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## IN CHANCERY OF NEW JERSEY.

Between	:	
Matthew Czoch	:	
Complainant	:	On Bill, &c.
and	:	Decree Pro Confesso, and
Walter J. Crine	:	) Order.
Defendant.	:	

Testimony taken in the above entitled cause before me, Frederick W. Hope, A Master in Chancery of New Jersey, this twenty-sixth day of October, Nineteen hundred and twenty-five, at two o'clock in the afternoon, in my office Corner of Broad and Front Streets, in the Borough of Red Bank, Monmouth County, New Jersey, in pursuance of an order made in this cause, and dated the sixteenth day of June, Nineteen hundred and twenty-five in the presence of Charles E. Merz, Esquire, Solicitor for the Complainant.

*Frederick W. Hope*

Master in Chancery of New Jersey.



Matthew Czoch-1

Matthew Czoch, appearing as a witness in his own behalf,  
being duly sworn according to law on his oath testifies as follows:

EXAMINATION BY MR. MERZ:

- Q. What is your full name?  
A. Matthew Czoch.  
Q. Where do you live?  
A. 170 Chauncey Street, Perth Amboy, New Jersey.  
Q. Mr. Czoch do you know Walter J. Crine?  
A. Yes.  
Q. How long have you known him?  
A. About one year.  
Q. Where did you meet him?  
A. I met him on the Crine farm in Wickatuank.  
Q. Who told you to come up there?  
A. George Blondek.  
Q. What did you go there for?  
A. George Blondek told me Mr. Crine wanted to sell the farm, and I wanted to buy some land.  
Q. Who showed you the land?  
A. George Blondek showed me the land.  
Q. Where did you meet George Blondek that day?  
A. I met him in the Perth Amboy market.  
Q. How did you get to Wickatuank?  
A. George Blondek took me to Wickatuank in his truck.  
Q. When you got to the Wickatuank station where did you go?  
A. He took me in the truck to the land by the short road they call Charlies Road.  
Q. Did you get out of the truck?  
A. Yes; we went around the land, and on it  
Q. Did you see any roads there?  
A. Yes.

Matthew Czoch-2

- Q. How many roads did you see?
- A. I saw two roads.
- Q. Did you walk up both roads?
- A. No.
- Q. Was Mr. Crine with you?
- A. No.
- Q. George Blondek was there; did he show you both the roads?
- A. Yes.
- Q. The road you went over to see the land on was on the East side of the land?
- A. Yes.
- Q. Which way did the other road lie?
- A. On the North side of the farm.
- Q. The way you went in was the road on the East, the short road?
- A. Yes.
- Q. This road was also called the Charlies road?
- A. Yes.
- Q. Was there anything said to you that day by George Blondek about buying the land?
- A. Yes.
- Q. Did you like the land?
- A. Yes
- Q. Did George Blondek name the price that Mr. Crine asked for it?
- A. Yes. He said Thirty-five hundred dollars.
- Q. Were you interested in the buying of the entire farm?
- A. No; only part of it.
- Q. How many acres did you want to buy?
- A. A<sup>b</sup>out thirty acres.
- Q. Was this one field of land or more?
- A. Just one field bounded on the West by a brook on the North by George's road and on the East by Charlie's road.

Matthew Czoch-3.

Q. What was on the other side?

A. On the South by another brook, and the balance of Crines land.

Q. What did you do after you looked at the land?

A. I went to Mr. Crines' house.

Q. How did you get there?

A. George Blondek and I walked to the house.

Q. Who did you see there?

A. I went to Mr. Crines' house but he was not home but I saw Mrs. Crine, his wife and she rang a bell for Mr. Crine who was picking tomatoes in the field and we waited and he came to the house later and saw me.

Q. What did you say to Mr. Crine?

A. I ask Mr. Crine if he wanted to sell the place and how much he wanted for that field that I had been looking at and which I just testified about. He said Thirty-five hundred dollars and I said that was too much that Thirty three hundred dollars was enough and we talked it over and he pretty soon said well I would sell it for Thirty-four hundred and fifty dollars.

Q. Was any body with you when you talked with Mr. Crine?

A. Yes. George Blondek and Mr. Crines wife.

Q. What did you do then?

A. We all went into the house and I gave Mr. Crine Three hundred dollars deposit.

Q. Did he give you a receipt?

A. Yes.

(Paper is shown.)

Q. Is that the receipt?

A. Yes.

BY MR. MERZ:

I offer this receipt in evidence.

BY MASTER:

Said receipt is received in evidence and marked Exhibit 1 for Complainant and the following is a copy of it.

Matthew Czoch-4.

Wickatunk N. J. Oct 1/24.

Rec'd of Mathew Czoch Three Hundred (300.00) dollars deposit on one field on north side of Farm at Wickatunk N. J. the purchase price to be thirty four hundred and fifty dollars terms cash on delivery of deed for same.

Walter J. Crine.

- Q. What did you do after that?
- A. I hurried home to get to work. I took the same road to the Wickatunk station as I came in by.
- Q. What did you say to Mr. Crine when you left?
- A. I said when will the deed be ready. Mr. Crine said not to be in a hurry. I said I will come next week, and he said all right.
- Q. Did you go back the next week?
- A. Yes.
- Q. What did you go back for?
- A. I went to get the deed and pay for the land.
- Q. Where did you go when you got to Wickatunk?
- A. I was on my way to George Blondek's house, while walking down the same road I walked down the week before I saw one Hipolit Januelwicz, who is better known to me as Charlie.
- Q. What did you say to Charlie?
- A. I said I am going down to Crine's house to get the deed for the land I bought, and he asked me what road Mr. Crine gave me the right to use and I told him Mr. Crine told me that I could use both roads.
- Q. What did Charlie say?
- A. Charlie said this road is mine.
- Q. Which road was that you were standing on?
- A. It was the road East of the land. The road they called the short road or Charlie's road.
- Q. Was anybody else present while you were talking to Charlie?
- A. Yes. Mrs. Januelwicz.

Matthew Czoch-5.

- Q. Did you say anything to Mrs. Januelwicz?
- A. No; but she said to me I wouldn't let you use this road. It is Charlies and my road.
- Q. Where did you go from there?
- A. I went to George Blondek's house.
- Q. Was he home?
- A. Yes.
- Q. Where did you go then?
- A. I went with George Blondek to Mr. Crine's house.
- Q. Was Mr. Crine at home?
- A. Yes.
- Q. What did you say to him?
- A. I said Mr. Crine when ~~we~~ will you be ready with the deed and which road will you put in the deed.
- Q. What did Mr. Crine say?
- A. He said he wouldn't put any road in the deed.
- Q. Did you ask Mr. Crine why he did not put it in the deed?
- A. Yes. He said you have two roads and you can use both of them.
- Q. What did you say?
- A. I said there are two roads but they don't belong to you. The short road belongs to Charlie and his wife and they told me that it belonged to them and that I could not use that road and I told Mr. Crine that if he wouldn't put in a road in the deed I wouldn't take the property and that I wanted my money back. Mr. Crine said he would not give me any money back not one penny, and George Blondek was there when he said it and Mrs. Crine also.
- Q. Were you in a position to buy the property that day?
- A. Yes.
- Q. How much money did you have with you that day?
- A; I had Thirty-four hundred dollars with me in cash.
- Q. Did you ask Mr. Crine if he had the deed ready?
- A. Yes and Mr. Crine said no.

Matthew Czoch-6.

Q. Did you ask Mr. Crine if he would put in a road?

A. Yes, but Mr. Crine said you have two roads and you can use them what more do you want. I told him I wanted to buy the land and pay for it but I wanted a road with it.

Q. What did you learn about the road on the North side known as George's road?

A. I learned from George Bloudek that the road belonged to him and he said that he made that road known as Georges road through his own land to get out to the public road, and that Mr. Crine had no right to use that road and no one else for that matter.

Q. What did you do after that?

A. I would go back every two or three weeks to Mr. Crine's Place.

Q. Were you ready to pay the money those times?

A. Yes, I told Mr. Crine I would pay the money for the deed for the land and a road to use with it, but I could not buy it without the use of a road.

Q. What did Mr. Crine say to these visits?

A. Mr. Crine always said I had two roads to use.

Q. Did you ask him to give the money back to you?

A. Yes and he always refused and said no I will not give the money back.

Q. What happened after that between you and Mr. Crine?

A. I went to see him several times about the matter and he was working on different parts of his farm and every time he told me he would have the deed ready, but he did not have the deed ready until about six weeks after I made the deposit.

Q. Did he show you the deed?

A. No, but he said it was ready.

Q. Did you ask what was in the deed?

A. Yes. Mr. Crine told me the deed was ready. Then I asked him if he had a road in it and Mr. Crine said no.

Q. What did you say?

A. I said I would not take it. That I did not want to get in a fight over the roads because both parties told me Mr. Crine did not have any rights in the roads that they owned them and that they would not let me use them if I bought the land.

Matthew Czoch-7

- Q. Did you do anything further in reference to buying the land or the right to use the roadway?
- A. Yes, I went to see a lawyer in Perth Amboy a Mr. Goldberger and I asked him what my rights were.
- Q. What did he say?
- A. He told me he would write Mr. Crine a letter which he did.
- Q. Then what happened?
- A. Then Mr. Crine came to Perth Amboy and saw Mr. Goldberger
- Q. Do you know what happened at that conference?
- A. No.
- Q. Then what did you do?
- A. Then Mr. Goldberger wrote me a letter and I went to his office and he said that Mr. Crine said you have two roads and that the only way to dispose of the matter was to return to me \$150.00 of the deposit.
- Q. Did you consent to this?
- A. No.
- Q. Then what happened?
- A. Mr. Goldberger wrote to Mr. Crine again and Mr. Crine engaged Jacob R. Lefferts, a lawyer of Matawan, who wrote to Mr. Goldberger.
- Q. Then what happened?
- A. Mr. Goldberger told me to get a Monmouth County lawyer and so I went to see Mr. Merz who is now my lawyer.
- Q. Then what happened?
- A. My lawyer Mr. Merz went to see Mr. Crine and Mr. Crine said that these Polish people were trying to get money out of me and that Mr. Czoch should go ahead and start suit as soon as he pleased.
- Q. What happened then?
- A. After that Mr. Merz arranged for a date when we all went to inspect the property.
- Q. Who was there that morning?
- A. George Bloudek, Mr. Crin<sup>2</sup>, Jacob R. Lefferts, Mr. Merz, Charlie and I.

Matthew Czoeh-8.

- Q. What happened that morning?
- A. We all walked over the two roads and the land. Charlie said that the short road was his road, while George Blondek said the road on the North was his road and Jacob Lefferts called Mr. Crine aside and came back and offered to give Charlie \$50.00 for the right to use the road.
- Q. What did Charlie say?
- A. Charlie said no I want \$200.00
- Q. Did you measure the roads?
- A. Yes.
- Q. How far was the short road from the Station?
- A. The short road was four-tenths of a mile from Wickatunk Station to the Southeast Corner of the land.
- Q. How long was it by going the long way through George's Road.
- A. A little over a mile and one-half, but Mr. Crine did not sign the ~~xxx~~ right in the deed to use either one of these roads.
- Q. Did we look over the balance of Mr. Crine's farm?
- A. Yes.
- Q. What did you find?
- A. We found a bridge in the middle of the farm over the brook and a roadway leading through Mr. Crine's land to the public road.
- Q. What did Mr. Crine use this road for?
- A. To carry off products raised on the field which I offered to buy and other land adjacent thereto.
- Q. Was anything said to ~~you~~<sup>him</sup> about giving you a right of way on Mr. Crine's land.
- A. Yes.
- Q. What did you say to Mr. Crine?
- A. Give me eight feet of your ground and I will build my own bridge over the brook and make my own roadway.
- Q. What did Mr. Crine say to that?
- A. Mr. Crine said I won't do that.

Matthew Czoch-9.

- Q. Did you ask Mr. Crine to give you the right to use his own road. The one he carries products on.
- A. Yes and Mr. Crine said like fun I will not give you any road through my back yard.
- Q. Was anything said about the deed?
- A. No.
- Q. Has Mr. Crine ever shown you the deed?
- A. No. No one has ever shown the deed to me.
- Q. Are you ready, willing and able to buy the ground to-day?
- A. Yes. As soon as Mr. Crine gives me a deed for the land and the right to use a road from the land to the public road.

Taken, sworn and subscribed  
to before me October 26,  
A. D. 1925.

} Matthew Czoch

*Frederick W. Hope*

Master in Chancery of New Jersey.

George Blondek-1

George Blondek, a witness produced by the Complainant, being duly sworn according to law on his oath testifies as follows:

EXAMINATION BY MR. MERZ:

- Q. What is your name?
- A. George Blondek.
- Q. Where do you live?
- A. I live at Wickatunk, New Jersey.
- Q. Do you know Matthew Czoch?
- A. Yes.
- Q. How long have you known him?
- A. About two years.
- Q. Do you know Walter J. Crine?
- A. Yes. I have known him for about six or seven years.
- Q. Did you have any conversation or talk with Mr. Crine about his land?
- A. Yes. Mrs. Crine came to my place to tell me that she wanted to sell her land close to my land. I wasn't at home that time and about three or four days later I went to see Mr. Crine about some apples and I asked Mr. Crine if he wanted to sell the land close to my place and he said yes and I asked him how much are you asking for it and he said I will let you know tonight and he came over to my house about 7 o'clock and told me that it was close to the station and is worth good money. He said Thirty-five hundred dollars and no commission. I asked about the road to the station and he said he used the roads and the buyer can use them too.
- Q. Then what happened?
- A. The next day I went to the Public market at Perth Amboy and I saw the Complainant Matthew Czoch who said he wanted to buy some land for a farm.
- Q. What did you say?
- A. I said there is a good land next to my place and you can buy if you like it and I also told him the price \$3500.00 and then Mr. Czoch came with me in my truck to the Wickatunk station and then up Charlie's road to the land and I showed him the place and we went over the land and then went over on the other side of the brook to see Mr. Crine and he was in the orchard and he later came to the house. Mr. Czoch told him that he would pay \$3300.00 for that land and they talked back and forth about the

George Blondek-2

price and then Mr. Crine said he would sell it for \$3450, and we then went into the house and Mr. Czoch paid Three hundred dollars deposit and Mr. Crine gave him a receipt for it and I saw the receipt Mr. Crine gave.

(WITNESS IS SHOWN THE PAPER)

That is the receipt that Mr. Crine gave to Mr. Czoch for the Three hundred dollar payment.

Q. What happened after that?

A. Mr. Czoch said that when Mr. Crine got the deed ready he had the money in cash to pay for it. After that we went home.

Q. What happened then?

A. One week after Mr. Czoch came back and I went with him to Mr. Crine's house to see if the deed was ready and we walked up Charlie's road to Mr. Crine's house.

Q. What did Mr. Crine say?

A. He said the deed is not ready yet but Mr. Czoch said as soon as the deed is ready put my road in it and Mr. Crine said he couldn't put any road in the deed, saying you have two roads already how many roads do you want.

Q. Was anything said about the two roads then?

A. Yes.

Q. Did Mr. Czoch ask him to put it in the deed?

A. Yes, but Mr. Crine said I cannot do it.

Q. What happened after that?

A. Mr. Czoch said if you cannot put in a road I don't want the deed without any road so give me my Three hundred dollars and Mr. Crine refused to do so.

Q. Did Mr. Czoch ask him to mention the road in the deed and what did Mr. Crine say to that?

A. Yes and Mr. Crine said I cannot do that.

Q. Do you know the land in question?

A. Yes.

Q. How many public roads does it face on?

A. None.

Q. Are there any private roads running past it?

A. Yes. Two roads. Charlie's road and my road known as George's road.

George Blondak-3

- Q. The road that faces on the East is known as what road?
- A. The road on the East side is Charlie's road the short road to the station.
- Q. What is the long road known as?
- A. George's road and it is nearly two miles to the Wickatunk Station from this land.
- Q. Are the two roads known as Charlie's road, the short road and George's road, the long road, are either of these two roads public roads?
- A. No. They are both private roads.
- Q. Where does your road start?
- A. At the public road.
- Q. Where does your road end?
- A. At the end of my land.
- Q. Who uses this road?
- A. Nobody else uses my road but the people coming to see me and myself.
- Q. Who made that road in front of your house?
- A. When I bought the place there was no road and I made the road over my field by the head land.
- Q. If Mr. Czock or anybody else bought Mr. Crine's land would you let him use your road?
- A. No .
- Q. Is there a fence on both sides of the road?
- A. No only on the division line side.
- Q. This road called George's road runs down to Charlie's road. Does it not?
- A. Yes.
- Q. Have you any right to use Charlie's road?
- A. Yes. When I bought the place I was given that right.
- Q. Who did you buy the place from?
- A. Felix Libetz
- Q. Who did Felix Libetz buy it from?
- A. Mrs. Craft and Mrs. Craft from Dickson Boice.

George Blondek-4

- Q. When you bought your farm you were told you could use that road and were you given any paper to show that you could use it?
- A. Yes.
- Q. Is this the paper? (Paper is shown) Being agreement for private road recorded July 27, 1908 in Book 832 of deeds pages 248 etc. in Monmouth County Clerk's office, which is offered in evidence and marked Exhibit 2. and a copy hereto annexed. this paper do you know who owns the road known as Charlie's road?
- A. Yes.
- Q. Who are they?
- A. Charlie and Mrs. Januelwicz, Stephen Drewncocka and myself.
- Q. Does anybody else use Charle's road beside you four people?
- A. No, just us and our friends.
- Q. How long have you lived there?
- A. Two years.
- Q. Do you remember the day that Mr. Czoch, Mr. Lefferts, Charlie, Mr. Crine and I were at Mr. Crine's farm?
- A. Yes.
- Q. Do you remember seeing the road running down through Mr. Crine's land?
- A. Yes.
- Q. Does he use this road?
- A. Yes.
- Q. Do you remember Mr. Czoch asking Mr. Crine to let him use that road running through Mr. Crine's back yard?
- A. Yes and Mr. Crine said that he wouldn't let him do that.

Taken, sworn and  
subscribed to  
before me October 26,

A. D. 1925.

*Frederick W. Hope*

Master in Chancery of New Jersey.

Hipolit Januelwicz-1

Hipolit Januelwicz, a witness produced by the Complainant being duly sworn according to law on his oath testifies as follows:

EXAMINATION BY MR. MERZ:

Q. What is your name?

A. Hipolit Januelwicz.

Q. Where do you live?

A. At Wickatunk, New Jersey.

Q. How long have you lived there?

A. Since 1899.

Q. Do you know Walter J. Crine?

A. Yes, since 1899.

Q. Do you know Matthew Czoch?

A. Yes ~~xxxx~~ a little over a year.

Q. Where did you first see him?

A. On my road known as Charlie's road. I was doing some work on my place.

Q. Was he alone?

A. Yes.

Q. Did you stop to talk with him?

A. Yes.

Q. What did he say?

Q. He said, I am going to be your neighbor. I said that's good.

Q. What did you talk about?

A. He said I bought the field from Walter J. Crine and I am going to build a house on the land.

Q. What did you say?

A. I said that is nice. I said the road you are standing on belongs to us.

Q. What did he say?

A. He said that Mr. Crine said he could use the road but I told him Mr. Crine does not ~~we~~ own this road and has nothing to do with it.

Hipolit Januelwicz-3.

- Q. Who bought his land?
- A. Felix Libetz bought Smock's land before Smock ~~xxxx~~ died.
- Q. Who has his land now?
- A. Stephen Drwnocka.
- Q. Did Dickson Boice own several tracts?
- A. He owned one tract but he cut it up in different tracts. One tract going to George Blondek and the other tract going to Felix and one tract is now owned by myself and wife.
- Q. Do you know this other road, known as George's road?
- A. There is no road but just a driveway along the headland.
- Q. Who used to use that road?
- A. Dickson Boice when he went to work on his own land and when he went to his fields. It is his land.
- Q. Who owns that now?
- A. George Blondek and I used the road and our friends.
- Q. Was there ever a fence on that ~~xxxx~~ lot?
- A. Yes, a line fence along the division line where the headland is and that is one side of the lot.
- Q. Was there fences at the end of the road?
- A. Yes.
- Q. What was that fence there for?
- A. ~~Yaxx~~ It belonged to John Crine and he used it to keep his cows in the pasture.
- Q. ~~EXX~~ Is the fence still there?
- A. Yes.
- Q. How long has that driveway been there?
- A. Since 1899.
- Q. In the same place?
- A. Yes.

Hipolit Januelwicz-4.

- Q. Do you remember the day that Mr. Jacob R. Lefferts, Mr. Crine, George Blondek and several others and myself were talking to you?
- A. Yes, last Spring.
- Q. Did Mr. Crine make a proposition to you to buy a right-of-way, that day we all met down there at the property?
- A. Yes, and before that he came to my house and saw my wife and I.
- Q. Did he come alone?
- A. No. He came with George Blondek.
- Q. What did he say?
- A. I said Good Morning. There is going to be something new this morning and he said a party has bought part of my farm and you can help him out with a right of way, and I said Yes, I will help you but I want \$200.00 and he said no, I be dammed if I give you \$200.00 but I will give you \$50.00, but I said I wnn't take \$50.00 if I want to give anybody the right to use my road I would instead of selling it for nothing.
- Q. Why did you ask Mr. Crine \$200.00 for the use of that road?
- A. Because it took me all of a month of actual time to build the road and it costs a considerable amount to build the bridge and maintain the road and bridge in proper condition.
- Q. Does not the road need fixing every Spring?
- A. Yes, because it is washed out every Spring.
- Q. Does the bridge get out of condition every year?
- A. Yes.
- Q. Do you remember the morning we were up there?
- A. Yes.
- Q. Did you see the other road Mr. Crine has on his property?
- A. Yes.
- Q. Is that the road Mr. Crine built after he removed the road and bridge in 1907?
- A. Yes.

Hipolit Januelwicz:-5

- Q. Is that the road he built and is that the same bridge he placed there when he removed the ~~mix~~ bridge and road in 1907?
- A. Yes, that is the same road and bridge. The road runs through the middle of his land.
- Q. Does this road run in the field that Mr. Czoch is buying?
- A. It runs right through this field that Mr. Czoch is buying from Mr. Crine and through the rest of Crine's property to the main highway.
- Q. Did Mr. Crine formerly plant the field being bought by Mr. Czoch?
- A. Yes.
- Q. Did he use this road to get the products from this field to the public road?
- A. Yes, all the time through the middle of his farm.
- Q. Do you know how wide that road is?
- A. Yes about 12 or 15 feet wide.
- Q. Are you a farmer?
- A. Yes.
- Q. How long have you been a farmer?
- A. Since 1899.
- Q. How wide should a road be to run from a farm?
- A. It should be about 16 feet wide for one farmer but when there are four or five farmers on the same road it should be much wider.
- Q. Do you remember that morning we were out there together when Mr. Czoch asked Mr. Crine why he would not give him the use of his road, and what did Mr. Crine say to that?
- A. Yes I remember that and Mr. Crine said No.
- Q. Then do you remember Mr. Czoch asking him why he would not let him use the road in the middle of his farm?
- A. Yes.
- Q. What did Mr. Crine say to that?
- A. He said, No you are not going through my back yard.

Hipolit Januelwicz-6

Q. What did Mr. Cozoch say to that?

A. Mr. Cozoch said I have to have a road to connect my land with the public road and Mr. Crine said you can use the two roads but I will not put any road in the deed.

Q. Was anything else said that morning about a way to get in and out of the property by Mr. Cozoch to Mr. Crine?

A. Yes.

Q. What was said?

A. Mr. Cozoch said to Mr. Crine why won't you give me eight feet right across from the brook to the public road along your land and then I will build a bridge myself and use that and buy your land, but Mr. Crine said no I won't give you any road. They looked over the eight feet of land but Mr. Crine would not let him have any.

Q. Mr. Januelwicz if Mr. Cozoch or anybody else bought land in there would you let them use your road?

A. No, not unless I was paid for it because I own the land Pay the taxes, Maintain the road and built the bridge and repair the bridge and the road every spring.

*Hipolit Januelwicz*

Taken sworn and subscribed to }  
before me this 26th day of }  
October A. D. 1925.

*Frederick W. Hope*

Master in Chancery of New Jersey.

Frances Januelwicz:-1

Frances Januelwicz, a witness produced by the Complainant, being duly sworn according to law on her oath testifies as follows:

EXAMINATION BY MR. MERZ:

Q. Are you the wife of Hipolit Januelwicz?

A. Yes.

Q. Do you know Mr. Czoch?

A. Yes and I know Mr. Crine well.

Q. Did you sign a paper about 15 or 18 years ago making a private road through your land?

A. Yes.

Q. Who else signed the paper?

A. Mr. Smock, Dickson Boise, my husband and myself.

Q. Then you are part owner of this road?

A. Yes in my name.

Q. Do you own part of the land in your own name?

A. Yes.

Q. Did you help build the road?

A. Yes, I did.

Q. Do you want any money for it?

A. Yes, because I have to help my husband fix the road and no one else repairs except my husband and myself, and I work just as hard as any man.

Q. Do you pay taxes?

A. Yes, every year.

Q. Do you let anyone use the road ?

A. No. We don't let anyone use the road there except people who come to ~~see~~ see us.

Q. What road did you use before you made the road?

A. Mr. Crine's road right next to us.

Q. Why did you not continue to use that road?

A. Because he took the bridge out and he said not to use it.

Frances Januelwicz-3.

- Q. After Mr. Crine closed his road did you and some people join for the purpose of buying a right of way on your road now known as Charile's road?
- A. Yes, Mr. Boice, Mr. Smock, my husband and myself.
- Q. Did Mr. Crine ever talk with your husband about buying from you the right to use your road?
- A. Yes, one morning Mr. Crine came to our house and asked us to sell him the right for his buyer to use our road and my husband and I said yes for \$200.00 and he said no but I will give you \$50.00 and my husband said if I sell for \$50.00 I would rather let him have it free if he is a good neighbor of mine, but I ~~want~~ won't let you have it till you pay for it and I won't let you have it for less than \$200.00.
- Q. What did Mr. Crine say to that?
- A. He said I be dammed if I give you \$200.00 but I will give you \$50.00
- Q. Why did your husband and you ask Mr. Crine \$200.00 for the use of that road?
- A. Because it took us all of a month of our time to build the road and it costs a considerable amount to build the bridge and keep the road and bridge in good condition.
- Q. How often does the road need fixing?
- A. It needs fixing every spring as well as the bridge.
- Q. Mrs Januelwicz if Mr. Czoch or anybody else bought land from Mr. Crine would you let them use your road?
- A. No, I would not unless my husband and I were paid for it.

Taken, sworn and subscribed  
to before me this 26th  
day of October, A. D. 1925.

*Frances Januelwicz*

*Frederick W. Hoff*

Master in Chancery of New Jersey.

The further taking of testimony in this cause is hereby adjourned by request of Solicitor of the Complainant from October 26, 1925 until he has the surveyor completed a map of the land in question and the rights of way and public roads in controversy in this cause, and a day shall then be fixed as the adjourned day to offer the map and any other testimony that the solicitor of the Complainant may desire to offer.

*Frederick W. Hoff*  
*Master in Chancery*  
*of New Jersey.*

The solicitor of the Complainant has not produced any map to offer in evidence as he stated he intended to and wished to before closing the testimony, although I recently fixed two different days for the purpose of that and to give him an opportunity to offer further testimony if he desired to, and he told me this week they did not want to offer in evidence a map as his client had not procured one, and that he had no further evidence to offer and I could close the case and send the evidence to the clerk of the court or to him to file.

*August 26-1926*

*Frederick W. Hoff*  
*Master in Chancery*  
*of New Jersey.*

This Agreement made this twenty-sixth day of December 1907.

Between Dickson Boice, Benjamin D. B. Smock single Hipolit Janulewicz and Frances Janulewicz his wife all of the Township of Marlboro County of Monmouth and State of New Jersey:

Whereas, the parties to this agreement desire to establish a permanent right of way on their properties for mutual convenience and benefit.

Now this agreement witnesseth that in consideration of one dollar by each of said parties paid to the other, the receipt whereof is hereby acknowledged, each of the said parties hereto for himself and herself and his and her heirs and assigns covenants and grants with and to each of the other of said parties his and her heirs and assigns that it shall be lawful for each of said parties his and her heirs and assigns and each of his and her agents and servants and each of his and her tenants and occupants from time to time of the premises now owned by the said parties ~~here~~ hereto, and any other person or persons for each of said parties benefit and advantage, at all times freely to pass on foot or with animals, vehicles, loads or otherwise, through and over a certain road or way on and across the lands of said parties, and which said road or way is of the width of sixteen feet, situate in the Township of Marlboro County of Monmouth and State of New Jersey, particularly described as follows: to-wit:

Beginning at a point on the line between Dickson Boice and Hipolit Janulewicz about one hundred and fifty feet from his barn and running thence (1) along said line in a westerly direction sixteen feet wide on the land of said Dickson Boice to Walter J. Crines land thence (2) along the line between Walter J. Crine and Benjamin D. B. Smock in a Southerly direction sixteen feet wide on the land of said Smock to the line between said Crine and Frances Janulewicz, thence (3) continuing said course on said line sixteen feet wide on the land of said

Frances Janulewicz to the county road leading to Wickatunk and there to end.

Witness our hands and seals the day and year first above written

Signed, sealed and delivered in the presence of

Edward G. Forman as to  
B. DuB Smock

J. Clarence Conover as  
to Hipolit Janulewicz and  
Frances Janulewicz.

Dixon Boice (LS)

B. DuB. Smock (LS)

Hipolit Janulewicz(L

Franciska Janulewicz

State of New Jersey:  
Monmouth County : SS.

Be it Remembered that on this twenty-sixth day of December 1907 before me a master in Chancery of said State personally appeared Dickson Boice, Hipolit Janulewicz and Frances Janulewicz his wife who are I am satisfied are the persons named in and who executed the within agreement and I haveing first made known to them the contents thereof they acknowldged that they signed sealed and delivered the same as their voluntary act and deed. And the said Frances wife as aforesaid, on a private examination separate and apart from her husband further acknowldged that she signed, sealed and delivered the same as her voluntary act and deed freely without any fear, threats or compulsion of her said husband.

J. Clarence Conover

M.C.C. of N. J.

State of New Jersey  
~~State~~ Monmouth County SS

Be it remembered that on this twenty-fifth day of July nineteen hundred and eight before me the subscriber, a Master in Chancery of said State personally appeared B. DuB. Smock, single one of the persons named in the within agreement and I having first made known to him the contents thereof he did acknowldge that he signed, sealed and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Edward G. Forman  
M.C.C. of New Jersey.

AGREEMENT

Between

Dickson Boice, Benjamin D. B.  
Smock, Hipolit Jamulewicz and  
Frances Jamulewicz.

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Received July 27, 1908 at  
11:35 o'clock A. M. and  
recorded in the Monmouth  
County Clerk's Office in Book  
832 of Deeds page 24 &c.

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Joseph McDermott Clerk.

58---29

In Chancery of New Jersey.  
Between

Matthew Czoch  
Complainant

and

Walter J. Crine,  
Defendant.

Exhibit 2 for Complainant  
Frederick W. Hope  
Master in Chancery  
of New Jersey.

*Frederick W. Hope*  
*W. Hope*

## IN CHANCERY OF NEW JERSEY.

Between	:	
Matthew Czoch,	:	
Complainant	:	On Bill, &c.
and	:	Decree Pro Confesso, and order.
Walter J. Crine	:	Certificates.
Defendant.	:	
	:	
	:	

I certify that the foregoing depositions were taken by Blanche L. Tilton, a stenographer of Red Bank, New Jersey, selected by me, and being by me duly sworn faithfully and truly to take stenographically and reproduce in typewriting the testimony given in this cause, and that such depositions were taken in my immediate presence and hearing by said stenographer sworn as above stated, and that after they were taken they were read over in my presence to the several witnesses, who stated that they accurately stated the evidence given by them respectively, and each signed his or her deposition in my presence, and I believe that they accurately state the evidence.

I do certify that in my opinion it was necessary from the disposition of the witnesses and nature of the testimony that so much of the foregoing depositions as were taken down and entered by question and answer, should be so taken down and entered.

*Frederick W. Hope*  
Master in Chancery of New Jersey.

58---29  
IN CHANCERY OF NEW JERSEY.

Between

Matthew Czoch.

Complainant

and

Walter J. Crine

Defendant.

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Testimony taken for Compl't.  
Before Frederick W. Hope  
Master in Chancery.

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Charles R. Merz, Solr. for  
Complainant, Keyport. N. J.

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Fees and Costs of Master:

Taking testimony 83 f.	\$24.00
Swearing Witnesses and Sten. 5	1.25
Marking Exhibits 2	.50
Session Fees. 2	12.00
Certificates	4.00
Stenographer taking and transcribing testimony of four foreigners, copy of testimony and Exhibits	20.00

Frederick W. Hope \$62.40  
Master in Chancery

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FREDERICK W. HOPE  
Attorney and Counsellor at Law  
Cor. Broad and Front Sts.  
Red Bank, N. J.