

## In re STRITTMATER'S ESTATE.

No. 214.

Court of Errors and Appeals of New Jersey.

May 15, 1947.

## Wills §55(4)

Evidence sustained finding that militant feminist who regarded men as a class with an insane hatred, and who looked forward to the day when women would bear children without the aid of men and all males would be put to death at birth, lacked testamentary capacity, requiring the setting aside of probate of will leaving her estate to the National Women's Party.

COLIE, Justice, and WELLS, Judge, dissenting.

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 Appeal from Prerogative Court.

Proceeding in the matter of the estate of Louisa F. Strittmater, deceased. From a decree of the Essex County Orphans' Court admitting to probate the will of the deceased, the contestants appealed to the Prerogative Court, claiming that deceased was insane. From a decree of the Prerogative Court setting aside the probate, the proponents appeal.

Decree affirmed.

The opinion of Vice Ordinary Bigelow follows:

"This is an appeal from a decree of the Essex County Orphans' Court admitting to probate the will of Louisa F. Strittmater. Appellants challenge the decree on the ground that testatrix was insane.

"The only medical witness was Dr. Sarah D. Smalley, a general practitioner who was Miss Strittmater's physician all her adult life. In her opinion, decedent suffered from paranoia of the Bleuler type of split personality. The factual evidence justifies the conclusion. But I regret not having had the benefit of an analysis of the data by a specialist in diseases of the brain.

"The deceased never married. Born in 1896, she lived with her parents until their death about 1928, and seems to have had a normal childhood. She was devoted to both her parents and they to her. Her ad-

miration and love of her parents persisted after their death to 1934, at least. Yet four years later she wrote: 'My father was a corrupt, vicious, and unintelligent savage, a typical specimen of the majority of his sex. Blast his wormstinking carcass and his whole damn breed.' And in 1943, she inscribed on a photograph of her mother 'That Moronic she-devil that was my mother.'

"Numerous memoranda and comments written by decedent on the margins of books constitute the chief evidence of her mental condition. Most of them are dated in 1935, when she was 40 years old. But there are enough in later years to indicate no change in her condition. The Master who heard the case in the court below, found that the proofs demonstrated 'incontrovertably her morbid aversion to men' and 'feminism to a neurotic extreme.' This characterization seems to me not strong enough. She regarded men as a class with an insane hatred. She looked forward to the day when women would bear children without the aid of men, and all males would be put to death at birth. Decedent's inward life, disclosed by what she wrote, found an occasional outlet such as the incident of the smashing of the clock, the killing of the pet kitten, vile language, etc. On the other hand,—and I suppose this is the split personality,—Miss Strittmater, in her dealings with her lawyer, Mr. Semel, over a period of several years, and with her bank, to cite only two examples, was entirely reasonable and normal.

"Decedent, in 1925, became a member of the New Jersey branch of the National Women's Party. From 1939 to 1941, and perhaps later, she worked as a volunteer one day a week in the New York office, filing papers, etc. During this period, she spoke of leaving her estate to the Party. On October 31, 1944, she executed her last will, carrying this intention into effect. A month later, December 6, she died. Her only relatives were some cousins of whom she saw very little during the last few years of her life.

"The question is whether Miss Strittmater's will is the product of her insanity. Her disease seems to have become well

developed by 1936. In August of that year she wrote, 'It remains for feministic organizations like the National Women's Party, to make exposure of women's "protectors" and "lovers" for what their vicious and contemptible selves are.' She had been a member of the Women's Party for eleven years at that time, but the evidence does not show that she had taken great interest in it. I think it was her paranoic condition, especially her insane delusions about the male, that led her to leave her estate to the National Women's Party. The result is that the probate should be set aside."

Laurence Semel, of Newark, for appellant.

Peer & Mahr, of Newark (Alfred H. Peer, of Newark, of counsel), for respondents.

#### PER CURIAM.

The decree under review will be affirmed for the reasons stated in the opinion of Vice Ordinary Bigelow.

For affirmance: The CHIEF JUSTICE, Justices BODINE, DONGES, HEHER, WACHENFELD, and EASTWOOD, and Judges DILL, FREUND, McGEEHAN, and McLEAN—10.

For reversal: Justice COLIE and WELLS—2.



#### RANDOLPH et al. v. MT. ZION BAPTIST CHURCH OF NEWARK et al. 147/28.

Court of Chancery of New Jersey.  
May 1, 1947.

#### 1. Religious societies ⇄8

The notice of meeting of members of church should specify any business of an extraordinary nature or of great importance to be transacted, so as to bring to the meeting the members who are interested in the proposed action and to give opportunity for investigation and consideration in preparation of the meeting.

#### 2. Religious societies ⇄8, 20

The defect in notice of meeting of members of church in failing to specify intention to determine which of the proposals for purchase of church property should be accepted would be considered in conjunction with conduct of the meeting itself in determining whether sale of the property should be set aside.

#### 3. Religious societies ⇄8

In absence of specific regulation to the contrary, the ordinary rules of parliamentary law should be observed in conduct of a meeting of members of a church.

#### 4. Religious societies ⇄8, 20

Church members at meeting to determine which of two proposals for purchase of church property should be accepted were entitled to hear the views of each other, and the minority had a right to be heard.

#### 5. Religious societies ⇄8

The question as to who may vote at meeting of members of a Baptist church depends upon rules and customs of the particular church since each Baptist church is a self-governing body, independent of all the other churches. N.J.S.A. 16:2-8.

#### 6. Religious societies ⇄8

Where particular Baptist church had no rule or definite custom on subject as to who should be allowed to vote at meeting of members, the usual Baptist practice would govern and all members had a right to vote regardless whether they were under age of 21 years. N.J.S.A. 16:2-8.

#### 7. Religious societies ⇄8, 20

Where alternate offers for purchase of church property were submitted to members, the vote should have been so taken that members could vote against both propositions.

#### Syllabus by the Court.

1. The notice of a meeting of the members of a church should specify any business of an extraordinary nature or of great importance to be transacted, so as to bring to the meeting the members who are interested in the proposed action and to give opportunity for investigation and consideration in preparation for the meeting.

2. In the action to the court of parliamentary the conduct of a

3. The meeting the views of each have a right to their arguments.

4. When a purchase of property should be so taken against both parties

5. The question the meeting of 16:2-8, N.J.S.A. and custom of each Baptist church body, independent

6. If the party or definite custom Baptist practice have a right to are under age.

Suit by Joseph members of Mt. Newark, N. J., a Church of Newark join the defendant sale of church property Point Baptist Church to intervene as a claim for cancellation the property and

Decree advisory opinion.

Riker, Marsh, petitioner New Jersey Samuel Dresk plaintiffs.

S. Arthur Ster ants.

BIGELOW, V

The complainant Baptist Church for themselves 1 members of the church The amended bill relief in three purchase of property