

CHESTER TIMES – February 22, 1909

GEORGE Q. HORWITZ FILES ANSWER IN ERB EQUITY SUIT – Philadelphia Attorney Asserts That the Property Known as “Red Gables” Did No Belong to Captain Erb, But Was the Investment of a Prominent Politician – Imitation That Couple Were Unmarried

The answer of George Q. Horwitz, defendant in the equity suit brought by Mrs. M. Florence Erb, widow of the late Captain J. Clayton Erb, who met his death in a tragic manner, at his home, “Red Gables,” last October, as readers of Chester Times will remember, was filed at Media this morning. Mrs. Erb’s suit being instituted to measure one-half of “Gray Gables” and the estate in Aston Township. Some sensational disclosures are made in the answer, and there is likely to be some laundering of very slovenly even before the case has reached its climax.

Mr. Horwitz admits the first fact stated in the bill of complaint in regard to the transfer of the property, but he avers that on April 28, 1906, Edwin Hunter of Lansdowne, a prominent real estate operator, executed and delivered to Horwitz a declaration of transfer, thus claiming that the property belonged to Hunter, but had been held by him in trust.

Mr. Horwitz states that he is not the legal owner of the property, but says that he is the owner subject to certain trusts. He also denies that J. Clayton Erb ever paid any money for the property; he says the money paid for “Red Gables,” did not belong to Erb and that Erb had no interest in the property whatever.

The answer of Mr. Horwitz further states that in April 1906, he was asked to become a trustee for a certain sum of money, the offer being made by a friend of Erb, who is a prominent Philadelphia politician, and that the money was to be invested in the “Red Gables” property; that this property was to be held by Horwitz for the use of Captain Erb as long as he lived and that at the death of the captain, the property was to be sold and the proceeds given to Miss Kate Lela Erb, the Captain’s sister. He avers that there was no title legal or equitable for Erb and that he had no real or legal interest in it.

Mr. Horwitz says the other side must prove that Mr. and Mrs. Erb went into possession and occupancy of the properties from May 1906 to October 1908, and he says that he will prove that Erb and Mrs. Erb were not married and that they were not contemplating marriage in April or May 1906, or for a long time thereafter; that Mrs. Erb was not entitled to any interest at that time, or any time thereafter.

The real estate transactions as recorded after the sales and transfers were made, are given as “Exhibit A,” and will be introduced as evidence with the case comes to trial