years vests in the spouse a right of action immediately upon the termination of that period. *Gordon v. Gordon,* 89 N. J. Eq. 535.

It has been held that, in a subsequent suit for divorce on the ground of desertion, a decree in favor of a wife against her husband for maintenance, founded upon an actual abandonment, is conclusive evidence of a desertion. *Smith v. Smith,* 55 N. J. Eq. 222; *Oertel v. Oertel,* 92, N. J. Eq. 327; *Popovics v. Popovics,* 129 Atl. 126.

In none of these cases, however, was there involved a decree entered by consent, except in the Oertel case, and there the effect of a consent decree was not reasoned and the Court's finding turned on another point. There is no actual abandonment where a decree is entered by consent. It is the same as the act of the parties where articles of separation are entered into between husband and wife. In such a case either party may call upon the other to re-establish the domestic relation, and failure may result in a decree of desertion. None of the cases above mentioned are similar to the instant case. Here the appellant consented to a decree in hopes that time might cure the differences between himself and his wife and that thereafter she might be reclaimed. It is a dangerous precedent to permit a consent decree to act in the same manner as one which results from a full hearing of the merits of the con-

troversy. The decree for maintenance was not reached after the parties had been fully heard on the issues framed by the pleadings, but was reached after the husband had declared his financial responsibility. The issues pro and con were not contested. It was, in fact, a consent decree (396).

We have given this question careful attention and an examination of the many authorities on this subject show conclusively that a consent decree is to be regarded primarily as a contract between the parties rather than as an adjudication by the Court. The Courts in most cases regard such a decree as a solemn contract entered into in the presence of the Court and deriving additional sanctity from the fact that it is filed among the court's records.

It would seem that the relation of the Court to the entry of a consent decree is purely perfunctory. In *Kelly v. Milan* (C. C. W. D. Tenn., 1884), 21 Fed. 842, the Court referred to the entry of such a decree as a "judicial registration of an agreement of the parties." In *Gav v. Parpart,* 106 U. S. 679, the Supreme Court describes such a decree as the "judically recorded supposed agreement." And in *Edwards v. Turner,* (Tenn. C. H. A. P. 1897), 47 S. W. 144, on appeal to vacate a former consent decree, the Court referred to the entry of such decree as a purely ministerial act by the Court. Other decisions to like effect are found in the footnote in 21 C. J. 815, sec. 966.

While there has been considerable diversity of judicial opinion upon the question of whether or not such a decree is *res judicata,* the majority and better view is that such a decree not being in any sense an adjudication of issues of law or fact by the Court is not *res judicata.* The subject is fully discussed in *Kelly v. Milan,* and the conclusions there arrived

at have been approved in many Supreme Court cases. See particularly, *Lawrence Mfg. Co. v. Janesville Cotton Mills,* 138 U. S. 552; *Texas R. R. Co. v. Southern Pacific,* 137 U. S. 48; *Brownsville, etc. v. Logue,* 129 U. S. 493; *Gav v. Parpart, supra. Ensminger v. Powers,* 108 U. S. 292. See also *Bean v. Smith,* 2 Fed. Cas. 1174 and *National Enameling Co. v. New England Enameling Co.* (C. C. S. D. N. Y. 1903), 123 Fed. 436.

An interesting decision which illustrates the lack of any binding effect which a consent decree may have upon a Court is the decision of the C. C. A. of the Second District, in *Hodgson v. Vroom* (1920) 266 Fed. 267. In that case a consent decree had entered many years previous in a District Court in Illinois, enjoining the actor, Richard Mansfield, from enacting Rostand's play "Cyrano de Bergerac" on the ground that it had been pirated from the play of the complainant in that suit. Subsequently the precise question came up in the District Court for the Southern District of New York, although between different parties, and after a hearing it was held that Rostand's play did not infringe the previous American production referred to in the Illinois suit, and the plaintiff's motion for an injunction *pendente lite* was dismissed. This action was affirmed on appeal, Judge Hough taking occasion in his opinion to point out that the previous consent decree admitting infringement of the copyright of "Cyrano" was not binding as an adjudication of the issue in subsequent litigation.

VI.

A more serious error by the learned Vice-Chancellor arose when he said, "Aside from the uncor-

roborated testimony of the petitioner to the effect that he sought his wife's return during the two years period referred to, which claim, in turn was denied by her, the only material testimony was the declarations made by her to the effect that she would not live with her husband. Declarations of that nature cannot safely be accepted as the basis of a conclusion that if properly approached by her husband a wife would not return to him; such declarations at most disclose a state of mind at the moment." There was vastly more proof in the case than the "uncorroborated testimony of the petitioner." The learned Vice-Chancellor, for some reason, completely ignored it. In the first place, the "state of mind" of the defendant, as above pointed out, shows the impossibility of Mr. Willis doing anything with his wife in the way of reconciliation. The learned Vice-Chancellor should have borne this in mind. Again, her letters, as above pointed out, establish her fixed hatred towards the petitioner. Again, besides these facts and the evidence of Mr. Willis himself, Dr. Fleming says (163) "I know she did want to leave." This is in keeping with her "state of mind." Again, Mr. Flanigan (167) reveals the disposition of the defendant's mind. Again, Mr. English, overseer of the poor, shows that Mrs. Willis had falsified about her husband's care of her (172, 176, 177, 178, 179, 180). His testimony is most impressive as to the attitude of Mrs. Willis. Again, the testimony of Harry H. Long (184, 186, 187, 188, 190, 193), is to the same effect. Again, the evidence of Joseph Craig (197, 198) is to the same effect. Again, the testimony of Dr. Barnart (204, 205, 206, 207, 208, 210, 211, 215, 216, 217, 219) is to the same effect. Again, the testimony of Ralph Willis (224, 225, 226, 227, 228, 229, 231) is to the same effect. Again, the

testimony of Florence Willis (234, 235, 236, 237, 238, 239) is to the same effect. Again, the testimony of Sarah Cheesman (243, 244, 245, 247, 248) is to the same effect. Again, the testimony of William L. Morton (249, 250, 251, 252) is to the same effect. Again, the testimony of F. Marion Willis (253, 255, 256, 257) is to the same effect. Again, the testimony of Robert Willis (258, 259,) is to the same effect. Again, the testimony of S. Rusling Leap (261, 262, 263, 264, 265) is to the same effect. Again, the entire testimony of Mrs. Willis is to the same effect. Again, the testimony of petitioner (331, 332, 333, 334, 335) is to the same effect.

On page 344 S. Rusling Leap testified that, under instructions from the petitioner, he visited his wife. His effort was to secure her return. See pages 344, 345, 346 and 348. It was an honest effort to get Mrs. Willis to return. The learned Vice-Chancellor disregarded it.

Gertrude Riley, a reliable witness, said "I have heard her say she wouldn't live with him any longer" (355). On page 356 she heard her say the same thing. This was after the appearance before Vice-Chancellor Backes (356, 357), and during the period of two years succeeding the appearance before Vice-Chancellor Backes. On page 360 she talked to Mrs. Willis at Doylestown and heard her make the same declaration. This was during the interval of two years. On page 362 she makes the same statement.

On page 364 Mr. Willis states his instructions to Mr. Leap. On page 365, on the 7th of February, 1917, Mr. Willis sought his wife's return. On page 365 Mr. Willis went to Wildwood to see his wife. On pages 367 and 368 Mr. Willis was informed that his wife never had any intention of coming back with him again. On page 368 Mr. Willis states the

time that his wife was at Doylestown, which was in October, 1917, when Mrs. Willis declared to Gertrude Riley that she would never live with him again. On page 368 Mr. Willis tried to see his wife and wrote to her in the summer of 1919 to get her to return and she refused. On pages 371 and 372 Mr. Willis made an effort to approach his wife. He felt sorry for her and wanted her to return. On pages 375, 376 and 378 Mrs. Willis herself publishes her purpose and "state of mind." On page 382 she again does the same thing, as well as on page 383.

Mary E. Williams, an old witness, impartial and reliable, on page 388 said that Mrs. Willis declared that she never would come back. The same on page 389. The same on page 390. This occurred during the period of two years after the consent decree.

All that evidence, so persuasive and convincing, the learned Vice-Chancellor dismissed as the expression of a momentary "state of mind." It is so manifestly wrong that we appeal to this Court to correct the error. As we understand the law, after a husband has made efforts of a reasonable character to secure the return of his wife and failed, he is not obliged to repeat useless importunities. Again, as we understand the decisions, if the wife declares her fixed purpose not to return and the husband knows it, he is under no obligation to make further importunities in order to lay the foundation for a petition for divorce.

"It is the result of our cases that while a demand for the return of the wife is, in general, required to be made, it is not essential where the circumstances proved justify the inference that such a demand would be wholly ineffective." *Sterling v. Sterling,* 71 N. J. Eq. 59.

The "state of mind" of the defendant clearly indicates that a demand in her case would have been ineffective. Notwithstanding this doctrine the appellant did orally, and through a long series of correspondence, make every honest effort to an extent greater than required, even though this doctrine was not a part of the law, to effect a reconciliation.

VII.

In the maintenance decree appear these words, "That either party may be at liberty to apply upon a further change of circumstances of the parties, for a variance or modification of this decree, touching such alimony, maintenance and custody, as shall be just and equitable." What may be the legal effect of such language, we do not undertake to state. But it is clear that the hearing before Vice-Chancellor Leaming was an effort on the part of the petitioner, under different circumstances, to vary the consent decree. Mrs. Willis met that challenge with the result that the whole history of the parties was spread before the learned Vice-Chancellor. That story defeats her. If she is not estopped by the law, she is estopped by the overwhelming truth. We are in a court of equity, where right is supposed to be done. Did Mrs. Willis, by her action, before Vice-Chancellor Leaming, waive her right to set up the consent decree as a bar? She did not plead it, nor rely upon it entirely until she was defeated by the manifest truth. The statute of limitations, the statute of frauds, and other defenses must be pleaded. She did not plead the consent decree as a bar. Could she do it after having accepted the husband's challenge and invited a disclosure of the entire story? If she could, it follows that she could

not waive her right. Therefore, it follows that she is privileged to abuse the judicial processes without being accountable to anyone. See the case of *Monfort's Exr. v. Rowland,* 38 Eq. 181.

We respectfully submit that the decree should be reversed.

WESCOTT & WEAVER,
Solicitors for and of Counsel with Petitioner-Appellant.

New Jersey Court of Errors and Appeals

BETWEEN
ROBINSON F. WILLIS,
Petitioner-Appellant,
and
BLANCHE B. WILLIS,
Defendant-Appellee.

On Petition for Divorce.

ARGUMENT FOR DEFENDANT-APPELLEE.

The argument presented by counsel for the Appellant could well be addressed to the sympathies of a petit jury, but not to this Court.

No court of conscience can, nor will, grant a release from the bonds of matrimony even to one of the "best citizens, husbands and fathers" unless his case comes within the statute.

It is not deemed necessary to answer the lengthy arguments presented in the Appellant's brief.

Briefly, the facts disclosed by the testimony in this case are as follows:

These parties were married on September 14, 1910, by the Reverend William T. Johnson, a Minister of the Gospel, at Bristol, Pennsylvania (p. 1). The husband was a widower with two children, and the wife a maiden lady. After their marriage, they lived together at Penns Grove, in this State, but not happily, if their testimony can be believed. Each makes charges against the other. This mode of living continued until the parties separated, the wife says the husband left her March 24, 1914 (p. 273), and the husband says the actual separation took place in October, 1914 (p. 55).

A son was born to this couple on November 12, 1914 (p. 215).

On November 3, 1916, the wife filed her bill of complaint for maintenance against her husband under the 26th Section of the Divorce Act. The case came on for hearing in the presence of the parties. A final decree was made on January 23, 1917 (p. 394). On November 17, 1924, the Appellant filed his present petition for divorce charging his wife with desertion (p. 1, 2, 3, 4, 5, 6). On the hearing, the Vice-Chancellor permitted the defendant to amend her answer setting up as a plea in bar, the final decree made in the maintenance suit (p. 14).

The proofs show that the husband made no effort at reconciliation or to bring his wife back to him from the time the decree was made on January 23, 1917, until late in 1921, when he phoned and called on her (67), thereafter starting with a letter dated January 6, 1922, he commenced the writing of a long series of letters to his wife, all of which appear in the record from pages 82-86, Exhibit P-11, to page 128, Exhibit P-54.

The Court permitted the petitioner to reopen his case "to introduce any additional evidence that may exist touching what transpired between the date of the alimony decree, February 5, 1917, and the time the bill was filed on November 17, 1924. That was probably covered in the testimony, but it may not have been, and if there is anything that occurred that the petitioner desires to produce touching anything that transpired during that period, especially from February 5, 1917, and for the succeeding two years." The petitioner availed himself of this opportunity and additional proofs were taken.

The testimony shows that from the date of the maintenance decree the parties were very much embittered toward each other, and no attempt was made by the petitioner to effect a reconciliation until 1921, or early in 1922. After the Court permitted the amendments to the pleadings setting up the decree in the maintenance suit as a bar, the case was reopened to take additional testi-

mony. The petitioner availed himself of this opportunity and presented further testimony (p. 343 to 393). These proofs carry no conviction. The call and interview at the home of the defendant, testified to by Mr. Leap, was to settle on the ownership of the furnishings and the vacating of the house. The visit by Mr. Leap and the petitioner to Wildwood, the brief time and the conditions under which it took place cannot be classed as an honest effort, and further the alleged declaration, if made, by the wife, did not absolve the husband from the duty to make an honest endeavor at reconciliation.

The Vice-Chancellor found and stated in his conclusion the worth of this testimony when he said:

> "I am convinced that the testimony subsequently adduced, considered in connection with that theretofore taken, does not justify a finding of fact to the effect that petitioner at any time during a period of over four years from the date of the maintenance decree made any reasonable attempt to terminate the separation or to procure his wife's return to him; nor does the evidence justify the conclusion that during that period an appropriate effort of that nature would have been futile."

The petitioner in his petition charges his wife with desertion on the first day of June, 1922 (p. 6). His petition was by leave of the Court amended, and he then alleged that the original desertion occurred on the 11th day of October, 1914 (p. 15). The defendant amended her answer alleging that the decree of January 23, 1917, filed February 5, 1917, in the maintenance suit was a bar (p. 15).

We submit that on the expiration of two years from the time this decree was made, the wife's right matured and became fixed, and all subsequent efforts made by the

husband seeking a reconciliation could be of no avail to him, because time had then barred his right. *Gordon* v. *Gordon*, 89 Eq. 535; *Young* v. *Young*, 94 Eq. 155; *Remond* v. *Remond*, 95 Eq. 650.

The decree made in the maintenance suit is conclusive evidence of the husband's desertion and is a bar to the suit brought by the husband.

In *Oertel* v. *Oertel*, 92 N. J. Eq. 327, on a motion to open a final decree for maintenance, the decree was entered on the issue presented by the pleadings, that the defendant "*without justifiable* cause abandoned his wife and refused and neglected to maintain and provide for her." *The issue was not tried, a consent decree being entered for alimony.* To the petition to open the decree and for restoration of marital rights, the complainant answered that since the entering of the decree, the defendant had been guilty of "wilful, continued and obstinate desertion for a term of two years" and that her action bars the defendant's right to a resumption of the marriage state.

In the above-named case, the point was made that the decree for maintenance did not adjudge that the defendant abandoned his wife without justifiable cause and refused and neglected to maintain and provide for her, it is not evidence of desertion at the time the decree was entered.

The Court said: "It is a necessary implication from the decree for alimony that the Court found the fact of abandonment, and upon the present application must be regarded as conclusive evidence of the desertion, at least as of the time the decree was entered."

In *Popovics* v. *Popovics*, 98 Eq. 350, on a petition for maintenance, the decree adjudged that the husband had "abandoned and separated himself from her and that he refused and neglected to provide for her." With that adjudication fixing the status of the parties, the wife filed her petition upon the ground of desertion.

In that case, this Court held that the facts alleged in the

petition in the wife's maintenance suit, wherein defendant was adjudged guilty of desertion, must be accepted as proved in her subsequent suit for divorce on such ground.

The decree in the maintenance suit, even if a consent decree, is a bar to the suit of the defendant.

It is submitted that the decree made in the maintenance suit, although consented to by the solicitor of the defendant, was in fact a decree determining the issue between the parties, made after a hearing, all parties being present. The defendant, for reasons of his own, offered no evidence, and the Court thereupon made the decree on which defendant's solicitor endorsed his consent. Strictly, this was not a consent decree, but a finding by the Court. But even if the same had been a consent decree made in the nature of a contract between the parties to which the Court assented, the same would bind the defendant. *Oertel* v. *Oertel*, 92 Eq. 327; *Smith* v. *Smith*, 55 Eq. 222; *Harding* v. *Harding*, 198 U. S. Supreme Court, 317, and *Popovics* v. *Popovics*, 98 Eq. 350.

It is respectfully submitted:

1. That the decree in the maintenance suit adjudged that petitioner was guilty of desertion as of that date.
2. That the said decree is a bar to his present suit.
3. That petitioner failed to make any advances to effect a reconciliation within two years from the date of said decree, the wife's right then matured, and he was thereafter barred from bringing his suit.
4. That the efforts he made after the two years had expired seeking his wife's return to him can be of no avail to him.
5. That the decree below should be affirmed and this appeal dismissed.

PETER BACKES,
Solicitor for and of Counsel with Defendant-Appellee.