

- 5 A No; only in this way: I leased the house twice, and while the house was vacant between the two different tenants, I stayed there until I could lease it.
- 6 Q Now, the Lookout Mountain place was where, just generally?
A It was west of Sherman and east of Beverly Hills.
Q Do you remember what time you were living there in that property?
A Yes, Mr. Fillmore and I moved into the home on completion, in June of 1926.
Q About how long did you live there?
A Until I traded for the home in Beverly Hills, which was in April or May, I believe, of 1927.
- 12 A My mother purchased a syndicate - no, pardon me, a subdivision - around the California Country Club in Culver City; and Harry Culver became interested in my career, and I took an office adjoining his in the Story Building.
Q Well, what time, Mrs. Fillmore?
A 1920; and he helped to guide my new career.
- 14 Q You would simply buy lots in tracts that were being subdivided and sell them - or sell them and buy them?
A Yes.
Q On commission, for others - or sometimes on commission and sometimes speculating ventures of your own?
A Both.
- 18 A I know what I did with the \$8,000, when I came out here, eventually.
Q And what did you do with it?
A Went into real estate.
A I had it with me, and I remember my first banking was done through Mr. Burke in the First National; I opened an account there, but my mother had charge of it for me until I did open my account, as I remember it.
- 19 Q Well, I understand that - not having the book - it would be at least \$8,000 and it might have exceeded \$10,000 that you put into this first bank account?
A Possibly.
A I carried it in large bills, and then my mother helped me to take care of it.
Q Well, you have said that, Mrs. Fillmore; but I want to know how she helped you; there might be many ways. Did she keep it in her own bank account, or did you keep it all in cash or currency?
A No, undoubtedly she would put it in her bank account.
- 20 A Not only my earnings, but it represented gifts from my grandmother and gifts from my aunts.
Q Could you give us any idea as to what - let's assume whatever it was, whether it was eight, ten or twelve thousand - what proportion represented savings and what proportion gifts?
A I couldn't possibly do that.
- 25 Q And where, during 1920?
A In the Helen Matheson house.
Q That was what number?
A 56 Fremont Place.

26 A Yes, we rented - that is, my mother leased the house from Miss Matheson.
 Q Then what did you mean by saying you sold them out of house and home?
 A Because I sold the house for the owner, Miss Matheson.
 Q Oh, I see; and you received a commission for it?
 A In this way; I was quite young then; I did not receive the full commission I was not entitled to it, But I was the one who made the contact and who made the deal. Mr. Henderson, oil man, bought it, and I received more of a compensation than I did a commission. It was understood I was to have that out in commission, or I wouldn't have introduced my client.
 Q Well, who were you working for in that?
 A For myself. I was just beginning. It was my first deal in Los Angeles.
 27 Q Do you remember what the amount of your commission or compensation or whatever you want to call it, was?
 A It was more of a compensation, a out or a split commission; it was just \$2,000, but it seemed very important to me; it was my first deal.
 Q Then after the Helen Matheson house was sold, did you accompany your mother to New York for that Christmas?
 A Yes, I spent Christmas in New York.
 Q Approximately when did you return to Los Angeles?
 A A few months - the first few months in 1921.
 Q Did your mother return with you?
 A Yes.
 Q And Mary also?
 A Yes, sir.
 Q Where did you take up your abode then?
 A At the Ambassador Hotel.
 Q Then how long did you live at the Ambassador Hotel, approximately?
 A Why, we lived there until late spring or early summer of the same year - 1921.
 Q 1921?
 A Yes.
 Q Then from there where did you go?
 A We moved into an investment that my mother had bought, at 701 South New Hampshire.
 28 Q Well, I know, but it was not suitable for an apartment house in the condition in which it was purchased, was it?
 A It had no kitchens, it had no baths; it could not be called an apartment house, but it would have made a very interesting pension, like they have in Europe.
 Q Well, it was later made into an apartment house, wasn't it?
 A It was.
 Q Do you remember when the actual work of making it into an apartment house was undertaken?
 A We were nine months doing it. Just - may I tell you in this way?
 Q Any way you like.
 29 A So I had to come to the office, because most of my business interests were in the Wilshire district, and Los Feliz; and I preferred that office to the one in the Story Building down in Los Angeles.
 30 A I was more at home in the Los Feliz house. I was interested with Mr. Meade at that time in the Los Feliz property, and was back and forth.
 Q Well, I say that part of the time you and your mother stayed at the Casa, for the reason you have indicated?
 A Yes, we did.
 Q Now, how long, then, was Mary at this house in the Los Feliz tract, approximately?
 A Well, time is so difficult for me to tell you. We got into the house at the end of 1921, and she stayed until April or May of 1922, because she and my grandmother went to Honolulu.
 Q In April or May of 1922?
 A As I remember.

- 28 A It was a very unusual residence; it was some thirty-seven rooms in it - and very large - it was a very splendid type of house to make an income from.
- 29 A I was building a house in the Los Feliz tract, opening a new subdivision; and Mary fell in love with the little place; nothing would do but we must move over there. She made me very happy, and we went there and were there some time, and the house lay dormant, we were working on plans my mother was, with the different contractors, taking bids. So I would say - we sold that little house in April or May of 1922; and the Casa was being rebuilt, redecorated; additions put in, in 1922; I remember we opened in 1923; it took about nine months' time.
- Q When you moved to this house in the Los Feliz tract, your mother, grandmother, Mary, and you - all four - went there?
- A Yes, and no; what I mean, we had an office - in this large house there was an office, and my mother and I kept our records, we conducted our business, in that office.

32 Q All right; now, all I am trying to fix is the time, definitely, when you sold your house in the Los Feliz tract and started living in the Casa.
A It would be after the sale in April or May of 1922.
Q 1922?
A Yes.
Q Well, then, from May of 1922, your only residence which you and your mother had was at the Casa?
A Yes.
Q How long did you continue your residence there at the Casa?
A The word "residence" is rather difficult, because it was a workshop to me.
Q Well, how long did you stay there?
A Why, until June of 1926.
Q And you were living in the Casa, then, during the time that the alterations were made to turn it into an apartment?
A Yes.
Q And in June of 1926 your mother left Los Angeles, did she not?
A Yes.
Q And later on sailed, as I remember her testimony some time about the last of June or first of July, for Europe?
33 A Yes.
Q And she did not return till some time in the fall - November, I think - of 1929?
A Yes.
Q You made two trips to Europe during her sojourn there?
A I did.
A I sailed October 8th from Cherbourg, in 1927.
A I believe I sailed in July of 1927, and not in March.
Q After your mother left here for Europe, in 1926, did you stay at the Casa at all, yourself?
A No; Mr. Fillmore and I went to our Lookout Mountain home.
Q Now, then, Mrs. Fillmore, your mother purchased another piece of property, did she not, which has been referred to in her deposition and in Henry's as the Laughlin Park property?
A Yes, she did.
34 Q And she stated you could give us all the details about that, so I am going to ask you about them.
A Very well.
Q Do you remember when she purchased that property?
A It was either in 1920 or 1921 that Mrs. Shelby purchased that.
Q Did you negotiate the purchase for her?
A I had nothing to do with the purchasing of that.
Q You had nothing to do with the purchasing?
A No.
Q Well, did you discuss it with her?
A No. I was with her when she saw it. I had nothing to do with the purchase. Mr. Meline was the agent.
Q Then you did not get any commission for it at all?
A No.
41 Q Well, when did she first discuss with you the selling of Laughlin Park - I mean your land in Laughlin Park? When I say "yours," I mean the lot or land standing in her name, of course.
A Yes - it was hers, not mine; she told me - oh - I think it was in the autumn of 1922, that she said "Margaret, whatever you get over and above the purchase price of that property, I am going to give it to you;" she said "It doesn't make difference what it is - I shall give you whatever is over the purchase price I have paid for this property."
Q This was after Mary had left home in 1922?
A It was several months later.
Q And you were at that time living at the Casa?
A Yes.
Q All right. Now, she repeated that statement several times to you, or just made the one statement?

- 41 A No, it became stated a number of times; mother, in conversations -
didn't "state" things to me - she told me things; and it became an agree-
ment and arrangement with her. And when I say "agreement", it was a
42 mental agreement; it was an understood thing that whatever I should get
over and above the purchase price of Laughlin Park would be my profit.
- Q When did you first actively start to sell the property?
A I started quite a number of months before I - with other clients, and
carried a number of checks, and my mother carried one check for a
portion of it; it was such a large piece of property that there were
a number of different sales offered - either a half acre or quarter
acre or so many feet, or the entire thing - and I carried a number of
checks with me; and several of them were offers renewed by clients; but
I finally made the deal, and it was not such a long drawn out deal
either; it was a deal that took me less than some of the others, but it
involved a good deal of work of surveying, and so forth - I remember
that; it went into escrow, and I closed these deals, in April, I think
it was - around April or the first part of May. It was around April of
1923.
- Q That purchase price of that, the gross purchase price of that, was
\$180,000?
A \$180,000.
- Q Can you tell me from your memory or have you any records what the
charges of selling that were, including commission and escrow fees and
that sort of thing?
- 43 MR. LEWINSON: I don't believe there was commission.
A I did not receive a commission for it.
MR. STERRY: Well, I don't know of what you paid out. You did not pay any
commission?
A Mrs. Shelby paid a commission.
Q To whom?
A To Mr. Gillette's agent, Mr. Lounsbury.
MR. STERRY: That's what I thought.
MR. LEWINSON: My error.
MR. STERRY: I thought there was a commission paid; and then there would
be escrow charges, charges for title, and all that sort of thing.
THE WITNESS: Yes; mother paid those.
- Q Can you tell me what they amounted to?
A I kept a record of them, because I was quite proud of that deal; but as
my mother has told you, we have been relieved of our records, real
estate records; I particularly wanted to keep them. It was one of the
biggest things in Los Angeles, and there was a lot of publicity, and I
was very proud of it.
- Q Well, your mother gave you all the net profit from it, as I understand
from your statement?
A She gave me as a gift, all over and above-board what the property cost
her. The property cost ^{her} around \$36,000.
Q Now, then, did she deduct from the gift the cost of selling it, such as
commissions and escrow fees?
A She deducted it, because there would have been more than \$133,000 other-
wise.
- 47 Q Did you, at any time from 1923 on - between then and November 14, 1932 -
have a safety deposit box?
A Yes.
Q When did you first acquire a safety deposit box?
A I had a safety deposit box at the Security Trust & Savings Bank - I
don't remember the year - because I was back and forth from Europe,
and planning my house; let's see - 1927, I believe it was; yes.
- 48 MR. LEWINSON: He is asking you if you took another box; and you said you
took one out in Hollywood.
THE WITNESS: Yes, I did.
Q BY MR. STERRY: Now, in 1923 did you have access to any of the boxes that
your mother had?

- 48 A Not unless I went with her - oh, I had no access to it alone, no.
Q That is, you couldn't have gone in and entered any of her boxes?
A No.
- 49 A Well, one was at the - the old one - the First National Bank - some Spring Street bank; and then when this money came - when these bonds were selected and bought there for me - I believe mother put them in the bank vault of the Guaranty branch of the Security-First National Bank; because she wanted to segregate them from hers and from Mary's; I believe that was so. Because we went into the vaults there; and the Casa was opening up - 1923 - I was with my mother to her bank box at Eighth and Vermont; she had a box there. And when we lived in the Ambassador Hotel, after we moved from 56 Fremont Place, before we got into the Casa, we moved into the hotel, and mother took out a bank box there, as I remember it. So I did know of those different bank boxes; I used to go with her.
- 50 Q Did you ever discuss with Mary the fact that you were to receive a present from your mother of the profit she made on Laughlin Park?
A Mary left home in 1922; I didn't see very much of Mary. There was hardly any discussion between us at all on any - there wasn't any that I can remember at all.
Q Well, then, your answer would be "no?"
A "No".
- 53 Q You have no recollection of discussing with Mary your mother's intention to give you the profits from Laughlin Park, or the fact that she had given you that profit, after Mary left home and before the bonds were actually purchased for you?
A I remember no such discussion.
Q No such discussion?
A No.
Q Now, then, do you remember that the subject was afterwards discussed between you and Mary, or between Mary and her mother in your presence?
A No.
- 57 A That was after she left home and she was under the influence of other
58 people.
Q What other people?
A This Mrs. O'Neil and her daughter, Jeanie McPherson, were two of them - and other people.
Q About how long after she left home was it before relations between you and Mary ceased to be friendly?
A The first time it occurred to me that there could be anything but friendliness between us was when a reporter came to the house, and I saw him and said that my mother did not want to be annoyed with him.
- 62 MR. STERRY: Well, I would like to know, if she knew where she was living; I think it very material.
THE WITNESS: It was in the hills in Hollywood, a little way from Cahuenga Boulevard.
- 69 A She couldn't have. I hadn't any money except this; in Santa Barbara, during the war, I had purchased \$1,500 of Liberty Bonds; but that was not with Blyth & Company, and it was purchased in my own way - I purchased them through someone in Santa Barbara - a man who came there selling Liberty Bonds.
Q Did you hold those bonds, or did Mr. Henry ask to sell them for you?
A I couldn't tell you. My mother took care of that for me.
Q She kept them in her box?
A Yes.
Q Had you purchased them from the earnings which you had saved from your theatrical work?
A Not in New York; I was playing at the American Film Company and had been for quite some time, and I purchased these bonds with part of the

70 earnings that I had received there.
Q And delivered them to your mother?
A Well, I had them for a while; I didn't want the responsibility and mother took them.
Q All right. Now, then, the money which you got from the sale of Laughlin Park was the first money which you had belonging to you, that you invested or had invested in bonds; is that correct?
A Yes; that's right.

80 Q That is, all of the bonds were not bought and delivered at one time?
A No.
Q They were bought in separate blocks, as we say?
A Yes.
Q And delivered at separate times?
A Yes.
Q And your mother would take them over and put them in a bank vault?
A Yes.
Q I think you said this morning that as you remembered it; it was the bank vault at the --
A Guaranty branch of the Security.
Q Guaranty branch?
A Yes.
Q Did you have access to that vault without your mother?

81 A No.
Q How about the income from those bonds, the coupons; who clipped those?
A I did not clip them.
Q Well, do you know who did?
A My mother clipped them.
Q Well, how about the money that was coming from them after they were clipped?
A Well, my mother had the use of that money.
Q Did she pay it to you or did she keep it? All I want to know is just what she did with it, actually.
A Well, I am her daughter. We used it, no doubt - some of it - together; some was reinvested in real estate, a small portion. Most of it was invested for bonds for me; a very few thousand dollars went into real estate. Going back all those years, I would say the majority of that, the large substantial amount, was reinvested in Blyth & Company for me.

84 Q And as they were kept and reinvested for you, did she discuss those reinvestments with you before she made them, or just go ahead?
A She went ahead - she went ahead and took care of them for me.

86 A The moneys - the interest; and then; as I was making money in real estate, it was a continual growth; every penny, dime and dollar commission I earned were given into Blyth & Company.

87 A But my biggest earnings came in, say, the middle of 1924; and quite a large amount in 1925. So that it was not going in large amounts, in one lump - it was seeping in, in some small way, a few times; but most of it was large lumps.

95 Q What I am trying to get at is, would you take that specific check and put it in your bank account, or would you deliver it to your mother for deposit in her account so that she could draw the check?
A Both ways.

96 A But I used mother as a mother and banker and everything; she was my safety deposit box, herself.
A I would put money into a syndicate, like the Third Street - La Brea - Beverly Boulevard, before the streets were ever opened from the fields; and I would need money to operate that way.

97 And when the time was ripe to sell that property, then that property was sold at its peak, and the proceeds were placed in Blyth & Company.

105 Q Have you any recollection of examining a return, and signing or swearing to any income tax return for the years of either 1920, 1921 or 1922?
A I have no recollection.
Q What?
A I have no recollection.
Q Now, in 1923 do you have any recollection?
A No.
Q How about 1924?
A I couldn't tell you; my mother had an income tax specialist, and she would take care of those things - that is, the income tax man was engaged. I couldn't tell you because I don't know.

106 Q Now, can you tell me whether you made as much as a thousand dollars gross from your real estate business in 1920?
A Yes.

107 Q Did you make as much as that during each of the succeeding years?
A I did.
Q As a matter of fact you made considerably more than that during 1921 and 1922 and 1923, 1924 and 1925?
A Considerably more than a thousand.
Q In each of those three years?
A Each of those years.
Q Now, I assume that this question will call for a negative answer from the former testimony; but have you copies of any income tax returns, if you made any, for any of the years beginning with 1920 down to, let us say, 1926?
A No, I have not.
Q If you made such returns, you alone can obtain copies of them from the Government; and I now ask that at the time of the trial - either the action of your mother or your action - that you obtain for us copies of all income tax returns for the years commencing with the year 1920, down to and including the return for the year 1932.

108 A There was a discussion about some bonds being purchased for my grandmother - and she wouldn't have it, she said.

132 A That is the reason I stopped off in Pasadena. And I remember, when I went into the office, being only the owner of twenty-five cents in currency at the time; I got a check cashed for \$100 on my bank - the Security-First National Bank in Beverly Hills - it was on my rental account that had been accruing in the bank.

133 Q Do you remember whether you made any declaration as to personal property taxes in the year 1923?
A I don't know anything about income tax, Mr. Sterry. It was taken care of for me.
Q I didn't ask you anything about income tax. I said personal property taxes - State and County.
A I have always confused the two. I couldn't answer that.
Q Well, do you remember whether you paid any State and County taxes in 134 either 1923 or 1924?
A I did not take care of that.
Q Well, who took care of that, if it was taken care of?
A My mother would be the one to take care of that. I mean she would - whoever she employed; my mother was not able to do it personally, but she would see that it was done.
Q You looked to your mother to manage your property, whatever it was - earnings or gifts or otherwise?
A Yes, I did.
Q You were married in what time?
A May, 1925 .

- 134 Q May of 1925?
A Yes.
Q Did you reside at the Casa after you were married or not?
A Yes, I did, for a short time.
- 136 Q BY MR. STERRY: Mrs. Fillmore, when you went abroad in 1927, and you met your mother in France, did you meet your sister Mary there?
A Yes, I did.
Q As soon as you arrived?
A They were living in the same hotel.
OUT Q Living in the same hotel?
A Yes.
Q What were your relations with your sister Mary during the time you were over there?
- 142 Q Where did she take up her abode?
A At the Park-Wilshire.
Q At the Park-Wilshire?
A Yes.
Q How long did she stay there?
A Until she went to Santa Barbara.
Q When was that?
A I don't know the time, is the difficulty. She stayed there all through 1928, I know, because I was helping Mr. Latham with the income tax; and I would go to her apartment.
- 147 A No - Colonel Hutchins was my mother's tax expert; and I remember we went to a man whose name was Carson, and it was discussed a few hours one day, and that was the end of it.
Q Well, did you assist Mr. Hutchins at all before you went to see this Carson?
A I dug through these different boxes; I got out all that was pertaining all I could find pertaining to mother's tax; whereas, Mary's tax, with Mr. Latham, involved conferences with a number - oh, I would say maybe there were six or seven, and certainly not less than five, Government men in these conferences, which lasted over quite a period; whereas, my mother had just the one man - Mr. Carson, or some such short name, and Colonel Hutchins; and it lasted just a few hours.
- 148 Q BY MR. STERRY: Mrs. Fillmore, there was a lien filed on you, was there not - a Government lien served on you with reference to your mother?
149 A Yes.
Q Do you remember when that was?
A 1928, I think.
Q Have you got a copy of it?
A No.
- 154 A Then were discussed different places, and it was decided that I would take a bungalow on the grounds of the Maryland Hotel.
- 155 Q You say that you assisted Mr. Latham in regard to your sister's income tax returns; do you remember now what years those embraced?
A As I remember it now, it was 1921, 1922 and 1923.
Q 1923. Do you remember approximately when that was finally adjusted?
156 A I believe in 1928.
- 164 A I stressed with Henry that the desire of my mother was to put these bonds with the bonds that were there - with Blyth & Company - to be put into a trust. I had also invested for my mother and for myself, I think it was around \$12,500 in bonds from actual moneys; and of course the interest kept accruing all the time - I was not using it here; but there was plenty of bonds in Blyth & Company's office here to make up the \$85,000, and my mother wanted that in trust; I stressed that.

- 165 A No, I don't believe there was, because there was \$63,500 here, and there was that \$12,000 in absolute dollars that I had invested; and I had not been using the interest her excepting to meet the payments on the Casa, or taxes, or something like that, for mother or Mary; there was plenty of money here as I understood it - as we figured in Europe.
- Q You had \$12,000 of bonds you had invested in here; had they been delivered to Blyth, Witter & Company?
- A Yes, they had.
- Q To what person of the organization had they been delivered?
- A Well, I had Mr. Henry's receipt for it.
- Q Showing you Exhibit 3-27, dated October 29, 1926, is that the receipt?
- 166 MR. LEWINSON: On the face of it, it can't be what the witness' answer refers to; because here you have \$5,000 Hungarian Consolidated, and \$4,000 Municipal Service Corporation, and \$28,000 Westphalia; and then interest coupons aggregating \$2,462.50.
- MR. STERRY: All right; then I would like you gentlemen to produce the receipt the witness is referring to.
- MR. LEWINSON: We do not have it.
- Q BY MR. STERRY: All right. Now, you heard the statement of your counsel - can you aid him or aid us in describing this receipt more in detail?
- A Yes; it was receipts, and not "receipt;" I am in error there about stating it was a receipt, because I remember well some things that were left over from the auction, at a private sale; and these things brought \$3,500, I remember. And then with some money I had, I bought some bonds. I think I bought some - I don't remember the bonds, but I think it was Wilshire Oils, and some Czecho-Slovakian or Serbs - or some such title. It totalled around \$12,500; but as I remember, this \$3,500 of my mother's property which materialized into money, was given at one time; and then this \$3,000 or \$4,000 of mine was given at another --
- MR. LEWINSON: Pardon me. There were two kingdoms that issued bonds - one is Czecho-Slovakia, and the other is the Kingdom of Serbs, Croats & Slovenes. The witness' answer is a little bit ambiguous on that point, and I thought I would direct your attention to that.
- 167 MR. STERRY: I would be very glad for your assistance. However, I will ask the witness if she can make it more specific as to the designation of the bonds, in view of the statement of her counsel.
- A Well, I remember the sale of the left-overs of the auction, which was my mother's property, which I sold for \$3,500 - got that cash in a lump sum; and then I purchased \$4,000 of bonds for myself, and at another time \$3,000 - it was \$12,500, is my best recollection.
- Q Well, that \$12,500 worth had been purchased with money obtained from the auction sale of the furnishings of the Casa, and some of your earnings?
- A Yes - not earnings particularly, no; there were some moneys that I had.
- Q Well, they were made up of some of the moneys received from the auction sale, and some moneys belonging to you?
- A Yes; what I meant was, not recent earnings; I was not working in 1926.
- Q Had you taken those receipts in your name, or in the name of your mother or both, if you remember?
- A This \$3,500 was my mother's - and I think it was just a receipt, as I remember it, it was "Received" in my name - "For Mrs. Charlotte Shelby," such and such an amount - signed by Henry.
- 180 Q Now, when, do you remember, did your sister return from Europe?
- MR. LEWINSON: It has already been stipulated it was in December, 1927.
- 185 A I had made a certain rate to him for the Casa; and he had talked to Mary, or he had phoned to Mr. O'Melveny; anyway he wanted - and they were
- 186 agreed on - a smaller amount of rent, which made me quite angry with the tenant - incensed that they would take advantage of Mary - that this Holbrook, the tenant, would do so.

194 A I am sorry to have to mention the Hassell report, but that came into it.
195 Q What was the Hassell report?

A Mr. Latham had to give me the Hassell report to read over so that I might help him, so that I might bring the proof to disprove this awful imagination of the Hassell report; and I read sketches of it, just sketches, because he did not want to give it to me anyway; I think he thought it might anger me so I might stop. But I was loyal to my mother; and I had Mary's interest at heart, no matter what the Hassell report said; but it was rather a burning epistle of a rather horrible idea of this Hassell; there was no essence of any truth in the thing. I never wore ermine coats or sable coats to a real estate office; I never bought four pairs of shoes in my life - and that sort of thing burned me up.

MR. LEWINSON: You mean at one time?

THE WITNESS: In my life I bought many pairs of shoes; but never at one time; it had me loaded down with wardrobe, and had Mary in a gingham gown. So I bought thousands of still pictures to prove where thousands of dollars went, for one picture; you know a star has a great deal of overhead on her. I was able to prove some part of that overhead.

196 A Well, as I explained, Mr. O'Melveny - being Mary's attorney - would be asked about her holdings. I am not quoting what I thought or what I suggested; it was Henry who suggested it - that if they were on the Blyth & Company books, the probability was that they wouldn't go to Blyth & Company; but they would go to Mr. O'Melveny as her attorney, and Mr. O'Melveny would not know they were even here.

203 Q But I remember you said that you made a picture for Famous Players?

A Yes, I did.

Q Was that the name - Famous Players-Lasky?

A Yes, it was.

Q What time, do you remember, approximately?

A 1921, I think. It might have been 1920, Mr. Sterry.

Q What picture was it?

A It was called "Jenny Be Good." I think it was 1920.

Q What part did you take in the picture?

A It was a very important role; I would say the third part of importance in the picture.

Q What?

A The third part of importance in the production.

Q Well what was the character?

A Oh, a miserable character, it was.

MR. LEWINSON: What was the name - that is what Mr. Sterry is trying to get at.

THE WITNESS: Oh, I forget the name of it.

Q BY MR. STERRY: What name did you work under?

A Margaret Shelby.

Q Under your own name.

204 A Yes.

Q How long were you making the picture - I don't know your terms - but how long were you working on the picture, drawing salary?

A Weeks; some weeks.

Q Well, "Some weeks" would take in an awful lot or an awful little.

A Well, over a month.

Q Over a month?

A Yes.

Q Was that at Famous Players or Real-Art?

A It was the studio off of Commonwealth; that would be the Real-Art Studios - a branch of the Famous Players.

Q Did you do any other work in pictures on this coast after you came here?

A I played in Santa Barbara for years.

Q That is, in pictures?

A In pictures, yes.

204 Q What company were you working for there?
A The American Film Company.
Q As I remember your testimony you said you came here in 1916.
A Yes.

205 Q Between 1916 and 1920 were you living in Los Angeles or Santa Barbara?
A I was living in Santa Barbara.
Q And when were you working for the American Film Company - during that period.
A Yes, with the exceptions of the time I was working at the Baker Stock Company as ingenue in Portland, and at the Morosco Stock Company in Los Angeles.
Q Well, you were here in 1920 according to your testimony. What I am trying to get at is, your residence in Santa Barbara was between 1916 and 1920, was it, or not?
A Yes - I went to New York meanwhile - quite a little stay.
Q Well, after 1920 you resided in Los Angeles, didn't you?
A Yes, I did.
Q I do not mean that you any not have gone away from here for trips, but this was your home from 1920 on, Mrs. Fillmore?
A Yes.
Q Do you remember how long you worked for the film company in Santa Barbara, the American Film Company?
A From 1916 to 1919 - the first part of it - with the exceptions of the engagements I have mentioned.
Q Do you remember what your weekly salary was?
A No; it was different salaries.
Q Well, do you remember what the different salaries were, or any of them?
206 A Oh, I think \$150 and \$250. It is difficult to remember my salary. And I remember playing one small part - it was a matter of accommodation to another star - for \$75; I made a few scenes.
Q When you say \$150 and \$200, and \$75, do you mean per week or month?
A Week.
Q Do you remember the weekly salary which you received when you worked for Real-Art or Famous Players-Lasky - whichever it happened to be?
A No, I do not remember.
Q Now, after you went in the real estate business, you had no theatrical work at all?
A No; my career ceased when I entered the real estate business.
Q Well, when you use the word "career" -
A I mean, it was a different career; my theatrical career ceased.
Q Well, that's what I am getting at; as I understood your testimony, in 1920 you were just starting in the real estate business when you met Henry; and from then on, your earnings were all in real estate or business, and not in theatricals at all?
A That is right.
Q Prior to that your earnings, whatever they had been, had been in the theatrical profession, either in pictures or vaudeville or on the stage; is that correct?
207 A Yes.

210 A "Well," I said, "I don't see any reason why mother should stay in New York any longer." And Mr. Henry said "Well, I would like to have her return to finish these payments, because the bonds, the final bonds, are here now." So he said "Why don't you telegraph her?" I said "I have been thinking, several days, that it would be the best thing for mother to come home, and I will telegraph her, Mr. Henry." And he said "Well, why don't you tell her this," and he started out; and after considering all the conditions - meaning, by "conditions," with me - that was the weather, and having to wait until Mary was more disposed to continue her career - he kind of dictated this telegram to her; I prepared this telegram from Mr. Henry's wording, and it did not make any sense to me; I couldn't understand the telegram. So I said "Mr. Henry" - I had written it all down as he told me, and some of the wording is not mine at all on this, and the thought of it did not

210 A "Well," he said, "Mrs. Shelby owes the firm some money on bonds" - that she was buying bonds just before she left for New York, so much down and so much - paying so much before the delivery - and she owed Blyth & Company quite a little money; that she had interims, and some of the bonds had come out - the permanent bonds had arrived in Blyth & Company's offices; and Mr. Henry wanted her to make a payment on them. "Well," I said, "I don't see any reason why mother should stay in New York any longer."

211 A Oh - mother's trips to New York - hasn't it any date on it? It seems to me like it was the first trip, after I left her in Florida.

212 Q It was before she went to Europe in 1926, then?

A She made two trips. It was upon the first trip, I think. Yes, it was, Mr. Sterry, because I left her to go to New York - that is when she was trying to interest different people, and having correspondence long before she left here, with Walter Kingsley - she wanted to re-establish Mary - and it was the first trip. That was about January, I imagine, that letter.

Q Of what year, would you say?

A That would be '26.

220 A In response to Exhibit 52, I remember leaving no power of attorney or letters at any time in anyone's office - Henry's or anybody else's; I do not consider that I am careless. And I don't remember receiving anything like that.

221 Q Who was Miss Gee, if you know?

A She was in the lower tract office.

Q In the what?

222 A For the Lookout Mountain Syndicate. I lived on the top of Lookout Mountain.

Q Well, were you or your mother interested in that syndicate?

A Yes.

Q She was not an employee of yours, then?

A No.

Q She was employed by the syndicate?

A By the manager of the syndicate.

223 Q Now referring again to Exhibit 47-a, it is addressed to Mrs. M. Fillmore,
224 8604 Sunset Boulevard; was that the number of your house?

A No. That would be the tract office, about four miles down the mountain from my house, on Sunset Boulevard.

Q Well, that would be the lower tract office where this Miss Gee was?

A Yes.

227 Q Now, I will show you from the Henry deposition Exhibits 39-JJ, 39-K, 39-Q, and Exhibit 35; all of them bearing the initials "M.S.," and ask you if those initials are in your writing?

A I never saw these before in my life.

Q Well, then, your answer would be, I take it, that the initials are not yours?

A Certainly not.

Q Now, I will show you three checks, Exhibits in your mother's deposition - S-12, S-14 and S-16 - each of the checks made payable in your favor, and each bearing the endorsement "Margaret Shelby - Charlotte Shelby;" and I will ask you whether or not the endorsement on each is in your handwriting, and the name of "Charlotte Shelby" in the handwriting of your mother?

MR. LEWINSON: Read the question.

MR. STERRY: That is, what I mean by the question is, is the name "Margaret Shelby" in your handwriting, and the name "Charlotte Shelby" in your mother's handwriting?

MR. SCHWARTZ: That is, on the reverse side of the checks.

A This looks like my signature above my mother's.

- 228 MR. LEWINSON: That is, on S-16?
THE WITNESS: They all look very similar to my writing-"Margaret Shelby" is in my writing, and the "Charlotte Shelby" is in my mother's writing.
- Q That is, on all three checks?
A I assume they are.
- Q Now, I will show you Exhibit S-19 from your mother's deposition, which is a check made payable to yourself and endorsed "Margaret Shelby, per Charlotte Shelby," and ask you whether both your name and that of Charlotte Shelby is in your mother's handwriting - if you know?
A These are both mother's signatures,
Q Did you know that she endorsed that check?
A What of it, Mr. Sterry?
Q Well, I asked you a question.
A My mother is my mother; and if she did so -
Q I assume that she is not your father. But what I am asking you is, if you knew she endorsed this check, or if you knew whenever she desired so to do, she endorsed your checks?
A I have no recollection whether she endorsed that check or not.
- 229 Q. BY MR. STERRY: Well, you knew that she was in the habit of occasionally endorsing your checks?
A She was quite capable of taking care of my business, far more than I was, as far as money matters are concerned.
Q Well, that is not an answer to the question.
A I don't like your question.
Q Well, I am sorry, but I do. I am asking you the question whether or not you knew that she had the authority from you to endorse your checks?
A Yes, sir.
Q Mrs. Fillmore, at the time you sailed for Europe in 1927 had you parted from your husband?
A Yes.
- 235 A I will call him "Mr. Cadwalader," but Mr. Henry called him -
MR. STERRY: Theo? His name is Theodore.
- 249 Q And how much in par value were you to have segregated to you?
A Nearly \$200,000.
Q \$200,000?
A I didn't say \$200,000. It was not quite that much.
Q Not quite that much? How much less, do you remember?
A I get the amount \$185,000 and my mother gets \$4,000 more; so it is between \$185,000 and \$189,000; and that is not accurate, because I am only counting that which I - it is difficult for me - I feel I have more than that, but that is what I can make a rightful claim to.
- 253 Q Now, what further was done towards actually segregating the bonds for Mary and for yourself?
A Many discussions - many lists - and I remember my mother taking out a box in a bank vault for Mary, and putting a letter notifying whoever might open that box - the Government, or in event of her death - I mean, however those things are arranged - I mean, "This box is Mary Miles Minter's box;" I mean the contents of that box would be the property of Mary Miles Minter, and that if anything should happen to her, this was her legal box and her legal belongings; and I remember going over to this box which was in Hollywood, at the Security-First National Bank - I believe.
- 254 Q When did she take this box out?
A 1932.
Q In 1932?
A Yes.
Q What part of 1932?
A I don't know; either spring or summer.

258 A That is, that the syndicate was paying the income tax on those bonds.

263 Q BY MR. STERRY: Whatever it be, your real estate earnings were made in the years 1921 to 1926, were they not?

A 1920 to 1926.

Q Did you engage in real estate after you returned from Europe in 1927?

A No.

Q Now, during the period between your return from Europe in 1929 and the confession letter, did you receive any interest on the proportionate amount of securities that Mr. Henry held that belonged to you?

A Yes.

Q And how, may I ask, did you receive that interest?

A It came to me in the form of Blyth & Company checks - or they came - later, why, they came in the form of cashier's checks.

Q Did you ever, after your return in 1929, receive any of your bond interest in Blyth checks?

A I received interest, yes.

Q That is not the question. I asked you if you ever received any interest payments from the securities which were supposed to be in syndicate, on a Blyth Company check?

264 Yes.

Q Do you remember the amount?

A No, I don't know. May I say this: that the bonds being in syndicate got everything so confused between mother and me; sometimes our money would all come in mother's name; the next week - or I mean month - the money would all come in my name. It was a jumbled mess; and that was why mother was particularly anxious to get her house in order and segregate these moneys. It was because of the syndicate confusing the different holdings.

Q Well, all right. Sometimes the interest on the whole block of syndicated bonds would come to you and sometimes to your mother, is that correct?

A With the exception of that which was Mary's \$700 a month.

Q Well, you never did receive that \$700 a month?

A No.

Q Either one of you?

A Oh, Mary received her \$700 a month.

Q That is what I am getting at. Neither you nor your mother ever received that \$700 a month?

A No.

Q All right. Then let's leave that aside. The rest of the interest would come sometimes in a lump to you and sometimes in a lump to your mother?

A Yes.

265 Q What I am asking you is, were any of those interest payments ever on Blyth & Company checks?

A Yes.

Q Weren't they all cashier's checks?

A I don't know. When I say "yes" I believe they came in, first - when we came here first, came back in 1929, it seems to me they were Blyth & Company checks; and the first time that we were aware, as I remember, of a cashier's check, was when Mary's \$700 came on a cashier's check.

Q Well, now, Mrs. Fillmore, this may be important from my point of view - and that of course is the only way I can judge - I want you to reflect, be very careful, as careful as you can; would you be certain that you ever received a Blyth & Company check for that interest on the syndicated bonds?

A I am not positive.

Q Your mother was receiving - in addition to the interest which was supposed to be earned by the bonds - she was also receiving a check for \$249.50 every quarter?

A That was the syndicate interest, yes.

Q Was that \$249.50 quarterly payment ever sent to you instead of your mother?

A I couldn't answer that; I really couldn't answer that.

Q Now, let's see - you went to Europe, last trip, at what time?

266 A March of 1929,
Q Before you went to Europe in 1927, had any interest payments been made to you by Blyth & Company?
A May I answer it in this way - that my mother was in Europe; my mother wasn't well; and I was married at the time, and I didn't know what moneys she would need; and I certainly wasn't particularly interested in being gay - and didn't care about things so much, in this new home. My interest went to my mother; my mother had the majority - I say "the majority" - she had the great portion of my bonds in Europe; she received those interest checks; she needed it, and I certainly did not want it.

267 Q BY MR. STERRY: You testified that you initial investment was made in 1923?
A Yes; I understood that.
Q Now, then, from 1923 to 1927 you received some interest payments, did you not?
A Yes, I did.
Q Now, do you remember whether those were sent to you on Blyth & Company's checks?
A Oh, yes.
Q They were all of them on Blyth & Company's checks?
A I would say all of them, yes.
Q Now, when you returned in 1929, your mother had a large - well, she had some securities with her, did she not?
A Yes.
Q And she continued to deal with those securities - that is, buying and selling?
A Yes.
Q Now, did you have any interest, so far as you knew, in the securities which she had under her control?
A Why, Mr. Sterry, the majority of those securities were mine.
Q Well, that is what I am trying to get at - as to whether your securities were those which your mother had or those which were in the syndicate; there are two blocks.
A Yes, I know.
Q So that you will understand exactly what I am trying to get at, Mr. Henry had one block, which we will call the syndicated securities - of course we all know they were not, but we will designate them as syndicated securities - then your mother had another block.
A Yes.
Q Now, what I am trying to find out is whether you had any interest in your mother's securities, or whether yours were all in the syndicate, or part in each, if you know?
A I couldn't answer how much of mine were in syndicate - how much of them - but the majority which my mother brought back were those which I left with her in Europe - which were my bonds.
Q Do you know of your own knowledge approximately how much she brought back?
A I couldn't tell you that, because Henry was constantly calling.

312 Q Now, then, what became of the Casa? I don't mean in chain of title, which your counsel promised to hand me; but what became of the - what did you do with it?
A It was leased for a club for young men.
Q Do you remember whether that lease had been made before this auction sale?
A No, I made it later.
Q How much later?
A Summer of 1926.
Q Have you got a copy of that lease?
A Perhaps.

313 Q Mary said that she would tell him he wasn't getting his money's worth, and you just took the lease out of her hands and told Mr. O'Melveny you would see to it.

A Yes.

Q Now, was Holbrook the lessee?

A Yes.

Q To whom you had made the lease?

A No, the lease I made was to a man by the name of Little.

Q Did he operate this club, or did that sale -

A He went into bankruptcy; Little went into bankruptcy; and then this Holbrook - some time elapsed before Holbrook wanted to lease it.

Q What did he lease it for, if you remember?

MR. LEWINSON: Isn't this too remote, Mr. Sterry?

MR. STERRY: I think it is very direct, to my mind.

314 MR. LEWINSON: Maybe.

THE WITNESS: It was \$425.

Q BY MR. STERRY: Do you remember the purpose?

A Yes, it was to be the same - it was to be carried on as a club for business people.

Q Well, all right. When was the auction determined on, if you remember, with reference to the time you actually held it?

A Months before November, 1925; about August, I think.

Q The auction was in November, was it?

A Yes.

Q Why was it auctioned, if you know?

A I certainly know.

Q All right.

A My grandmother had just an allotted time; my mother's health had completely given way - she weighed less than ninety pounds; the strain of meeting the overhead was tremendous - it was just too much work, too much hurt to carry on; that Casa was a backbreaking, endless proposition. And I had married Mr. Fillmore at that time.

Q When did your grandmother die with reference to the auction of the Casa?

A Mama passed away December 5th. (1925)

Q What?

315 MR. STERRY: - but without going into details, could you tell us generally whether your operation of the Casa paid or not?

A It had not paid that year; the Gaylord hurt the house financially, when it was opened.

Q Well, you opened it as an apartment house when?

A 1922.

Q 1922?

A Yes.

Q Had it paid any of the time?

A Yes, it had.

Q Have you any records available that you could submit either to myself or to Mr. Kampert showing the overhead expenses on that and the cost of operation, from the time you opened it until it was closed?

A I have an idea, Mr. Sterry, that that helped to make the fire that Mr. Henry created when he spoke of it in his deposition; I kept those records very carefully.

316 MR. STERRY: Will you read that answer, because I either didn't hear it, or didn't understand it if I did hear it.

MR. LEWINSON: It was quite intelligible.

(Record read)

MR. LEWINSON: Henry spoke of burning records.

MR. SCHWARTZ: You mean his own records?

Q BY MR. STERRY: Now, let me ask you again: You kept a record, did you, a bookkeeping record which showed the operation of the Casa - the outgo and the income from it?

A I did.

Q Are those records available to you?

316 A No, they have been taken from us.
Q And you haven't anything now to show what the expense of the Casa was, do you, or to show the income you received from it?
A No.
Q And it is your belief that they are nonexistent - that they have been burned up or destroyed?
A It is my belief that they may be existent, or else they were destroyed at Mr. Henry's -
Q Well, you are unable to get them; you wouldn't know where to find any of those records now, would you?
A No.

317 Q Then I shall have to ask you for your best memory: Do you remember approximately what the upkeep was, and the income from it, during the years from 1922 to the time you closed it?
A That is rather a fluctuating thing. I couldn't answer without my records.
Q Do you remember the number of apartments that you -
A It wasn't quite like that; the Italian Renaissance was seven rooms; the French was five; the English was five; the bungalow was five. There was only one small apartment. It was run in a very magnificent manner - apartment hotel - and there were several three room suites.
Q Well, how many rentable apartments - I don't know any other way of calling them, whether they were three rooms or four - how many different units did you have to rent?
A May I think a moment? Ten.
Q Ten?
A Yes. Oh, no - eleven.
Q Eleven?
A Yes.
Q And they comprised how many rooms?
A From seven to five, four, three - one; there was only one of just one room.

318 Q Do you remember what the taxes averaged during those years on it? That, of course, is a matter of record.
A It seems to me almost \$3,000, is my memory.
Q Do you remember the mortgage that was on it?
A I remember what was paid on the interest - \$875 quarterly.
Q \$875 quarterly?
A Yes.
Q Do you remember what the amount of the mortgage was, that was on it when your mother bought it?
A I couldn't tell you.
Q Do you remember the purchase price she paid for it?
A Around \$86,000.
Q Well, that was the total price including the mortgage assumed?
A I couldn't answer.
Q I couldn't say.

319 A No.

320 Q Do you remember substantially what you realized - I mean what your mother realized - from the auction?
A It was a very large figure. It was over \$50,000.
Q Do you know of your own knowledge what she did with that?
A Yes, I know of my own knowledge that she put it into Blyth & Company.
Q Well, I suppose the same situation applies there as to your other answers; when you say "Put it into Blyth," you mean she bought securities through Blyth?
A Yes.
Q Would it be fair to say between \$50,000 and \$60,000?
A I should think so.
Q From the auction?
A Yes.
Q That is, net to her after paying the auctioneer and expenses?
A I couldn't answer that.

321 Q How long had you had practically an empty house?
 A I do not like to guess. I couldn't answer how many months it was. It was a matter of months.

322 Q Mrs. Fillmore, during the time that this Casa was opened, who had been manager of it, yourself or your mother, or together?
 A Well, I had been.
 Q You had been?
 A Yes.
 Q And you had undertaken the work of renting it and collecting the rents, and generally supervising it, had you not?
 A I had done everything, even to think for the tenants.
 Q And that took little, or much of your time?
 A It took a great deal of time. I had it systematized so that I might still carry on a real estate business.
 Q Did your mother allow you any certain compensation for that work or not?
 A There was an allowance made for a working manager; I didn't take it. At the different periods, or the end of the year, as she managed it, it was invested for me.
 Q What amount was agreed on, if you remember, for that?
 A It was a small sum. I think it was something like \$250 a month, around that.

326 THE WITNESS: I know what you mean. The front door is under my mother's bed room, where my mother and I spend a part of the evening; and it is very easy to hear the door open and close.

I have been awakened with noises below my bed room - which is over a kitchen - walking - and this was when we had no servant.

327 Well, I picked up a mechanic for the Chrysler, the only man, the only mechanic that I have had to handle the car for several years; and I am the only one who drives the car. He drove me down to the Pacific Mutual Building where the deposition was going on, and he was to take the car back and repair it - engine trouble - and he looked up and said "Mrs. Fillmore, what have you been doing with this car?" I said "We haven't been doing anything with this car. What have you been doing with it? You are the only one that handles it." And the entire top of the car was ripped out; and he said "Oh, they must be using dictaphones."

330 A Well, Mr. Fillmore was at that time staying at the Jonathan Club.
 Q Well, I assume he did not continue to do that after he married you, did he?

331 A During the auction, it would have been very difficult for a man as busy as he, and who kept as early hours, to remain in the Casa.
 Q I can imagine that; but I mean after your auction, he did not remain at the Jonathan Club, did he?

A Well, we left - mother and I left for Louisiana after the auction.
 Q I see; and about how long were you gone?
 A Oh, I think a month - some weeks or a month.

Q Then when you returned, did you or Mr. Fillmore go to Lookout Mountain, and your mother to the apartment in the Casa?
 A Our home was not completed at that time.

Q Oh, it was not?
 A No.
 Q Then where did you go, then?
 A We camped in the Casa.

333 A We stayed on Havenhurst - Villa Court there.
 Q Now, approximately, when did you get possession of your home on North Rodeo?
 A It was unhappy for the tenants, I know - it was the first day of the year; it was New Year's Day in 1930.

- 349 Q Prior to the time of Mr. Chester's coming out, did you ever miss anything from your house?
- A Oh, no; that was the strange part of it. No, nothing was taken, and no rugs were taken, and we couldn't understand not missing something.
- 354 A It was after Mr. Chester came out to the house one evening and he asked me for some bank statements and some data, which I walked across the salon and into a storage desk to get; I had put my - it was, as I say, a storage desk; I had put back bank statements in with other papers, there; and I walked to this desk to get the things - and they were not there; and then mother went upstairs to her closet, and we had put these - had opened the lids of these trunks and boxes for other old papers, and there were some files in them; we pushed those aside; we didn't want those any more, we thought. Then mother realized we would want those files; and we went upstairs - or she did, rather, the first time - and she looked through some of these boxes, but she did not make a very thorough search that night; it was rather late; and the things she was looking for, she couldn't - it didn't dawn upon her that everything must have been stolen out of the house at the time; but she knew it was difficult for her to put her hands - she knew we could have seen these things lying there and pushed them aside when we got into the house in 1930; they were there then. So when she saw Mr. Chester she said she would have a thorough search made for the papers; and I made the statement, in rather a proud way, "Mother, I have everything you have left with me; these things were all packed; I was careful of everything you have left with me." So I felt that I knew that, until we saw that many of these papers and things that we felt so - these ~~mix~~ filesbooks, and our data, and all our papers, the accumulation of years, were no longer among these other papers. And that is when we realized that something - that these things had gone out of our house. But we double-checked ourselves - we searched, and it took us a number of weeks to content ourselves that they really were not there; that they really couldn't be there somewhere. We tore everything - we went even into the basement - not into the basement, but into the garage; We knew that in the garage we had kept some old costumes of mine and knickknacks and things of that sort; and we even hunted there and made a thorough investigation. And that is when we began to wonder who else would want those things; what good would they be to anybody else but this Henry?
- 355
- 356 A Oh, it was a matter - Mr. Chester came every night; and he wanted everything for this accounting; I wasn't thinking about my real estate file. If I came across it, I would know it, now, but I was looking for Blyth & Company papers. And I would say it was a matter of several weeks, because we double-checked ourselves, unpacked all these boxes and all these suitcases, and rumaged through our trunks; took a lot of time to do that.
- Q Then you would say that it wouldn't be for two or three weeks, maybe longer, after Chester first called on you for your records, that you became convinced that you didn't have your file on your personal securities?
- A Oh, not as long as that.
- Q How long, would you say?
- A I wouldn't say more than two weeks.
- Q Well, would it be fair to say within ten days to two weeks?
- 357 A That would be fair, yes.
- Q Now, your mother testified in her deposition that when Chester came out and asked for your records, you started to a drawer in your chifferobe downstairs; do you remember that incident?
- A I remember the incident of my chifferobe, but -
- Q Well, all right; I haven't the right to ask you, although your counsel has not objected, about other people's testimony; you must give your own recollections I only referred to it to center your mind on the incident.

358 When Mr. Chester came out, did you go to your chifferobe to get any cancelled checks?

A Yes, I did.

Q And what cancelled checks did you expect to find there?

A Well, canceled checks from my bank in Beverly Hills.

Q How long had you had an account in Beverly Hills?

A Since 1927.

Q 1927?

A Yes.

Q And you expected to get your canceled checks from what date?

A Well, I kept them all.

Q All of them?

A I expected to get them all.

Q From 1927?

A Yes.

Q And you missed those?

A I found some; I gave them to Mr. Chester.

Q And what did you find?

A I found some canceled checks, and a bank statement.

Q Those are the ones which have been exhibited here, are they not?

359 A I couldn't answer without seeing them.

Q Well, all right; we will show you the photostatic copies of those. Whatever you found, you delivered to Mr. Chester, did you?

A Yes.

Q And he in turn has delivered them to your counsel?

A Yes.

Q You have nothing in your own possession of any records, letters, documents of any kind so far as you know, that would throw any light on this case at all?

A Not so far as I know.

Q And you turned everything that you thought had any bearing on it, in your possession, over to your counsel?

A Yes.

365 A She has a vault here at the First National Bank in Los Angeles; and the papers, a good many papers, were kept in my vault - data - at the Security Bank in Beverly.

Q Oh, at your vault?

A Yes.

Q You don't mean a vault; you had a bank safety deposit box?

A Yes.

Q When did you open that?

A Well, I was constantly opening it. The "Hetty Green" account was kept in that.

Q I don't mean that. I mean when did you take it - when did you hire the box?

A Oh, I had that box since the return from Europe, I think. I don't remember taking it out before.

393 Q When Mr. Chester came out and asked you for your records, you went to the chifferobe to find your cancelled checks?

A No. I went to the storage desk in the salon, right across the room from Mr. Chester.

MR. LEWINSON: The chifferobe was in the bedroom, That is a piece of bedroom furniture.

Q And that was in which drawer; in that storage desk, that you expected to find your cancelled checks:

A It is not like a drawer. It is like a desk, or chest, with two large openings on either side of the desk - the center of it locks; it opens out; it has the pigeon-holes and the writing space; and I expected on either side of this chest - desk - in the pigeon-holes that were in the desk, that I would find all the cancelled checks and whatever data I had in my possession.

- 393 Q Did you find any of them?
A No.
- 394 Q Then it did not take you very long to look through that desk, I take it, and find there were none there?
A On the contrary it did, because there were a lot of papers still in that desk, not pertaining to what we are discussing now.
Q Well, how long did it take you to look through that?
A It took me an indefinite amount of time, taking the papers out. I can't say whether it was a half hour or an hour or longer than that.
Q Well, before Mr. Chester left that day, you determined that the checks were not in the storage desk?
A Yes. I was so shocked, I expressed myself freely about just not nonchalantly putting my hand on these things.
Q Did you look in the bottom of your chifferobe - in the bottom drawer of your chifferobe - then?
A Not that night. It was too late.
Q How soon after that did you look in the bottom drawer of your chifferobe?
A We scoured the house for things - began the next day.
Q The chifferobe is in your bedroom?
A Yes.
Q Are all the drawers in it, no matter how many, devoted to your personal wearing apparel or personal effects, other than the bottom drawer?
395 A Yes.
Q Now, Mr. Chester came out shortly after your conference with Mr. Blyth, did he not - within a few weeks of it?
A Not shortly. I can't tell you the time.
Q Well, he came out quite a time before the Henry deposition?
A Yes, he did.
Q How long after he first called on you and asked for that data was it that you looked through this bottom chifferobe drawer?
A It was a matter of a very short time; I would say not more than a week and a half. It might have been within a week.
Q You were looking for what - checks?
A I was looking for checks, vouchers, bank statements, or anything with Blyth & Company's name on it, or anything to do with our investments.
- 396 A Mary came to my home around mother's birthday, which was around - it is the 19th of December; and we discussed the things that had happened at great length with her; she was carefully told of this theft, so that we felt that the shock would not be - she was accustomed to -
- 400 A That was when my grandmother's inheritance came, and I took a special account out in the Security Bank in Beverly Hills on Canyon Drive; that was 1930.
Q And that account has been referred to by you and your mother as the Hetty Green account?
A And everyone who knows of it. Mr. Linhart, manager of the bank, called it that - and Mr. Carson, the teller, called it that - and Henry recognized it as that.
Q Well, you and Mr. Henry spoke of it as the Hetty Green account?
A It was a designation that way, to keep this account separate from my other account in Blyth & Company.
Q Well, what other account did you have in Blyth & Company?
A The account that we have been referring to throughout the deposition, of the gift my mother made to me of \$133,000, and the moneys that I made in real estate.
- 405 Q And on these two or three stopping-in calls, who did you meet at the Pasadena office?
A There were some salesmen there, and Miss Baber was there; Henry was there, or Henry was out - anyway, he was part of that office; he was manager of that office; Mr. Thomas was there, or - yes, Mr. Thomas. I don't remember their names; the salesmen came and went, as I remember it.

408 Q Well, after you were married, do you know whether your mother continued to obtain the dividends from the securities that had been purchased for you?
A Yes, I know.
Q And what was the fact with regard to that?
A She took charge of the investments for me.
Q Did she change at all in the way she handled or cared for your investments during the time you were married?
A Why, no.

409 Q Of course you never had any securities in your house at all at any time,
410 except possibly temporarily, over night, at some time?
A That's right.

416 A I took only a small sum; got it from Blyth & Company; it was, I think, Berger & Carter - something like that; about \$175 quarterly.
Q That was a stock?

418 THE WITNESS: The coupons of her bonds and my bonds were sent back here to be cashed.
Q Well, did she have - any of the bonds that she had with her, were any of them bonds belonging to you?
A Yes.
Q And when they were cashed was the interest given to you?
A No, it was sent back; the bulk of the money - the bulk of my bonds and coupons went to my mother in Europe for her - for her needs; and the money was sent by check to mother.

419 THE WITNESS: I paid out large sums for the different thing that had to be taken care of. I was not taking my money - I was not interested in having anything whatsoever while my mother was away in Europe; I wanted her to have that money to regain her health and take care of herself properly - which the interest upon her bonds could not have done.
Q You have spoken of reinvesting some of the interest.

A Yes.
Q Were those reinvestments all for her, or some of it for her and some for yourself?
A Both.
Q Both?
A Yes.
Q How did you keep track of what securities you purchased with this interest money for yourself and what for her?

420 A Mr. Henry told me I was confusing the books - and to let him clip those coupons; to let him keep the books; that is, to let - not himself keep the books, but to let him clip these coupons, and that Blyth would - that they would keep those books; he did not think I was capable of it; and it took him quite a long time to get these bonds into Blyth & Company; but he said "You are confusing your mother, and it is going to make it difficult for yourself; you are stinting yourself - you won't take anything - you won't spend any money;" and he said the interest was being constantly reinvested, as I was not taking it, and what was mine my mother was using - that is, the balance of what was mine, my mother was using in Europe; so that was one of the things that I was so appreciative to be relieved of, when Henry suggested that he would help me with that, and that he would clip these coupons and he would help me with these books and these reinvestments of the interest for me, and of that which was for mother and that which I had saved; because most of this period was saving and the reinvestment of interest.

421 A And I had that book in the Gunningham, and I remember that I put that with my linen and silver, and so forth, into the Hollywood Storage Company, and I had this book which was a duplication of what I had sent to my mother - a bookkeeping book of the interest that was for her bonds, and the interest I had.

422 I couldn't explain to you - I was such a hopeless bookkeeper - the figures were there as I understood them; but no auditor could ever get at them; and Henry said "It is difficult; let me relieve you of it;"

Q When you went to Europe in 1929, you put that in this storage company with the rest of your things?

A Yes, I did.

Q When you came back did you get it back?

A I assume I had it back. I am pretty sure I did have it back. I had a lot of things that I just opened the lids to see they were there, and clamped down the lid; I didn't have any use for those things any more.

Q Have you got that book now?

A No, I haven't seen that book.

Q When did you become conscious of having lost that book?

423 A Well, I didn't think about that book until Mr. Chester asked me for any account, and I thought of that book; I had sent the duplicate to my mother - the duplicate of the figures in this book of the reinvesting of the interest, and I couldn't find it; I looked for that within a short time after Chester had asked me for anything we had, for the accounting.

425 Q Now, I asked you the other day if, with Mr. Armstrong, you would look through the receipts of Elyth which you have and see if you could identify the receipts for the \$12,500 worth of bonds that you referred to as being with Henry in addition to his original \$63,000 worth; have you done that or not?

A No, I haven't.

MR. LEWINSON: We haven't, either. We will try to do that.

431 A Yes. My first introduction into real estate was the \$2,000 compensation in participating in the sale of 56 Fremont Place.

Q That was in the year 1920?

A 1920.

A The next transaction was, my mother purchased a subdivision around the California Country Club in Culver City.

432 Q Now, do you remember when that purchase was made?

A In 1920.

Q That was after the sale of the Helen Matheson home?

A Before.

Q May I ask you there - you mean that your mother's interest in the subdivision was traded for something else?

A Yes - later.

Q Did you represent your mother in negotiating the purchase of that tract?

A No.

433 Q Do you remember the number of the tract or the designation of it or the escrow number?

A I couldn't tell you that; but it is on Shelby Drive. I can tell you how to locate it by saying it faces Country Club Drive opposite the California Country Club.

434 Q Harry Culver sold her the property?

A Yes.

Q Later on she traded it?

A Yes.

435 Q Now, then, Mrs. Fillmore, from an informal discussion - with a very crude diagram of that intersection there before you which I have prepared - I take it from your statements to me that the piece she bought was of flatiron shape, on the southeast corner of Melrose and Vine and running over to Arden?

A Yes.

Q And it had a number of store buildings on it?

A Yes.

435 Q Well, did you participate in that trade?

436 A To the extent that I sold a life insurance endowment so that the money from the trust - in trust - for the Culver City property, and this life insurance endowment, were combined in order to make this trade.

Q Did you receive any commission?

A No.

THE WITNESS: Yes, she did pay a commission to the agent who produced the client for the trade.

Q BY MR. STERRY: What I am trying to get at is: Was it an even trade or did she pay any money in addition to her interest in the Culver City subdivision?

A Well, as I remember it, she just came out clear; she did not lose any money and she did not make any money; she got her money out of the trust - the Culver City property; she just came out even, is my best recollection of it.

437 Q Do you remember what she paid for the Culver City subdivision?

A I think around \$36,000.

Q \$36,000?

A Yes.

Q And what did she ultimately realize on this Melrose and Vine property?

A That is difficult; it had a large mortgage on it - and with cashing in my endowment - oh, I know that the purchaser assumed the mortgage; just came out even.

Q Your recollection is that when she sold the Vine and Melrose, that she was just about even, with the entire transaction?

A Yes.

Q When was the Vine and Melrose sold, do you remember?

A I can't be definite; maybe '21 or '22. I rather think '21.

Q So the Culver City subdivision was purchased in 1920 -

438 Q BY MR. STERRY: All right. You have heard the statement of your counsel whether it was 1919 or 1920 that the original purchase was made, could you give this data when the trade was made for the Vine and Melrose property?

A I think 1921.

Q And when was the Vine and Melrose property sold?

A If you will refer to the trade -

Q There are two dates: the date that your mother traded the subdivision, the Culver City subdivision, for Vine and Melrose, and then the date when the Vine and Melrose was sold, I would like both dates, as near as you can fix them.

A Well, it was spontaneous; it was within such a short time -

440 A I became quite active with Mr. William Meade in the Los Feliz district - and the contact work on that at the end of a few months would equal a commission, a good sized commission, in some cases; and I became interested also in that part of the city with Mr. Meline - in 1921, this is; I went in with Mr. Meline and bought in this new subdivision - which was between Hobart and Western Avenue, and Franklin and Los Feliz - I bought the first lot in that tract and built the first tract there.

Now - was it 1921? I am confused whether we began in 1921 or 1922 to reap a harvest - as we did - on LaBrea, throughout the LaBrea district, Third Street, and Beverly Boulevard.

441 Q You said that you had made enough contacts to equal a commission. Did you make any sales yourself, for Mr. Meade?

A No. I say "No", but I hesitate - I was instrumental in making a number of sales, but Mr. Meade would take care of the escrows; I couldn't have taken care of an escrow at that time.

Q Did you receive any commission from him on any of his sales?

A I did; I won't call it commission; it was contact work; compensation, is the most accurate word.

Q Well, how much compensation did you receive from Mr. Meade?

- 442 A No. They were a nice sum at the end of a few months, and a year.
- 443 Q Well, how long did you continue in the real estate business?
A Until the early part of 1926.
- 445 A All right. LaBrea was opened at \$70 a foot. I participated in the purchasing of LaBrea lots at that figure. That would be beginning with Wilshire Boulevard, north.
Q All right. You purchased a lot at LaBrea?
A Lots.
Q Lots; how many lots did you purchase there?
A I believe there were six, maybe seven.
Q Did you take them in your own name?
A Either my name or my mother's. I gave her the money to handle. Sometimes she would participate.
- 449 I have bought on what are now Beverly Boulevard, and Third Street - at that time the brokers had as much faith in Third as they had in La Brea.
A Some of those \$70 a foot lots on La Brea went as high as \$340 a foot and over, in a very short time. The corner of Fourth did that; I bought it at \$80 a foot; I believe that was sold at around \$340 a foot, that particular corner. There was a lot 11 - I don't know why this stays in my memory when other things are so difficult to remember - but there had been such a tremendous amount of money made, and so quickly, on La Brea, that months afterward I went back and re-combed the territory, and bought myself a lot called lot 11; that was very much north of Beverly Boulevard, not very far from the territory of Melrose, perhaps; and held it, thinking that I would reap the same harvest as from the other transactions in that territory. But, however, I did not; I got just what I paid for it; which was \$110,000. It had been combed over too thoroughly for those gigantic profits.
Q You said a moment ago that some you bought straight out with your own money; you did not mean that you paid the full purchase price, did you?
A Yes; we had - from the corner of Fourth and two adjacent lots - these lots I speak of on LaBrea, opposite to Mr. Hancock's corner there, that is on the west side, southwest side - were purchased straight out. And this lot 11 that I spoke of, that is in the territory of Melrose, I believe, near there; and - oh - it seems to me I am not telling you all about the lots. Mother put in some money and I put in some money - entirely separate from hers - in the syndicate called the Wilshire-Highland Syndicate; and that opened up in a little tract office on the corner of Wilshire and La Brea.
- 450 Q How much did you make on the re-sale of those lots? I am referring now to the Fourth and La Brea lot, and the two adjacent lots.
A I made \$20,000 out of it and my mother made \$19,000 out of it.
A I think we held them two years; about that.
- 452 Q Did you get all cash or did you take a mortgage?
A There was no mortgage that had anything to do with it.
- 459 A I pioneered out in Westwood.
A I remember buying some property on Westwood Boulevard - that is, south of Wilshire - I participated in that with other agents.
- 460 Q Now, in Westwood, when did you first start dealing in Westwood property, if you remember?
A I think it was 1922.

462 Q All right. Do you know how many lots there were?

A There were two.

Q When you say the Janss Investment Company gave you the money for the lots, you mean the amount that you had paid for them?

A Yes.

464 Q By the way, what became of your interest in that La Brea Heights Syndicate - did you sell it? That was when the property, as I remember was finally subdivided and all sold off.

A Well, I got the money out of it. Mother banked it for me, and eventually it went into Blyth & Company.

Q Did you get any profit?

A Out of the La Brea Syndicate?

Q Out of the Syndicate, yes.

465 A Yes.

Q How much, do you remember?

A I have been debating that in my own mind; as I have to go by recollection I don't know whether it was \$5,000 or \$10,000.

Q Did your mother have an interest in that in that syndicate with you?

A Yes, we both were in.

Q When you say it was either 5 or 10, do you include her profit with yours, or is that yours personally?

A It is very confused. All I know definitely about that is that we got two for one.

466 A Many of them; but one that comes to my mind is that I participated - my mother and I - in the Lookout Mountain Syndicate; she was the one who made the deal possible to go through escrow. Mr. Woodruff was waiting very anxiously (of the Hollywoodland tract) to get this property, and it was my mother and myself who had the money and put it in, and put the deal over in escrow.

Q How much did you put in?

A I put in \$20,000 and she put in \$15,000.

467 A Ted W. Haas was the syndicate manager. Well, I couldn't tell you; it was quite a syndicate; we owned a one-sixth interest.

Q BY MR. LEWINSON: You mean the two of you together had one-sixth?

THE WITNESS: Yes, the \$35,000 would make it a one-sixth interest over the other syndicate members.

468 Q BY MR. STERRY: And did you ever get your money out of that Lookout Mountain Syndicate?

A That is still pending; there is a possibility of getting money out of that.

Q Well, did you ever get any of your investment back, or is your \$35,000 still in that investment?

A The \$35,000 is still in that investment.

Q Have you received any dividends at all from it?

A No.

Q And then you had a house on this syndicated property?

A I pioneered up there; I should say Mr. Fillmore and I pioneered. It was his material.

MR. LEWINSON: Well, Mrs. Fillmore, I think you have answered the question. You had a house.

Q BY MR. STERRY: You built it yourself?

A Mr. Fillmore and I.

469 Q Then later on you traded it for the place where you are now living?

A Yes.

Q Well, now, up to date all of the transactions you have told us about where you were buying and selling on your own - you meant speculating, if you want to use that word.

469 A It was - on LaBrea.
Q Well, what I mean is, you were buying and selling for your own account, and not as an agent for others.
A No, not in this instance.
Q Well, that is so of all the transactions you have told us of, up to date?
MR. LEWINSON: Well, now, that is not true with the Matheson house, for example.
MR. STERRY: No, it is not true of that.
THE WITNESS: It is not true of the Vine Street property either.
Q BY MR. STERRY: But other than that, the deals which you had on the LaBrea district and in the Janss Investment were all for your own self?
470 A Or for my mother.
MR. LEWINSON: Pardon me, just a minute. Also, there were some references to compensation in the Meade matters - which apparently were brokerage or in the nature of brokerage transactions, rather than speculations.
Q BY MR. STERRY: Did you during the year 1920 up to 1926, act as real estate broker for other people?
A Yes.
Q Can you give us any of those transactions?
A I located Earl Anthony in his estate between Waverly and Los Feliz, eight and a half acres.
471 A Well, I got this property down, for Earl Anthony, to approximately \$86,000, from over \$100,000; saved him that money.
MR. LEWINSON:
472 MR. LEWINSON: Mr. Sterry is trying to get your best recollection, if any, as to how many thousand dollars you got out of that deal.
THE WITNESS: Well, my best recollection is that it was not more than \$2,000.
Q BY MR. STERRY: Who paid that to you?
A Blumenthal.
Q Did you have a direct commission from Mr. Anthony to get the property?
A The understanding was that I was to get it direct; but instead of that, Blumenthal does it.
473 A Earl Anthony himself; because there was nobody representing Earl Anthony. I was representing Earl Anthony, and I had been
Q Do you remember when that deal was closed, approximately?
A It seems to me it was '24. Of course I am just assuming dates, approximately.
489 MR. LEWINSON: Well, Mr. Sterry, I understood that you stated definitely that an entire day, if necessary, might be taken by Mrs. Fillmore in going over these; and that Mr. Kampert would bring them over, and he would step in the other room while she went over them with Mr. Armstrong.
MR. STERRY: I understand that I suggested that she, during the lunch hour, could go over them with Mr. Kampert and Mr. Armstrong.
MR. LEWINSON: Well, she couldn't possibly do it during the lunch hour.
MR. STERRY: And then you asked if Mr. Kampert would withdraw and allow her to consult with her attorney about them, and I said I would consider it. Now, for reasons that I do not want to express here, I am not willing to let that be done.
MR. LEWINSON: That is agreeable.
MR. STERRY: If the witness wants to go through them in the presence of the notary, so that he may take any comment she makes on them, and with her counsel and Mr. Kampert being here - in their presence here - I am willing to do that, to save our time. But I am not willing, for my own reasons, to allow the witness with her own counsel to go through those and afterwards tell us what she recognizes or what she does not. Now, that may be unfair, but I don't think it is.
490 MR. STERRY: I am perfectly agreeable to carrying out any arrangement with Mr. Schwartz; and you can have these at any time or place you want; and you can consult with your client about them. But I should like to find out from the lady just which ones of these - if any - she recognizes as having been stolen from their files or their home.

- 491 Q BY MR. STERRY: Well, Mrs. Fillmore, I want to show you now Exhibit 1-b and 1-c - all consisting - this special exhibit purports to be a transcript of the bank balance of Charlotte Shelby as of December 31, 1930.
- 492 MR. LEWINSON: Well, that is quite a different thing. You are now exhibiting these three sheets to the witness - that is, two ledger sheets, and one adding machine strip.
- THE WITNESS: I make no comment as to those.
- MR. STERRY: Well, what do you mean - you mean that you can't say whether they are or are not of the exhibits you recognized -
- A I could tell you with Henry's deposition, and with these papers here - if I carefully look over and consider it - consider the dates, and the things that they are - with that, I can tell you those missing things; but to sit here cold, like this, without his deposition and the after-remarks, and the fantastic weaving of his tale - it is the most unfair thing I ever expect to go through with.
- Q Well, now, may I ask you this question: There were certain of the exhibits which were placed in the Henry deposition which you did recognize as having been stolen from either your files or your mother's?
- A Absolutely.
- 493 Q Well, now, have you any memory as to which ones or what character those exhibits were?
- A I am not going to make a statement like that. I would like to point them out and would like to show them to you; very, very blatant - a number of them.
- 502 A \$3,500, I invested for my mother from the sale of some bronze doors; and of course the interest was accruing here - I was not accepting but just enough to keep the taxes on the Casa going and the necessary things - life insurance - paid out of that.
- Q May I respectfully and humbly suggest you keep to the subject we are discussing; That is, the amount of securities you purchased?
- A Yes; there were two additional purchases of \$4,000 each, as I remember it; it may have been a thousand dollars off, or more; but to my mind there was \$12,500.
- Q Well, in addition to that didn't you reinvest some of the interest, or authorize a reinvestment of the interest?
- A Why, yes; that's the biggest issue of all - was the reinvestment of the interest.
- Q How much did that amount to?
- A Well, I couldn't tell you without my black book; I was not denying myself the interest without keeping a record, and I kept that very well indeed; and my black book is necessary to me, to tell that.
- Q When you say "black book," you mean your investment file?
- A No, I mean my own record of the interest - of the interest accruing - that was reinvested.
- 503 Q Well, when did you see that black book last?
- A Before I sailed for Europe in 1929.
- Q Well, after your return from Europe in 1929 you continued to make reinvestments of the interest, did you not?
- A Yes.
- Q How did you keep a record of that?
- A My mother was hime to take that responsibility off of me, and lighten the burdens of life considerably concerning it.
- Q Well, do you know how she kept a record of it?
- A She kept records; she had a book that she kept - her record.
- 509 A It might be the end of the year or the beginning - no, it was the beginning of 1930.
- Q All right; who was present?
- A Mr. O'Melveny and Mary, and my mother and myself.

511 A Mr. O'Melveny told my mother that \$40,000 of bonds - I think they were talking about - he was saying that it was the Key Systems; it may have been the Sutters, but I think it was the Key Systems - that had defaulted in the trust company; mother was furious; and there was quite a long discussion over a period of years as to whether it was the fault of the trust company, pigeon-holing them for five years or longer, and not taking them out; and Mr. O'Melveny said, "Well, there should not have been \$40,000 of one issue put into trust;" when my mother reminded Mr. O'Melveny that she had not taken the responsibility of those bonds being put into trust without his approval of the issues. And that was discussed; Mr. O'Melveny blamed the trust company and the trust company officers blamed Mr. O'Melveny. And that was talked about - quite a bit of discussion.

514 MR. STERRY: Then it can be stipulated that you have none that represent - that is, after you have checked them with the witness - there are none in your possession that either you or she think represent that \$12,500?
MR. LEWINSON: Well, to definitely identify as such.

515 Q Where were you born?

A San Antonio, Texas.

Q Was Mary born in the same place?

A No.

Q Where was she born?

A Shreveport, Louisiana.

Q Did you ever give Mr. Henry authority to sign your name to receipts for any securities?

A Absolutely not.

516 Q Did you ever give him authority to sign any checks?

A No; indeed.

518 Q Do you remember - we can find out in the chain of title - but do you remember the amount of the mortgage your mother put on the Casa after she purchased it? I understand it was purchased subject to a mortgage.

519 A Purchased subject, as I remember, to a \$50,000 mortgage. I tried to sell that property; if you had asked me that question three years ago I could have rattled it off like a sales woman, like many people; but now it is difficult. But I think it was \$50,000.

Q That was increased later, wasn't it?

A Yes, Mr. O'Melveny did.

522 Q BY MR. STERRY: Were you conscious after your return in 1929 of being shadowed by any Government agents?

A No.

Q Or being shadowed by any agents between your trips to Europe, after 1926?

MR. LEWINSON: I do not think that is a proper question, unless you have some evidence that Mrs. Fillmore was, in fact, shadowed by Government agents.

Q BY MR. STERRY: Well, if you remember, please answer it.

A No. It makes me think of Eliza crossing the ice. No - it is so ridiculous.

523 Q Do you remember when this Government lien was put on you for your mother?

A Yes, I do.

Q I think you said the other day you have no copy of it.

A No.

Q All right; when was it placed on you?

A 1927, I believe it was, after I came back from Europe.

Q How long after 1927?

A I wouldn't say.

MR. LEWINSON: You mean the lien in connection with Mary's case? It couldn't have been before 1928, because that is when the assessment was made.

Q BY MR. STERRY: All right; was there a lien placed on you with reference to your mother?

A 1928 - yes.

Q Well, your counsel suggested a lien with reference to the assessment levied against Mary, and one levied against your mother. Do you remember

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whether it was with reference to both of those cases?

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Q Well, there was one served upon you when the assessment was made as to Mary, and then another one served on you for your mother?

A That is my recollection - that mother's came later.

Q All right; Now, when you received the first lien or notice of lien, what, if anything, did you do?

A Well, I remember telling the process server - not realizing that he was an agent of the law - what I thought about that.

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A We had lost a deal in 1925 for \$200,000 on the Casa; I held a check for \$10,000 on it - for a group of doctors like Doctor Fishbaugh, who then had large offices in the Bank of Italy Building, and there were ten other doctors, that I went around the floor with.

THE WITNESS: Then Mr. Isaacs, of Colburn, he was in a syndicate with some other men - he offered for the syndicate and himself - they bought the Park Lane - \$190,000.

Q BY MR. STERRY: When was that?

A It seems to me it was in 1928.

Q Well, about 1925 you did not lose any sale through any Government lien on it?

A No; it was through the efforts of the neighbors and the ruling of the zoning and planning commission.

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Q In other words, you were not able to make the sale because it was either re-zoned, or not zoned to permit the business which they wanted to carry on?

A Yes.

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Q BY MR. STERRY: Mrs. Fillmore, the other day I showed you certain correspondence, and you identified some of those letters; I won't attempt to enumerate them again now; but you identified some of those letters as those you recognized as having been stolen from you; and now, on Monday last, Mr. Kampert has exhibited to you what I understand to be all the other exhibits, except the carbon copies of the letters which Henry claims he wrote to you or to your mother. Now, what I am asking you is, from those other exhibits which were shown you Monday, did you identify any of those as something which was stolen from your house?

A Yes.

539

A Exhibit 14 was the bank statement we had in the Casa office files; also, Exhibit 1-A was a bank statement we had in the Casa files - the office; Exhibit 9 is a bank statement from the same files; and Exhibits 11-A, B, C, D, E, and F.

Q What was the general nature of those last enumerated?

A Income tax return for 1920, and 1921, 1922 - for Mary.

THE WITNESS: And Exhibits number 21 and 22, statement of income and expenditures of my mother for Mary, dated April 1, 1920, to November 28, 1923. 129-A and B was my income tax return for 1923. Exhibit 13-B-1 was a treasury department envelope; Exhibits 13-B-2, 13-B-3 and 13-B-4 were the contents. And Exhibit 13-B-5 was an envelope from the treasury department; and the contents of that are 13-B-6 to 13-B-10.

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Q Are those exhibits all the exhibits shown to you that you recognized as having been stolen from your house?

A I was very careful in going over those exhibits, and I can state definitely about these; but the others, I hesitated; and I didn't put them down.

Q Mrs. Fillmore, you state that you recognized Defendant's Exhibit 14: That was a folder containing some 37 bank statements, yellow statements I would say transcript of your mother's bank account; I don't think any

544 MR. LEWINSON: Just a minute. Do you mean those bonds that were left with Mrs. Fillmore when Mrs. Shelby went to Europe?

545 MR. STERRY: Yes; thank you for the suggestion.

Q I mean the bonds, when your mother was in Europe, whatever bonds you had in your possession, and during the time you had them, when you clipped the coupons did you cash them at the bank, or did you deliver them to Henry, if you remember?

A I delivered them to the Blyth & Company offices.

Q Well, did you deliver them at the Los Angeles or Pasadena office, if you remember?

A My recollection is both offices.

546 Q Who took care of that rent account for you while you were gone, if anyone?

A Well, simply, the tenants deposited the money in the Beverly Hills bank.

549 Q BY MR. STERRY: I understood that Exhibit 129-A, a part of your income tax return, was one of the exhibits you recognized as having been stolen.

A Yes, it was.

Q Now, I show you herewith a copy - not a copy, but a portion of a letter from the government to you with reference to that income tax return; I will pass it to your counsel first; and I ask you if you recognize that as any document that was also stolen from you?

MR. LEWINSON: Pardon me - is this one of the exhibits?

MR. STERRY: No, that is not an exhibit.

MR. LEWINSON: Where did this come from, if I may ask?

MR. STERRY: My client delivered it to me as something found, as I understood, after the Henry deposition.

THE WITNESS: I don't remember seeing this before.

Q Well, is your memory such that you can say that you did not receive that?

550 A No; I could not make any statement as to this.

Q It is simply that you do not remember one way or the other?

A Yes.

Q But you do not recognize it as anything taken from your files?

A I have no comment or opinion on it at all.

MR. STERRY: Mark that F-4 for identification. (Whereupon the document last referred to was marked Defendants' Exhibit F-4 by the notary.)

MR. LEWINSON: Mr. Sterry, the date mark on the bottom of this appears to be 1/25/28; isn't that right?

MR. STERRY: Well, I will take your word for it. I can't see from here.

MR. LEWINSON: I suppose that ^{would} is the 25th of January, 1928.

MR. STERRY: That's what I assume it to be.

MR. LEWINSON: It is stipulated, subject to materiality - any my understanding has been that all stipulations have been subject to materiality - that Exhibits F-1 and F-2 were produced from the Blyth files (using that term as it has heretofore been used); and that F-4, while produced by Blyth & Company, was delivered to them by Harold Judson some time in January, 1934. 1933

551 MR. STERRY: That is correct.

MR. SCHWARTZ: That is correct.

Q MR. STERRY: Mrs. Fillmore, showing you Exhibits 21 and 22 from the Henry deposition, I understood you to say that you recognized those two exhibits at the Henry deposition and again last Monday as having been in your possession and having been taken from your possession?

A Yes.

Q Do you know what they were, who prepared them, or what they were about - meaning the Henry deposition Exhibits 21 and 22?

A I recognized them as being in the office files, but I couldn't make any statement as to who compiled the figures, anything of that sort.

Q Do you recognize those Exhibits 21 and 22 as being portions of the report prepared by Mr. Mitchell?

A It is quite possible.

551 MR. LEWINSON: Well, I would like to have an objection that that is without foundation, because it does not appear that the witness ever saw the Mitchell report.

MR. STERRY: All right, I will ask her that.

Q Did you ever see the Mitchell report?

552 MR. LEWINSON: There might have more than one Mitchell report. I don't know.

MR. STERRY: Well, I have not heard of more than one.

MR. LEWINSON: Well, I have not either, but there are lots of things I have not heard about.

THE WITNESS: Mr. Mitchell came to the office at night and worked over some income tax statements with a Burroughs adding machine; I couldn't tell you if this was representing that work of his or not. All I know is, I saw these in the office files in the Casa, and they were packed up with other things.

Q He was an accountant, employed by whom, if you remember?

553 A Mr. Mott employed him for mother, as I remember.

Q You say he came to the office. What office did you refer to?

A The office of the Casa.

Q Do you know of your own knowledge whether he made a report or not?

A Yes.

Q Did you ever see a copy of it?

A No.

DIRECT EXAMINATION

under Section 2055 C. C. P.

BY MR. STERRY:

Q Mrs. Fillmore, I am now addressing my questions to the suit which you have brought on your own account against Blyth & Company and Leslie B. Henry; you have that suit in mind?

A Yes, I have.

Q That involves, if I read your complaint correctly, \$36,794.63. I am taking the figures as alleged from paragraph III of your complaint.

A Yes.

Q Now, that money was - I think you have already referred to it in your other deposition as - inheritance money?

A Yes.

Q When did you receive that?

A I received it in 1930.

Q Well, may I ask you this; that was not anything, as I understand, inherited directly by you; it was your mother's inheritance from her mother that she gave to you?

MR. LEWINSON: I think that calls for the conclusion of the witness, and that it is immaterial.

MR. STERRY: Well, I just wanted to orientate that, which, if it is immaterial cannot hurt you. I will take your stipulation of the facts. In the Shelby deposition, so far, there has been a lot of reference to an inheritance that Mrs. Shelby received, that she was going to ---

MR. LEWINSON: Well, the witness may answer, subject to the objection, if she can.

MR. STERRY: Well, I will take your statement on it. You are counsel. All I am trying to do is get the facts.

MR. LEWINSON: Well, this \$36,000 is independent of the money which is referred to in Mrs. Shelby's deposition as "timber money."

MR. STERRY: Well, that is not what I was trying to find out. I think it might be immaterial.

MR. LEWINSON: Well, the money came from the estate of Mrs. Miles.

Q BY MR. STERRY: I show you, Mrs. Fillmore, an exhibit from your mother's deposition, number S-32-B, which is a series of photostated checks; and I will call your attention especially to the one dated October 7, 1930, for \$35,795.63, payable to the Security Bank of Los Angeles; and ask you if that refreshed your recollection as to when you received that money.

THE WITNESS: I received the money some months before I put it in the bank.

Q BY MR. STERRY: Now, you invested that money, did you, in securities?

A Yes, I did.

Q BY MR. STERRY: You allege an agreement made with Blyth & Company; now, were your dealings with Blyth & Company with any other person than Mr. Henry?

A No.

A This check came a little while - I can't be definite as to time - before I put it in the bank; and I was very anxious, since my mother had desired to have me know something about the bond business, to find out for myself and through other companies for educational purposes about the purchasing and actual caring for bonds, and I wanted this account, this inheritance from my grandmother, to be a distinct and separate account from my other account in Blyth & Company; and I went to a number of bond houses through the friendship of Mr. John Doran, who had a bond office here for many years, and he became interested in me - interested in me to the effect

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6 that he wanted to help me with this new money, to invest it wisely - and understanding how to invest - understanding bonds, and to have it a separate account; and he wanted to help me see it grow. Mr. Doran took me to numbers of bond houses and spent quite a lot of time, showed me the method of bookkeeping - he had retired at the time - and I appreciated his interest. He took me to various types of bond houses.

7
A I spoke of it to Henry, that I had been with Mr. Doran; that it was time I learned how to read a bond sheet and to educate myself as to the merit of bonds; and Henry looked at me amazed; he said "Why, Margaret, I am surprised at you;" he said "It is disloyal of you to go to another bond house." He said "Blyth & Company have never lost a dollar for you and your mother," and he said, "You go to these different bond houses and you buy a bond here and a bond there with these different houses, and," he said, "No one has any particular interest in you; there is no personal interest back of these various people when you just buy over the counter." He said "I personally have investigated every issue that you and your mother have bought through Blyth & Company. "Why," he said, "I am amazed that you could be disloyal to the bond house that you and your mother have dealt with all these years and which has never lost a dollar for you."

Q Could you fix the time of that conversation at all, approximately?

A A month or two before October, I should think.

MR. LEWINSON: Of 1930, I assume.

8 Q BY MR. STERRY: Was your mother present at that conversation?

A Yes, she was.

9 Q Anyone else?

A No.

A And he looked at these other issues - or the pamphlets - and he found fault with every one, and spent quite some time discrediting their merits and explaining to me at a good deal of length the reason not to buy those particular issues, he discouraged me about the offerings of the other bond houses.

11 A I told Henry that I wanted to purchase an insurance annuity, and I had talked to several insurance companies, life insurance companies, and I wanted very much to put this money into a life insurance annuity for myself; and I said "I am sorry it is only \$36,000, but it will grow; I am going to wait and I am going to be conservative and take plenty of time, in this account, and I am going to invest it and I am going to re-invest the interest until this account grows," and I said "I want only the most conservative type of bonds;" that I rather favored utility - light - gas - water - bonds of that nature. And I told him that eventually this inheritance from my grandmother would go either into the New York or Mutual Life Insurance annuity, and that I

12 A "It will be easy for a segregation from your other account, because we will buy just \$2,000 worth of bonds at a time, and I will submit many lists and explain their merits to you." So it was agreed that just \$2,000 worth of bonds should be purchased and as my little book shows of the Hetty Green special account, that is in the Security Bank, no money was ever taken out of that Hetty Green account at first - well, that is a later conversation.

13 A "Why would you accept three per cent interest from the bank, when Blyth & Company will give you five and a half per cent for the uninvested funds, the same as we have been doing with the other account?"

14 Q You drew your check on the Security-First National Bank for the \$35,795.63, and purchased with that a cashier's draft on the Continental & Illinois Bank & Trust Company of Chicago?

A Yes, I did.

- 16 MR. STERRY: You will stipulate that that is her genuine signature - and that he endorsed it?
- A There was quite a bit of talk in Beverly Hills, and I heard it from a reliable source and several others that were very good sources to hear authentic rumors from, that a bank in Beverly Hills was going to fail, going to close its doors; and no one seemed to know just which bank, So I went to my bank - Security-First National - and I asked for a draft on a Chicago bank, and I thought that meant that the money would be placed in the Chicago bank; and that is why I drew this check like this. And just a short time later, you know, the First National Bank of Beverly Hills failed.
- 17
- 18 Q BY MR. STERRY: Well, you endorsed it?
A Yes.
Q You did not see him endorse it?
A No.
Q I suppose this transaction occurred about the date of the draft; did it not - which is marked October 7, 1930?
A No, I held that draft for some time. I didn't know just what I was going to do - if I was going to invest in different companies which Mr. Doran had introduced to me, - different contacts I had made with bond companies
- MR. STERRY: Well, apparently the photostat is not very clear, but as I make it out, it was about on October 30, 1930.
- 20 Q Well, how had you paid for the first issue? This check is for the entire amount of your inheritance, if I understand it correctly.
A Yes - minus the lumber money.
Q Well, you are putting in "the lumber money." What do you mean by that?
A Before there was a designation of this Hetty Green - calling this separate account the Hetty Green - there was some money put in, that was not put in in the savings account; that is what I referred to.
Q That was from some timber lands?
A Yes; that was from the inheritance, also.
Q Do you remember the amount of that?
A Why, \$5,000 - \$5,700 - or \$5,070, something like that.
Q Was that put in your checking account or your mother's?
A I think it came made out in her name, and mother put it in her account. I am not positive.
- 24 A That Blyth would pay me 5-1/2%; from this Hetty Green account there was at no time to be any moneys taken out of it, but to be built and rebuilt on the interest that Blyth & Company - when that was accruing all the time - that was to be put in, if the sum became a substantial sum; we figures about probably, every six months, that 5-1/2% - Henry and I discussed that - was to go into the purchase of bonds for the Hetty Green account. The interest from coupons was to do the same thing. If there wasn't enough money from the coupons, or there was not enough at that time accruing in Blyth & Company, then - I have added money numbers of times to the Hetty Green account in order to buy two bonds.
- Q Well, did you get a receipt of Blyth & Company for the amount of that Check?
A Yes, he gave me a receipt.
Q Have you got that receipt, or your counsel?
MR. LEWINSON: I don't think it is in existence.
THE WITNESS: I don't think so either.
- 25 Q BY MR. STERRY: What did you do with that receipt?
A I kept it among the Hetty Green papers. Henry asked me later to let him see it.
Q Did you do so?
A Yes.
Q What did he do with it when you gave it to him?

- 25 A Oh, he said "You won't need this any more, Mrs. Fillmore - you having the bonds," and he took the receipt and either crumpled it up or - I don't know. He said I wouldn't need it any more; took it off the table.
- Q Well, how long after you gave him this check was it that he took this receipt back?
- A Oh, some months later.
- Q You did not keep that receipt in the bank vault?
- A Yes, indeed I had it in the bank vault. He asked me to let him see that receipt - or he wanted to check over the date of that receipt or something of that nature, and I think I got it out of the bank vault, as I remember; I can't be sure. I know Henry gave me a receipt, and I know that later on he asked me for the receipt; but anyway, Henry got it. Just what time he got it I don't know. He gave it to me and I gave it to him. He said "Margaret, you won't need this receipt any more." I don't know whether I put it in the bank vault or not, at first.
- 26 Q Do you remember the wording of the receipt?
- A It was "Received by Blyth & Company, the sum of" so much money - this check that was here.
- A I said "My ultimate aim with this account is to put it into a life insurance annuity - and when it is \$50,000 I will buy myself an annuity."
- 28 A May I answer you this way: he would sometimes call me and tell me that it would be to the advantage of the account to change bonds - which was done; and it was a case of a call at one time to change these bonds, because I could make a little profit on them, and they were changed around to make that extra profit.
- 29
- 30 Q Well, didn't you get from Mr. Henry the usual invoices and bills when you bought and sold?
- A Yes, I did.
- 34 Q BY MR. STERRY: Well, the statement your counsel made to me was that these invoices and statements of Blyth & Company, Exhibits A to I just referred to, were not delivered directly to your counsel, but that they were delivered to Chester, and they in turn received them from Chester?
- A Yes, that is correct.
- Q Well, I don't think that is material. But where did you get them from, when Chester asked you for them?
- 35 A I had to go to the bank vault to get them.
- 35 A We changed several of these; I think it was the Appalachian Gas - waiting at the house; he had told me it was advisable to exchange them for something else, or that they had been called - I forget which; and they were at the house - that, or another issue, was waiting when this confession letter came. I had had them out of the bank two days.
- Q How many of those securities or securities for which they had been traded had you in your possession at the time of the confession letter?
- A I couldn't tell you without a record.
- 37 A That interest was accruing in Blyth & Company for buying - purchases - and he said he had purchased a bond, or two bonds; I couldn't be accurate as to the amount spent, of the accrued interest there.
- Q Well, that answers my question only by inference. I asked you, did you ever receive any check from Blyth & Company for the interest money or any part of it?
- A Yes.
- Q And when, if you remember?
- A I couldn't tell you.
- Q Was it in the form of a check from Blyth & Company or was it a cashier's check?
- 38 A No, it would be in the form of a statement, with the heading "Uninvested funds" - so much money in Blyth & Company, and so much interest accrued, additional, in statement form; and it would be held there until it was enough to purchase a bond, or there would be enough to add money from

- 38 my other account, to this account, and purchase a bond or two bonds.
Q Well, then, you never got a check either from Blyth & Company, or a cashier's check, or any actual currency, for this so-called interest?
A I can't be definite.

THE WITNESS: I became confused about the interest; I never paid - I didn't have a savings account until I put this entire check into Blyth & Company, and as the bonds would come in, I told Henry that I was going to put this money into a savings account, and that I would pay for the bonds as the bonds were purchased for me; and it was before - this check came to me before I purchased any bonds through Blyth & Company, and I didn't have any savings account until this was purchased - the first bonds came in after I gave Henry the check; I gave him the check first.

- 39 Q Well, when you say "the check", do you mean the draft?
A The draft is what I mean. I said to Henry, "I want this money to go into a savings account; I am going to put it into a savings account in the bank, and draw on this money when these bonds are purchased;" and he said "You will only get 3%." I became confused before; that is why I am correcting myself now. He said "you would only get 3% from the savings account at the bank, whereas Blyth & Company will give you 5-1/2% from the uninvested funds; and we will hold this money in Blyth & Company and let the interest accrue until you purchase bonds." And I kept a record book, a Margaret Shelby Fillmore record book especially for the Hetty account, and I had the receipts - and this interest money accruing from the 5-12% interest on the uninvested cash, I was being given credit for that on the statements which Henry would send; but no checks were given to me, because that was to go into the reinvesting of bonds; and that is why I wanted to explain, because I was confused - in thinking that over at the recess I realized that this is the way it happened.

- 40 A Yes; that lumber money that came in - that lumber check - came some months before this \$36,000 check came from the inheritance; and I had not thought or designated this savings account until it was later termed the Hetty Green account; and that was for some \$5,000 - \$5,407, as I remember it - and it was discussed with Henry; that is to say, after I had given Blyth & Company a check for the \$36,000, putting that other check with this \$36,000, wanting to bring the amount up to \$50,000; as I told Henry, it might take five years, ten years or fifteen years - "Ultimately it will go into a life insurance annuity, and we will take that \$5,000 check, this money that came from that check, and put it into the Hetty account." And he said "Well, I have got it now in your account with Blyth & Company, your other account." So he said, "But let it stand now, because I am buying bonds for you gradually." And that's the reason that this other check did not get into this - this which I designate the lumber money check - did not come into the Hetty account; it was eventually coming in, but I was purchasing a bond here and a bond there, and we were using the \$36,000 inheritance check that way.

- 41 A Yes; then when he told me about the excellent profits that he had made for me, that would reduce the mortgage of my home - that I had made \$3,500 or \$4,000 extra profit - I was so grateful; and he was, too, delighted for me. Mother had written him in 1932 and told Henry that the mortgage on my house in Beverly would be due in April of 1932; and Henry came out to the house and he "Well, Margaret" -

- 42 A He said "I have made a profit for you and I know you will be so glad" - he either said \$3,500 or \$4,000; and the mortgage on my home was \$7,500, and it was reduced by this check from the Hetty Green profits; and that's the only money that was supposedly used out of Hetty's account - the reinvesting of interest, and all that, I have told you - and it would reduce my mortgage to either \$3,500 or \$4,000.

- 42 Q Didn't you receive \$8,000 from Blyth & Company?
- A Yes. I said "I want \$8,000," and I got a check for \$8,000; but the way it worked out, with the Hetty Green's interest and profit that I had made this was all profit; that \$3,500 or \$4,000 was clear profit that Hetty got, which, as I designated in my own mind, had reduced the mortgage on my home that much?
- Q But you got one check for \$8,000?
- A Yes, I did.
- Q And you understood from Henry's statements that he made to you that \$3,500 was profit and the balance which would be \$4,500 represented what?
- A Sale of securities; interest and sale of securities.
- Q Interest and sale of securities?
- A And exchanges, yes.
- Q Did you, while you had any of the securities listed in paragraphs VII and VIII of your complaint - you say you had those for a while in your possession - did you cash any of their coupons, do you remember?
- A Yes, I cashed the coupons that made the interest to go to buy another bond - put that in the savings account, Mr. Sterry.
- MR. STERRY: I think that is all.
- MR. LEWINSON: No questions on our part.