

Testimony of Phillip Damm

PHILLIP DAMM, sworn for the defense and testified as follows:

Q. You live in Mequon?

A. Yes sir

Q. You are an insurance agent?

A. Yes sir

Q. I never had any conversation with you only as heard about your being a witness here some weeks ago; really know nothing about your testimony wasn't personally acquainted. Now did you go to the defendants to talk with him about insurance?

A. Yes sir

Q. When was that?

A. Two days before the case

Q. Before what?

A. Before the defendant shot Niers-two days before

Q. Well, where did you find the defendant, at his home?

A. In his house

Q. At his house?

A. In his house

Q. Was you acquainted with him before that?

A. He lives 4 miles away; I know him, not much acquainted-never was before in his house

Q. He knew you?

A. Yes sir

Q. Did you talk with him at that time?

A. Yes sir

Q. Just state what he said

A. Yes sir

Q. Insuring what?

A. Property-buildings-personal property-everything folks insure; his insurance was run out; I had come to renew his insurance

Q. In your company?

A. Yes sir

Q. Your company was the Germantown?

A. Cedarburg

Q. His property was insured before; was about run out, and you wanted to see him about it?

A. Yes sir

Q. What conversation did you have with him?

A. I come to his house, told him if he like to insure again for five years; he told me yes, and we begin to work. I ask for his old policy and he sent his daughter after it to another room-she brought the papers. I found out the old policy and begun to work. It was all what we want in that new application again for 5-years. Then he have fixed about all his property in that insurance. Most everyone do that personal as well as buildings. He want to insure no personal property, he want only-he take pretty short-only his buildings in that insurance again

Q. Only wanted his buildings, no personal property?

A. No, no personal property

BY THE COURT: "What else? Go right on"

A. He have signed my undertaking application, we was through after that. Then he told me he would pay that. I told he have 3 months time; he says he want to pay it right off. I took the money and we couldn't make up-I couldn't give him change enough, so I owe him only one cent. I told him I think I better pay you a cent ahead, he was laughing very much after that

Q. Was the personal property insured before?

A. Some of them was, only the hay in that policy

Q. There was no hay insured in this?

A. He told me I should take that out

Q. What was his conduct generally that day? Was he did he talk much?

A. No sir; his woman was short time before buried. I told I think the house very still and lonesome.

Q. Was there anybody with him there?

A. The youngest daughter comes in and he has a boy that is crazy, he was outside in the porch. His three children, son and another daughter, I see them in the garden at work

Q. Did he have anything to say about his wife?

A. No

Q. About her death?

A. No

Q. Did he-was there any other laughing except when you spoke being about the cent-any other laughing?

A. Yes sir, he laughed very much-looked crazy to me that he laughs about a cent

Q. He kept laughing about it?

A. Yes sir

Q. Did he talk-keep talking about it?

A. When I was ready-you see the house was still so I had some more work-I went away soon as I got through. He comes with me outdoors and that little boy "crazy" we talk about them. I was say it is very hard for that man, lost his wife and have such a boy we was talking about it. He told me, that boy all right; not need hurt anybody, so long as he can't do anything better as he keep him

Q. Did he tell anybody-did he act very silly-foolish that day?

OBJECT TO

Q. I ask how he did act?

A. I didn't find him foolish at all

Q. You found him laughing?

A. Yes sir

Q. About matters of no consequence?

A. He seems to me crazy

Q. Struck you as very strange, laughing at that time and in that way?

A. Yes sir; looks strange to me, that so

CROSS EXAMINATION

Q. You got your change all made except the cent?

A. Yes sir

Q. You said that you would pay that, in fun? Said that in a joke-in a pleasant way?

A. Yes sir; that is so

Q. Well, when you say pleasant things don't you expect they are going to laugh?

A. Yes sir; not as much as he has, for a man of that age

Q. You were no very well acquainted with him?

A. I was not

This ends the testimony of Phillip Damm