

CHESTER TIMES – June 3, 1910

LEGAL FIGHT TO PREVENT MARRIAGE OF MILLIONAIRE – Sensations Sprung at Yesterday's Hearing to Restrain Dr. Bullitt of Norwood from Making Miss Edna Dever His Bride – Preliminary Injunction Continued

Some surprising developments have arisen in the proceedings to prevent the proposed marriage of Dr. John Christian Bullitt, Jr., a Norwood millionaire, to Edna Dever, the eighteen year-old daughter of his caretaker, John E. Dever, a former police lieutenant in Philadelphia, in which the names of several other women figure. A hearing in the injunction proceedings was held yesterday in court room No. 2, at Media before Judge Isaac Johnson and after the arguments were presented the Court continued the preliminary injunction until Saturday morning, June 11. The injunction restrains John E. Dever from assisting in the proposed marriage of his daughter and Miss Dever and Dr. Bullitt from marrying.

QUESTION OF JURISDICTION – When the hearing began a motion was made by V.G. Robinson, Esq., of Clifton Heights, representing the petitioners, Logan M. Bullitt, Theresa L. Coles and Julin Bullitt Gross, who declare their brother, Dr. Bullitt, is a lunatic, that the preliminary injunction be continued. This was objected to by William I. Schaffer, Esq. of Chester, with whom is associated John J. Steiser Esq. as counsel for Dr. Bullitt and the Devers. After offering the objection he filed a demurrer which accompanied an answer to the bill in equity under which the preliminary injunction preventing the marriage was granted. The contents of the demurrer were read to the Court. The same attorney also filed a motion to quash the proceedings in lunacy in which his contentions were outlined.

Attorney Robinson asked that first the question raised as to the jurisdiction of the Court in equity be decided and the argument mainly hinged on this point. He declared that the proposed marriage is a matter of public policy. He said that the equity proceedings are supplementary to the petition for a commission in lunacy.

“All we need to do at the present time, he said, “is to show the proceedings in lunacy are going on in good faith.” and he also stated to show a basis for the case.

Judge Johnson suggested that the demurrer be considered before further argument on the part of the attorneys or before the calling of witnesses. No witnesses were called at the hearing.

NO PROPERTY RIGHTS INVOLVED – Attorney Schaffer declared that there are no property rights involved. He asserted that the brothers and sisters of Dr. Bullitt have no right to say that he shall not marry or that the girl shall not marry. The State, and the State only, he said, has the power to control marriages. The Court must be satisfied, he said, that this is a proper case for a commission in lunacy. He declared that the affidavits set forth that Dr. Bullitt is of unsound mind and that the law requires reasons to show this by affidavits or proof.

The petition, Attorney Schaffer declared, does not contain facts on which the Court can primarily conclude that Dr. Bullitt is of unsound mind. No committee in lunacy ought to be issued, he said. He then referred to Dr. Bullitt's standing as a member of Norwood Borough Council for three years and as a Justice of the Peace. He is a man of property properly conserved under his father's will under trustees appointed, he declared. These trustees are H. Gordon McCoach and Joseph L. Doran. “A man's sanity is just like a woman's honor,” he said, in declaring that no commission be appointed, saying it would be an everlasting reflection on Dr. Bullitt.

PROOFS OF PREVIOUS MARRIAGE – Attorney Robinson presented a copy of the proceedings in the New Jersey Court which on March 13, 1909, annulled the marriage of Dr. Bullitt to Miss Josephine Zinque, nurse in the private hospital in Trenton at which he was a patient. In that action Dr. Bullitt himself testified that he was of unsound mind. “We want to prevent the same sort of proceedings as occurred in the New Jersey Court,” he declared. He then stated as facts that John E. Dever, the caretaker for Dr. Bullitt and father of his betrothed, actually claims to own the roof that covers him, he residing at “The Homestead, Dr. Bullitt’s home at Norwood. He also stated that Dr. Bullitt’s yearly income is \$10,000 and that he receives about \$60 a week. He declared that the proposed marriage is even against the desire of Miss Dever, who is being forced into it. He also claimed that the brothers and sisters of Dr. Bullitt are denied access to him. He said that Dever alleges that the property of Dr. Bullitt belongs to him. He also asserted that Dr. Bullitt has hallucinations and that he evidently believes that a former policeman would be able to protect him. He said that Dr. Bullitt having an income of \$10,000 a year there must be property rights involved which would justify equity proceedings. He insisted that it would be a wrong to the community to permit the marriage.

HIS RIGHT TO MARRY – If Dr. Bullitt is not locked up behind the bars, his attorney declared, he can marry Miss Dever, committee or no committee, inquisition or no inquisition, and the committee could not invalidate the marriage. He argued that the Court cannot prevent the marriage but could afterwards annul it if it found proper under the law.

Judge Johnson stated that the question at stake was whether or not the Court had the authority to halt this contract, and he asked the attorneys to submit paper books on the subject containing their arguments. If the Court does not have the power the proceedings will consequently fail.

In the demurrer to the injunction proceedings it was set forth:

1. The parties’ plaintiff in the said bill of complaint have no equitable right to file such a bill of complaint against the defendant.
2. The parties’ plaintiff are without equity to maintain their said bill of complaint, as appears by the inspection thereof.
3. The Court is without jurisdiction to entertain the bill of complaint against the defendants or to grant any relief therefrom.
4. The matters set forth in the plaintiff’s bill of complaint are not cognizable in a court of equity and a court of equity is without jurisdiction under the bill filed by the complainants to grant any relief against the defendant.

Accompanying this demurrer is the answer to the bill in equity containing a denial of the allegations.

The answer to the petition for a commission in lunacy is in the form of a motion to quash. It sets forth:

1. The petition is not supported by any affidavits showing the mental state of the respondent or establishing that he is of unsound mind.
2. The petition sets forth no facts which warrant the conclusion that the respondent is of unsound mind.
3. The petition is not supported by the affidavits of any persons versed in mental diseases setting forth that the respondent is of unsound mind.

“The petition is otherwise informal and incomplete and avers conclusions instead of facts.”

The bill of equity under which the injunction was granted restraining the marriage sets forth that Dr. Bullitt is of unsound mind, and altogether unfit to govern himself or to manage his affairs. The next of kin are given as Theresa L. Coles, William C. Bullitt, Julia Bullitt Gross, Logan M. Bullitt, James F. Bullitt and Helen B. Furness.

HIS MENTAL FACULTY – The bill, which was previously impounded, set forth that for four years John Dever and his family and daughter, Edna, have resided at Dr. Bullitt's residence. It sets forth that the petitioners are informed and believe that Dr. John Christian Bullitt, Jr., is seeking to bring about his marriage with Miss Eda Dever and that Dr. Bullitt is incapacitated, mentally and physically from entering into the marriage contract. The brother and sisters making the petition allege in their bill in equity that John E. Dever is attempting to procure the marriage by fraud, force or coercion. They looked for the preliminary injunction, which was granted, restraining John E. Dever from procuring or attempting to procure the marriage and restraining Dr. Bullitt from entering into the contract of marriage.

Accompanying the request for the injunction was the affidavit of Clement H. Congdon of Philadelphia, who set forth that he was employed by the plaintiffs to ascertain the mental condition of Dr. Bullitt and the likelihood of a marriage between him and Miss Dever, and whether this was voluntary on the part of Dr. Bullitt and Miss Dever whether it was being procured by fraud, force or coercion. The affidavit process.

“That in pursuance of said employment he had made inquiry of sundry and various persons residing in Norwood and who are familiar with all the circumstances surrounding the said John Christian Bullitt, Jr., and the condition of his health, and from these investigations your deponent believes:

“That said John Christian Bullitt, Jr., for a period of over ten years has been of unsound mind, possessed of hallucinations and unable and unfit to care for his person or his affairs; that he is under duress by John E. Dever, the father of Edna Dever, who is endeavoring to force a marriage between the said Edna Dever and the said John Christian Bullitt, Jr.; that the said John E. Dever has caused the said John Christian Bullitt, Jr., to employ counsel to prevent the next of kin of the said John Christian Bullitt, Jr., from seeing him and that unless an injunction is issued restraining the said marriage that the said John E. Dever will through fraud, force and coercion cause a marriage ceremony to be performed between the said John Christian Bullitt, Jr., and Edna Dever against the will of both contracting parties.

OTHER WOMEN NAMED – “That the investigation thus far made has disclosed the fact that the said John Christian Bullitt, Jr., while of unsound mind and understanding did marry in the State of New Jersey a woman by the name of Zink; that he represented and declared that he had married a lady resident in the State of Missouri named Neideringhaus and that he repeatedly declared and represented to his near friends that a young woman visiting in Norwood with whom he had but a speaking acquaintance set about and intended to entrap him into an undesired marriage; that he repeatedly endeavored to have his attending physician act as his agent in an effort to induce Miss Anna Duffy, a resident of Norwood, to marry him and that he believed and understood that the said John E. Dever intended to force him to marry his elder daughter, Lula Applegate, nee Dever, now a resident of Wilmington, Del.:

In connection with the request for the injunction, an affidavit was taken by Logan M. Bullitt, a brother of Dr. Bullitt, and one of the plaintiffs. It is as follows:

“John C. Bullitt, Jr., is a resident of the borough of Norwood, in said county of Delaware, and is at the present time and for a space of more than two years last past has been of unsound mind and has been so far deprived of his reason and understanding that he is rendered altogether unfit and unable to govern himself or to manage his affairs. That said John Christian Bullitt, Jr., has been of unsound mind since his early childhood and during the past twelve years, he, on three different occasions had to be physically restrained on account of outbreaks of violent lunacy. From time to time he is possessed with hallucinations that people are trying to kill him and to do him great bodily harm. That for the past two weeks he has been in a state terror and collapse which produced in him complete physical prostration as well as great mental anguish, and that the complainants in this case, in consequence of the mental state of John Christian Bullitt, Jr., have filed in this court a petition for the appointment of a commission to inquire into the lunacy of the said John Christian Bullitt, Jr. That for more than four years last past the said John Christian Bullitt, Jr., has been living at Norwood aforesaid and has employed one John E. Dever as his personal caretaker. That said John E. Dever together with his wife and daughter, Edna Dever, have been residents of the house occupied by the said John Christian Bullitt, Jr., during the whole of said period. That the said John E. Dever was selected to care for the said John Christian Bullitt, Jr., for the reason that inasmuch as he was constantly suffering from or possessed of hallucinations that people were trying to kill him, the said John Christian Bullitt, Jr., had great confidence in the ability of the said John E. Dever to protect him from bodily harm and injury for the reason that the said John E. Dever had been on the police force in the city of Philadelphia. That the said John E. Dever by reason of his association with the said John Christian Bullitt, Jr., under the circumstances aforesaid, has acquired great power and influence in a way that the said John Christian Bullitt, Jr., has been cut off from intercourse with his family and as deponent is led to believe from conversation he had with the said John Christian Bullitt, Jr., he has been prevented from making trips which he desired to make and which the said John E. Dever did not wish him to make for fear he (Dever) would lose his influence over the said John Christian Bullitt, Jr.

ANNOUNCES THE ENGAGEMENT – ‘That recently the said John E. Dever caused to be announced in the newspapers that the said John Christian Bullitt, Jr., was engaged to be married to his daughter, Edna Dever, who is a girl as your deponent is informed and believes of her than 18 years of age, while the said John Christian Bullitt, Jr., is past 33 years of age.

“The said John E. Dever has well known that the said John Christian Bullitt, Jr., is of unsound mind and incapable of entering into a marriage contract or to care for his person or his affairs.

“Your deponent is informed and believes and expects to be able to prove that the said John E. Dever if not restrained by your Honorable Court will by force and fraud, threats any coercion induce and procure a marriage between the said John Christian Bullitt, Jr., and the said Edna Dever, although he will knows that the said John Christian Bullitt, Jr., is not of sound mind, and not capable of entering into the said marriage contract and your deponent is informed and believes that coercion will be exercised by said John E. Dever on his said daughter, Edna Dever, to force her to consent to such marriage. Your deponent is informed and believes that neither said John Christian Bullitt, Jr., nor said Edna Dever desire to enter into said marriage, but that said Edna Dever is too young to resist the

coercion used by his father, the said John E. Dever, and the said John Christian Bullitt, Jr., is of such unsound mind that he cannot resist the force and coercion employed by said John E. Dever to get him to enter into such marriage.

“Deponent further says that within 48 hours after said John E. Dever caused the announcement of said proposed marriage to be made public said John Christian Bullitt, Jr., was taken violently ill with an extreme collapse, that his pulse went down to 46 and his respiration to 14. The physicians attending the said John Christian Bullitt, Jr., have informed your deponent that they did not know the cause of this as said John Christian Bullitt, Jr., was suffering from the physical ailment or disease. That this was on the sixth day of May, 1910, and since that time the said John Christian Bullitt, Jr., has been so confined to his bed in a dangerous state of health and without reason admission has been refused to members of the family of the said John Christian Bullitt, Jr., who have endeavored to see him, all of which deponent believes to be at the instance of the said John E. Dever.”

KEITH LOCKHART COLLECTION