

Vol 2A

STENOGRAPHIC RECORD

IN THE CIRCUIT COURT NO. 2 OF BALTIMORE CITY

IN THE MATTER OF

MARY A. KRUSE

vs.

HARRY D. KRUSE and
CROSS BILL.

Before: ULMAN, J.

Docket B-72, 1937.

No 38652A

86 1/2

(INDEX INSIDE)



*Harry's wife -
married his mother*

TRANSCRIPT FROM NOTES OF
CLARENCE P. GOETZ

EQUITABLE BUILDING
BALTIMORE, MD.

Official Court Reporter

OFFICE AND HOME
TELEPHONES

fd 2 May 1941

20 Benton has not put
the friends on
to prove witnesses

Plunge at lamp
into this
woman's
heart

- ✓ mistress
- ✓ interest herself
other men
- ✓ wish to love her
any more

22 he's met her
23 she's disturbed

24
25 good deal of time

26 she would go
27 nurse came to
doctor Hyde

Hyde didn't go to nurse

Cross

If he can say this
to his wife it is
indicative of
a sadistic and
perverse
nature

28
29
31

nurse had to leave from
his place to Hyde's place
and had no part
business there

32 Parking

where are they

Thereupon --

HARRY D. KRUSE,

the defendant, produced in that behalf, having been first duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Barton:

Q You are, of course, suing your wife and she is suing you, isn't that the case? There is a cross-suit?

A That is right.

Q You are the husband of Mrs. Kruse, who has been testifying?

A That is right.

Q You heard her testify when and where you were married and I suppose that is correct?

A That is correct.

Q Now, doctor, taking up from the time of your married life, just briefly give his Honor an idea of what your income was and what you were doing at the time, and a short history of your life down to the time you and your wife separated.

A I should like permission to speak from notes, I believe I can save time for your Honor.

MR. WOLFSON: We object to him testifying from notes unless they are used to refresh his memory. We would like him to testify without his reading from his records.

(Objection overruled; exception noted).

Q Go on, now, doctor.

THE COURT: I can not conceive of any purpose of the notes except to refresh his recollection. Your objection is captious.

MR. WOLFSON: Then we object again.

A During the year after our marriage in June, 1925 --

MR. WOLFSON: We would like to put into the record as to what the papers are Dr. Kruse is reading there, whether made up recently or made up from time to time or prepared as a record to testify in this case.

THE COURT: Answer that question, if you can.

A This is an abstract of a record I have kept from time to time condensed so that I may present this in as

brief a time as possible rather than speak from a long list.

THE COURT: Go ahead.

A During the year after our marriage in June, 1925,
arguments began and the topics of the arguments were
principally at that time --

By Mr. Barton:

Q In the first place, where were you living in that year after you were married, Baltimore?

A We went, following our marriage in Camden, to Bridgeton, where I was employed on a newspaper and we lived in Bridgeton until the following half year, when I returned to Hopkins, where I was a graduate student, and my income was derived from a fellowship. I also wrote editorials --

Q What was your income from that fellowship?

A Approximately \$650 per annum. Mrs. Kruse went to work that fall in Baltimore and the combination --

Q What kind of work did she do?

A She was with -- she did clerical work, and her income and mine just permitted us to get by, plus editorial writing which I did by mail. In approximately January of

February of the next year, she had been having trouble with her teeth, and since she felt ill and she could no longer continue work, and, furthermore, I had promised to support her immediately when I got my degree. I received my graduate degree that February ahead of time, it usually takes three years, it was unexpected to me that I had completed it; but, unfortunately, my income did not increase, so I borrowed money in order to make up the necessary deficit to finish up the year, and in the following year of June, which would be 1926, I went on another fellowship at approximately somewhere between \$1800 and \$2000, and things were somewhat better.

Q Let me ask you right now. Mrs. Kruse, you say, worked for a little while after you were married and gave it up. Did she at any time after that work herself or earn money?

A She did occasionally substitute teaching. The exact amount I could not tell you, but it was occasional.

Q When was that?

A Scattered over -- that was months later and scattered over our married life.

Q Now, go on, doctor, and proceed. After you got your degree what happened?

A These arguments crept into our marriage and the subject of them I mentioned, were principally two at that time. One was woman's place in the world and the other was money, and as the result of that, many of them were carried out at night. I lost a great deal of sleep at night.

Q What about the money, you say your discussion was about money. What kind of a discussion?

A Discussion revolving around, first, my income, and, secondly, the way the money was handled. She preferred not to -- we were making just enough to get by. She preferred not to handle the budget herself and insisted I handle it, but was never satisfied with any arrangement under that, that I can recall, at all.

Q You were married in 1925 and you had no children until this boy was born, is that right?

A That is right. He was born in February, 1931.

Q Were you anxious to have children?

A Very anxious. As soon as I felt we could afford

low, go on, doctor, and proceed. After you

Got your degree what happened?

*How about
boy or girl
marriage*

A These arguments crept into our marriage and the

subject of them I mentioned, were principally two at that

time. One was woman's place in the world and the other

was and as the result of that, many of them were

I lost a great deal of sleep at

*get the
originals of
the love letters
to establish
the dates*

What about the money, you say your discussion

was about money. What kind of a discussion?

A Discussion revolving around, first, my income,

and, secondly, the way the money was handled. She pre-

ferred not to -- we were making just enough to get by.

She preferred not to handle the budget herself and insist-

ed I handle it, but was never satisfied with any ar-

angement under that, that I can recall, at all.

Q You were married in 1925 and you had no children

until this boy was born, is that right?

A That is right. He was born in February, 1931.

Q Were you anxious to have children?

A Very anxious. As soon as I felt we could afford

it I suggested it and was very anxious and very happy
when the boy came.

Q Until the boy was born how did you and Mrs. Kruse get along? You have spoken of some arguments, but in the main how did you get along?

A I should say after the first year very poorly, → judged by good standards. I don't think that such con-
tinual arguments as we had should have any place in the
normal marriage.

Q Did you have maids in the house or did Mrs. Kruse run her own apartment?

A The maids came a little later, principally with the coming of the boy.

Q But not before the boy?

A Scattered, occasionally helped out, not constantly.

Q At the time the boy was born about what was your income?

A It was somewhere between \$2500 and \$3000.

Q Where were you working when the boy was born?

A Johns Hopkins University.

Q In what department?

A Department of Bio-Chemistry.

Q What was the character of your work?

A Research.

Q You were paid a salary?

A I was.

Q Did your wife at that time have any income?

A No, only the occasional money from substitute teaching.

Q So that all you had to support your family was the income you have just described?

A That is true.

Q Going on from when your boy was born, tell his Honor what occurred.

A Following his birth, she felt she required some domestic help, which was provided, that she could no longer prepare meals in the home, so that from then on practically all our evening meals were taken at a restaurant. I would come home from work and take her out. That was as soon as the boy could possibly be taken about.

Q Where were you living before or at that time?

A We were living at Fairview avenue when the baby was born, and shortly after that we moved to Springdale avenue.

Q Still in apartments?

A Still in apartments.

Q Go on after the boy was born. Did your occupation continue to be the same?

A It did.

Q And the School of Hygiene, where is that?

A On Wolfe street near Monument street, right across from the Hopkins Hospital.

Q What would be your hours there?

A My usual hours were from 9 to 5.

Q Had your income increased?

A No, for a period of time it remained stationary.

Q It was still about what figure?

A \$3000.

Q And that is what you had to support yourself and wife and child and household upon?

A That is right.

Q Just tell the Court the relations between you and

your wife and what occurred; her attitude towards you and yours toward her, and what occurred.

A These arguments continued. I believe that there has been scarcely a month of our married life after they started that there wasn't at least one, and many times, many. Shortly after the argument stage, it reached the point where she clawed me.

Q By clawing you you mean scratched you?

A Scratched me. That went on repeatedly.

Q I think you said the subjects were woman's place in the world and money, is that right?

A They were at that time.

Q What do you mean by woman's place in the world? Give his Honor a little better idea of what the nature of that discussion was.

A Well, it was centered about the fact she was unhappy in the home; in fact, definitely said so, that man had a more interesting life, that it was a man's world, and you would be surprised the amount of time you can speak on that topic and all of its variations. But that was the main theme.

your wife and what occurred; her attitude towards you and
yours toward her, and what occurred.

I believe that these arguments continued. I believe that
she ^{of her saying she} wanted him to
handle it, and
she complained
why didn't he
let her handle it?

How is that
consistent with
his saying she
wanted him to
handle it?

I think you said the subjects were woman's

place in the world and money, is that right?

A They were at that time.

Q What do you mean by woman's place in the world?

Give him honor a little better idea of what the nature

of that discussion was.

A Well, it was centered about the fact she was

unhappy in the home; in fact, definitely said so, that man

had a more interesting life, that it was a man's world, and

you would be surprised the amount of time you can speak on

that topic and all of its variations. But that was the

main theme.

Q How did the money come into the discussion or the argument?

A Principally the feeling that I was not making enough and the way it was handled.

Q She said you did not make enough money, is that right?

A That is right.

MR. WOLFSON: May we fix that as to time?

THE WITNESS: That happened so continually one point of time would not be accurate. This occurred month after month. Every time my check came in there would be the same situation.

Q Now, doctor, did you have friends who visited the home?

A Occasionally, at first.

Q What was Mrs. Kruse's attitude towards them?

A I don't think she ever approved of any of my friends.

Q Was Mr. Respass a friend of yours at that time?

A He was.

Q What was her attitude towards Mr. Respass at

that time? I am talking now about soon after the boy was born.

A For a short time after our marriage --

Q Well, you were married in 1925?

A In 1925. A short time after that the relations on the surface were all right. As a matter of fact, we took a trip with the Respesses. But after that there was very little visiting between the two families.

Q When did you find out that Mrs. Kruse had a prejudice against or thought Mr. Respass was an unfit person to associate with? When did that begin?

A That began, I should say, a year or two after our marriage, although the reason for it then was not the same reason that is ascribed now.

Q What was the reason she ascribed then?

A She did not approve of Mr. Respass and his family, did not believe they were quite the people we should associate with. But that was not the only family that was put into the same category.

Q What was her complaint then?

A The complaint was -- I had several fraternity

brothers. We can consider them all in the same category and their families. They were all blacklisted because she did not like them.

Q Did she give any other reasons for breaking off with the Respesses than she did not like them?

A I can recall no specific reason. She did not like them. *(refresh your memory)*

Q When was it you first heard she accused Mr. Respess of immorality?

A The first time I can recall was a situation when I went to call for my son. That comes further down in the separation --

Q But you had not heard until that time she accused him of improper conduct?

A I had not.

Q But your relations with the Respess family had practically ceased, I understand?

A They had.

Q Did your wife ever accuse you of improprieties or immoralities?

A She did. She accused me of having women.

Q When did that start?

A That accusation has been thrown out at me many times. I can give a few instances.

Q Now, Dr. Kruse, I wanted you to tell when your wife first accused you of immorality and you started to tell his Honor.

A Shortly after she returned from the hospital, which would be about -- *(that was my 1933)*

Q Perhaps you had better tell us about going to the hospital first. What hospital did she go to?

A Johns Hopkins Hospital, in about November, 1932. *(Photo clinic)*

Q For what trouble?

1 day at Xmas to go home to be with son 1932

A A psychiatric condition, it was stated to be. *next month hospital*

Q Did she go of her own accord or who sent her?

MR. WOLFSON: We object to the "psychiatric condition it was stated to be."

Q How did she happen to go to the hospital?

THE COURT: I think that is within the competency of this witness. You may cross-examine him.

By Mr. Barton:

Q She did not go for some surgical operation, did she?

A She did not.

Q And she was not there for any illness like pneumonia?

A A surgical operation was done following her convalescence.

Q But this occasion when she went there she went to Phipps, did she not?

A That is right.

Q Did she go of her own accord?

A She did.

Q Who suggested that she should go?

A She did.

Q Why did she think there was any occasion for her to go?

(Question objected to).

THE COURT: He can not know why she thought so, but he can tell what she said.

A She said she felt -- at that time the baby had been here about a year -- that the care of him and other things were weighing very heavily upon her, that she would have to go away somewhere by herself, she did not want to

from Phipps - 1 day home at Phipps

*Wilmer Clinic
Hargis Blvd
M. K.*

*protein
synthesis
cataract
intra (2/3) of the eye*

be around her family, and she wanted care and she wanted to consult some one who could tell her what to do.

Q Did she select Phipps of her own accord?

A She selected the physician who recommended the Phipps.

Q Who was her physician?

A Dr. Esther Richards.

Q How long was she there?

A I can not say definitely, but it was shortly after Christmas of 1932 when she came home, and she went in November, 1932.

Q Who paid the expenses there?

THE COURT: Did you say she went in November, 1932, and came home about Christmas of 1932 or 1933?

THE WITNESS: I mean the following Christmas of 1932.

Q Who paid her expenses there?

A I did.

Q You said just before her going to the hospital she charged you with improper conduct. Tell us what occurred.

Mr 1932

be around her family, and she wanted care and she wanted to consult some one who could tell her what to do.

Q Did she select Phipps of her own accord?

A She selected the physician who recommended the

Phipps.

Q Who was her physician?

A Dr. Esther Richards.

Q How long was she there?

A I can not say definitely, but it was shortly

after Christmas of 1932 when she came home, and she went in November, 1932.

Q Who paid the expenses there?

THE COURT: Did you say she went in November,

1932, and came home about Christmas of 1932 or 1933?

THE WITNESS: I mean the following Christmas

of 1932.

Q Who paid her expenses there?

A I did in November

You said that before she went to the hospital she called you and you advised her to go to the hospital. Tell us what you advised her to do.

she called him from outside phone
told him she was ill; you advised
come and get him; please to
and to get my; please to
take care of
child

asked him for money
would be safer

she told the case
about this

holley nurse
Mrs. Reppess 1931
found this in his
pocket

1935

A She accused me of being interested in women and she got hold, apparently, of a catalogue of the school by which I was employed and at one time or another I was accused of -- I am quite sure she did not miss a woman in the building.

Q Just what did she say? What was the actual charge she made?

A She felt I was meeting them secretly, although she did not accuse me outright beyond that of actual immorality at that point.

Q Did she at any time, by the way, accuse you of acts of immorality?

A She has.

Q When was that?

A May I state one or two instances leading up to that?

Q Yes.

A While we were living on Springdale avenue, I had to telephone a Mr. Clarence Shepherd on a matter of business and he wa/was to call me back.

Q What date was this, by the way?

his car outside
his car
August 1935

Handwritten notes at top left:
1671
1971
1971
1971

Handwritten notes at top right:
wounded over the
legged phase over
custody - was
for by
immediately
will be talked

She accused me of being interested in women
and she held, apparently, of a catalogue of the school
to lounge

by which I was employed and at one time or another I was
accused of -- I am quite sure she did not miss a woman in
not on till late tomorrow

- ✓ Had to go over to get Jan Shepherd to the building
- ✓ I went going to get Ann to come down
- ✓ But I'll see you clear tomorrow at 8:30

She felt I was meeting them secretly, although

she did not accuse me outright beyond that of actual im-
morality at that point.

Q Did she at any time, by the way, accuse you

of acts of immorality?

A She has.

Q When was that?

A May I state one or two instances leading up to

that?

Q Yes.

A While we were living on Springdale avenue, I had

to telephone a Mr. Clarence Shepherd on a matter of busi-

ness and he was to call me back.

Q What date was this, by the way?

Handwritten notes at bottom right:
1971
1971
1971

she called him to come get Wayne

17

→ during the separation
1935

A This must have been somewhere around 1934 or 1935. At the close of our telephone conversation, I said, "Goodbye, Clarence", and at that moment Mrs. Kruse walked into the room and heard the "Clarence" or something that she thought was like it, and accused me of talking with a woman by the name of Clarice. I tried to show how that was impossible, I knew no such person, and I asked her to telephone to Mr. Shepherd and to verify that I had just been talking with him, and she did, and still was unsatisfied. He, of course, did not know what it was all about. But she was not satisfied even with that explanation. On another occasion while she was living at Woodbine avenue and she had stated my son was ill and that I could not see him, she met me by chance, said he wanted to see me very much, and invited me to come to her apartment.

Q Was that while you were separated?

A That was while we were separated. I had no desire at all from experience -- I have been jumping around on my story. You will understand why I did not want any arguments in front of my boy. She gave me her word that

she would not appear in the apartment, that she would leave, and that I could come in and see my son and there would be reasonable quiet. On the strength of her word I went to see him, thinking he was sick, and that we would be left alone. I had not been there more than ten minutes when she came back and before him accused me of running with women, of immorality right before him, supposedly sick, and became so excited about the whole matter of her accusations, that I simply would have to leave, I could not put my boy there in that situation.

Q What period was that or what date was that?

A That was probably around 1937.

MR. WOLFSON: You said it was after the separation.

THE WITNESS: This was after the separation, otherwise I wouldn't have been going to see him.

By Mr. Barton:

Q Now, to go back, you said it was after she came from the hospital, which was in the spring of 1933, if I remember, that she first began to complain or charge you with being interested in other women?

A That is right.

she would not appear in the apartment, that she would
 leave, and that I could come in and see my son and there
 would be reasonable quiet. On the strength of her word I
 went to see him, thinking he was sick, and that we would
 be left alone. I had not been there more than ten minutes
 when she came back and before him accused me of running
 with women, of immorality right before him, supposedly
 sick, and became so excited about the whole matter of
 her accusations, that I simply would have to leave. I
 could not put my boy there in that situation.

*Didn't he
 really
 was ill?*

What period was that or what date was that?

*Why would he
 be sick?*

That was probably around 1937.

MR. WOLFSON: You said it was after the separation.

*Did he sleep
 in same bed
 with her?*

THE WITNESS: This was after the separation.

otherwise I wouldn't have been going to see him.

*Was he
 out?*

By Mr. Barton:

Q Now, to go back, you said it was after she came

from the hospital, which was in the spring of 1933, if I
 remember, that she first began to complain or charge you

with being interested in other women?

A That is right.

Q Did she say those things or do those things only in your apartment, or did she do them elsewhere, to your knowledge? Did she ever come down to your office?

A She did.

Q Did she ever telephone you there?

A She telephoned me so many times during the day it was almost impossible to get any work done.

Q What was the subject of her telephone message?

A Principally a good deal of the time that I would have to leave my work immediately and come home, it was just too much for her to take care of the boy. I might say that many times I did. It got so I was away from my work more than I was at my work.

Q Do you know, of your own knowledge, whether she ever spoke to your friends about this charge she was making? I mean of your own knowledge.

(Question objected to).

THE COURT: Of course, doctor, under our somewhat artificial rule, of your own knowledge means of your own knowledge. You can not testify to what your wife told you about it.

MR. BARTON: I think he can properly testify that he did hear stories from his friends, then we will put the friends on to testify to what he was told.

THE COURT: He may say he had complaints from A, B and C.

MR. BARTON: Yes, sir. Then we will put the friends on.

THE COURT: But not what they were told.

MR. BARTON: Not what they were told.

Q Friends of yours told you they had had talks with Mrs. Kruse?

(Question objected to; question overruled; exception noted).

A I had friends who said that.

Q Can you mention any?

A Dr. Roscoe Hyde.

Q He is a gentleman who will be here today, isn't he?

A That is right. Pardon me. Dr. Hyde has just come in.

MR. BARTON: Your Honor, will it be agreeable to

put Dr. Hyde on? He is a physician and he won't be more than ten minutes, I suppose.

THE COURT: Certainly.

(Examination of the witness suspended).

Thereupon --

DR. ROSCOE HYDE,

a witness of lawful age, produced on behalf of the defendant, having been first duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION

By the Court:

Q Dr. Hyde, before Mr. Barton asks you anything, you have just come into the room and I want to ask you whether you have heard any of Dr. Kruse's testimony?

A None.

By Mr. Barton:

Q Doctor, you are connected with the School of Hygiene of Johns Hopkins, are you not?

A Yes, sir.

Q Were you connected with it during the whole time that Dr. Kruse has been connected?

A Yes. I have been there since its organization.

Q What is the nature of your duties there?

A I am the Professor of Immunology.

Q Have you been a friend of Dr. Kruse for some time?

A Yes, sir; I have.


Q For how long?

A I have known Dr. Kruse for about, I would say, fifteen years.

Q Have you known his wife since he was married?

A I have known Mrs. Kruse for a number of years. I am not certain I know her since they were married. I don't know when they were married.

Q Have you been friendly with her?

A Well, I have met her and passed the time of
the day with her. 

Q Have you ever visited her home?

Q No, I never have.

Q Did Mrs. Kruse ever have a talk with you about her husband?

MR. WOLFSON: Just fix the time, please.

A Yes.

THE COURT: I think, Mr. Barton seems fairly competent in examining a witness.

By Mr. Barton:

Q Did Mrs. Kruse ever have a talk with you about her husband?

A Yes.

Q Will you tell us about when and where it was?

A It was in my office in the School of Hygiene. I am not sure about the date. I would have to fix that by some other records. I would say about 1935. It might have been 1934. I am not certain about that.

Q Did she come there?

A Yes.

Q Of her own accord?

A Yes. She just came in.

Q Just tell his Honor what occurred, what she said.

A Well, Mrs. Kruse came to me and told me she was disturbed because she thought that her husband, Harry, was guilty of undue attention to one of my assistants.

Q One of your assistants?

A Yes.

phone Christine
more
pink

had seen him
had come

to keep
husband for
going deeper

Q Did she put it in any other way, or how did she
word it?

A Well, Mrs. Kruse --

Q Just as you can think of it. Just describe
the conversation which took place.

A Mrs. Kruse came to me. I was at my desk. She
asked me who worked in these rooms over here back across
the hall, or what lady works in those rooms across there,
and I mentioned a number of names. For the present I
would like to identify --

Q I don't know that it is necessary to mention the
ladies' names.

MR. BARTON: Does your Honor think it is neces-
sary to mention names, your Honor?

THE COURT: I think it is unnecessary, as far as
I am concerned.

Q You need not mention the name of the young lady.
She was employed there, was she?

A Yes, sir. There were a number of assistants that
worked in the rooms over there. I mentioned Miss X, Miss
A, Miss B, Miss C, and so on, and she asked me if Harry

Q Did she put it in any other way, or how did she

word it?

A Well, Mrs. Kruse --

Q Just as you can think of it. Just describe

the conversation which took place.

She came to me. I was at my desk. She

asked me worked in these rooms over here back across

the hall or what lady works in those rooms across there,

and I mentioned a number of names. For the present I

would like to identify --

Q I don't know that it is necessary to mention the

ladies' names.

MR. BARTON: Does your Honor think it is neces-

sary to mention names, your Honor?

THE COURT: I think it is unnecessary, as far as

I am concerned.

Q You need not mention the name of the young lady.

Who was employed there, was she?

A Yes, sir. There were a number of assistants that

worked in the rooms over there. I mentioned Miss X, Miss

A, Miss B, Miss C, and so on, and she asked me if Harry

What were his clothes
working
the hall or what lady works in those rooms across there,
I mentioned a number of names.

Harry's
Christine

was not spending a good deal of his time in there. I told her, No, as far as I know he came down here quite often to see me, but as far as I know I never saw him in any of those rooms over there, and she expressed the idea that perhaps he spent some time in there when I wasn't there, and I assured her that I was here all the time, and that was impossible, and she felt quite sure that he was and she expressed the idea that he was giving undue attention to one of these girls.

Q Did she mention by name the person?

A She did not identify the person, no.

Q But she said one of those assistants?

A Yes. Thought it was one of those assistants and I think only I can identify the person in terms of the description or in general what she said, because I mentioned a certain name as she felt she had overheard Mr. Kruse talking to that girl over the phone. The conversation was very short.

Q Did you say anything to her? Did you express any views to her?

A I told her I thought that was an impossibility,

*Did know only
ingrain in, aft
he told her*

Christina

was not spending a good deal of his time in there. I
 told her, No, as far as I know he came down here quite
 often to see me but as far as I know I never saw him in
 any of those rooms over there, and she expressed the idea
 that perhaps he spent some time in there when I wasn't
 there, and I assured her that I was here all the time,
 and that was impossible, and she felt quite sure that he
 was and she expressed the idea that he was giving undue
 attention to one of these girls.

*she is interested
 in straightening
 it out*

Q Did she mention by name the person?

A She did not identify the person, no.

Q But she said one of those assistants?

A I think it was one of those assistants

Q I think I can identify the person in terms of

the description or in general what she said, because I

mentioned a certain name as she felt she had overheard

Mr. Kruse talking to that girl over the phone. The con-

versation was very short.

Q Did you say anything to her? Did you express

any views to her?

A I told her I thought that was an impossibility.

*That's what Mrs. Kruse said
 she saw a woman
 with a mustache
 in the room*

*But I don't know if
 she was in the room
 at that time*

Question

that I was deeply concerned, that it disturbed me somewhat, since I felt a certain responsibility to my assistants and I knew Mr. Kruse and had known him for years and I thought that was utterly impossible, that I would go to ~~Dr. Kruse~~ Dr. Kruse and urged her to go to Dr. Kruse, and if he was caught in a jam of this kind, to get straightened out.

But I had absolute confidence in Mr. Kruse and I thought that was impossible. It disturbed me a little. I told her just wait and let me form judgment in the next few days.

I did wait a few days and I met Mrs. Kruse then a few days afterwards, or, perhaps, two weeks, at the corner of Wolfe and Monument streets, and I said to Mrs. Kruse I had kept my eyes open in the matter and I thought it was all imagination on her part, that there was nothing to it and for her to forget it.

Q What did she say?

A She just kind of smiled and took it as a matter of fact and told me, No, that was not the girl, she had reason to believe it was somebody else.

Q It was another girl?

A It was another girl.

that I was deeply concerned, that it disturbed me some-
what, since I felt a certain responsibility to my assistants

and I knew Mr. Kruse and had known him for years and I

thought it was utterly impossible, that I would go to

*Hyde didn't
go to him*

Dr. Kruse and urged her to go to Dr. Kruse, and if he was

in a jam of this kind, to get straightened out.

*Kruse came
to Hyde*

But I had absolute confidence in Mr. Kruse and I thought

that was impossible. It disturbed me a little. I told her

to just wait and let me form judgment in the next few days.

I did wait a few days and I met Mrs. Kruse then a few

days afterwards, or, perhaps, two weeks, at the corner of

Wolfe and Monument streets, and I said to Mrs. Kruse I

had kept my eyes open in the matter and I thought it was

all imagination on her part, that there was nothing to

it and for her to forget it.

Q What did she say?

A She just kind of smiled and took it as a matter

of fact and told me, No, that was not the girl, she had

reason to believe it was somebody else.

Q It was another girl?

A It was another girl.

Q Did you ever tell Dr. Kruse of this?

A Yes.

Q When did you tell him?

A I waited and Dr. Kruse came to me in a few days.

I did not go to Dr. Kruse. He came to me and he told me
he was having some difficulties with Mrs. Kruse --

THE COURT: If you want to object to this, Mr. Wolfson, I think it is objectionable.

MR. WOLFSON: I object to what Dr. Kruse told him.

Q I want to know about how long after this talk you had had with Mrs. Kruse did you tell Dr. Kruse of it. I don't want you to tell me the conversation, but just how long after it was.

A I can't remember exactly. It was within maybe a month or three weeks, or something of that kind.

Q Did you tell him what had occurred between you and Mrs. Kruse?

A Yes, I told him.

MR. BARTON: I think that is all.

CROSS-EXAMINATION

By Mr. Wolfson:

Q Did you ever tell Dr. Kruse of this?

A Yes.

Q When did you tell him?

A I waited and Dr. Kruse came to me in a few days.

I did not go to Dr. Kruse. He came to me and he told me

he was having some difficulties with Mrs. Kruse --

THE COURT: If you want to object to this, Mr.

Wolfson, I think it is objectionable.

MR. WOLFSON: I object to what Dr. Kruse told

him.

Q I want to know about how long after this talk

you had had with Mrs. Kruse did you tell Dr. Kruse of it.

I don't want you to tell me the conversation, but just

how long after it was. I remember exactly. It was within maybe

*depressed and
a shock to her
I don't remember exactly.*

a month or three weeks, or something of that kind.

Q Did you tell him what had occurred between you

and Mrs. Kruse?

A Yes, I told him.

MR. BARTON: I think that is all.

CROSS-EXAMINATION

By Mr. Wolfson:

Q Now, Dr. Hyde, it is true you are uncertain as to the time of this complaint by Mrs. Kruse, isn't it?

A I can fix that to within five minutes, because it is associated with other records in which I was treating Dr. and Mrs. Kruse with a vaccine and they were coming to my office and had made two or three visits before.

Q Isn't it true that this first discussion with you by Mrs. Kruse was at a time when Dr. Kruse and Mrs. Kruse were living separate and apart?

A I don't think so. Not to my knowledge. So far as I know they had come to me a few visits previously and I was vaccinating Dr. Kruse and Mrs. Kruse and their boy. They were coming together and I was giving injections into the arm. I knew nothing about it and supposed that everything was perfectly lovely and happy and so on. This has all come as a surprise to me.

Q Do you know whether it was during the time when they had a separation agreement and were living apart?

A I did not know that. Mrs. Kruse said in the course of the conversation, she said to me in a few visits, she said to me, "You know Harry and I have been separated

spoke to her
with
no
more

once. I said, "No, I did not know that."

MR. BARTON: Had been separated once, she said?

THE WITNESS: Had been separated once, and I said, No, I did not know it.

By Mr. Wolfson:

Q In other words, when she was talking to you, do you know whether she referred to a separation agreement in 1935, from the spring to October of that year?

A No, I do know.

Q If I were to say to you that this was after February, 1936, when they were separated, would you say that was correct or not?

A Will you please state that question again?

THE COURT: Dr. Hyde, you say you can fix dates quite definitely by office records.

THE WITNESS: I think I can.

THE COURT: Could you get those records over the phone from your secretary?

THE WITNESS: No, I have changed secretaries and she would not be familiar with the notebook that I was keeping at the time.

THE COURT: If this is important to you, I will be glad to give you an opportunity to recall Dr. Hyde. I do not like to put him to that trouble, but it seems it can not be helped.

MR. WOLFSON: Well, the reason I asked was because it is my impression that was after the separation of the parties.

THE COURT: If it is of any consequence, there is no use to rely on your impression or on Dr. Hyde's concededly imperfect recollections. If he were not imperfect he would not be human.

MR. WOLFSON: Yes, I would like to have that date.

THE COURT: Will this be satisfactory, for Dr. Hyde to secure that information from his records, if he can, and to communicate it to you over the telephone and for you to report that back to the Court as a part of the record in this case?

MR. WOLFSON: Yes, sir, that would be satisfactory.

Q At the time when Mrs. Kruse suggested that perhaps Dr. Kruse spent a good deal of his time there, pointing to these offices where these lady assistants were,

Putin Krue file

Dr. Hyde called 11/7/40 1:00

Said the date you wanted
was - Between October 18
and October 30, 1935.

That record is established
in a book that he has
in which he treated
the parties concerned
with a cold vaccine.
Said you would under-
stand.

1:10

was that Dr. Kruse's station or duty to be in that particular place?

A No, Dr. Kruse -- this was on the sixth floor. Dr. Kruse was on the eighth floor.

Q In other words, in order for Dr. Kruse to come down to that section where these women assistants were working, he would have to leave his usual work on another floor?

A Yes, sir.

Q Did I understand you to say that Dr. Kruse had never come down on that floor with you?

A No. Dr. Kruse came on that floor very frequently. He came to my office very frequently.

Q What sort of work or department did you have supervision over there on the sixth floor?

A I had the whole floor.

Q What sort of work professionally or scientifically, what was it called?

A Investigation.

Q And Dr. Kruse's work was upstairs in Bio-Chemistry?

A Yes.

was that Dr. Kruse's station or duty to be in that partition-
far place?

A No, Dr. Kruse -- this was on the sixth floor.

Dr. Kruse was on the eighth floor.

Q In other words, in order for Dr. Kruse to come

down to that section where these women assistants were

working, he would have to leave his usual work on another

Floor?

A Yes, sir.

Q Did I understand you to say that Dr. Kruse had

never come down on that floor with you?

Paulson

A No, Dr. Kruse came on that floor very frequently.

He came to my office very frequently.

Q What sort of work or department did you have

supervision over there on the sixth floor?

A I had the whole floor.

Q What sort of work professionally or scientific-

ly, what was it called?

A Investigation.

Q And Dr. Kruse's work was upstairs in Bio-Chemistry?

A Yes.

MR. WOLFSON: All right, then, we would like to have the time fixed, and that will be all.

REDIRECT EXAMINATION

By Mr. Barton:

Q Doctor, possibly this will fix it. At the time you had this discussion with Mrs. Kruse, did you ask her whether he was home at night at all?

A I did.

Q And what did she say?

A She said that he was out, he was spending some time out at night with this girl,

Q Did she say he was ever home at night? You say sometimes out at night, is that the answer?

A Yes, but she gave me the impression that he was home most of the time but went out occasionally at night.

Q And that was during this conversation?

A Yes.

Q So when she spoke of his being home most of the time but out at night occasionally, then they must have been living together at that time?

A Yes.

(Objected to; objection sustained).

Q Anyhow, that was the conversation?

A Yes, that was the conversation.

THE COURT: Dr. Hyde, Mr. Wolfson will give you his telephone number and the Court will not be in session this afternoon. Do you expect to be in your office most of this afternoon?

MR. WOLFSON: If I am not there I will leave word with my secretary to get the information.

THE WITNESS: Let me say this. To be perfectly clear in the matter, I will do my best to establish that record, but if by any chance I can not establish that record --

THE COURT: I will not send you to jail.

RE-CROSS-EXAMINATION

By Mr. Wolfson:

Q Had Mrs. Kruse, when she spoke to you, referred to the fact that they had been separated?

THE COURT: He said so, and he also said she gave him the impression that he was home most of the time but he was out at nights.

THE WITNESS: I must say I was under the impression that they were living together and perfectly happy when Mrs. Kruse brought this up to me, and I was vaccinating them at the time, and during this conversation Mrs. Kruse made that little statement to me.

(Testimony of the witness concluded).

Thereupon --

HARRY D. KRUSE,

whose examination was temporarily suspended, resumed for

DIRECT EXAMINATION (continued)

By Mr. Barton:

Q Doctor, you were interrupted to allow Dr. Hyde to testify himself, and he said he did tell you about this visit. Did you, in fact, have a conversation with Dr. Hyde about it?

A We did.

Q Can you tell us when this occurred?

A This visit or talk --

Q I mean the time you first heard from Dr. Hyde or that you had this talk with Dr. Hyde about this talk he

had with Mrs. Kruse.

A It was while we were living on Chatham Road, which was the period that we lived together, as near as I can put it. This was supposed to have taken place then.

Q Can you tell us from your knowledge about the date it was? I get mixed up myself about these various dates. What year was it, about?

A I can only tell from my record of when we were at Chatham Road. We lived there from --

THE COURT: Did you say that was the third period you were living together?

THE WITNESS: No. There had been a separation, then we went back together in September, 1935. We were living at Chatham Road and the second separation took place after that.

Q This was between the first separation and a later separation?

A It was some time between September, 1935, and February, 1936.

Q I was not quite clear whether he came to see you or you communicated with him. How did he happen to

talk to you about it?

A I probably went to see him because I was editor of a scientific journal of which he had previously been editor, and he was very helpful.

Q How did you happen to go see him about this talk with Mrs. Kruse? How did you know there had been a talk with Mrs. Kruse?

A That came up incidentally. I mentioned something about difficulties arising, and then he stated this. I had no previous knowledge that she had been to see him until this time.

Q Until that occasion, did you know she had been to see Dr. Hyde?

A No, I had not.

Q And it came out in this talk with him?

A That is right.

Q Did he then tell you of what occurred?

A He did, just as he has testified.

Q After that did you speak to Mrs. Kruse about it?

A Yes.

Q What did you say?

talk to you about it?

A I probably went to see him because I was editor

of a scientific journal of which he had previously been

editor, and he was very helpful.

Q How did you happen to go see him about this

talk with Mrs. Kruse? How did you know there had been a

talk with Mrs. Kruse?

A That came up incidentally. I mentioned some-

thing about difficulties arising, and then he stated this.

I had no previous knowledge that she had been to see him

until this time.

Q Until that occasion, did you know she had been

to see Dr. Hyde?

A No, I had not.

Q And it came out in this talk with him?

A That is right.

Q Did he then tell you of what occurred?

A He did, just as he has testified.

Q After that did you speak to Mrs. Kruse about it?

A Yes.

Q What did you say?

A I resented it. I resented her going to my colleagues and making me appear in that light.

Q What did Mrs. Kruse say?

A The same story, that I was interested in some one and she was going to find out who it was.

Q Did she deny she had been to Dr. Hyde's and told him these things?

A She did not deny it.

Q She did not contradict what he told you?

A No, she did not.

Q Doctor, going back a little. These arguments and disputes, did they increase?

A They did.

Q Was your income, by the way, at this time still at about \$3,000?

A That is right.

Q And you were supporting your wife and boy on that amount?

A That is right.

Q You have often referred, and so has Mrs. Kruse, to your first separation. Tell his Honor about that.

A I resented it. I resented her going to my

colleagues and making me appear in that light.

Q What did Mrs. Kruse say?

A The same story, that I was interested in some

one and she was going to find out who it was.

Q Did she deny she had been to Dr. Hyde's and told

him these things?

A She did not deny it.

Q She did not contradict what he told you?

A No, she did not.

Q Doctor, going back a little. These arguments

and disputes, did they increase?

A They did.

Q Was your income, by the way, at this time still

at about \$3,000?

A That is right.

Q And you were supporting your wife and boy on

that amount?

A That is right.

Q You have often referred, and so has Mrs. Kruse,

to your first separation. Tell his Honor about that.

he borrowed from
Ins. Co

Didn't he
so he'll after
fight new year's eve

A The first separation was in January, 1935.

? (see
opinion)

Q Where were you living at that time?

A We were living at Springdale avenue.

Q Tell his Honor what occurred. Who left and what happened?

A There had been many arguments over the topics which I have already stated, plus a woman. She had already been to the hospital by that time, and when she came back, women was a new sort of argument.

Q You mean after she came from the hospital the charges were more about women?

A That is right.

Q Was that a frequent thing?

A Very frequent.

Q Go on and tell about this separation.

A The climax of the separation was precipitated by events on New Year's Eve.

Q Was that the occasion, by the way, in which she says you struck her in the car?

A That is right.

Q You tell his Honor your version of it.

Handwritten notes at top of page, including "38" and some illegible scribbles.

A The first separation was in January, 1935.

Q Where were you living at that time?

A We were living at Springdale avenue.

Q Tell his Honor what occurred. Who left and

what happened?

A There had been many arguments over the topics

which I have already stated, plus a woman. She had

already been to the hospital by that time, and when she

came back, women was a new sort of argument.

Q You mean after she came from the hospital the

charges were more about women?

A That is right.

Q Was that a frequent thing?

A Very frequent.

Q Go on and tell about this separation.

A The climax of the separation was precipitated

by events on New Year's Eve.

Q Was that the occasion, by the way, in which she

says you struck her in the car?

A That is right.

Q You tell his Honor your version of it.

Large handwritten scribble in the center of the page, containing the words "Woman" and "That is right" written vertically.

Handwritten scribble in the top left corner, possibly containing the words "The first separation".

A We were coming home from the movies. The ground was very, very slippery, and the air was filled with moisture that was freezing on the ~~w~~indshield and I was going down a hill, the hill that approaches the junction of Reisterstown Road and Liberty Heights Avenue. I might say I have seldom driven under worse conditions. It was really very dangerous and I was attempting to crawl along because we were sliding and she started flip my nose with her hand up in front of my face, obstructing my view --

Q Why did she start to do that? Had any argument been going on?

A The argument had started in the morning and this was just a continuation.

Q What was the subject of the argument in the morning?

A The same things, there was seldom any variation. One or the other themes.

Q Do you mean money or women?

A I can't remember the exact one, but I am sure it was one of the three because I never had any other and they were presented in variation, sometimes all three and

sometimes just one.

Q What was the third, I am a little mixed. One was money, one, women, and what was the third?

A Her unhappiness in the home because woman had such a poor position in life.

Q Go on and tell us about this episode.

A I asked her not to do that, and she did it, and did it three times. I asked her still, and on the third occasion, I took my hand to ward it off and that, apparently, infuriated her, and she pushed into me. I was driving down this hill at the time all of this was going on.

Q Was it night?

A It was midnight, and I attempted to shove her over just to ward her off, to keep her quiet. I never deliberately struck her in my life or then, and so far as I know, I did not give her a black eye. I never saw one.

Q Well, did you strike her at all?

A I did not, any more than she was coming toward me like a wild animal and I tried to ward her off.

Q In the meantime were you trying to drive the car?

sometimes just one.

Q What was the third, I am a little mixed. One

was money, one, women, and what was the third?

A Her unhappiness in the home because woman had

such a poor position in life.

Q Go on and tell us about this episode.

A I asked her not to do that, and she did it,

and did it three times. I asked her still, and on the

third occasion, I took my hand to ward it off and that

apparently, I pushed her, and she pushed into me. I was

driving down this hill at the time all of this was going on

Q Was it night?

A It was midnight, and I attempted to shove her

over just to ward her off, to keep her quiet. I never

deliberately struck her in my life or then, and so far

as I know, I did not give her a black eye. I never saw one.

Q Well, did you strike her at all?

A I did not, any more than she was coming toward

me like a wild animal and I tried to ward her off.

Q In the meantime were you trying to drive the

*woman
having a
party
didn't want
to take
her away*

A I was. We were in motion in the car.

Q On your way home?

A We were.

Q And after that did you continue home?

A She got out.

Q She got out then and there?

A Yes.

Q Where did she go?

A That I don't know.

Q When did you next see her?

A I next saw her the next day or the day after.

Q Do you mean in the apartment?

A Yes. I went out to her apartment.

Q But you got home and she had gotten out of the car. Did she come home that night?

A She was home that night. I went out there and then left.

Q I don't get it quite straight. Do I understand you to say she got out of the car right after this episode?

A That is right.

Q And that was nearly midnight?

A That is right.

Q Did you go immediately home?

A I went home to make sure she had gotten home, but I did not stay there.

Q How could she get home before you if you were driving the car?

A I don't know. Probably a taxi. I did not go directly home, no.

Q Where did you go?

A I went to Mr. Respass'. We were just three or four blocks from there.

Q Then when you did get home she was already there, is that right?

A That is right, but I did not stay.

Q Did she accuse you of striking her then?

A I don't think there was much said at that particular moment.

Q Right at this time, in order to get through with this once for all, did you at any time in your married life or on any occasion strike or raise your hand against your wife?

A I have never struck her.

A That is right.

Q Did you go immediately home?

A I went home to make sure she had gotten home,

but I did not stay there.

Q How could she get home before you if you were

driving the car?

A I don't know. Probably a taxi. I did not go

directly home, no.

Q Where did you go?

A I went to Mr. Respass'. We were just three or

four blocks from there.

Q Then when you got home she was already there.

*drive car
one day out of
drive the baby around
find money for make*

A That is right but I did not stay.
is that right?
Put her in car, miss you, good
low to get to garage

Q Did she accuse you of striking her then?

A I don't think there was much said at that par-

Q Right at this time in order to get through with

*see after boy
return at
Hunt*

*dark try to
Barker*

this once for all, did you at any time in your married life

or on any occasion strike or raise your hand against your

*told her if she didn't go he would
wife didn't want to leave*

wife?

A

I have never struck

Q Has she at any time ever struck or scratched or physically attacked you?

A She has physically attacked me many, many times, and I have had to do one of two things; one, I would try to hold her until she calmed down or attempt to ward off the blows without doing her any damage.

Q Now, doctor, you started all of this as an explanation of the first separation and you got down to this New Year's Eve or New Year's night, was it?

A It was New Year's Eve.

Q Then what happened after that?

A Shortly after that, I think I came to see you, and when I went back to talk with her I told her I had been to see you but I felt --

Q In order to keep the record straight, you might say, Mr. Randolph Barton, Jr. Go on.

A I felt that I had tried every solution that every person who felt they could help us out suggested, and as a last resort, I would have to see a lawyer to see if I could not get some relief, whereupon she stated she would have to get a lawyer, and as the result of that-- well, at all events, she moved out, taking all the furniture

Q Has she at any time ever struck or scratched or

physically attacked you?

A She has physically attacked me many, many times,

and I have had to do one of two things; one, I would try

to hold her until she calmed down or attempt to ward off

the blows without doing her any damage.

Q Now do you recall all of this as an ex-

planation of the separation and you got down to this

New Year's Eve or New Year's night, was it?

A It was New Year's Eve.

Q Then what happened after that?

A Shortly after that, I think I came to see you,

and when I went back to talk with her I told her I had been

to see you but I felt --

Q In order to keep the record straight, you

might say, Mr. Randolph Barton, Jr. Go on.

A I felt that I had tried every solution that

every person who felt they could help us out suggested,

and as a last resort, I would have to see a lawyer to

see if I could not get some relief, whereupon she stated

she would have to get a lawyer, and as the result of that--

well, at all events, she moved out, taking all the furniture

her car parked in front of my car. the following week I had a

*has answer by phone
to take*

*Studio Cook
study*

*Big blue chair in
radio
book case*

from the apartment excepting one day bed which she left me to sleep upon.

Q Did she take the little boy?

A Yes.

Q You don't know where she went, do you?

A I did not know for a while, but later her lawyer apparently contacted you.

Q Who was her lawyer then?

A I think the first one, the one that contacted you at that time was Mr. Tippett.

Q That is J. Royal Tippett?

A That is right.

Q A gentleman who has just unfortunately died?

A That is right.

Q What happened as the result of that, do you know?

A There was an agreement made between or through the offices of you and Mr. Tippett that we were to be apart for a time --

THE COURT: Is that agreement in evidence?

MR. BARTON: I don't remember whether it was in writing or not.

*Mr Barton suggesting it
and had hand floated over it*

Put the claim in [unclear] case

44

has money to [unclear]

from the apartment excepting one day bed which she left me to sleep upon.

Q Did she take the little boy?

A Yes.

Q You don't know where she went, do you?

A I did not know for a while, but later her lawyer

apparently contacted you.

Q Who was her lawyer then?

A I think the first one, the one that contacted

you at that time was Mr. Tippet.

Q *Why was he patching things up if she was insane?*

A *That is right. There were insane*

Q A gentleman who has just unfortunately died?

A That is right.

Q What happened as the result of that, do you know?

A There was an agreement made between or through

the offices of you and Mr. Tippet that we were to be apart

for a time --

THE COURT: Is that agreement in evidence?

MR. BARTON: I don't remember whether it was in

change in [unclear] [unclear]

writing or not.

the book [unclear] [unclear]

MR. WOLFSON: Yes, it is in evidence. The agreement was filed as Plaintiff's Exhibit 4.

By Mr. Barton:

Q Dr. Kruse, that was preceded by personal conferences, was it not?

A It was.

Q Was there any one conference at which both you and Mrs. Kruse and Mr. Tippett and Mr. Barton all met in Mr. Tippett's office?

A That is right.

Q And both her counsel and your counsel tried to patch things up, is that it?

A That is true.

Q The first agreement was the one which provided that during the summer you should try living apart and then go back together in the fall, is that right?

MR. WOLFSON: We object to that because the agreement is in the record.

THE COURT: I will look at the agreement, if you want me to.

MR. WOLFSON: The agreement specifically sets

MR. WOLFSON: The agreement specifically sets

want me to.

THE COURT: I will look at the agreement, if you

agreement is in the record.

MR. WOLFSON: We object to that because the

go back together in the fall, is that right?

that during the summer you should try living apart and then

Q The first agreement was the one which provided

A That is true.

patch things up, is that it?

Q And both her counsel and your counsel tried to

A That is right.

Mr. Tippet's office?

and Mrs. Kruse and Mr. Tippet and Mr. Barton all met in

Q Was there any one conference at which both you

A It was.

ferences, was it not?

Q Dr. Kruse, that was preceded by personal con-

Mr. Barton:

agreement was filed as Plaintiff's Exhibit 4.

MR. WOLFSON: Yes, it is in evidence. The

Handwritten notes in a circle:
The woman
from Mr.
had called her
see by
Mr. Barton



Does agreement state time for seeing boy

it out.

Q Doctor, I hand you copy of a letter written by Mr. Barton to Mr. Tippet on May 22, 1935, and the copy is signed both Harry D. Kruse and Mary A. Kruse at the bottom. Is that the paper you speak of?

A It must be because there is my signature.

Q I think this has been offered in evidence as Plaintiff's Exhibit 4. Now, doctor, this paper provides that during the summer you give Mrs. Kruse \$125 in monthly instalments on the second day of each month and to leave the child with her. Did you do that?

A I did.

Q Then what happened in the fall, did you go back again?

A Well, I may say that during that summer I practically never saw my boy, in the early part of the summer, although that agreement was made. One of two things happened. Usually I would go at the appointed time and there would be no one home.

he would walk over anytime - she took boy to Myrtle Park

Q She kept the boy and it was arranged for you to see the child?

day or night

Dr. Kruse complained about the boy

These agreements state that...

it out.

Q Doctor, I hand you copy of a letter written by Mr. Barton to Mr. Tibbett on May 22, 1935, and the copy is signed both Harry D. Kruse and Mary A. Kruse at the bottom. Is that the paper you speak of?

A It must be because there is my signature.

Q I think this has been offered in evidence as Plaintiff's Exhibit 4. Now, doctor, this paper provides that during the summer you give Mrs. Kruse \$125 in monthly installments on the second day of each month and to leave the child with her. Did you do that?

A I did.

Q Then what happened in the fall, did you go back again?

A Well, I may say that during that summer I practically never saw my boy, in the early part of the summer, although that agreement was made. One of two things happened. Usually I would go at the appointed time and there would be no one home. She kept the boy and it was arranged for you to

Robert J. ... at ... see the child? ...

Handwritten notes in the left margin, including a circled area.

wasn't this after
they learned he was
in town

A Yes, it was arranged at that time through you and Mr. Tippet that I was to go at an appointed time.

Q When you would go there would you see the child?

A Most often there would be no one home. That was in the first months of our separation.

Q That is during the first separation, that separation which occurred during the summer of 1935?

A That is right. During the later separation, when you and Mr. Tippet were arranging a reconciliation, conditions improved somewhat with regard to my seeing my son.

Q You say it did result in a reconciliation and you did resume living together, did you not?

A We did.

Q When did that occur?

A That occurred in September, 1935, and we went to live on Chatham Road. She had been living on 21st street, I think, right in back of Poly.

Q Did you take a new lease?

A I did, bought some new furniture and went into it in order to fix things up, and we signed a lease for a

*Wanted to see
the house
in the
house*

A Yes, it was arranged at that time through you

and Mr. Tippett that I was to go at an appointed time.

Q When you would go there would you see the child?

A Most often there would be no one home. That was

in the first months of our separation.

Q That is during the first separation, that

separation which occurred during the summer of 1935?

A That is right. During the later separation,

when you and Mr. Tippett were arranging a reconciliation,

conditions improved somewhat with regard to my seeing my

son.

Q You say it did result in a reconciliation and

you did resume living together, did you not?

not really

A We did.

Q When did that occur?

A That occurred in September, 1935, and we went

a woman

to live on Chatham Road. She had been living on 21st street

*I think I got a lease on
the house and I
wanted to go and
live there. I
didn't want to
live with you
and I didn't
want to
live with
you.*

A I did, bought some furniture and went into

it in order to fix things up, and we signed a lease for a

year.

Q Did you do it with her approval? Did she approve the apartment?

A She did. She selected it.

Q And you leased it for what period?

A From the time we went in, which was in September, for a year.

Q Tell us what happened after that.

A Following our reconciliation, essentially what I have said before was duplicated. After a short time arguments started and over the same subjects. She was unhappy in the home, she was not satisfied with affairs as they were, and accused me of being interested in women. It was at that time she went to see Dr. Hyde, apparently.

Q The visits to Dr. Hyde occurred during this period of living together again after the first separation?

A Yes. At that time her accusations about women were most intensive.

Q The Dr. Hyde interview occurred during that period?

A So far as I know.

Q During this time what work did she do or what part did she play in running her own apartment? Did she

part did she play in running her own apartment? Did she
 Q During this time what work did she do or what
 A So far as I know.
 Q The Dr. Hyde interview occurred during that period?
 were most intensive.
 A Yes. At that time her conversations about women
 period of living together again after the first separation?
 Q The visits to Dr. Hyde occurred during this
 It was at that time she went to see Dr. Hyde, apparently.
 they were, and accused me of being interested in women.
 py in the home, she was not satisfied with affairs as
 guments started and over the same subjects. She was unhap-
 I have said before was duplicated. After a short time ar-
 A Following the reconciliation, essentially what
 Q Tell us what happened after that.
 for a year.
 A From the time we went in, which was in September,
 Q and you leased it for what period?
 A She did. She selected it.
 Q Prove the apartment?
 Q Did you do it with her approval? Did she ap-
 year.

Met Responder

Minnie's target

She took Dayton home

Ann's husband

Minnie Carson and

Woman who has taken her husband and

3
115

✓ covered for child
✓ scrub
✓ mouse
49

✓ not a full time
✓ change day of maid
(he'd argue)
took cover

one day a week

had to manage
up full
his
help

have maids or servants?

A We had maids. One maid usually at a time there.

Q Who did the cooking?

A We went out almost every evening.

Q Did she always do the cooking?

A I had a Ford car which took us there.

Q Did she prepare any meals herself?

A The first week or two after we were reconciled she turned over a new leaf and we were going to eat at home, but the new leaf did not stay turned over.

Q After that time did she prepare your meals at home?

A Practically none.

Q How about your breakfasts?

A I never eat much breakfast and the most of that preparation would be to squeeze an orange, which I don't think you can call preparing breakfast. Lunch I would eat at school.

Q And your dinner?

A Dinner we would take out.

Q So that she did not even prepare the dinner for you?

A That is right.

Q And you had a maid that you employed?

meals not
only
recreation

A Yes.

Q Did you pay her?

A Yes.

Q During that period what was your income?

A I think it was \$3,000 still.

Q Now, these altercations, did they continue?

You have spoken of the fact she would sometimes physically attack you. Did she during this period do anything of that kind?

A She did repeatedly, and finally it was having such an effect on my son that that was the reason -- that, plus the fact I could not stand it any longer, was the reason of the separation. But the last one which really made me leave was that she attacked me in front of him and put him in a frenzy, really.

Q Was that the occasion on which you said she accused you before your son of improper conduct with women?

A No, improper conduct accusations in front of my son came after the separation. She may have mentioned something then, but I do not recall specifically.

Q When did you leave for the second time?

*Dayton
in bed
asleep*

what was she
wearing

A I left after one affair in which she attacked me in front of my son, upset him tremendously, and I came directly to your office and you called down Mr. Tippet and both of them saw my face and arms scratched, in rather bad condition.

Q What happened?

A The only thing I could do was to leave her.

Q Did she remain in the apartment?

A She did.

Q Who paid the rent?

A I continued to send her her allowance. I can't remember whether I sent checks for the rent directly or whether she paid for it. That I don't know, I can't remember. But I either paid directly or sent her the money for it. In other words, I had paid for it one way or the other.

Q You say you sent her this letter or agreement which was offered in evidence, which provides that during the summer you were to give her \$125 a month. You did that, didn't you?

A I did.

Q After you resumed living together you did not do that, did you?

A No.

Q When you left again, did you start paying her again?

A I did.

Q Did you send the same amount to her?

A I did, as I recall.

Q Did she continue to stay in the apartment?

A She did. She stayed there for I don't know exactly how long, but it was several months.

Q When was that second separation? Can you give his Honor the date of that?

A That was February, 1936.

Q Where did you go to live?

A After that separation I went to live with Mr. Respass in Catonsville.

Q How long did you continue to live there?

A Until my work took me to New York, which was about four years ago.

Q Which would be, then, about the fall of 1937,

is that right?

A That is right.

Q In connection with Mr. Respass, who testified himself, he was an old friend of yours, was he not?

A I had lived with him during my first two years in Baltimore and prior to my marriage.

Q Did you say a classmate?

A Not a classmate, but a fraternity brother, and a very close friend.

Q And when you lived with him he was married then, was he?

A He was.

Q Was his wife a friend of yours?

A Well, of course, through him.

Q You lived with them, I take it for granted that you lived happily there?

A That is right.

Q He had children?

A Yes.

Q Were your relations with Mr. and Mrs. Respass and her children always happy?

*John W. K.
Margaret Child
Margaret R. Child*

A We haven't had a single altercation over a period now -- well, since 1920 I have known Mr. Respass.

Q Have you known Mr. Respass well?

A Very intimately.

Q Is he a well-behaved man or an immoral man?

A I have never seen him misbehave.

Q Have you ever known him to be guilty of any immorality?

A I have never known him to be immoral.

Q Does he run around with women?

A Not to my knowledge.

Q Are his relations with his wife friendly and affectionate?

A I have never seen them other than affectionate and friendly.

Q You say you went to live with Mr. and Mrs. Respass. In addition to what you paid your wife, did you have to pay some board at the Respass home?

A I did.

Q After this leaving, were there any negotiations which took place between you and Mrs. Kruse and your counsel and her counsel?

A I think they probably took the whole day. There have been negotiations since. This has been negotiated for a long, long time.

Q It started with Mr. Tippett, did it not?

A That is right.

Q And there was a series of other counsel?

A How many I can't remember.

Q But your own counsel happens to be the same person, Mr. Barton?

A That is right.

Q The same man who is now asking these questions?

A That is quite true.

Q What was Mrs. Kruse's position about your leaving?

Did she want you to come back or what?

A Well, nothing was ever said until the letter which was offered here in evidence. She certainly never asked me to come back prior to that.

Q Did you agree to go back?

A I have never agreed to go back.

Q You admit that you yourself, because of your own position there, refused to go back to her, is that so?

A I would rather be dead.

Q What did you see of your child after you left and what efforts did you make to see the child?

A I made repeated efforts and arrangements were supposed to be made again, as I recall, through a series of lawyers. The lawyers changed constantly on the other side and there were usually some arrangements tried to be made, but I had the same difficulty in seeing him as I had.

Q Would you call for the child pursuant to those arrangements?

A That is right, I would.

Q What happened then?

A At first, usually she would not be there. Later she refused to let me take him with me.

Q She said if you saw the child you would have to come and see the child in her presence, is that so?

A Yes, sir. I might say she first shifted the hours around and said I could see him at certain hours, but that didn't do any good. A little later she refused to let me see him.

Q When did you first learn she refused to let the

boy go because you were taking him to Mr. Respass'?

A That, I think, was later from her then counsel, Miss Nordenholz. I would not say for sure, but I think that was in a letter. That is my first recollection about her specifically offering a reason. But I could not say the date.

Q Up to that time had you heard she had accused Mr. Respass of being an improper person and as being an improper placent to take the child?

A No, sir.

Q When did you first learn she had accused him as an improper person?

A My first recollection is this letter which came, I do know, from Miss Nordenholz.

Q What happened after that, about the child, I mean?

A It was impossible to see him, and she was changing counsel rather frequently, so that over a period from October, 1937, to July, 1939, I did not see except -- that is, more than a year -- except for a day or two when he was in the hospital sick, and then because I was paying the bill they could hardly refuse to let me see him

at that time.

Q Doctor, when did you get this position and leave the Hopkins to go to New York?

A September, 1937.

Q Just tell his Honor what the position is that you have secured.

A I became associated then with the Milbank Memorial Fund, which is a medical foundation.

Q You have left completely the Hopkins?

A That is right.

Q Have you been with this other foundation ever since?

A That is right.

Q Are you employed by them now?

A I am.

Q Where does that require you to live?

A That requires me to be in New York.

Q What is the nature of your duties? Do you have to move around, travel?

A My duties varied, but the principal part of my time is in directing research, and in addition I have to

visit some medical schools that make applications for funds. So that occasionally now I am called away to visit those institutions. But my main work is research.

Q Where do you live in New York?

A At the Prince George Hotel.

Q Have you lived there since you moved there?

A Continuously.

Q Do you keep an apartment there?

A Just a room.

Q Do you pay for it as you go or do you keep it regularly?

A I rent it permanently.

Q Where do you get your meals?

A Mostly at the Prince George.

Q Does the Foundation pay you a salary?

A It does.

Q What was it when you first took employment there?

A The same as it is now.

Q What is your salary?

A \$6,000.

Q And before that at the Hopkins, your income was

what?

A \$3,000.

(Not concluded, to be resumed at a later date).
