

STATE OF ILLINOIS, :
 : ss.
County of Cook :

In the Circuit Court of Cook County, Illinois.

The People of the State of Illinois
on the relation of EDWIN P. ABBOTT

-vs-

FLORENCE K. WISCHNEWETZKY.

The depositions of:

1. BRSSIE COTTER of the City, County and State of New York;
2. MARY MURPHY, of said City, County and State;
3. MARY FORSTER, of said City, County and State, and
4. WILLIAM R. NICHOLSON, of the City of Philadelphia,
State of Pennsylvania.

Said witnesses being each of lawful age and being produced, sworn and examined upon their corporeal oaths respectively on the 10th day of March, in the year of Our Lord one thousand eight hundred and ninety-two, at the office (by consent of the attorneys of the respective parties) of Messrs. Wakeman & Campbell, at No. 93 Nassau Street, in said City, by me a Commissioner (and a Notary Public) duly appointed by dedimus potestatem or Commission issued out of the Clerk's office of the Cir-

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cuit Court of Cook County in the State of Illinois bearing
Teste in the name of Henry Best, Clerk of the said
Circuit Court of Cook County, with the Seal of said
Court affixed thereto, and to me directed as such Commis-
sioner for the examination of any witnesses who should
be produced as agreed upon by T. B. WAKEMAN, Esq. and
H. B. WICKERSHAM, Esq., in a certain suit and matter in
controversy now pending and undetermined in the said
Circuit Court of Cook County wherein the people of the
State of Illinois on the relation of Edwin^{F.} Abbott are pe-
titioners and Florence K. Wischnewetzky is respondent;
the said witnesses being called and examined by Mr. H. B.
Wickersham on oral interrogatories, and cross-examined
by Mr. T. B. Wakeman, also on oral interrogatories; the
said witnesses having been severally sworn by me, pre-
vious to the commencement of their several examinations,
to testify the truth as well on the part of the peti-
tioners as of the defendant, in relation to the matters
in controversy between said parties, so far as they should
be severally interrogated.

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It was stipulated and agreed, between the said at-
torneys for the respective parties, before the beginning
of the said examinations, that note be made during said
examinations of such objections as the attorneys might

respectively desire to raise to any part thereof, whether
 questions or answers, for the purpose of having said
 objections presented for determination before the Court;
 further, that George R. Bishop, ^{of New York City} a Notary Public of the
 County of New York, State of New York, act as Commission-
 er; that, being a law stenographer, he take the
 said depositions, questions and answers, stenographic-
 ally, and make a transcript thereof as the record of such
 depositions, the signatures of the witnesses examined
 under said commission to their respective depositions
 being waived, the said Commissioner's transcript of
 stenographic notes to be taken and used herein with the
 same force and effect as if said depositions had been
 taken in long hand and signed by the witnesses respec-
 tively at the time of such taking.

Taking of depositions was thereupon proceeded with,
 as follows:

BESSIE COTTER, one of said witnesses, having been
 first duly sworn as before mentioned, being examined by
 Mr. Wickersham on behalf of the respondent, testified
 and deposed as follows: the questions and answers after
 the first question and answer being indicated--the ques-
 tions by Q. and the answers by A. and the questions being
 numbered, in red.

INTERROGATORY FIRST: Will you state your name, age and residence ?

ANSWER TO THE FIRST INTERROGATORY: My name is Bessie Cotter; age 45; residence, 45 West 56th Street, New York City.

2. Q. Do you know Doctor Wischnewetsky ? A. Yes, sir; I do.

3. Q. Do you know Florence Kelly Wischnewetsky, his wife ? A. Yes, sir; I do.

4. Q. When did you first become acquainted with those parties ? A. I went to live there on the 5th of April, 1890.

5. Q. Was that your first acquaintance with them ? A. That was my first acquaintance with them.

6. Q. In what capacity did you go to live with them ? A. I went to do chamber work and washing.

7. Q. How long did you remain in the family continuously ? A. I remained there from that time,—except about one month when I was sick with tonsillitis, and when I was away—I was there from that time until the 6th day of last June—June, 1891.

8. Q. Will you state what the general conduct of Dr. Weschnewetsky was in his family and toward his wife while you were there ?

Objected to, as calling for the opinion of the witness; that merely the facts should be stated.

9. Q. Will you state how the Doctor treated his wife during your stay there; what his conduct was ?

Objected to, as last above noted.

A. While I was there I have seen the Doctor treat his wife and family right. When he talked to me about my business, he talked to me in the English language, but he spoke to his wife in their own language, in German, which I could not understand. He talked to me only in the English language, which I very well understood.

10. Q. Did the Doctor manifest and show a violent temper in his family while you were there ?

Objected to, as leading.

11. Q. State whether he did or not ?

Objected to, as last above noted.

A. Well, sometimes the Doctor--and of course that was his own business; I don't know anything about it--the Doctor never showed anything towards me, or his household affairs, while I was there--I cannot say that he did.

12. Q. State what manifestations or acts of temper were displayed by Doctor Wischnewetzky towards his wife while you were there ?

A. I did not see anything that I can say in particular. Sometimes the Doctor would come home when his meals was ready--sometimes he would come home and say he did not feel like eating anything, and I would myself have supper prepared by Mrs. Wischnewetzky's orders and ask him if he would take supper, and he would take his supper from me.

13. Q. He would take it from you ? A. He would eat his supper from me. That is as far as I can say.

A. Well, the morning after that--with reference to the veil ?

11. Q. Yes. A. The morning after that I went up and she asked me to go and buy her a veil--to buy one that she could double--that way; so I did; and I went in. When I went in she did not turn her face towards me--never turned her face towards me, and I laid the veil on her.

20. Q. How long after that before you saw her face ? A. I cannot say exactly when it was I saw her face; I cannot give the date; in my judgment, it was a week after that that I saw her face.

21. Q. What was there peculiar then, if anything, about it ?

Objected to, as leading, and unless there is something to connect the relator with what the witness saw.

A. I saw a part of her face, round about her eye, was yellow. That is what I saw. I did not see it black--did not see it at all black, but it was yellow, part of it about her eye. When I got the veil she said she was going downtown on important business.

22. Q. Let me ask you whether or not the Doctor did not often come home and manifest temper and anger right there ?

Objected to, as leading.

A. The Doctor would come home sometimes--he would come in and have his meals, and act very anxious, and he would talk in German to Mrs. Wischnewetzky; I don't know what he said.

23. Q. Will you state in what manner Mrs. Wischnewetzky conducted her house ? A. It was very good indeed; very good.

14 Q. Did she have general superintendence and care of the house? 1

A. Yes, sir; she did. 2

15 Q. What was her conduct and temper towards her children? A. 3
Very good; no better could be. 4

16 Q. Do you know whether or not she provided or made clothes 5
for the children? A. Yes, sir; she did. Mrs. Wischnewetzky 6
did what she was able to do for her children, and when she did 7
not have a nurse to take care of the children, she would take them 8
out herself. 9

17 Q. She would get them clothing? A. She made their cloth- 10
ing; all the time she had, she would make the children clothing. 11
She had but little time, but she did what she could. 12

18 Q. Will you state in what way Mrs. Wischnewetzky was clothed 13
herself--what sort of clothing she had, while you were there? A. 14
While I was there Mrs. Wischnewetzky had very little; she was in 15
mourning while I was there, and whatever other clothes she had, 16
were put away; her other clothing laid there, but was not worn, for 17
she was in mourning, and her dresses were very few. 18

19 Q. Will you state what you know, if anything, about the tem- 19
perament of Mrs. Wischnewetzky--whether it was kind, or not? 20

Objected to, as immaterial. 21

A. Yes, sir. 22

CROSS INTERROGATORIES, and answers thereto by the 23
witness--interrogatories put by Mr. Wakeman, counsel for

relator.

FIRST CROSS INTERROGATORY: Do you remember whether during the time you were there the Doctor was starting a medical institute ?

ANSWER TO FIRST CROSS INTERROGATORY: Yes, sir.

2¹ x Q. Were there not many occasions when you could see he was worried and anxious about his business ? A. He was; that is correct.

3 x Q. That was so ? A. That is correct; he was.

4 x Q. He was worried a good deal ? A. Yes.

5 x Q. He used to say he was worried, did he not ?

Objected to.

A. Yes; he said he was. The time when I was there he was getting all this machinery put in, he would say he could not eat because he was so worried about it. He seemed to be worried very much. He spoke to me in English, but to Mrs. Wischnewetzky he always spoke in his own language--in German--which I could not understand.

6 x Q. Did he lie on the sofa sometimes ? A. Yes, sir; he would lie down there.

7 x Q. He would come in and lie down on the sofa and complain of being tired ? A. Yes; tired; that he spoke of.

8 x Q. He would often say he was very much worried, wouldn't he, and tired ? A. Yes; that is true--often.

12 x Q. That he was worried out ? A. Yes; quite often.

11 x Q. Can you state what his treatment of the children was--his
conduct towards the children? A. It was very good.

12 x Q. Always kind to them? A. Yes; no father was better to his
children, and she was a good mother to the children.

13 x Q. He petted them, didn't he? A. He petted them very much.

14 x Q. And the children were good children? A. Yes; very good.

15 x Q. What was the name by which they called the oldest?

Objected to, as not cross-examination.

16 x Q. Can you remember the name?

THE WITNESS paused without answering.

17 x Q. Was it Lala? A. Yes; it was Lala.

MR. WICKERS AM objected to the suggestion in the
question, prompted by the relator.

THE WITNESS: I was thinking of it, but I had forgotten
the name.

18 x Q. They called him Lala? A. Yes, sir.

19 x Q. Were you in the house all the time excepting that month?
A. Yes, sir.

20 x Q. Night and morning? A. Yes, sir.

21 x Q. And every day? A. Yes, sir.

22 x Q. You were in their living room and their sleeping room and
the room where they had their meals? A. Yes, sir.

23 x Q. And all through the house, as chamber-maid? A. Yes, sir.

It was stipulated and agreed between the attorneys for the respective parties, that the signature of the witness to the foregoing deposition be waived.

MARY MURPHY, another of said witnesses, being called and duly sworn, deposed, being questioned by Mr. Wickersham, as follows:

INTERROGATORY FIRST: Will you state your name, age, and place of residence ?

ANSWER TO INTERROGATORY FIRST: My name is Mary Murphy, my age is 28, my residence is 30 East 53rd Street.

Q. How long have you been a resident of this City ? A. Eight years--nearly nine years.

Q. Do you know Doctor Wischnewetzky and Mrs. Wischnewetzky ?
A. Yes, sir; I lived in their family nearly four months, as waitress; from November, 1890, to February, 1891; about four months.

Q. As waitress ? A. As waitress. It was not quite four months.

Q. Will you state specifically what your duties were, in that position ? A. My duties were particularly about the dining room, and I had occasion also to be in other rooms--a good many rooms.

Q. Will you state whether or not you have heard Doctor Wischnewetzky use violent and profane and immoral language to his wife,

and state what words, if any, were used of that character ?

Objected to, as calling for an expression of opinion on the part of the witness.

A. In my judgment the words the Doctor used I would consider profane expressions.

Q. State what they were ? A. I have heard him say to Mrs. Wischnewetsky in German "du schmutzger, schmutzger schwein".

Q. What is the meaning in English of that ? A. "You dirty, dirty pig"; that is my belief about it.

Q. You have heard him use that language ? A. Yes; I have heard him use that language.

Q. How often ? A. That was pretty frequent.

Q. Did that occur daily ? A. No; not daily; sometimes may be two or three days in a week, and perhaps sometimes not for two weeks.

Q. What was the occasion for his using such language ? A. That I don't know. Mrs. Wischnewetsky went without very much for herself; she made it her business to make her children happy in every way.

The last sentence of answer objected to, as not responsive, and moved to be stricken out.

Q. State whether you have heard Doctor Wischnewetsky use any other words to his wife of that kind ? A. I prefer not to speak

them.

14 Q. This is a legal proceeding, and we must have all the facts. It is absolutely necessary for us? A. Well, I have heard him frequently call Mrs. Wischnewetzky a whore mensch.

15 Q. How many times have you heard that? A. That I could not say.

16 Q. You have heard him call her a whore mensch? A. Yes; a whore mensch.

17 Q. What is the meaning of that word, "mensch"? A. I have always considered it to mean a low person.

18 Q. That was his German expression? A. Yes, sir; that was his German expression.

19 Q. How often did you hear him use such expressions as that? A. Sometimes two or three times a week, and sometimes not for two or three weeks.

20 Q. Have you ever heard Doctor Wischnewetzky use such expressions as those which you have mentioned to his wife, in the presence of the children? A. Yes, sir; at the dinner table.

21 Q. In the presence of his children? A. Yes, sir; they did not pay attention to it. They were both German words.

22 Q. Will you state, Miss Murphy, what condition of temperament and habits the Doctor usually came home in? A. Well, the Doctor came home sometimes in very good temper, and sometimes he was wor-

ried and excited.

23 Q. Manifesting great anger and violence ? A. Well, that I cannot say. He was very nervous; I don't know what the cause may have been.

24 Q. Will you state whether you know the occasion of his calling Mrs. Wischnewetzky those names which you have mentioned ? What was the reason or the occasion, if you know ? A. I don't know what was the occasion.

25 Q. You never knew any occasion for it ? A. Never knew any occasion for it.

26 Q. You know the oldest child of these parties, Dr. and Mrs. Wischnewetzky ? A. The oldest ?

27 Q. Yes. A. Yes.

28 Q. Nicholas Wischnewetzky ? A. Yes. They generally called him "Co."

29 Q. Will you state how or in what manner Mrs. Wischnewetzky kept her house and took care of her children ? A. Excellent.

30 Q. She gave them good attention ? A. Yes, sir.

31 Q. Looked after them ? A. Yes, sir; always looked well after them; was a very good manager.

32 Q. She gave her personal attention to them ? A. Yes, sir.

33 Q. Will you state whether she at any time gave any attention to the Medical Institute which the Doctor had in charge ? A. Well,

Mrs. Wischnewetzky was down sometimes at the Institute, or would say she was going down; whether she went, I don't know. She never talked much about it--about the institute.

31 Q. Will you state whether Mrs. Wischnewetzky went out into society very much? A. No; not at all; not at all, at that time.

35 Q. Did she have her own friends visit her very much at her house? A. I remember there was on one occasion a lady there--but one or two days only; never otherwise.

CROSS INTERROGATORIES, and answers thereto by the witness--interrogatories put by Mr. Wakeman, counsel for the relator:

FIRST CROSS INTERROGATORY: How long ago is it since you have seen Mrs. Wischnewetzky?

ANSWER TO FIRST CROSS INTERROGATORY: I saw her Tuesday.

24 Q. This last Tuesday? A. Yes, sir.

34 Q. Where was that? A. She was at my place where I was employed--at 56th Street.

44 Q. She was in this city, then, at that time? A. She was at my place at that time. I think she has left the City since; I don't think she remained. I think she was leaving for Chicago.

54 Q. Did you ever hear this oldest boy Nicholas ask his mother anything about those names which you have mentioned? A. No; never.

64 Q. Will you state when you left there? A. I cannot state

exactly when I left; it was in February.

11 x Q. What was the occasion of your leaving ?

Objected to, as immaterial.

12 x Q. Was it because of any trouble in the family ? A. No; nothing of that kind. My people were leaving their place.

13 x Q. It was not by reason of the conduct of Dr. Wischnewetzky ?

A. No; the Doctor always treated me very kindly; never said anything unkind to me. There was nothing of that kind.

14 x Q. When you gave the words "schmutziger, schmutziger, schwein"—which you have given already--are you sure that when the Doctor used them he did not refer to something that had occurred, and not personally to her ? A. Well, I think it was to her.

15 x Q. Was it not something that had occurred elsewhere, that he was referring to ? A. I did not see what occasion there was for the remark; everything was in perfectly good order.

16 x Q. Well, did he use those words directly to any person, or was it in general conversation--something like that ? A. There were other words, too, to Mrs. Wischnewetzky.

17 x Q. Are you familiar with the German language ? A. No; I cannot say I am; but I have lived with Germans for seven years.

18 x Q. You do not consider that you are familiar with the language ?

A. No, sir; but I can understand some expressions. I do not understand general conversation, all of it.

15x Q. You would not say you understood German conversation when you heard it ? A. No.

16x Q. You have heard the conversation in the families ? A. Yes, sir; and I understand some expressions, but I could not give testimony to what conversation in German means.

17x Q. At this time was the Doctor engaged at the institute ? A. Yes; he was working at it during my stay.

18x Q. Wasn't his mind very continuously occupied with it ?

Objected to, as not being proper cross-examination.

A. Yes--

19x Q. Didn't he seem to be very much engrossed with it, and often annoyed and worried ?

Objected to, as not being proper cross examination.

A. Yes.

20x Q. And in distress ? A. Yes, sir; sometimes laboring under a good deal of anxiety about it.

21x Q. Was sometimes almost in despair, wasn't he ?

Objected to.

22x Q. Didn't he speak of it as though he was sometimes in despair ? A. Yes; I have heard him say he was in very great anxiety at times.

23x Q. With regard to the children, what was his conduct ? A. To the children he was an excellent, kind father.

24x Q. Wasn't he very much devoted to the children, often playing

with them, and were they not devoted to him? A. I think so.

154 Q. Wouldn't they run and open the door for him? A. Yes; and go to the door with him when he went away. in the

156 Q. In the morning? A. Yes.

157 Q. Do you know whether they would get into bed with him? A. That I do not know; I don't know whether they would get into bed with him or not.

It was stipulated and agreed between the attorneys for the respective parties that the signature of the witness to the foregoing deposition be waived.

MARY FORSTER, another of said witnesses, being called and duly sworn, deposed, being questioned by Mr. Wick-ersham, as follows:

INTERROGATORY FIRST: Will you state your name and age?

ANSWER TO INTERROGATORY FIRST: My name is Mary Forster; I am a graduate of Newnham College, Cambridge, England; my age is 43.

2. Q. Do you reside in this city? A. Yes, sir.

3. Q. Are you acquainted with Doctor and Mrs. Wischnewetzky? A. Yes, sir; I have known Mrs. Wischnewetzky since 1888; I made her acquaintance then.

4. Q. How long have you known the Doctor? A. Since the summer before last, in June.

5 Q. That is, 1890 ? A. In June, 1890--yes, sir; I meant to say that.

6 Q. Were you ever employed by Dr. Wischnewetzky ? A. I was.

7 Q. About what time were you employed by him ? A. In September.

8 Q. What year ? A. The year 1890. I arrived in New York from England on the 18th of September, and the following week I began to work at the institute.

9 Q. In what way were you employed by the Doctor ? In what capacity ? A. As Secretary of the institute.

10 Q. The institute you refer to is the one Dr. Wischnewetzky runs ? A. Yes, sir.

11 Q. How long were you employed by him ? How long were you in his service ? A. I was in his service till--I resigned three months ago, but I remained a week longer, by his request.

12 Q. Where did you reside during this period of service of the Doctor ? A. I stayed at Mrs. Wischnewetzky's house until November 23th, when I moved to 44 West 22nd Street.

13 Q. Were you, then, a member of the family of Dr. and Mrs. Wischnewetzky ? A. Yes, sir.

14 Q. What particular time of the day were you engaged at the institute ? A. I was engaged at the institute in the morning, between eight and nine o'clock until twelve, and from two to five

o'clock.

75 Q. After your work was finished at the institute, where did you go then? A. Then went as a rule every day back to 78 West 72nd Street.

76 Q. That is where the Doctor lived? A. That is where he lived, and in the evening I was there, also.

77 Q. In the evening also? A. Yes, sir.

78 Q. Did you see the Doctor every day during this period? A. Every day--at the institute, and, of course, on Sunday I saw him at home.

79 Q. Did you frequently see Mrs. Wischnewetzky at the institute? A. Yes, sir; she was there very often.

80 Q. What was she doing at the institute? A. She came down sometimes to change checks, and would see to the books of the institute; and sometimes she would instruct the attendants--instruct them about the exercise--would show them.

81 Q. Was she a participant in assisting to running the institute? A. Not officially, but she did a great deal towards it. Not officially.

82 Q. Did she have anything to do with looking after the finances of the institute, do you know? A. Yes; she knew about them, and gave her cooperation about the financial affairs of the institute.

83 Q. What was the general conduct of Dr. Wischnewetzky with re-

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gard to showing temper and violent rage at the institute, in his conduct towards his wife or other people? A. There were times when he lost his self control altogether--with the people about the institute, and the trades people.

Answer objected to, as expressing the opinion of the witness, and not giving facts, and as immaterial and irrelevant.

24 Q. Can you mention any instance of that sort?

Objected to, as before noted.

A. A collector for Edison was one, and the man of business for Mrs. Paran Stevens was another.

25 Q. What was his conduct to these people? You say he lost his self control: what was his conduct? Describe it? A. It was talking loud, and stamping, in a way that could be heard all over the building.

26 Q. Let me ask you whether while he was under the influence of these fits of anger you noticed his foaming at the mouth? A. I cannot say I noticed his foaming at the mouth; no, sir. He acted as if he were insane.

Answer objected to, as expressing an opinion of the witness, and being immaterial and irrelevant.

27 Q. You say he lost entire control of himself?

Objected to, on the grounds above stated.

A. Yes; he lost entire control of himself.

Answer objected to, and moved to be stricken out.

27 Q. Was that of general and frequent occurrence with him? A. Yes; it was general and frequent.

28 Q. Do you know of the Doctor's being known around the Institute by other persons by any particular name, on account of his violent passion?

Objected to, on the grounds before mentioned.

A. I heard that he was called "the mad doctor".

29 Q. Will you now state anything that you know occurred or took place at the house of this family--of this violent madness? A. Yes--

30 Q. Will you state that? A. One Sunday he was very violent at one time at dinner--speaking to Mrs. Wischnewetzky. It was in reference to a lawyer who wanted to get some money, and Mr. Wakeman had gone down about it, and he said that she was in league with Wakeman and the other counsel, and such things as that.

31 Q. Was he talking then to his wife? A. Talking to his wife, and before the family and children and servants.

32 Q. What was the language that he used towards his wife? A. He said that she was in league with Wakeman; that she had spoiled all the day for him, (Mr. Wakeman had been there earlier) and that Mr. Wakeman did wrong--had no business to have recommended Jackson to him.

- 34 Q. About what time was this ? A. What part of the day ? 1
- 35 Q. No; about what time of the month was it ? A. It was about 2
the beginning of November, or perhaps the second week of November. 3
It was just after they received information from Washington of 4
the duties being paid back by the Department there. 5
- 36 Q. Can you fix the month ? A. November. 6
- 37 Q. November, 1890 ? A. Yes, sir. 7
- 38 Q. It was the month of November, 1890 ? A. Yes, sir; Novem- 8
ber, 1890. 9
- 39 Q. Go on further ? A. On another occasion I heard some 10
noise in the middle of the night--stamping. 11
- 40 Q. Can you describe that ? A. Well, it was the same sound 12
I was accustomed to hear when the Doctor lost his self control. I 13
heard stamping. 14
- 41 Q. Was that usually a custom with him, when he was in the fits 15
of anger ? A. Yes, sir; stamping. 16
- 42 Q. Will you state, now, what was the conduct of the doctor to- 17
wards his children, or any particular one of them ? A. He was 18
very good and kind to the two oldest ones, but he did not pay much 19
attention, that I saw, to the youngest. The oldest he would keep up 20
too late. It was generally late when he had supper. I think 21
they suffered very much from highly seasoned food.
- 43 Q. How late did he let those children stay up ? A. They sat

up sometimes till nine. It varied--eight to nine--the two oldest. 1
I never saw him come down with the youngest. 2

44 Q. Did you ever hear the Doctor say anything with reference 3
to his feeling towards the youngest? A. No, sir; never. 4

45 Q. State anything about Mrs. Wischnewetzky's having her atten- 5
tion occupied with the housekeeping and the care of the children? 6
State fully. A. The house was perfectly well kept, and the meals, 7
of course, and the children, were well attended to--as I plainly 8
observed. 9

46 Q. By her personal attention? A. Yes, sir. Whenever I have 10
been there I have observed that; and during the last year she has 11
been making clothes for the children herself. 12

47 Q. Do you know whether she has made most of their clothing? 13
A. She made clothing for them; yes, sir; I know that. 14

48 Q. Do you know anything about the amount of money that Mrs. 15
Wischnewetzky spent during the time you were there--on her own 16
clothing? A. No; I don't know about it; but it must have been 17
very little. She was-- 18

Mr. Wakeman interrupted, and objected. 19

49 Q. Do you know whether she had any great amount, or small 20
amount, of new clothing, while you were there? A. She seldom 21
bought anything of the kind--anything for herself. 22

50 Q. Will you state as to ~~saying~~ whether there was any trouble 23

at the institute between the Doctor and the patients, during the time which you have mentioned ?

Objected to, as immaterial and irrelevant.

A. I don't think they have complained to me (repeating answer).

57 Q. Do you know of any trouble that existed between the Doctor and the servants or attendants there ?

Objected to, as before.

A. Yes.

57 Q. Will you state it ? A. Well, there were some that complained, that they were so nervous that they could not work the machines.

58 Q. That was where ? A. That was at the institute--that they mostly were so nervous that they could not work the machines. The attendants at the institute complained that they were so nervous that they could not properly work the machines, or do what they had to do, and they often left because their nerves were too much tried by it.

59 Q. You left there about what time ? A. I left there the 27th of December, 1890; it was the same year I went there.

60 Q. What was the reason that you left ?

Objected to, as immaterial and irrelevant.

A. Because of the financial state of the institute, and because

I did not wish to encourage or be engaged in encouraging in any way others to attend where they would find it so hard to do what they had to do--where they would be subjected to that sort of thing.

56 Q. Is there anything more that I can ask you, that you think of? A. I was about ten days with Mrs. Wischnewetzky--went with her a few days, when the Doctor was in Europe.

CROSS INTERROGATORIES, and answers thereto by the witness--interrogatories put by Mr. Wakeman, counsel for the relator:

FIRST CROSS INTERROGATORY: You have spoken of some occasions when the Doctor lost control of himself? What were the times when that happened? How many occasions did you call specifically to mind?

ANSWER TO FIRST CROSS INTERROGATORY: You mean at the institute?

2 x Q. Yes; I supposed you meant at the institute? A. I think on an average once a week at least; of course not every week.

3 x Q. You mean only an average of that? A. I think only an average of that.

4 x Q. You have spoken of someone speaking of the Doctor as "The mad Doctor": who was that that spoke of him in that way? A. The people in the room below--the Masons.

5 x Q. In the room below? A. Below where they were--I think

the name was Mason.

67 Q. What was their business? A. They were jewellers.

77 Q. Whom did you hear say that? A. I don't know their names--
the people's names.

87 Q. How many times did you hear that said, and when? A. It
was not I that heard them say it, but I heard people around say
it--that those people in there said it.

97 Q. You did not hear them say it yourself? A. No, sir; I
did not hear them myself.

107 Q. You only heard people say they said it? A. Yes, sir.

117 Q. You have spoken of hearing him stamp once in the night at
the house? A. Yes.

127 Q. What time in the night was that? A. About one o'clock.

137 Q. What time of the year? What month was that? A. It
must have been in November.

147 Q. What was the occasion of it? A. It was Saturday night;
I remember it was Saturday night, because he didn't go down town
the next day--did not have to go down the next day.

157 Q. Wasn't that the time when he was greatly worried and dis-
tressed with the business?

Objected to, as immaterial.

A. He was always in that stirruble sort of state about it--in
some sort of stir about his business.

16x Q. Well, as secretary you know the business was in a very embarrassed situation? A. They often didn't have money enough to pay the weekly debts.

17x Q. And that was embarrassing, was it not? A. Yes; it was embarrassing.

18x Q. And wasn't he in a great state of distress and worryment about it?

Objected to.

A. I think always about the business--yes.

19x Q. He had a good deal to bother and worry him, had he not, about the business? A. Yes; he often spoke of it.

20x Q. You have spoken of the attendants: were there not some attendants who continued there during all the time you were there? A. No; none there all the time. I don't know anything about who is there now. There may have been one of the women.

21x Q. Were there not others there? A. I think perhaps one of the men was there all the time.

22x Q. You don't know whether any of the women are there now or not? A. No; I don't know who are there.

23x Q. Do you know Mrs. Sperry? A. She was there when I was there.

24x Q. And Miss Rosenbaum? A. I don't think I know Rosenbaum; I know Mrs. Sperry.

25x Q. Are they not there now? A. I don't know.

- 26 x Q. Do you know Mr. Costigan ? A. He was there then. 1
- 27 x Q. Do you know another by the name of Mr. Kent ? A. Yes; I 2
knew him there. 3
- 28 x Q. He was there then ? A. Yes. 4
- 29 x Q. You don't know that they have left, do you ? A. No; I 5
don't know anything about them. 6
- 30 x Q. Whether they have left, or not ? A. I don't know whether 7
they have left, or not. 8
- 31 x Q. You have spoken of the children staying up late: didn't 9
they stay up to see their father ? A. Probably they did--to see 10
their father. 11
- 32 x Q. Wasn't the intercourse between the father and the chil- 12
dren always pleasant and affectionate, so far as you observed ? 13
A. Well, as a rule. Sometimes on Sunday he did not speak to 14
them. 15
- 33 x Q. When he spoke to them, didn't he speak to them kindly, al- 16
ways ? A. I never heard him speak roughly to them. 17
- 34 x Q. At the time you speak of, when he was angry about Wakeman 18
and Jackson, and said Mrs. Wischnewetzky was in league with them, 19
wasn't that an occasion on which he was very much excited about 20
a law suit which had gone against him ? 21
- Objected to, as immaterial and irrelevant. 22
- 35 x Q. Wasn't he excited about the settlement of a law suit ? A. 23

He was never--

- 36 x Q. (Interrupting) No; just at that time, wasn't he greatly excited? A. He was, apparently; he was violent.
- 37 x Q. Didn't he tell Mr. Wakeman in your presence that he, Wakeman, had no business to recommend Jackson to him, and all that? A. Yes; I think he did tell you that.
- 38 x Q. And that I (Wakeman) took no notice of it? A. No; he told you to go away from the institute, because it would not be safe for you to stay there.
- 39 x Q. Didn't I see him? A. No; you went away.
- 40 x Q. I saw him afterwards? A. You went away then.
- 41 x Q. How often were you where the patients were treated, in the medical hall? Did you go in there frequently? A. When there was occasion to--when I had to see the doctor.
- 42 x Q. You went in from time to time? A. Yes--to speak to the attendants sometimes, but I rarely stayed in there any time.
- 43 x Q. Do you remember how large a number of patients were treated--how many a day? A. Well, at first there were but a few, and the latter part of the time there were more--about eight men, and I think more ladies; averaging perhaps sixteen.
- 44 x Q. The average number is what I want? A. Averaging, men and women, about sixteen a day.
- 45 x Q. They would average sixteen, you think? A. Yes; I should think the greatest number was sixteen--about sixteen. I would

not be certain, there may have been more--I don't know how many;
I cannot remember who they were at that time.

Q. The patients at the institute numbered sometimes more and
sometimes less ?

Objected to.

A. Sometimes more and sometimes less.

Q. Have you seen Mrs. Wischnewetzky recently ? A. Yes, sir;
she called upon me on Tuesday.

Q. Have you seen the Doctor, or anyone on his behalf, in re-
lation to this matter ? A. Doctor Wischnewetzky ?

Q. Yes. A. I don't know that I have seen the Doctor or
anyone on his behalf; never have seen anyone on his behalf, or the
Doctor himself.

RE-DIRECT EXAMINATION, BY MR. WICKERSHAM:

W.C. Q. In your cross-examination, Miss Forster, you spoke of the
Doctor being in these mad rages once a week, sometimes: do you
mean that he did not have these spells more than once a week ?

A. Sometimes more than once, and sometimes there would be a week
without any; the average I think was about once a week. Of course,
sometimes he was very pleasant.

W.C. Q. Did you hear the attendants about the building and the
people around generally speak of the Doctor's being called the
"mad Doctor" ?

Objected to.

A. Yes, sir.

FURTHER CROSS-EXAMINATION, by MR. WAKEMAN:

1. *Rx* Q. What was the name of any one of the attendants whom you ever heard speak of him as the mad doctor? A. Annie Berry; she was one, and I cannot remember the other names.

2. *Rx* Q. She was the woman who cleaned? A. She was.

3. *Rx* Q. Who cleaned the rooms? A. She cleaned the rooms.

4. *Rx* Q. Can you remember anyone else? A. No; I cannot remember anyone else.

It was stipulated and agreed, between the attorneys for the respective parties, that the signature of the witness to the foregoing deposition be waived.

WILLIAM R. NICHOLSON, another of said witnesses, being called and duly sworn, deposed, being questioned by Mr. Wickersham, as follows:

INTERROGATORY FIRST: Will you state your name, age and residence?

ANSWER TO FIRST INTERROGATORY: My name is William R. Nicholson; my residence is Philadelphia; my age--I am in my 41st year.

2 Q. Do you know Dr. Wischnewetzky and his wife, Florence K. Wischnewetzky? A. I do.

3 Q. How long have you known them? A. I have known them a little over four years.

- 4 Q. Did you know Honorable William D. Kelley in his lifetime? 1
 A. Yes, sir. 2
 5 Q. What position, if any, do you hold to his estate? A. 3
 Sole executor of his will. 4
 6 Q. Did you have any business relations with Judge Kelley in 5
 his lifetime? A. Yes, sir; I did. 6
 7 Q. What relation? A. I attended to all his financial 7
 business a good many years. 8
 8 Q. (A paper being shown). Look at the paper now shown you, and 9
 tell us whose signature that is to the paper? A. That is Doc- 10
 tor Wischnewetzky's. 11

The paper just referred to was offered in evidence 12
 on the part of the Respondent, and was marked "Exhibit 13
 A., March 10th, 1892, G.R.B."; the following being a copy 14
 thereof, and the attorneys for both parties consenting 15
 that the copy be used in lieu of the original: 16

(Copy of Exhibit A.) 17

*Phila. Jany. 30th, 1890. 18

Rec'd from Wm. R. Nicholson, Executor of Will of 19
 Wm. D. Kelley, Eighty seven hundred and ninety nine 20
 11/100 Dollars applied in purchase for implements per- 21
 taining to Zander's system. 22
 \$8,799 11/100. (Signed) L. Wischnewetzky.* 23

Q. Will you state what was the occasion of this receipt, Exhibit A., being given? A. Shall I state the whole matter?

Q. Yes. A. The occasion was this; as the result of an interview which I had in this city on Sunday at Dr. Wischnewetzky's house, at which was present his wife, Judge Kelley and myself, I agreed, on ^{behalf} ~~the part~~ of Judge Kelley, to say that a sum of money, not exceeding \$10,000, would be furnished to Dr. Wischnewetzky to purchase implements pertaining to the Zander system. The Dr. personally stated that parties in this City would furnish the balance of the cash to establish the institute, and that if he had the money in his hand to control it, he would be able to make better terms than if anybody else advanced it; and Judge Kelley was accustomed to rely largely on my views in his financial matters, and to make arrangements through me; and the danger of course was, that he and his *estate* might be the losers. He had lost considerable money; his estate was heavily encumbered, and it required considerable of a sacrifice to raise the money, but he felt that money could be made through the institute, and that he would be directly benefited in that respect. As a result of that, Dr. Wischnewetzky went to Europe. Before going, I raised \$3,500, and an additional sum of, I think, \$600--it was something like that--for his expenses; but the \$3,500 paid one-third of what he would be compelled to pay Dr. Zander, leaving it understood that the remaining two-thirds, or \$7,000, should be paid when the goods were

ready for shipment by Dr. Zander.

11 Q. Did you raise all that money ?

Objected to, as immaterial and irrelevant.

12 Q. As a result, did you raise that ? A. Yes, sir. Judge Kelley died while the Dr. was in Europe, and on Mrs. Wischnewetzky's statement that all the money that had been paid would be lost if the rest was not paid, I prevailed upon Mrs. Kelley to furnish, out of her personal life ^[in addition?] interest, the money, provided it could be obtained within one month--sufficient for the purpose; and on that as executor I gave her an obligation for the loan--in order to give Dr. Wischnewetzky the amount he needed to complete his purchase in Europe; and on the 30th of January I cabled, through Drexel & Co., the amount which is represented in this receipt (exhibiting receipt marked Exhibit A.) \$8,790.11--cabled it to Dr. Wischnewetzky, to enable him to make his final payment for the goods or articles.

13 Q. Were the \$3,500 heretofore mentioned, and the \$600, included in that ? A. No: nothing but the actual amount cabled. It exceeded the amount originally contemplated, because he bought other implements than those originally contemplated, and to pay for which the \$7,000 would have been required.

14 Q. When was that receipt given, and where ? A. That was given after Dr. Wischnewetzky's return--given until he should make some arrangement to secure the Estate for the advances made to

him.

15 Q. He gave this receipt ? A. He gave me this receipt--after his return.

16 Q. Where was this receipt given ? A. It was given at the office of the West Philadelphia Trust & Deposit Co., of which I was an officer.

17 Q. It was given there ? A. Yes, sir.

18 Q. Who was present when it was given, on that occasion ? A. William D. Kelley, Jr., came on to Philadelphia from the South, and met Dr. Wischnewetzky at my office; whether he was actually present in the office when the receipt was signed, I don't know. I know he was there by appointment.

19 Q. At the time Dr. Wischnewetzky was at your office, during any part of your interview was William D. Kelley, Jr. present ? A. Yes, sir; he was. I had also an office in the city proper, and they met in West Philadelphia, and also at 623 Walnut Street--at both places.

20 Q. At that time which you mention when the Dr. was in Philadelphia, what was the conduct of Dr. Wischnewetzky--in that interview ? A. Well, it resulted in a general row.

Objected to, and moved to be stricken out.

21 Q. Will you state what he did--what his conduct was ? A. He went on in the most violent manner, and particularly to Mr. Kelley.

22 Q. He got very angry? A. Yes, sir; very angry; he shouted at the top of his voice.

23 Q. (Another paper being shown) Will you look at that paper, and state whose signature that is? A. I did not see that signed, but I believe it to be Dr. Wischnewetzky's signature.

24 Q. Whose signature should you think it was? A. I should say it was his signature; the rest in the handwriting of Judge Kelley.

Paper last referred to was offered in evidence; objected to, as immaterial, irrelevant and incompetent, and marked "Exhibit B., March 10th, 1892, G.R.B."; the following being a copy thereof: said copy being inserted, by consent of attorneys for the respective parties, in lieu of the original:

(COPY OF EXHIBIT B.)

\$2,625.

Dec. 24th, 1887.

Twelve months after date I promise to pay to the order of Wm. D. Kelley-----

Twenty-six hundred and twenty-five Dollars, at the Fidelity Trust Co. Philada.

No Value received.
Due-----

(Signed) L. Wischnewetzky.

25 Q. Will you state the occasion of that instrument, Exhibit B., being given? A. Yes, sir; I received from Judge Kelley a letter

from Washington, dated December 19th, 1887, in which he requested me to raise \$2,500 for Dr. Wischnewetzky, and for which a note of Dr. Wischnewetzky would be given.

16 Q. You did so? A. I did; and this note was given by the Doctor for the \$2,500, with a year's interest.

17 Q. Did he receive that money? A. Yes, sir; this is the Doctor's receipt for it.

MR. WAKEMAN inquired whether counsel for Respondent did not intend to also offer the letter of Judge Kelley just referred to, relating to the note marked "Exhibit B." Mr. Wickersham stated that he did not. Mr. Wakeman claimed, that if the note was the result of the letter, the letter also should be introduced; and stated that if counsel for respondent would not offer it he would. He called for it, for the purpose of offering it, but it was not produced. Mr. Wakeman renewed objection to the receiving of the note in evidence, and moved, the letter not being offered or produced, that the same be excluded.

28 Q. Did he receive that money? A. Yes, sir; this is the Doctor's receipt for it.

29 Q. Will you look at this instrument (paper being shown) and state whose signatures those are? A. The signatures are those of John T. Farley and L. Wischnewetzky, M.D.

Q. It is a lease of the house? A. Yes, sir; 78 West 72nd Street. This is a duplicate only. The signature, Wm. D. Kelley, is on the original, of which this is a copy; his signature is to the original of this; Judge Kelley was ^{surely} ~~guarantor~~ of the lease.

Q. You have not the original in your possession? A. No, sir; I haven't got it. It is for three years from July 1st, 1889; it expires July 1st, 1892.

Said duplicate lease was offered in evidence, and marked "Exhibit C., March 10th, 1892, G.R.E."; a copy of ~~which~~ said duplicate lease being hereto attached.

Q. When did William D. Kelley die? A. He died January 9th, 1890.

Q. Do you know who has paid the rent on the house mentioned in that lease, 78 West 72nd Street, New York City? A. Yes, sir; I have, since the death of Judge Kelley, as Judge Kelley's executor, upon receipt of notices that default had been made in the payment of the rent. Upon notice of default in the payment of it, I have paid it, as Executor.

Q. Up to what time have you paid the rent? A. To the first day of March of this year.

Q. Do you know who paid the rent of those premises prior to the death of Judge Kelley, after the execution of that lease? A. Personally I don't know, but I am morally certain that Judge Kelley

paid it himself. I did not pay it.

Answer objected to.

36 Q. Have you, as executor of Judge Kelley, any vouchers showing that Judge Kelley had paid the rent prior to his death? A. No; I have not. I may possibly have checks of his--if it was paid by checks upon his account in Philadelphia. I have checks in my possession, in Philadelphia; but if it was paid for his account by the Sergeant at Arms at Washington, I would not have the vouchers.

37 Q. Did you draw any checks on Judge Kelley's behalf prior to his death, for this rent? A. I think not; I have no personal recollection of the matter. I may have done so--

38 Q. Will you state, Mr. Nicholson, any other sums of money, other than these already mentioned by you, that you or Judge Kelley paid? A. Including this note of \$2,625, Judge Kelley had advanced them, to the summer of 1889, about \$13,000 in cash.

39 Q. Including the note? A. Yes; including the \$2,500 note-- the loan on that note.

40 Q. That you had personal ^{Knowledge} charge of? A. Yes; before leaving to join his daughter in the summer of 1889, he asked me how much ~~he~~ she had received, and to prepare a note payable at one year for that amount; and I remember the amount was about \$13,000; that note they refused to sign.

41 Q. Were you present at any interviews between Judge Kelley and Dr. Wischnewetzky? A. I was.

12 Q. When these dealings were being talked over? A. I was, only on the one occasion, I think--on the Sunday spoken of.

13 Q. Was there anything said at that time between Judge Kelley and Dr. Wischnewetzky and yourself, as to whether the ^{doctor} Dr. had any money? A. No; it was understood that he did not have any.

Answer objected to, by counsel for Relator.

14 Q. Was it talked over?

Objected to.

A. Yes; it was. There was no concealment of the fact that he did not have a dollar at that time.

15 Q. What was said about that? A. I don't remember anything that was said about it.

16 Q. Did the ^{doctor} Dr. say anything to Judge Kelley, as to whether he had any assurance of any financial backing? A. No. He did not claim to have any financial backing, at that time.

17 Q. State what he said to Judge Kelley in appealing for these advances spoken of?

Objected to

A. In making the appeal for these advances, the ^{reason} special was, so as to keep it in the family, so that the Judge would get the benefit, as well as he himself; so that strangers would not be entitled to get all the benefit of it.

18 Q. What did he say about it? Did he say anything about his being unable to procure these payments of money? A. That was the

reason he asked the Judge to do it--to furnish the money--because he hadn't any. He had just returned from Europe--had been there to get equipped, and came back without any money, and Judge Kelley had advanced this money, and of course they did not want to lose it, and they wanted to lease a house--I think they talked of a house at \$1,500 a year.

49 Q. Where was that house? A. I think it was in Harlem; I think so.

50 Q. What house was it? A. I don't know what house; only I think from the Judge's statement--

Interrupted and objected to.

51 Q. Do you know of their living in Harlem? A. No; I don't think they lived there.

52 Q. Where was this house spoken of? A. I think there was a house which the Doctor did not want to live in.

53 Q. How long a time were they there, if at all? A. I don't remember; but if Judge Kelley came to this City and they lived together, they would need a larger house.

54 Q. What house was that which you have spoken of? A. I thought it was in Harlem; I don't know exactly where, but I understood he would not live there.

55 Q. Do you know whether ^{they ever occupied it?} ~~any of the houses mentioned?~~ ^{ever occupied it?} A. I don't think they ~~occupied it~~. He did not think it was a good place for his practice--to make money; he wanted to meet wealthy

people, and Judge Kelley appreciated that, and agreed that they should lease this house in 72nd Street, at \$3,000 per year. The Dr. wanted to live among wealthy people.

56 Q. Has Dr. Wischnewetzky ever paid back to the Estate of Judge Kelley any sum of money that has been advanced to him? A. Not a penny.

57 Q. Have you in your possession here, any written evidence of this \$13,000 spoken of that Judge Kelley had advanced? A. A letter of Mrs. Wischnewetzky to me, wherein she declined--

Interrupted and objected to.

58 Q. Do not state the contents of the letter? A. All right.

59 Q. You have no written evidence of the Dr., showing the fact of the \$13,000 having been advanced?

Objected to, as immaterial and irrelevant.

A. No, sir.

60 Q. Have you ever seen Dr. Wischnewetzky since the death of Judge Kelley, other than the time you have mentioned in Philadelphia--right after his return from Europe? A. I don't think I have seen him since.

61 Q. Have you those letters? A. I have.

62 Q. Have you them with you? A. Yes, sir.

63 Q. Will you produce them? A. Yes, sir (producing papers). These are a couple of telegrams, and there are letters also.

Counsel for Relator renewed his request for the

production of letter of Judge Kelley previously called for, claiming that it was so connected with the Exhibit offered and marked, and had been so referred to, as to entitle the Relator to its production. The letter was not produced.

CROSS-INTERROGATORIES, and answers thereto by the witness--interrogatories put by Mr. Wakeman, counsel for the Relator:

FIRST CROSS INTERROGATORY: You have mentioned that letter in connection with the note for \$2,500 ?

ANSWER TO FIRST CROSS-INTERROGATORY:--\$2,625 ?

2 X Q. Yes. You say it was given as the result of a letter from Judge Kelley, which letter you have produced to the counsel ? A. Yes, sir.

3 X Q. I ask you to produce that letter now ?

MR. WICKERSHAM advised the witness that he was not obliged to produce the letter.

A. It is a private paper, and I decline to produce it.

4 X Q. It is not private, because you have referred to it and said this note was given as the result of it ? A. I referred to it to ~~refresh~~ refresh my memory as to the execution of that note; that is all.

5 X Q. Did you so state--that the note was given as the result of it ? A. Yes. Well, not the note ^{was} given as the result of it, *W.K.*

but the money was raised at the request of Judge Kelley.

Q. Please produce the letter. A. I simply examined it to refresh my memory--not for the language of it.

The letter was not produced.

Counsel for the Relator thereupon moved, that all the evidence of this witness in regard to the note in question, be stricken out, unless the letter above referred to be produced.

Q. Now, with regard to the money that was advanced for this Institute, wasn't the advance made at the request of Mrs. Wischnetzky;--at her request? A. She advocated it; as well as her husband.

Q. Wasn't it the general intention, expressed by all the parties, that it should be for the benefit of herself and her family?

A. No, sir; Judge Kelley was to be actually benefited by it, through the business operation; he was anxious to be benefited.

Q. And she was benefited, was she not? A. Well, if her husband was benefited, and that ~~was~~^{would} be the result, in the event of Judge Kelley's death;--that ~~was~~^{would} be the result of it, afterwards.

Q. Was it not also stated and declared that moneys should be advanced by Judge Kelley's Estate for the establishment--that is, for the Institute?

Objected to.

A. With reference to this business arrangement, I prepared a codicil to Judge Kelley's will, which gave me the legal right to make advances, in my discretion; in other words, if I should consider it best I should make such advances.

// X Q. If he did not die, he was to do it--or during his life?

A. Well, I wouldn't say that; he was simply to carry out his business arrangement; I don't know that he was going to do anything further.

/2 X Q. That codicil was the result of a business arrangement that the Judge had made before his death?

Objected to, as not being proper cross-examination.

A. It was prepared at his request, in case of his death. Of course the \$13,000 had been advanced, and the \$3,500 I had advanced.

/3 X Q. The \$13,000? A. No, no; that was subsequent. It was only \$3,500--when he went to Europe. It was paid to the Dr. when he was going to Europe.

/4 X Q. Have you a copy of the will? A. Yes, sir; I have.

/5 X Q. Will you produce a copy of the will?

Copy of the will was produced. The witness pointed out a paragraph, and said: "That codicil was prepared at Judge Kelley's request".

Said paragraph read as follows:

"I hereby authorize and empower my Executor in his

" discretion to advance unto my son-in-law, Lazarre Wisch-
 " newetzky, M.D., such additional sum or sums of money as
 " may be necessary to complete his purchase of the imple-
 " ments necessary, appertaining to the Zander system, un-
 " der his contract with Dr. Zander, and secure him the pos-
 " session thereof in New York."

16x Q. That codicil was a valid part of Judge Kelley's will, was
 it not? It was valid, wasn't it?

Objected to, as incompetent.

A. Yes, sir; it was valid.

17x Q. That codicil was proved, as part of the will, was it not?

Objected to, as last before noted.

A. It was proved as part of his will--yes, sir.

18x Q. Wasn't a sum mentioned in that codicil to be advanced,
 and wasn't it stated what should be done with it?

Objected to, unless Relator's counsel will attach a
 copy of the will to the deposition.

Counsel for Relator stated, that there was no ob-
 jection to doing that, but that the codicil was all he
 cared for. He would, however, attach a copy, if he had
 one.

19x Q. Have there been some advances? A. Yes, sir; I made some
 advances.

20x Q. Was any money advanced under that codicil? A. I advanc-

ad money called for by that receipt which I have produced.

21x Q. Was that advance made after Judge Kelley's death? A.

That was after his death.

22x Q. It was advanced under his will, was it? A. I advanced it under the terms of the codicil--"in my discretion"--because the business made it necessary.

23x Q. Did you make further advances? A. I refused to go further. I advanced enough to satisfy me that--

24x Q. (Interrupting) No, no; simply as to the making of further advances? A. Well, it was in my discretion, and I declined and refused to go further.

25x Q. Wasn't that money advanced to pay the duties on the importation of that apparatus bought by Dr. Wischnewetzky? A. Yes, sir.

26x Q. To pay the duties? A. Yes, sir; then I refused to make any further advances, for the reason, as I have stated; I thought it was better to lose what had been paid already, than to go on and lose more besides.

27x Q. Were you not asked to advance money also for the lease of the institution? A. For the lease?

28x Q. To obtain the lease; for the lease of the institution? A. I would have had no right to do it; I have no recollection of being asked that; but I would have had no authority. I was asked

to advance money, and I refused to do it.

29x Q. You refused to advance money to pay the rent of the premises, although it was necessary for the existence of the institution? A. No; I didn't refuse that way.

30x Q. But did you refuse? A. I refused to advance money, for the reason I thought he was incapable of making it a success.

Answer objected to, as not being responsive, and moved to be stricken out.

31x Q. I didn't ask your reason, Mr. Nicholson. Now, do you know whether Judge Kelley occupied or resided for a time in the premises 78 West 72nd Street? Do you know whether for a time Judge Kelley stayed there? A. I think he had a room furnished, and I think he remained there some months--I don't know how many.

32x Q. Wasn't his wife there also? A. Yes; and very much against her will.

Last part of answer objected to, and moved to be stricken out.

33x Q. You must not answer what the questions do not call for. Was it not intended and expected that Judge Kelley and his wife would reside there for some length of time? A. No; I don't know that. An offer came from the Dr. ^{Doctor} and his wife to that effect after they were in this house in 72nd Street. It was not Judge Kelley's intention, so far as I know; I mean, referring to any expressions of his, of course.

34x Q. Don't state what was in his mind. A. I did not mean to.

35x Q. I was asking about the advances for this Institute. Was not the difference between the Dr. and you or the Dr. and all the parties whom you represented in this matter--wasn't this the difference: that they wanted to have the whole or nearly all the receipts of this Institute; that they should all come to them, and did not the Dr. insist that it would be unjust to himself and his family? Wasn't that the reason why there was no further advance made--why this discretion was used so that no further advances were made than what was actually made? A. No, sir; that was not the reason.

36x Q. You objected also to paying the rent under this security clause of Judge Kelley's, didn't you? A. Yes; I objected to paying more money.

37x Q. Were you not afterwards compelled to do it? A. At my request--

38x Q. I didn't ask that. A. At my request, there was an application made to the Judge, for permission to pay in case the Dr. defaulted--as he has done ever since.

39x Q. Wasn't it against you--to compel you to make payments of that rent out of Judge Kelley's estate?

Objected to, as not calling for facts, but for conclusions.

A. Simply an application, at my request.

40x Q. Wasn't she (Mrs. Wischnewetzky) obliged to have a lawyer
compel you to make those payments? Didn't Mrs. Wischnewetzky
compel you to?

Objected to, as immaterial, and as not being cross-examination.

A. Mrs. Wischnewetzky applied to the Orphans' Court in opposition to my claim for commissions as executor; but, as I stated, it was at my request that this permission was obtained.

41x Q. Didn't she compel you? A. No; she did not compel ~~you~~.

42x Q. You were brought into Court; wasn't that the reason? A. No; the Court confirmed my action.

43x Q. Didn't you take action because you were brought into Court? A. No; I did not.

44x Q. Didn't Mr. Farley's lawyer go to Philadelphia to attend to the business for Mrs. Wischnewetzky? A. Yes; he did.

45x Q. And afterwards you made advances for rent--when you were compelled to? A. No, no!

Counsel for Respondent objected to the questions, as argumentative.

46x Q. Was it not after these proceedings that have been mentioned, that you advanced further amounts? Was that rent afterwards paid? Did you exercise your discretion after those proceedings?

A. What discretion do you mean?

47x Q. The discretion spoken of--to pay whatever you have paid?

A. It was not a question of discretion; it was an obligation of Judge Kelley; that was why the application was made to the Court for this permission.

46 x Q. Was it not after these parties had required you to do it, that you made the payments? A. No, sir; that was not the reason. It was necessary to make the application.

47 x Q. Wasn't it after that that you paid those advances? A. Of course it was paid after. They said it could not be paid before. It was ~~it~~ not the result of that--

48 x Q. We don't ask that. It was after that?

Objected to, as argumentative, and not proper cross-examination.

49 x Q. How long was the lease secured before you made that payment? A. I forget now; I think about three months.

50 x Q. That is your recollection? A. Yes; I think about three months.

51 x Q. And after Mrs. Wischnewetzky disputed your commissions? A. Yes; and the Court set aside all objections.

Last part of answer objected to.

52 x Q. Hasn't the Estate been declared to be insolvent?

Objected to, as immaterial and irrelevant.

A. No; it is not insolvent.

53 x Q. Well, I thought it was; and by reason of which, the Philadelphia Court has taken some action? A. No; it would have been

if--

Answer interrupted.

56x Q. What was the amount of the inventory of that Estate ? A.
I don't remember.

57x Q. What was the amount of the actual assets as claimed ? A.
I don't remember the amount of actual assets.

58x Q. Didn't Mrs. Wischnewetzky claim that as a result of your
management the estate had been practically sacrificed and render-
ed insolvent ?

Objected to, as immaterial and irrelevant, and as
not being cross-examination.

A. I don't remember that she claimed that. I know the result
of the Court's action was to confirm my action.

It was stipulated and agreed, between the attorneys
for the respective parties, that the signature of the
witness to the foregoing deposition be waived.

ADJOURNED to to-morrow morning, the 11th inst., at
9:30 o'clock A. M.; examinations to continue at the same
place.

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MARCH 11th, 1892.

9:30 o'clock A. M.

Depositions of:

BESSIE McSWEENEY,

GREGORY COSTIGAN,

ALEXANDER KENT,

ALBERT EDWARD ANDERSSON,

ANNA BRODSKY,

ADOLPH BRODSKY,

VICTORIA SPERRY,

ELSIE ROSENBAUM, and

ISAAC ADLER; said witnesses being of lawful age;

being called on behalf of the Relator, at the same place,

No. 93 Nassau Street, New York City, and examined, under

this Commission and consent similar to that heretofore noted; said deposi-

tions being taken under the stipulations set forth on

pages one, two and three of this record;— Said witnesses

being also sworn, previous to being examined, according to

the forms prescribed in the Commission hereto annexed;

direct examination being by Mr. Wakeman; cross-examina-

tion by Mr. Wickersham.

BESSIE McSWEENEY, one of said witnesses, being call-
ed and sworn, and interrogated by Mr. Wakeman, testified.

INTERROGATORY FIRST: Your name is Bessie McSweeney?

ANSWER TO FIRST INTERROGATORY: Yes, sir.

Q. What is your age? A. About 35, I guess.

Q. What is your residence? A. My present residence is 78

West 72nd Street.

4 Q. That is the residence where Dr. and Mrs. Wischnewetsky lived? A. Yes, sir.

5 Q. ^{Do} ~~Did~~ you know these parties, Dr. and Mrs. Wischnewetsky? A. Yes, sir.

6 Q. About how long have you known them? You first became acquainted with them when? A. I was first acquainted with them about two years and five months ago, I think;--since the 29th of September, ^{1889,} I think it was.

7 Q. From the 29th of September, 1889? A. Yes, sir; to the present time.

8 Q. Have you been employed by them in any way? A. I have been employed by them for chamber maid and laundress--for I think about eleven months, altogether. I have been there, and had left their employment, and came back to live there a second time.

9 Q. You went there on the 29th of September, 1889, and stayed how long? A. Six months I was there, and some days; I cannot remember exactly the days, and I lived there since the 17th of October, 1881.

10 Q. 1891, you mean? A. Yes, sir; lived there till this time.

11 Q. This last time you have lived there, have you been chambermaid and laundress? A. Yes, sir; the second time.

12 Q. In the same employment as before? A. Yes, sir.

13 Q. You were in the house, then, during these times that you were employed there, constantly? A. Yes, sir.

MR. WICKERSHAM objected to the form of the questions, as leading.

MR. WAKEMAN: It is merely introductory.

14 Q. You were in the house while you were employed there? A. I was in the house while I was employed.

15 Q. In your service, have you been there constantly employed, in the house? A. Yes, sir.

16 Q. What opportunities did you have to see the Dr. and Mrs. Wischnewetzky, during that time? A. Well, I did not see them regularly all the time. My business was not such as to take me where they were all the time.

17 Q. Did you see them? A. I saw them occasionally.

18 Q. How often did you see them? Every day? A. Well, almost every day.

19 Q. And you saw the children? A. Yes.

20 Q. They were there--the children? A. Yes; I saw them.

21 Q. And you saw the conduct of the Dr.?^{Doctor?}

Objected to, as leading.

22 Q. Did you observe, or did you have an opportunity to observe, the conduct of the Dr. to his family, while you were there? A. No; I don't know that I did see anything at all; I cannot state anything at all that I have seen--anything between the Dr. and Mrs. Wischnewetzky at all.

23 Q. You have seen them together? A. Yes; I have seen them

together, several times.

24 Q. How many times did you see them together? Nearly every day? A. Yes; almost every day, I suppose.

25 Q. State what was the conduct of the Dr. ^{Doctor} to his wife and family, so far as you observed?

Objected to; that the witness has already said she has no knowledge on the subject.

26 Q. Well, as far as you have observed, what was the conduct of the Dr. ^{Doctor} towards his wife and family? A. I cannot say anything at all about the Dr. and his family, as I just told you--that I don't know anything, ^{Doctor} of course. The Dr. ^{Doctor} ~~spoke~~ spoke when he talked to her in German, and I don't know anything about their talk--what they talked about.

27 Q. You heard them talk together? A. Yes, sir; but they talked in German, and I did not know anything about what they said, because they always spoke in German only. I did not understand what they said; I cannot speak anything but in English.

28 Q. What was the conduct between them? Was it pleasant, or not? A. I cannot tell you, Mr. Wakeman.

29 Q. You saw how the family lived?

Objected to, as putting the ^{answer} question into the mouth of the witness.

30 Q. Did you see how the family lived; whether they had a good supply of provisions and necessary things? A. I cannot say any-

thing at all about that.

31 Q. Weren't you in their family? A. Yes; I was in the family; I always saw what was necessary in the house; I cannot say anything more.

32 Q. You saw what was necessary in the house? A. Yes; I saw what was necessary in the house--what was necessary in the family. I cannot tell you how they lived; it is not my business to know anything about how folks live at all; it is not my business, when I live in a house.

33 Q. Did you see the conduct between the father and his children? A. I have seen him always very kind to the children, and the children seemed to be always very much attached to the father.

34 Q. What, if any, proofs or manifestations of kindness have you ever seen between them? What have you ever seen them do? A. I cannot tell you anything at all about their proofs of kindness; I don't understand that.

35 Q. Because it was in German? A. Yes.

36 Q. Did they speak German to the children? A. No; they spoke English to the Children.

37 Q. Did you ever see them run to open the door, or anything like that, for their father? A. Well, I have not been very much with the children; I cannot state very much about it, because of course I did not know much about the children; I was not sup-

posed to have anything to do with the children; they had a nurse for them.

38 Q. The children always had a nurse? A. There is a nurse for the children in the house.

39 Q. How many servants did they have there? A. There were four when I came to live there; there were three before I came to live there.

40 Q. And you made the fourth? A. I made the fourth servant.

41 Q. Were you there when Mrs. ~~Kink~~ Wischnewetzky left? A. Yes; I was there.

42 Q. What time was that that she left? A. Well, I cannot state the exact time that she left; it was sometime after nine o'clock in the morning.

43 Q. Did she have a carriage come and take her away? A. I don't know, ~~what~~ but I heard she had. I was at my work, and I only heard afterwards that she had a carriage.

44 Q. That is what you heard? A. Yes, sir.

Objected to--what the witness heard, and moved to be stricken out.

45 Q. Did she say anything to you before she left? A. No, sir; she said nothing at all to me; no orders, or anything of the kind.

46 Q. She gave you no orders? A. No, sir; no orders, nor anything of that kind.

47 Q. Do you know whether she took the children with her? A. I cannot tell you; I have not seen them leave the house at all.

48 Q. Do you know whether any one of the children was sick at the time it was taken away by her; anything about its being sick?

A. I heard one was sick.

Objected to, as to what the witness heard.

THE WITNESS: I don't know whether it was in bed. It was sick a few days before; one was sick--

49 Q. Was it in bed sick? A. I knew it was sick a few days before, but I don't know whether it was ill when it went away, or not.

50 Q. State what room it was in when sick? A. It was in the doctor's, I think. I think it was in the doctor's room, when it was sick.

51 Q. That was how long before they went away? Was it up to the time they left?

Objected to, as suggesting the answer to the witness.

A. I don't really know how long it was.

52 Q. Where was he, in the Doctor's room? In bed? A. He was in bed.

53 Q. How long before they left did you know of his being in bed? Was it, or not, up to the time they left?

Objected to, as leading.

A. The boy was, up, the day before, I think; as well as I can

remember, he was.

54 Q. Do you know of Mrs. Wischnewetzky's, on the day of her leaving, leaving any orders for the servants about the house--with regard to things in the house? A. No; I don't know at all.

55 Q. Do you know of a girl being employed there by the name of Clara? A. Yes; Clara.

56 Q. What was her full name? A. Clara McDermott.

57 Q. How long did she stay there? A. I cannot state, exactly.

58 Q. After Mrs. Wischnewetzky left? A. Yes.

59 Q. How long after? A. She has left about four weeks, I guess, or three weeks; I think three weeks ago yesterday she left there.

60 Q. Do you know where she has gone? A. No; I don't know anything at all about it.

61 Q. Do you know of any reason why she left? A. Yes; she was going to take care of her father, who was sick.

62 Q. Where was that? A. She didn't tell me where her father lived, but she said in Harlem.

63 Q. Did she make any further remarks when she went away; if so, state further? A. That was all the remark she made to me. I heard her speak of that, three or four days before she left the house.

64 Q. Who came to take her trunks away? A. I don't know; I was not present; I never saw the trunks.

65 Q. Did you notify Dr. Wischnewetzky when she left? A. Yes; immediately after she left.

66 Q. Then the Dr. did not know when she left? A. No; he did not know she was ^{leaving} going. I remained in the house over night. He didn't get my letter, to come back and make any arrangements.

67 Q. When Mrs. Wischnewetzky left, what condition was the house in, with regard to leaving open doors, and closets, and drawers, and so on? State how they were left--doors, and so on?

Objected to, that that the witness has already shown she has no knowledge on the subject.

A. I don't know anything about the condition of the house; I had nothing to do with the kitchen work, but upstairs work.

68 Q. Do you know whether the doors and drawers and closets were left open, or locked up? A. They were all open; all left open; nothing in the house was locked.

69 Q. Were they in the same condition when Clara left? A. Yes; the same condition, just the same condition when she left.

CROSS INTERROGATORIES, and answers thereto by the witness--interrogatories put by Mr. Wickersham:

CROSS-INTERROGATORY FIRST: You were the chambermaid and laundress? ~~XXXXXXXXXXXX~~

ANSWER TO CROSS-INTERROGATORY FIRST: Yes, sir.

2 ✓ Q. Your business did not bring you into contact with the family at all, did it? A. Only very seldom.

3 ✓ Q. You know nothing about the Dr., excepting seeing him on

special occasions ? A. Yes--no.

4x Q. You know nothing about their private life, or his conduct, at all ? A. I know nothing at all about their private life.

RE-DIRECT EXAMINATION---by Mr. Wakeman.

5y Q. You say you know nothing about it: you saw the Dr., didn't you, and Mrs. Wischnewetzky ? ^{Doctor,}

Objected to, as not proper re-direct examination.

6y Q. You heard them talk together, sometimes ?

Objected to, as last noted.

A. Yes, sir; I saw them every day, and saw them talk together. Well, I don't know that I saw them every day--almost saw them every day.

7y Q. Almost every day, you saw them ? A. Yes; but a good many times I didn't come in where they were at all; a good many days I did not see them at all.

It was stipulated and agreed, between the attorneys for the respective parties, that the signature of the witness to the foregoing deposition be waived.

GREGORY COSTIGAN, another of said witnesses, being called and sworn, and interrogated by Mr. Wakeman, testified:

INTERROGATORY FIRST: Your name is Gregory Costigan ?

ANSWER TO FIRST INTERROGATORY: Yes, sir.

- 2 Q. Your age is 23 ? A. 23. 1
- 3 Q. Where do you reside ? A. 411 West 27th Street. 2
- 4 Q. What is your business ? A. I am a medical student. 3
- 5 Q. Are you acquainted with the parties to this proceeding, 4
Dr. Wischnewetzky and Florence K. Wischnewetzky, his wife ? A. 5
Yes. 6
- 6 Q. You have been with the ^{Doctor} Dr. in the Institute in which the ^{Assoc} ~~Dr.~~ presides ? 7
8
- Objected to, as leading. 9
- A. Yes. 10
- 7 Q. Where is the Institute situated ? A. 23th Street and 11
Fifth Avenue. 12
- 8 Q. Have you been employed in any capacity there ? A. I have. 13
- 9 Q. In what capacity ? A. Instructor. 14
- 10 Q. State what your duties have been, as instructor ? A. Well, 15
I am with the patients at the Institute, to whom the Dr. has pre- 16
scribed certain movements for them; I supervise the patients, and 17
see that they perform those movements correctly. 18
- 11 Q. How long have you been at the Institute ? A. Since Octo- 19
ber, ~~1888~~ 1890. 20
- 12 Q. Do you know when the Institute commenced to do business ? 21
A. I think it commenced just then--with the first patient. 22
- 13 Q. You were there at the commencement of business, of business 23
at the Institute ? A. Yes, sir.

- 14 Q. You have remained there ever since ? A. Remained ever since. 1 2
- 15 Q. State whether or not Mrs. Wischnewetzky and the children have been accustomed to visit the Institute ? A. Yes, sir. 3 4
- 16 Q. How often, about, when the Institute was open~~ed~~, would they be there ? A. I have seen them--sometimes nearly every day. 5 6
- 17 Q. How long would they stay ? A. I have seen them from eight to ten in the morning, and sometimes they would be there after noon again. They would come sometimes about half past nine--Mrs. Wischnewetzky and the children, and would be there when I would leave at ten o'clock. Of course I did not know how long they stayed there after that. 7 8 9 10 11 12
- 18 Q. What time did you return ? A. I would return at four o'clock, or a quarter past four. 13 14
- 19 Q. You have seen them there on your return in the afternoon, and until the Institute closed ? A. I think I have seen them there when the Institute closed; I wouldn't say positively about that, however. 15 16 17 18
- 20 Q. In their visits, did you have occasion to observe the conduct and the relations between the family ? A. Well, to some extent--yes. 19 20 21
- 21 Q. State what the conduct was, as far as you observed ? A. As far as I observed, I always noticed--very often I saw them together--I noticed that the Dr. was very attentive to his children; 22 23
- Doctor
^

Doctor

and in the office I often saw the Dr. talking to his wife; of course, I would not stay there long.

22 Q. Did you ever see any violent treatment on the part of the Dr. toward his wife? A. No, sir; I never did.

23 Q. Did you ever see any conduct on his part that would be considered violent--towards any member of his family?

Objected to, as calling for an opinion.

24 Q. Did you ever observe any? A. No, sir; I did not observe any.

25 Q. What was the conduct of the children towards him? A. I think they liked him very much; they would run up and down through the premises, and they spoke to him often, and he would pet them when they would run up to him.

26 Q. Would they kiss each other? A. Yes.

27 Q. And play games, or anything with him?

Objected to, as leading.

28 Q. State what they did; describe what they would do; state the facts?

Objected to; that having asked a leading question, it cannot be remedied by afterwards asking the witness to state the facts.

Question withdrawn.

29 Q. State the facts--what you have observed between Dr. Wischnetzky and the children? A. I have seen the Dr. ^{*Doctor*} come in the

morning, sometimes with Mrs. Wischnewetzky, the Madam, with him, and have seen them talking together; at first they would come in the Institute, and then be in the office, and then have seen him with the children, and have seen them kiss their father, and take hold of his hand and walk about the Institute. I have seen that, three or four times.

30 Q. What generally was the conduct between them? A. I have never seen anything but such conduct as a father would naturally have towards his children--talking to them as a father naturally would.

31 Q. With regard to kindness and attention, state what you have observed; state the facts? A. Well, I can only state them as far as I know; I have never seen anything between them unfriendly.

Objected to, as having been already answered three times.

32 Q. Answer it once more. A. I always noticed that the relations between the ^{Doctor} Dr. and his children have been the same as between a father and his own children, in any place.

33 Q. Well, with regard to kindness?

Objected to, as answered four times already.

34 Q. Was it kind, or not?

Objected to.

A. Yes, sir; it was kind.

35 Q. Did you ever see them at the house? A. No, sir.

36 Q. With regard to the Doctor's management of the Institute: state what you have observed with regard to discipline, and firmness, and kindness ?

Objected to, as leading and as immaterial.

37 Q. State what you have observed ? A. I have observed that the Institute was run under a very strict discipline--that the discipline was maintained all the time, and that rules were laid down, and whenever they were observed everything would be all right, and on occasions when they were not observed, the Dr. would try to have them enforced. Whenever they were observed, he would treat them always in a very kind manner.

38 Q. Have some of the attendants remained there all this time--some that were there when you went there ? A. Yes, sir.

39 Q. How many of them have remained ? A. One of them entered before I did.

40 Q. Have those that were there when you went there, or shortly after--are any of them there now ? A. There is one of them there.

41 Q. Beside yourself ? A. Yes, sir; that is all the male attendant I know of.

42 Q. As to the ~~family~~ female attendants--do you know whether they have remained ? A. I think some of them are there now; I am not very positive of that; am not positive about the female attendants.

43 Q. With regard to the treatment of patients and of attendants--

what was the general conduct of the Doctor towards them? A. Well, always when any rules are transgressed the Doctor deals with them firmly, and as far as patients are concerned--they are always given the rules; and when the rules ^{are} transgressed they are told so.

44 Q. State what has been the condition of the Institute with regard to its increase, or otherwise, since you have been there? A. The Institute has increased considerably.

45 Q. During the last month, what has been the number of patients, on the average? A. About 25 gentlemen patients. Of course there are some who do not come regularly, and I cannot always tell whether the time has expired, or not.

46 Q. Are there more, or less, women than men patients? A. I think more women patients; I don't know very much about the lady patients. I have only been there on two or three occasions during ladies' hours.

47 Q. What attendance does the Doctor give? What portion of the time does he spend in the Institute? A. He gives mostly all his time to it.

48 Q. What time does he get there in the morning? A. Before nine o'clock in the morning; and didn't leave till we left.

49 Q. What time did you leave? A. Generally about ten minutes past six. He does not leave till we leave, and occasionally it is later; sometimes half past six. We go when the last patient is

finished.

50 Q. With regard to patients--as to his treatment of them, so far as you observed--let me ask you again-- A. I think it has been very just.

51 Q. With regard to kindness, and so on? A. He has treated them just as they should be treated.

52 Q. As far as you can judge? A. As far as I can judge.

53 Q. (Mr. Wickersham) That is a matter of opinion, isn't it? A. I think he treats them just as they deserve. Of course, it is a matter of opinion.

54 Q. I ask this: with regard to the duties required of instructors and attendants--are they such as would require skill--whether skill would be necessary on the part of instructors, in order to secure the best results, and maintain efficiency? A. I think it would be required, undoubtedly.

55 Q. Is it difficult to find such attendants, or not?

Objected to, as immaterial.

A. It has been considerably difficult, so far as the Institute is concerned.

CROSS-INTERROGATORIES, and answers thereto by the

witness--interrogatories put by Mr. Wickersham:

FIRST CROSS INTERROGATORY: You are a paid employee of the Doctor, are you not? A. Yes, sir.

2 x Q. Are you employed by the month? A. Well, I cannot say; I

am paid by the week.

37 Q. Your duties are in the operating room, are they not? A. Yes, sir; in the operating room.

47 Q. You are not in the office? A. Well, I am occasionally there; sometimes every two or three minutes in the office.

57 Q. Once in two or three minutes? A. Yes, sir; from my business--every two or three minutes; the attendants have to go in and get prescriptions.

67 Q. (Mr. Wakeman) And instructions? A. Yes, sir.

77 Q. There are attendants sometimes in the office? A. Well, I don't understand that.

87 Q. Are there not attendants there all the time, or nearly so--in the office? A. The Doctor is generally in the office.

97 Q. There is a clerk outside, in the outer office? A. Yes.

107 Q. Always one there? A. Yes; a clerk.

117 Q. That outer office is between the private office and the room where you do your work, is it not? A. Yes.

127 Q. You go through that to the private office? A. Yes.

137 Q. The Doctor's private office--is it kept always closed? A. No; it is not; the doors are always open, except when the Doctor is examining a patient.

147 Q. When you have seen his family--his wife and children--it has been when they have come down to the office, and you have simply

- seen his wife about the office ? A. Yes. 1
- 15x Q. And somebody might have occasion to go in almost any minute; isn't that so ? A. Patients ? 2
- 16x Q. Yes; and attendants ? A. Yes, sir; might go in any time. 3
- 17x Q. Was the private office open more or less of the time ? A. 4
- It is not generally open, but we can go in any time. 5
- 18x Q. There was liable to be someone in there any minute, was there not ? A. Yes, sir. 6
- 19x Q. Someone liable to be going in or out of the office almost any minute ? A. Yes, sir; some one liable to go in any time. 7
- 20x Q. You have seen his wife and children in the private office ? 8
- A. Yes, sir. 9
- 21x Q. You ran in and out as often as once in two or three minutes, sometimes ? A. Yes; ran in and out. 10
- 22x Q. And that is all that you have seen of the Doctor and his family, is it not ? A. That is all--just at the Institute. 11
- 23x Q. You say they have about 25 patients per day in the Institute now ? A. Yes, sir; about that. 12
- 24x Q. But more of them women than men ? A. Yes; more women. 13
- I am not there during the ladies' hours. 14
- 25x Q. Then you don't know how many ladies ? A. No, sir; but I have been told there were more women than men. 15
- 26x Q. Do you know what the running expenses of the Institute are? 16
- A. I don't know what they are. 17

27x Q. You stated that if patients transgressed any of the rules of the Institute, the Doctor spoke to them severely ? A. Yes, sir.

28x Q. Was the Doctor sometimes very angry with ~~the~~ the patients ? A. Sometimes when a patient got on the apparatus and jumped off suddenly, and the apparatus would spring up; he was sometimes annoyed to have that.

29x Q. And displayed some anger ? A. Sometimes; yes, sir.

30x Q. Talked to them about it ? A. Talked to them about it, and he would call my attention to it at the same time, also.

31x Q. The Doctor is of a rather nervous temperament anyway, is he not ?

Objected to, as calling for an opinion.

A. My opinion is, that he is somewhat--yes.

32x Q. When did you go to the Institute ? A. In October, 1890.

33x Q. About the time it started ? A. It started in September, I think; I am not sure about it, when it did start.

34x Q. They didn't have many patients at that time ? A. No; they have more patients now.

(34x) Question repeated. A. No; they didn't have many--not at first.

35x Q. Did you see Mrs. Wischnewetzky in the Institute, working, looking after some branches of the business ? A. Yes, sir; I did.

36x Q. Do you know whether she looked after the books and the finances, to a large extent ? A. I presume she did, because I went

out with her--went out on two occasions with her, with regard to business connected with the Institute. I saw she took some interest in the affairs of the Institute, because I went out on two occasions--went out with her with regard to business connected with it.

37x Q. What business was that on which you went out with her ?

A. That was about the literature concerning the treatment; it was down to Trow's Printing Establishment.

38x Q. What was the nature of the business ? A. It was to get advance sheets of the book called "Mechanical Therapeutics", to be presented to the Medical Editors in this City; it was called "Mechanical Therapeutics".

39x Q. So that during the time you have been employed there, Mrs. Wischnewetzky appeared to have been interested and engaged in the business ? A. Yes; I cannot state to what extent.

40x Q. In a general way ? A. Yes.

RE-DIRECT EXAMINATION.

1R.D. Q. You have spoken of seeing Mrs. Wischnewetzky and the children in the private office: they were not there exclusively, were they ? A. No, sir; they were elsewhere, also.

2R.D. Q. They have been up and down through the halls, I suppose ?

Objected to, as putting words in the mouth of the witness.

A. Yes; the children have been accustomed to run up and down the

1 halls. Yes; I have seen them run up and down the Institute, when
2 they have come down, the two together.

3 3A Q. State whether you ever saw any prescriptions given them
4 for their amusement? A. Yes, sir.

5 4B Q. Which they would play about?

6 Objected to, as not being proper re-direct examination.

7 A. Yes, sir.

8 5A Q. And as to whether you ever saw them take treatments for
9 their amusement? A. Yes; I have seen the little boy come into
10 the office and get his prescription from the Doctor, and bring it
11 down to the other part of the Institute, and be put through the op-
12 erations on the machines.

13 6A Q. What was that done for? A. I was not certain whether it
14 was done for his amusement, or for his health; I cannot say, be-
15 cause he did not take it regularly.

16 7A Q. How many stories have you in the Institute?

17 Objected to, as not proper re-direct examination.

18 A. We have a story and a half; it is the third story, and half of
19 the second story.

20 8A Q. Have you seen these parties, the wife and children, on each
21 of these stories, and in each of the rooms?

22 Objected to, as last noted.

23 A. I have seen them in the office and about the Institute. I

have seen them downstairs--on one occasion down stairs, and have
seen them through the halls of the Institute; in the rooms, and
once downstairs.

980 Q. In regard to the closing of the Institute: what part of
the season is it open, and what part is it closed.

Objected to, as not proper re-direct examination.

A. I left there on the 13th of June; my folks went out into
the country, and I left then.

1080 Q. I mean, what part of the year is the Institute closed?

Objected to, as last noted.

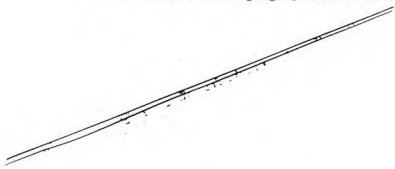
A. In the summer time.

1180 Q. What months is it closed?

Objected to, as before.

A. July, August and September.

It was stipulated and agreed, between the ~~parties~~ at-
torneys for the respective parties, that the signature
of the witness to the foregoing deposition be waived.



ALEXANDER KENT, another of said witnesses, being called and sworn, and examined by Mr. Wakeman, deposed as follows:

INTERROGATORY FIRST: Mr. Kent, what is your age?

ANSWER TO INTERROGATORY FIRST: Twenty years of age.

2 Q. What is your business? A. Only an attendant.

3 Q. Where? A. At Dr. Wischnewetzky's.

4 Q. In the institute? A. Yes, sir.

5 Q. Where do you reside? A. 316 West 32nd Street, New York City.

6 Q. How long have you been an attendant in the institute? A. Since September, 1890.

7 Q. Was that about the time the institute started? A. When it first opened for patients; yes, sir.

8 Q. You are acquainted with Dr. and Mrs. Wischnewetzky? A. Yes, sir.

9 Q. And have seen the children? A. Yes, sir.

10 Q. Have you seen them with the Doctor at the institute? A. Yes, sir.

11 Q. About how many times have you seen them together, do you suppose? A. I should say almost every day.

12 Q. What time in the day would they come in there? A. The children would come down with the mother, about nine or half past

nine.

13 Q. What portion of the day would they be there ? A. They would be there during the forenoon, and sometimes when I came back at quarter past four.

14 Q. Did you ever observe the conduct of these members of this family while they were together--while they were at the institute ? A. Yes, sir; very much so; very much.

15 Q. State what it was ? A. Everything was cheerful.

16 Q. What was the conduct and intercourse, so far as you saw and observed ? A. The children would come down to the office with the nurse, and take off their outside clothes, and run to their father in a loving manner; his manner towards them was loving, and towards the wife also, I should think.

17 Q. Did you ever see any expressions of affection between them--anything of the kind, between the members of the family ? A. Yes, sir; I have seen the children--

18 Q. Have you seen any playfulness--if so, state what ? A. Yes, sir; I have seen the children play with their father.

19 Q. Do you know anything about prescriptions being given them for their amusement ? If so, ^{state} ~~XXXX~~ about that ? A. Yes, sir; when they came in they would go for their prescriptions, and then they would come in where I was, and I ~~was~~ have always instructed them.

- 20 Q. Do you know of any attendants at that institute who have remained there for any length of time? If so, state it? A. Male attendants? 1
2
3
- 21 Q. Yes. A. Yes, sir; I have been there, and other attendants have stayed there, for a good while. 4
5
- 22 Q. You have been there from the start? A. Yes, sir; from the start. 6
7
- 23 Q. Does it require special qualifications to perform the duties of an attendant there? A. Yes, sir; it needs a bright young man to learn about the apparatus. 8
9
10
- 24 Q. What did you observe about the discipline of the institute? Was its discipline good? A. It was always very good. 11
12
- 25 Q. If orders were disobeyed, what was said or done by the Doctor? A. If they were not obeyed he would always speak to the patients; he would always require obedience, and would speak to the parties, if they disobeyed--if they transgressed any of the orders. 13
14
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- Objected to, as immaterial, and irrelevant. 18
- 26 Q. Did you ever visit the family at the house? A. No, sir; never. 19
20
- 27 Q. Were you there in the summer, when other attendants had left? A. Yes, sir; I was there all the time. 21
22
- 28 Q. During the summer as well? A. Yes, sir. 23
- 29 Q. Do you remember seeing Mrs. Wischnewetzky come there then?

Mrs. Wischnewetzky and the family ? A. No, sir; I did not. 1

30 Q. Not at all during the summer, whilst you were there ? A. 2

In the summer time I was there only half the day--in the morning 3
hours only. 4

31 Q. What have you observed about the Doctor's conduct in rela- 5
tion to the patients ? A. It has always been pleasant with them; 6
always asked how they felt, and so on. 7

32 Q. What part of the year is the institute closed, if any ? 8
A. During the summer months. 9

33 Q. What portion of the day when it is in operation does the 10
doctor attend there ? A He is there before nine o'clock, and 11
stays [^]from six ~~to~~ half past six. 12

X 34 Q. The business has required his constant attention ? A. 13
Yes, sir.; constantly. 14

35 Q. Is he industrious, and attentive to business ? A. Always 15
very attentive to the business. 16

36 Q. With regard to sobriety ? What about his sobriety and good 17
habits ? Anything irregular about them ? A. No, sir. 18

37 Q. He is always sober ? A. I cannot say that. 19

38 Q. Did you ever see him drunk ? A. No, sir; never. 20

39 Q. Or see him under the influence of liquor ? A. No, sir. 21

40 Q. When he drinks, what does he drink ? A. He drinks salt- 22
ser water. 23

CROSS INTERROGATORIES by Mr. Wickersham, counsel 1
for the respondent, and answers thereto by the witness: 2

FIRST CROSS-INTERROGATORY: You did not see the Doctor, ex- 3
cepting when you saw him at the institute, did you? 4

Y ANSWER TO FIRST CROSS INTERROGATORY: Only saw him at the insti- 5
tute. 6

2 x Q. You do not know what he drinks when he goes away from there, 6
do you, whether it is seltzer, or champagne? A. No, sir. 7

3 x Q. You say it takes a bright young man to learn the apparatus 8
and follow the directions? A. Yes, sir. 9

4 x Q. Have you succeeded in that capacity? A. Yes, sir. 10

5 x Q. And your predecessor, the previous witness, has done it? 11
A. Yes, sir. 12

6 x Q. You are a paid employee there? A. Yes, sir. 13

7 x Q. Of the institute? A. Yes, sir. 14

8 x Q. Having a fixed salary? A. Yes, sir. 15

9 x Q. Paid by the month, or the week? A. The week. 16

10 x Q. Do you get a pretty fair salary? A. A pretty fair sal- 17
ary--that is, for my hours. 18

11 x Q. Are you located out in the operating room? A. Yes, sir; 19

12 x Q. Are you on that floor, directly opposite the private of- 20
fice, or in the L? A. In the L. 21

13 x Q. You cannot see from where you are into the private office, 22
excepting when you go there? A. Yes. 23

Q. Do you have often to go to the Doctor's private office ? 1

A. I go when a patient is through, and put back the prescriptions 2
in their places. 3

177 Q. Do the patients on entering the operating room come through 4
the Doctor's private office ? A. No; they don't come through it. 5

184 Q. Never ? A. Not unless they want to see the Doctor par- 6
ticularly. 7

177 Q. They have no business there ? A. Not in the private of- 8
fice; no, sir. 9

184 Q. When they do so, do they come into the operating room right 10
out of the private office ? A. Yes;--well, sometimes they do-- 11

174 Q. Patients are liable to go into the private office at any 12
time, are they not ? A. Yes. 13

201 Q. And the attendants may have to go there at anytime ? A. 14
Yes; the attendants are liable to go there at any time. 15

214 Q. You have seen the wife and children in the private office ? 16
A. Yes, sir. 17

224 Q. You never saw any improper conduct on the part of the Doc- 18
tor there ? A. No, sir. 19

234 Q. You would not think there would be any such thing there ? 20
A. No, sir. 21

244 Q. How often did you see the wife and children come to the 22
office at the institute ? A. Well, they came every day, to my 23

knowledge.

257 Q. Every day? A. Yes--

268 Q. They never missed? A. Excepting stormy days.

277 Q. You have not seen them there lately, have you? A. No, sir; I have not.

287 Q. You have seen the Doctor manifest a certain amount of kindness towards the children and his wife? A. Yes.

297 Q. And that was reciprocated by the children and wife? A. Yes, sir.

RE-DIRECT EXAMINATION, by Mr. Wakeman.

1 R. Q. With regard to the private office and operating room,-- state whether or not they were separated by doors, or by sliding doors? A. Yes, sir; sliding doors.

2 R. Q. Were they not generally closed? A. Well, sometimes closed.

3 R. Q. Have you observed them sometimes closed when the wife and children were there? A. No, sir.

4 R. Q. At various times? A. No, sir.

5 R. Q. Have you ever observed them to be closed when I was there? A. Yes, sir; I have--when you were there.

6 R. Q. When business required it, you have observed it is closed, and when not it is open? A. Yes, sir.

7 R. Q. It is open for the attendants to come in? A. Yes; so that the attendants can come in.

Q. At any time? A. Yes, sir; they come into the office at all times.

It was stipulated and agreed, between the attorneys for the respective parties, that the signature of the witness to the foregoing deposition be waived.

ALBERT EDWARD ANDERSSON, another of said witnesses, being called and sworn, and interrogated by Mr. Wakeman, counsel for the relator, deposed as follows:

INTERROGATORY FIRST: What is your name and age?

ANSWER TO FIRST INTERROGATORY: My name is Albery Edward Andersson; I am 36 years old.

Q. What is your business? A. Engineer and machinist.

Q. Where do you live? A. In 246, 5th Avenue--in the Institute.

Q. In what way are you connected with the Institute which Dr. Wischnewetzky is the head or manager of? What do you do? A. I am engineer there.

Q. Of the Institute? A. Engineer of the Institute.

Q. How long have you been such? A. Two years.

Q. Since it was started? A. Yes, sir.

Q. You have been there ever since it was started?

Objected to.

A. Yes, sir.

9 Q What do you do there ? A. I start the machines, and
 1 clean everything, and run it. I don't know anything else I can say;
 2 I cannot speak English much. I do whatever is necessary for an
 3 engineer to do in machinery. I make repairs of them--I have done
 4 that--

10 Q. Do you know these parties, Dr. and Mrs. Wischnewetzky ?

A. Yes, sir.

11 Q. Mrs. Wischnewetzky and the children--did they come to the
 12 Institute, and if so about how often ? A. Sometimes the children
 13 have been there every day.

14 Q. And Mrs. Wischnewetzky how often ? A. I cannot say; some-
 15 times she is there, and sometimes she stays away--that is, the wife.
 16 Sometimes I would not see her; the children I have seen last year
 17 every day; sometimes she would stay away.

18 Q. What did you observe in regard to the conduct, the behavior,
 19 of the Doctor to the children, when they came together to the In-
 20 stitute ? A. The children liked the Doctor very ~~much~~ well; they
 21 would cling to him very much.

22 Q. What did they do ? A. They were a good many times in his
 23 arms in the halls.

24 Q. Their arms round his neck ? A. Yes; and would cling
 25 round his knees, and give him a kiss.

26 Q. They would kiss him ?

Objected to, as ^{being} suggested by the counsel examining. *R*

A. Yes--

171 Q. Go on and state what you were saying? A. Yes; all the time he was very good to the children, and the children like him very well; I saw it.

172 Q. Didn't you use the word "kiss"--that they kissed him?

Objected to, as before.

A. Yes; the children kissed every time the Doctor.

173 Q. Did you ever see anything done towards giving them prescriptions for their amusement? If so, state what you saw? What you have seen the Doctor and children do?

Objected to, as already answered.

(Not answered).

174 Q. Do you understand English sufficient to use it readily?

A. Oh, yes.

175 Q. Can you use the English language enough to describe what you saw? If so, state anything that you ever saw between the children and the Doctor, with regard to their taking prescriptions; anything about their taking prescriptions to take on the machines?

A. Yes; I saw the children take prescriptions, and they would take treatments on the machines;--do you mean that?

176 Q. Yes. A. Yes; I saw that.

177 Q. Was it done for their amusement--for play? A. I guess so.

Question objected to, as leading, and answer moved

to be stricken out as expressing merely an opinion. 1

34 Q. State whether it was for amusement--for play, or what it was for? 2
3

Objection renewed. 4

A. I think it was for amusement. 5

Moved to be stricken out, as before. 6

35 Q. Well, what was the treatment of the Doctor towards the children--his conduct to them when they came there? A. The Dr. wrote prescriptions and gave the attendants, to give the children treatments. That was all there was. 7
8
9
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36 Q. State generally the conduct of the Doctor to the children, for kindness and tenderness? State what his conduct was towards them? A. I don't understand the question. 11
12
13

37 Q. I cannot suggest to you or ask you leading questions, and so cannot get on rapidly: if I could, I could go on rapidly. I ask you what the Dr. said--how he spoke to the children when they came there? A. When the children came there he would speak nice to the children; he spoke all the time good to them. 14
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38 Q. Pleasantly? A. Pleasantly; never anything else. 19

39 Q. You never saw anything else? A. No. 20

30 Q. As to Mrs. Wischnewetzky--what was his conduct towards her? A. I did not see that; I cannot state about that, because I did not see her very much when she came. 21
22
23

31 Q. Did you ever see anything excepting what was pleasant? 24

A. No; never saw anything but what was pleasant. 1

37 Q. It was all pleasant? A. I never heard anything between 2

Mrs. Wischnewetzky and the ^{Doctor} Dr. unpleasant. 3

38 Q. You never heard anything between them unpleasant--never any 4
difficulty? A. No difficulty, or anything like that. 5

39 Q. Were you ever in the house? A. Yes; I was. 6

40 Q. How long did you stay in the house? A. The first time I 7
came here I stayed in their house three nights and three days; but 8
that time I never heard anything. 9

41 Q. Never saw anything out of the way? A. No. 10

42 Q. Was his conduct pleasant towards his wife and children? 11

Objected to, and question not pressed. 12

CROSS-INTERROGATORIES by Mr. Wickersham, and ans- 13

wers thereto by the deponent:- 14

FIRST CROSS-INTERROGATORY: What nationality are you? 15

ANSWER TO FIRST CROSS-INTERROGATORY: I am a Swede. 16

27 Q. How long have you been in this country? A. Two years in 17
this country. 18

34 Q. How long have you been connected with Dr. Wischnewetzky's? 19
A. Two years. 20

43 Q. You have always been with him, since you were in this coun- 21
try, have you? A. Yes, sir. 22

44 Q. When was it that you were at the Doctor's house? What 23
time was it? A. That first time? 23

- 6x Q. Yes. A. That was--first, March 1st, 1890. 1
- 7x Q. You were at the house how long? A. Three days, at that 2
time. 3
- 8x Q. Why were you at the house? A. Because I came with the 4
machines from Stockholm, and I was working with the machine. 5
- 9x Q. You brought the machinery over? A. Yes, sir; from Stock- 6
holm. 7
- 10x Q. Is there any engine connected with the machine at the In- 8
stitution? A. No. 9
- 11x Q. You said you were an engineer? A. I am the engineer, in 10
this Institute; I work it. 11
- 12x Q. Is it run by electric power? A. Yes. 12
- 13x Q. You attend to the running of the power, don't you? A. 13
No; I get the power from the electric company. 14
- 14x Q. You manage the machinery? A. I run everything; I run the 15
motor, and whatever there is to be run. 16
- 15x Q. You clean the machinery--keep that clean? A. Yes. 17
- 16x Q. Whereabouts are you located in ~~the~~ building? Where is 18
your place in the building,--down below? A. On the second floor. 19
- 17x Q. That is down where the motor is, isn't it? A. Yes, sir. 20
- 18x Q. Dr. Wischnewetzky's office is on the third floor, isn't it? 21
A. Yes, sir. 22
- 19x Q. Most of the machinery is on the third floor, isn't it, too? 23

I S A A C A D L E R, one of said witnesses, being sworn on behalf of the Relator, and interrogated by Mr. Wakeman, deposed as follows:

I am 43 years of age, and Physician, and have been such in the City of New York for very near twenty years. My office at present is at No. 12 East 60th Street. I am acquainted the Doctor and Mrs. Wischnewetzky the parties to this proceeding and have been for about four years.

1 Q What opportunities have had to become acquainted with their family life and their relations to each other? A Simply such opportunities as were given in professional visits in times of sickness in the family, and their social visits at my house.

2 Q State what you observed as to their treatment and relations to each other? A Their relations seemed to me always pleasant ones.

3 Q What, if anything, did you observe as to expressions of kindness and interest in each other? State any facts?

Objected to as leading by Mr. Wickersham.

4 A I never observed anything that was remarkable. The ordinary pleasant and intimate relations between man and wife. The Doctor at times was very solicitous about his wife's health. While during a long illness of the Doctor Mrs. Wischnewetzky was more than ordinarily self-sacrificing.

Q Did you ever see them in company with their children ? 1

A I do not remember whether I have seen them both together with 2
the children. I have seen Mrs. Wischnewetzky with them, and have 3
seen the Doctor at least with one of them. 4

Q Did you ever make any inquiry or examination as to 5
the health of Mrs. Wischnewetzky, and ^{also} state when, and what were 6
the results of your examination ? A I have treated her at var- 7
ious times for minor ailments -- such as sore throat, gastric 8
disturbances, anemia. About two years ago at the request of the 9
Doctor Wischnewetzky I made several very careful examinations of 10
her lungs and of her expectorations for tuberculosis of which I 11
failed to find any evidence. 12

Q In regard to her mental health, have you observed 13
any indication of any ailment or abnormal disposition ? A I 14
have not. 15

Q Have you or have you not at times observed indications 16
of melancholia and great depression of her mental disposition ? 1
State the facts. (Mr. Wickersham objects to the question on the 1
ground that it is leading.) 1

A I have certainly observed spells of depression, and mental de- 2
jection, but which I can in no wise characterize as melancholia or 2
as morbid. 3

Q Have you at times heard Mrs. Wischnewetzky express 4

her appreciation of her devotion to and love for his children --
and if ^{so} state what she said in that regard ? A I have heard her
express her conviction that Dr. Wischnewetzky loved his children --
what terms she used I cannot recall.

Q During the spells of depression and mental dejection
to which you have referred in your answer before the last, state
whether Mrs. Wischnewetzky was or was not apt to take very gloomy
and pessimistic views of life ?

Objection that question is leading and calls
for the opinion of the witness.

A. Mrs. Wischnewetzky was surrounded by very gloomy and depressing
circumstances, which in my opinion caused a dejected state of mind,
and the gloomy views of life natural to such a condition.

Q Was Dr. Wischnewetzky surrounded by similar depressing
circumstances ?

Objected to as immaterial.

A He was.

CROSS EXAMINATION:

Q Do you know Dr. Wischnewetzky and his wife other than
in a professional way ? A Yes, in the way of social and friendly
intercourse.

Q Did you ever visit their house socially ? A No,

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sir, I never did.

3 y Q How long were you the family physician of Mrs. Wischnewetzky ? A About four years.

4 y Q On examination of Mrs. Wischnewetzky at the request of Dr. Wischnewetzky you found no traces of tuberculosis ? A I did not.

5 y Q Did not the Doctor Wischnewetzky request you to examine his wife for hysteria ? A He did not.

6 y Q Did you ever find any symptoms of hysteria in Mrs. Wischnewetzky, or ever see her with hysteria ? A I have not.

7 x Q Did you ever treat Dr. Wischnewetzky through an illness -- if so, state what it was and when ? A About four years ago for rheumatism neurasthenia.

8 x Q During this illness was he confined to his bed, and if so, how long ? A He was confined to his bed for a number of weeks -- just how long I do not recollect.

9 y Q State what care and attention his wife gave him during that illness ? A She was to him a most devoted untiring and self-sacrificing nurse and helper.

10 x Q Was there anything occurred on her part during that illness that was unusual ? A Not to my knowledge.

11 x Q How did the Doctor Wischnewetzky conduct himself towards his wife during the illness as to his demands from her ?

A He was irritable, cross and exacting, as all such patients are, but to me always expressed great consideration and pity for his wife.

12 x Q She needed consideration and pity at this time, did she not ?

Objection that it calls for the opinion and as irrelevant.

A She did, as any wife having the care and nursing and providing for a sick and suffering husband.

13 x Q Was it during this illness of the Doctor that Mrs. Wischnewetzky was laboring under the mental depression you spoke of in your direct examination ? A It was.

14 x Q Was there not sufficient cause for this mental depression, considering what labor and care and anxiety she was under?

A More than sufficient.

15 x Q Is not her general health and physical condition fairly good ? A I have not seen her professionally for about a year and cannot answer that question -- at that time it was.

RE-DIRECT EXAMINATION:

1 R.D. Q Was not the neurasthenia to which you have referred the result of a severe attack of rheumatic fever, and a usual consequence of such fever ? A The neurasthenia to the degree in

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which the Doctor suffered from it as a result of rheumatic fever,
is not very frequent -- besides, the first time I ever saw Dr.
Wischnewetzky professionally was for neurasthenis symptoms before
the siege of rheumatism.

28 Q Has not Dr. Wischnewetzky recovered from the com-
plaints you have named so as to be able to attend effectively to
the duties and practice of his profession? A I have not seen
the Doctor professionally for a long time, but I believe he has.

3 R Q Have not you entrusted to Dr. Wischnewetzky serious
cases in your own practice, for special treatment by him at the
Institute of which he is the Medical Director?

Objected to as not proper re-direct and im-
material.

A I have.

ADJOURNED to to-morrow, March 12th, 1892, at 12
o'clock noon, at the same place.

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Depositions of ERNST SCHOTTKY and FREDERICK E. LANGE
 witnesses produced, sworn and examined on the part of the
 Relator before me as Commissioner, on March 12th, 1892,
 at the same place, and under and subject to stipulations
 as to taking stenographically, waiver of signatures, etc.,
 etc., as heretofore noted on pages one, two and three of
 this record:

DR. ERNST SCHOTTKY, one of said witnesses, ~~being~~
 being called and duly affirmed, deposed as follows:

FIRST INTERROGATORY: What is your age ?

ANSWER TO FIRST INTERROGATORY: 47.

Q. Where do you reside ? A. 151 West 43rd Street, New York
 City.

Q. What is your business ? A. I am a physician.

Q. Are you acquainted with Dr. and Mrs. Wischnewetzky, the
 parties to this proceeding ? A. I am.

Q. How long have you been acquainted with them ? A. I have
 been acquainted with Dr. Wischnewetzky--how long is it Doctor ?

DR. WISCHNEWETZKY said: "About five years".

THE WITNESS: About five years; and I have known Mrs.
 Wischnewetzky about a year and a half.

Q. Do you know the Institute of which the Doctor is the medi-
 cal director ? A. I do.

7 Q. Have you had any relations with the institute ? A. I was a patient there, and I send patients there on occasion, also.

8 Q. How long a time is it since you first went there ? A. I went there the first of February of last year; no, towards the end of February.

9 Q. What portion of the year did you spend there ? A. I was there through the spring and summer of last year.

10 Q. And have you been there again through the present winter for a portion of the time ? A. Do you mean what time of the day ?

11 Q. No; how many days, altogether ? Explain your attendance there ? A. I have been there very regularly; not very regularly this winter; but certainly last year regularly.

12 Q. What portion of the day were you there ? A. I was there about three-quarters of an hour every time.

13 Q. During this time did you have occasion to see, or did you see, the family of the Doctor often ? A. Yes.

14 Q. By the family you mean what ? A. Mrs. Wischnewetsky and the children.

15 Q. Two children, or three ? A. I have only seen two; I don't know whether I ever saw a third or not--the little one; only two, as I remember.

16 Q. The two older ones ? A. Yes.

17 Q. Who was with them ? A. A governess, I saw; also have seen a governess there.

18 Q. State if you observed what was the relation and conduct of the members of this family to each other, so far as you saw it at the Institute? A. I never saw anything, excepting the most confidential, and, as far as publicity would permit, loving relations between Mr. & Mrs. Wischnewetzky, and between the parents and children.

19 Q. Did you observe expressions of tenderness between the Doctor and the children? A. Certainly.

20 Q. In what way? A. Well, they embraced and kissed, and xxx in other ways.

21 Q. Do you know anything about the children having play prescriptions for their amusement, or their health either,--given by the Doctor ~~xx~~ to be used on the machines?

Objected to, as leading.

A. I don't know of any prescriptions being given. I saw them practice on the machine pretty often.

22 Q. How often did Mrs. Wischnewetzky come there? A. That --last summer--I saw was different at different times. In the summer ~~xxxxxxx~~ her, for weeks, nearly every day I believe; before and after, less regularly. I have not seen very much of her during this winter in the Institute.

23 Q. Do you remember about what time she ceased to come there entirely? A. No, sir.

Q. You don't know what time she left the City ? A. I do not.

Q. Did you ever have occasion, if so state, to visit these parties at their house ? A. Yes, sir; I have been to pay a visit, and the Doctor and Mrs. Wischnewetzky also gave us the favor of a visit at our house.

Q. What was the conduct and intercourse between the Doctor and his wife, so far as you observed at the house ? A. The same that I have mentioned before--that of a perfect lady and gentleman.

Q. Do you know anything with regard to the financial management of the Institute and the raising of money ? A. I know nothing but what the Doctor has told me about it. I know what he has told me.

Objected to.

THE WITNESS: Of my own knowledge, I know nothing.

Q. Won't you state whether or not you were instrumental in obtaining some financial assistance for the Institute ? A. Yes; I was. That is just what I was starting to say, and was prevented.

Q. Will you state the facts about that: state what you did ? A. Is it necessary to give the name ?

Q. No. A. It was a patient of mine, to whom I went as one interested in the Institute, and who was interested in it also--took an interest in it,--and to whom I mentioned the sum which Dr. Wischnewetzky had stated as being necessary, and who promised--and

I later heard he kept his promise to advance just that sum. 1

31 Q. Do you know about what the sum was? A. The sum was six 2
thousand dollars--I think I remember it was that amount. 3

32 Q. What was said, if anything, about security; or, was it 4
done at your request, and for the Doctor's credit and interest? 5

Objected to, as leading. 6

A. I cannot state of my own knowledge--but simply what the Doc- 7
tor told me later. I cannot state from knowledge. 8

33 Q. Will you just state the facts, as far as you know them? 9
A. I know that Dr. Wischnewetzky showed me letters between the 10
two parties. 11

34 Q. That is what he intimated to me. A. I have seen the let- 12
ters which passed between the parties. 13

35 Q. Who was this gentleman? A. I was not going to state 14
that. The letters were shown to me by the Doctor--letters shown 15
to me by Dr. Wischnewetzky. 16

36 Q. Please state the facts with regard to it--what you know? 17
A. I might express an opinion that it is personal knowledge, be- 18
cause I have looked into the letters. That is what I know. I 19
don't know whether that would be called knowledge, or not. 20

37 Q. Will you state whether there were securities given? A. 21
There were securities given. 22

Objected to. 23

38 Q. You may state what securities were given, if any? A. It 24

was simply a note of hand. It was a promise that was given, under the ordinary conditions of interest, and so on. That is all I know,

Objected to.

37 Q. By whom was the note signed? A. It was signed by Dr. Wischnewetzky.

38 Q. Will you state if you have observed, or had occasion to, the conduct of Dr. Wischnewetzky at the Institute towards patients and others? A. Certainly.

39 Q. Will you state what it has been--to patients, attendants, and so on?

Objected to, as immaterial.

A. Always that of a gentleman,--certainly so with his patients. To his attendants I have heard him on several occasions speak harshly--but always for cause.

40 Q. Are you acquainted with the Discipline of the Institute--necessity for the as to firmness and the maintenance of discipline? A. Yes, sir; there is no doubt of the necessity of discipline being maintained.

There is not the slightest doubt of its necessity, ~~xxxxxxx~~ just ~~xxxxxxx~~ as Dr. Wischnewetzky has maintained it.

Answer objected to, and moved to be stricken out, as being an opinion.

41 Q. Do you remember of going over to any place of amusement with Mrs. Wischnewetzky--say last December? If so, state when?

A. Not with her; I met her there.

41 Q. On what occasion was that? State it? A. It may have been December, or January--somewhere about New Year's. We met at the Sunday afternoon Chamber Music concerts, on several occasions-- in Music Hall, 57th Street and Broadway.

42 Q. Do you remember on one occasion her speaking of an accident happening to her?

Objected to, as leading.

A. No; I cannot remember; I have no personal knowledge of it. It was spoken of by Mrs. Wischnewetzky.

43 Q. What do you remember with regard to it? A. She told me she came to that concert with a lady friend--I saw them both going out, and after awhile Mrs. Wischnewetzky returned alone, and she said she had had a fall outside; she had stayed out there awhile-- she had had a fall on the stairs, outside.

44 Q. An ~~evening~~ evening concert, was it? A. No; in the afternoon. She went out with a friend, and after awhile she came back and said this; I saw her after she came back, and she told me she had had a fall; that was later, toward the end of the concert.

45 Q. State what she said about it--about the severity of the fall? A. Nothing at all.

46 Q. Do you remember seeing her after that at any time? A. I don't now remember; I may have again, at some concert--on one of the same occasions. I don't remember of having seen her after that, although really I am not sure whether I visited her and her hus-

band--whether this did not take place after that. I don't remember whether it was after, or before; I may have seen her later, but I am not sure.

CROSS INTERROGATORIES, and answers thereto by the witness:

FIRST CROSS INTERROGATORY: What was noticeable in Mrs. Wischnewsky's appearance that indicated that she had had a fall?

ANSWER TO FIRST CROSS INTERROGATORY: There was nothing.

27 Q. You didn't know it until she told you? A. No; I would not have known it, if she had not told me.

37 Q. She didn't show it in her personal appearance in any way? A. No, sir.

47 Q. She acted toward you just as she had on previous occasions? A. She did.

57 Q. When was it that you interested yourself in procuring this loan which you have spoken of? A. I cannot give the month, but it was toward the end of the Spring of last year.

67 Q. The Spring of what year? A. 1891.

77 Q. Can you give the date? A. No; I cannot; made no note of it.

87 Q. Do you know whether the Institute was in embarrassed circumstances? A. I do not know.

97 Q. You interested yourself in it? A. Yes, sir; but I had no financial interest in it.

- 107 Q. A friendly interest ? A. It was a friendly interest; out of interest for Dr. Wischnewetzky--friendship for him--who told me that the Institute needed the money. 1
- 108 Q. What nationality are you ? A. A German. 2
- 109 Q. A practising physician ? A. Yes. 3
- 110 Q. Did you ever visit the Doctor's house ? A. Yes. 4
- 111 Q. Were you very intimately acquainted with Mrs. Wischnewetzky ? A. No; not very intimately. 5
- 112 Q. You do not know her very well ? A. I was not intimately acquainted with her. I know her well enough to express an opinion--as I have. 6
- 113 Q. Did you dine with them, at the time you were at their house ? A. No. 7
- 114 Q. Was it in the day time, or the evening ? A. I think it was between six and seven. It was a short visit; I did not remain long. It was just a formal call. I believe my wife had been there a few hours. 8
- 115 Q. You just made a formal call ? A. Yes; at the time. My wife had been there; it was a mere formal visit--a friendly call. 9
- 116 Q. You found her at home ? A. Yes. 10
- 117 Q. The Doctor there ? A. Yes. 11
- 118 Q. The Doctor was pleasant, I suppose ? A. Altogether; yes, sir. 12
- 119 Q. Everything was pleasant in the house ? A. Altogether. 13

238 Q. The house was tidy and well kept ? A. Certainly--as far as I saw. 1

244 Q. To all outward appearance ? A. Distinctly. 2

258 Q. Did you see the children then ? A. Yes; I did. 3

268 Q. When was this ? A. I don't remember; it might have been in December; it must have been before New Year's; it could not have been far from that time; it must have been December of last year, or January of this year. 4

278 Q. You have known the Doctor, you say, about five years ? A. Yes; I saw him first in Europe--made his acquaintance in Europe, and kept it up after we came back. Well, we knew each other before; I saw him in Europe. 5

288 Q. Mrs. Wischnewetzky you have not known so long ? A. No, sir; and with the Doctor we renewed acquaintance previous to 1891. 6

298 Q. When did you first know Mrs. Wischnewetzky ? A. I could not say exactly; because I made her acquaintance after I knew Dr. Wischnewetzky again--it may have been a year-- 7

308 Q. You did not make your call until about December ? A. No. 8

318 Q. Have you ever been connected with the Institute in any way, except as a patient ? A. As a physician I have sent some patients there--not in any other way; as a physician, entirely. 9

328 Q. What were you a patient there for ? A. For Neurasthenia. 10

338 Q. What is the nature of that complaint ? A. It is a kind of chronic nervous prostration--requiring special treatment--the 11

way the Doctor gave it.

34x Q. By whom was this loan spoken of, made? A. I think I asked whether the name should be given, and I was told it need not be. I do not feel at liberty to give it to you.

35x Q. I ask it on cross-examination? A. I do not know that I shall answer the question. I think I should not do it--that I should decline to answer it.

MR. WAKEMAN objected to the question, as immaterial.

MR. WICKERSHAM asked that the Commissioner direct the witness to answer.

THE COMMISSIONER doubted his power to require an answer, but requested the witness to answer it.

THE WITNESS: I decline to give an answer.

MR. WICKERSHAM moved to strike out all the testimony of the witness on the subject of the loan or advance referred to.

MR. WAKEMAN made a statement to the witness--that neither he nor his client had any objection to the giving of an answer, and that probably the testimony itself would obtain no special publicity--would simply be presented to the Court, and filed among its records.

THE WITNESS again declined to answer, and Mr. Wickersham renewed his motion to strike out; but subsequently, on a further request by Mr. Wakeman, and a further ex-

planation by him, the witness answered:-----

I shall give the name then. It was Mr. Uhl, of the New Yorker

Staats Zeitung.

36 ✓ Q. Mr. Uhl is a patient at the Institute, isn't he? A. He was at the Institute.

37 ✓ Q. Do you know whether he is yet? A. He is not.

38 ✓ Q. Can you give us the name of the governess whom you mentioned who was with Mrs. Wischnewetzky and the children at the Institute? A. I cannot.

39 ✓ Q. When was it you saw the governess with these children? A. On several occasions, last Summer and Spring.

40 ✓ Q. During what months? A. The summer months, until after the Institute was closed. I don't remember the exact time--it was till the Institute was closed. I merely knew she was with the children.

41 ✓ Q. What was Mrs. Wischnewetzky doing at the Institute, when you saw her there? A. Seemed to be attending to the business with her husband. I have seen her doing literary work there. I have seen her have frequent intercourse--~~with~~--conversing with her husband.

42 ✓ Q. She took considerable interest in the business of the Institute? A. I cannot answer of my own knowledge, because I never heard her speak very much. I have an opinion about it.

13X Q. Do you know how she happened to be there? A. No. How could I, without asking her? I haven't ^{the} slightest doubt that she took a great deal of interest, but I don't know that she did.

14X Q. You don't know anything about any other collaterals that were given for that loan, other than what you have stated? A. I do not.

15X Q. What arrangement did you make with Mr. Uhl, as to security? A. None at all. I asked whether he would spare the money for the purpose, and he said yes, and then it was referred to--the amount that would be needed, and they must have arranged about the security; but that was a later part of it. I have referred to a letter which I saw.

46X Q. You don't know about the relations of these people, beyond what you have seen? A. Their relations always seemed to be pleasant--most pleasant.

47X Q. You never saw anything out of the way? A. Nothing out of the way.

48X Q. You do not know how the Doctor treated his family at any other time? A. I don't know anything about that.

49X Q. Has your acquaintance with the Doctor been entirely in this country, or have you seen him elsewhere? A. Entirely in this country.

50X Q. In this City? A. In this City.

271 Q. Did the Doctor tell you the financial condition of the affairs, when he spoke to you about this loan? A. In a general way, certainly.

52 Q. What did he say? A. Simply that money was needed.

53 Q. Did he say anything more than simply that money was needed? A. I suppose that he did, but I don't remember--could not speak of my own knowledge--don't exactly remember it.

54 Q. Did he say anything more? A. That the Institute needed money--that is what he said. I was given to understand that.

RE-DIRECT EXAMINATION:

122 Q. You have spoken of being at their house. Weren't you there more than once? A. Yes; on several occasions; was there at different times.

It was stipulated and agreed, between the attorneys for the respective parties, that the signature of the witness to the foregoing deposition be waived.

FREDERICK E. LANGE, another of said witnesses, being called and sworn, and examined by Mr. Wakeman, testified:

INTERROGATORY FIRST: What is your age, Doctor?

ANSWER TO INTERROGATORY FIRST: 43.

Q. And your residence? A. 130 East 61st Street.

Q. And your profession? A. Surgeon.

Q. You have been practising in New York City about how long?

A. For about the last fourteen years.

5 Q. Have you been acquainted with Dr. Wischnewetzky and his wife, Mrs. Florence K. Wischnewetzky? A. Yes, sir.

6 Q. How long? A. Known the Doctor several years, and Mrs. Wischnewetzky I have known personally I think about five or six months--made her acquaintance first about five or six months ago.

7 Q. Have you ever seen them together? A. Yes, sir.

8 Q. How many times, about, and on what occasions? A. I remem-
9 ber one time only that I saw them together--at my house; they made
10 a visit there; or, they made a call upon my wife.

11 Q. Did you see Mrs. Wischnewetzky at any other time? A. Yes,
12 sir.

13 Q. On what occasion? A. She called at my office.

14 Q. By virtue of any appointment? A. No, sir.

15 Q. Please state the occasion of her calling? A. She made a
16 call on me about two or three ^{weeks} ~~years~~ ago; I don't know the exact
17 date.

18 Q. What was the occasion or purpose of her calling? A. She
19 called at my office for two reasons,--and I may forget exactly one
20 reason that she called for; but the other reason was, to inquire
21 in relation to ^{the danger of} getting a cancerous disease, from which her father
22 suffered; she wanted to be certain whether there was any predispo-
23 sition on her part--whether she might be disposed to take it, or
not. I know that she came for some other reason, but I cannot ex-

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actly remember what it was; it was something that was not worthy of any attention, I think.

14 Q. Did you make any examination of her? A. Yes, sir--at her own request.

15 Q. Did Dr. Wischnewetsky ever ^{have} any communication with you in regard to this examination? A. No, sir; he did not have any.

16 Q. Did you observe anything in regard to her being despondent, or apprehensive with regard to her condition? A. I must say she made a somewhat nervous impression upon me.

17 Q. She was nervous? A. She was nervous, because I took pains to assure her she need have no apprehension.

18 Q. In a family where one or both parents have been affected with tuberculosis, or any other similar disorder, is it a subject of apprehension, sometimes, that it might be hereditary?

Objected to, as immaterial and leading.

A. It is an experience that sometimes occurs in families; but whether it is strictly hereditary or not, is an open question yet.

19 Q. Did Mrs. Wischnewetsky make any statement to you with regard to the existence of any disease in her family, and her apprehensions about it?

Objected to, as last above noted.

20 Q. State what she said? A. I cannot do that; I cannot remember what she said, but I think she had a little apprehension in that respect.

Q. Did she express that? A. Yes; she expressed apprehension, having reference to her father.

Q. Did you observe what her general health was, whether it was robust, or otherwise? A. No; it was not robust; it was not feeble, but I think not robust. She seemed to be not very well nourished. I had treated her father for cancer.

CROSS INTERROGATORIES, and answers thereto by the witness:

FIRST CROSS INTERROGATORY: You are acquainted with Mrs. Wischnewetzky's family, and have treated her father?

ANSWER TO FIRST CROSS INTERROGATORY: Yes; I have seen her father.

Q. Is not the family one that tends to be rather slight and tall? A. The father was rather tall, but that does not necessarily imply a diseased condition. They are tall generally, as far as I remember.

Q. You found that Mrs. Wischnewetzky's general health was what? A. Good.

Q. The general health--in a general way? A. Good, excepting a certain nervousness and excitableness, which made an impression upon me--tended to make me excited.

Q. You found nothing more than a sort of nervous temperament? A. Yes, sir; that was it, I should say.

- 3 X Q. Simply a nervous temperament ? A. Yes. 1
- 7 X Q. Isn't that the make up of a great many people ? A. Yes. 2
- 10 Y Q. That is the only examination that you have made of her ? 3
- A. It is. I don't know how she became nervous and excitable-- 4
would not, without going more into her history. 5
- 11 X Q. Aren't there a great many nervous people--in a general way, 6
who have no special disease ? People who have nervous tempera- 7
ments simply, and no disease whatever ? A. Yes; simply have ner- 8
vous temperaments, when they have no disease; they are nervous to a 9
certain degree, and it is not what you can call exactly a disease. 10
Of course they may be nervous without being diseased, and other 11
people may be nervous as a result of ~~some~~ disease. 12
- 13 X Q. You found nothing of that kind in her ? A. Nothing. I 13
was asked a special question, and did not go into that examination. 14
- 14 Y Q. You did not find any cancer in her, did you ? A. No, sir. 15
- 15 X Q. And no symptoms of it ? A. No, sir. 16
- 16 X Q. When were you called upon by the Doctor to testify in 17
this case ? A. This morning. 18
- 17 X Q. Did he tell you what he expected you to testify to ? A. 19
No; not what he expected me to testify to. He told me he wanted 20
me to testify about Mrs. Wischnewetzky's having had an injury, and 21
the reason why she called; but I could not exactly remember. 22
- 18 X Q. You know nothing about that ? A. No. I know there was 23

something else spoken of by her besides what I have mentioned, and
 it may have been an injury; it must have been something to which I
 did not attach any special importance, anyway.

107 Q. You did not notice anything? A. I don't know whether I
 noticed anything; I may have.

117 Q. You have known Mrs. Wischnewetzky only about five or six
 months? A. I think about five months.

118 Q. Have you had any intimate acquaintance with her? A. No;
 no intimate acquaintance at all.

119 Q. You saw her at your house? A. Yes, sir.

120 Q. The time that she made this professional call? A. No; ^{only}
 she called with the Doctor--made a social call.

121 Q. Just a formal call? A. Yes.

122 Q. About how long did they stay? A. Just a short call.

123 Q. Were you ever at her house? A. I was.

124 Q. Socially? A. Yes; socially; but I did not have the
 chance of meeting the Doctor, or being with him; we only left our
 cards.

125 Q. They were not in? A. No; it was a return call.

126 Q. You did not go into their house, then? A. I was in the
 house, but I did not remain, for they were not there. I was down
 at his house once before, but that was for a professional matter.

RE-DIRECT EXAMINATION.

180 Q. Is it your experience that people who are apprehensive of hereditary diseases are apt to be nervous and despondent and melancholy, or subject to ~~hypochondria~~ hypochondria--whether that is not sometimes the case?

Objected to.

181 Q. State the facts within your experience?

Objected to, ~~xxxxx~~ as not proper re-direct examination, as leading, and as immaterial.

A. Well, I have mentioned cancer: I have known people who have had an idea that the disease was in their family, and they might expect it--expect to have it.

382 Q They might be exposed to greater danger?

That expresses it very well. ~~in this country~~

480 Q. Is it, or not, an indication of hypochondria? A. Not necessarily.

580 Q. Nervousness, is it? A. In a number of instances, ~~present~~ ~~cases~~ that was present.

FURTHER CROSS-EXAMINATION:

182 Q. These instances are rather rare than otherwise, are they not? A. I think they ^{are} yes, sir.

183 Q. It is no indication at all that those things will follow?

A. Especially as nervous and apprehensive people do not always have them; but they may be more apt to expect them than others.

340 Q. But the cases are rare when they do have them? They do not necessarily follow? A. They might perhaps oftener have them--cancerous diseases, and so on.

400 Q. But the cases are rare, rather than many? A. They don't happen very often--~~XXXXX~~--No, sir. I am thinking of the average.

(51) Q. (Mr. Wakeman) You got an impression of Mrs. Wischnewetzky that she was nervous? A. I got an impression that she was--apprehensive, and nervous, and a little excited.

600 Q. When was that examination? A. It must have been in February, I guess.

700 Q. Of this year--this last year? A. Yes. I cannot exactly say; I have not spoken of it since.

800 Q. But it was within the last two or three months? A. Yes; when she was at my office.

(91) Q. (Mr. Wakeman) She left feeling better?

Objected to.

(101) Q. (Mr. Wakeman) What did she say? A. I did not have any subsequent request, or call, from her; she may have expressed gratification; I don't remember what she said.

(111) Q. (Mr. Wakeman) Did she speak of a fall? A. I don't remember what it was she spoke of besides.

1200 Q. You don't remember of her speaking of any fall? A. No, sir.

It was stipulated and agreed, by and between the attorneys for the respective parties, that the signature of the witness to the foregoing deposition be waived.

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I, GEORGE R. BISHOP, of the City, County and State of New York, a Notary Public of said County and a Commissioner duly appointed to take the depositions of ^{certain} ~~the~~ witnesses ^{not named, and} Bessie Cotter, Mary Murphy, Mary Forster, William R. Nicholson, Bessie McSweeney, Gregory Costigan, Alexander Kent, Albert Edward Andersson, Anna Brodsky, Adolph Brodsky, Victoria Sperry, Else Rosenbaum, Isaac Adler, Ernst Schottky, and Frederik E. Lange, having been produced before me as witnesses by the attorneys for the respective parties for examination,--do hereby certify, that previous to the commencement of the examination of the said several witnesses above named, in the matter of The People of the State of Illinois on the Relation of Edwin F. Abbott vs. Florence K. Wischnewetsky, Respondent, each of said witnesses was duly sworn, or affirmed, by me as such Commissioner, to testify the truth in relation to the matters in controversy between the said parties, Abbott, Relator, and Wischnewetsky, Respondent, so far as they should be respectively interrogated concerning the same; that the said depositions

were all taken, by consent of the attorneys for the respective parties, at the office of Messrs. Wakeman & Campbell, at 93 Nassau Street, in the City of New York, on the 10th, 11th and 12th days of March, 1892, as stated in the caption or headings of depositions hereto attached; the signatures of the said deponents to their said depositions being waived in each instance, as noted at the end of each of said depositions, by the attorneys for the respective parties. A copy of "Exhibit C", a lease dated June 21, 1880, is, by consent, hereto attached, in lieu of the original; and copies of "Exhibit A" and "Exhibit B"--are, by consent of the attorneys for the respective parties, embodied in the record of said Nicholson's deposition, in lieu of the original.

As a further certification, I attach hereto my Seal as a Notary Public of the County of New York, State of New York.



W. R. Bidsell,
Commissioner