

Sec 6342A

4317

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

Commonwealth

v).

Justice Judd

I N D E X.

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IN THE DISTRICT COURT OF THE COUNTY OF ...

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Witness In Chief Cross Exam.

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In Chief Clerk's Office.

Witness

TESTIMONY ON BEHALF OF THE DEFENDANT

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

Commonwealth of Virginia

v).

Justice Judd.

July 6, 1926.

The following evidence on behalf of the Commonwealth and of the Defendant, respectively, as hereinafter denoted, is all the evidence that was introduced on the trial of this case.

TESTIMONY ON BEHALF OF THE COMMONWEALTH
IN CHIEF:

ANNA BARTON, sworn, examined by Mr. D. W. Barman, Attorney for the Commonwealth, testified:

Q You are Miss Anna Barton?

A Yes, sir.

Q How old are you, Miss Barton?

A Twenty.

Q When were you twenty?

A Thirteenth of last August.

Q What is your father's name?

A George Barton.

Q Where does he live?

A Rockingham County.

Q Near what place?

A Near Shenandoah.

Q He lives, does he not, between Shenandoah City and Elkton?

A Yes, sir.

IN THE COUNTY OF ... VIRGINIA

Commissioner of Virginia

17

July 2, 1900

Justice Hall

The following evidence on behalf of the Commission...

REPORT ON BEHALF OF THE COMMISSIONER

THIS REPORT, sworn, examined by Mr. D. N. ...

for the Commission, testified:

Q For the Commission, testified:

A Yes, sir.

Q Now did you see the report?

A Yes, sir.

Q When was the report?

A It is a report of the ...

Q What is your father's name?

A ...

Q Where was he born?

A ...

Q How long did you ...

A ...

Q In 1900, were you out, ...

EXHIBIT

A Yes, sir.

Q In Rockingham County?

A Yes, sir.

Q Do you or not make your home with him?

A Yes, sir; I make my home with him.

Q Have you lived with him always?

A Yes, sir; I have lived with him always.

Q Miss Barton, you have been working, I believe, at Elkton and at Shenandoah City?

A Yes, sir; I worked at Elkton and Shenandoah City.

Q What kind of work did you do?

A Worked in the overall factory.

Q Miss Barton, do you know Justice Judd?

A Yes, sir.

Q Where does he live?

A He lives in Shenandoah City, Page County, Virginia.

Q About how far is that from where you live?

A Indeed, I don't hardly know. I can't tell you.

Q Is it two or three miles?

A Yes, sir; two or three miles, I presume.

Q Has he paid you any attention?

A No, sir, not here in the last while, he has not.

Q Not for the last while?

A Yes, sir.

Q Did he for awhile come to see you?

A Yes, sir; he did.

Q When did he start?

A He started about sometime in November, 1925.

Q Where did you meet him?

Q In Rockingham County?

A Yes, sir.

Q Do you or not make your home with him?

A Yes, sir; I make my home with him.

Q How long lived with him always?

A Yes, sir; I have lived with him always.

Q How long, you have been working, I believe, at

Clinton and at Shenandoah City?

A Yes, sir; I worked at Clinton and Shenandoah City.

Q What kind of work did you do?

A Working in the gravel factory.

Q How long, as you have mentioned?

A Yes, sir.

Q Where does he live?

A He lives in Shenandoah City, Page County, Virginia.

Q About how far is that from where you live?

A Indeed, I don't hardly know. I can't tell you.

Q Is it two or three miles?

A Yes, sir; two or three miles, I presume.

Q Has he paid you any attention?

A No, sir; not here in the last while, he has not.

Q Not for the last while?

A Yes, sir.

Q Has he for awhile come to see you?

A Yes, sir; he did.

Q When did he start?

A He started about sometime in December, 1922.

Q Where did you meet him?

A I met him in Shenandoah, at the Mission.

Q At the Mission Church?

A Yes, sir.

Q Do you belong to that church?

A No, sir; I belong to the U. B. church.

Q You belong to the United Brethren Church?

A Yes, sir.

Q The Mission Church is the little church that they call the "Faith Healers' Church"?

A Yes, sir; a lot of people call it the "Faith Healers' Church."

Q You met him at that church?

A Yes, sir.

Q In November?

A Yes, sir.

Q After that time did he come to see you often or not?

A Well, at first he did not. Well, he began coming, too, and I think he made his next trip on the last night in December.

Q The last night in December?

A Yes, sir.

Q After that last night in December, did he come to see you often or not?

A Yes, sir; he came right regular from then on. But he went with a girl in Bridgewater, you know, and he came to see me mostly every Saturday night for a right smart while, and he wouldn't tell me that he was going to Bridgewater for, of course, I would not have liked it. He said sometimes that he was going fishing, and sometimes he was going on business, and he

A I met him in Sheddock, at the Elmside.

Q At the Elmside Church?

A Yes, sir.

Q In the building at that church?

A No, sir; I believe in the U. S. building.

Q You believe in the United States building?

A Yes, sir.

Q The Elmside Church is the little church that they call the

"Little Elmside Church"?

A Yes, sir; a lot of people call it the "Little Elmside".

Q

Q The last time at that church?

A Yes, sir.

Q In November?

A Yes, sir.

Q After that time did he come to see you often or not?

A Well, at first he did not. Well, he began coming, you know,

I think he made his next trip on the last night in December.

Q The last night in December?

A Yes, sir.

Q After that last night in December, did he come to see you

often or not?

A Yes, sir; he came right regular from then on. But he

went with a girl in Bridgewater, you know, and he came to see

me usually every Saturday night for a right smart while, and

he wouldn't tell me that he was going to Bridgewater for, of

course, I would not have liked it. He said sometimes that he was

going to New York, and sometimes he was going on business, and he

would tell me not to come to church that night, that it was rough, or something like that, and I would listen to him and stay at home. After awhile my sisters told me that they saw him at this church that night; and, then, it seemed that he wasn't going to Bridgewater so much, and then he came home and didn't go back there any more.

Q From the 1st of January, 1925, until this trouble occurred, about how often did he come to see you a week?

A About how often -- how is that?

Q How often would he come to see you from the time he started to come regularly up until the time of this trouble?

A He came every Saturday night. We would be together every Saturday night. Of course, he could not come to my house very much. We would be together on Saturday, and, possibly, Thursday nights. We went to church always. Then on Sunday night, sometimes, we would go some place, maybe, -- on Sunday evening.

Q You attended the same church he did, did you?

A Yes, sir; we went to this little Mission. I went to Sunday school at St. Peter's Church. Then, sometimes in the evening I would go to preaching. And, as I say, we would go to this little Mission.

Q During the week was it your custom or not to see him at Shenandoah while you were at your work?

A Yes, sir. I would see him most every day. He most always met me on the street when I came from my work; and lots of times he would come home with me, or near home, most every evening.

Q Miss Barton, you have a little baby, I believe?

A Yes, sir.

Q When was it born?

A Thirteenth of May.

Q Who is the father of that child?

A Justice Judd.

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Q Now the fact of January, 1933, until this time
 occurred, about how often did he come to see you a week?
 A About how often -- how is that?
 Q How often would he come to see you from the time he
 started to come regularly up until the time of this trouble?
 A He came every Saturday night. He would be together every
 Saturday night. He would be with you every Saturday
 night. He would be together on Saturday, and possibly, Tuesday
 nights. He went to church every Sunday night, some-
 times, he would go some place, maybe -- on Sunday evening.

Q You attended the same church he did, did you?
 A Yes, sir; we went to this little Mission. I went to Sunday
 school at St. Peter's Church. Then, sometimes in the evening I would
 go to preaching. And, as I say, he would go to this little Mission.
 Q During the week was it your custom or not to see him
 at home? Did you see him at home?
 A Yes, sir. I would see him most every day. He would
 always call on me on the street when I came from my work; and I
 at times he would come home with me, or near home, most every
 evening.

Q Miss Burton, you have a little baby, I believe?
 A Yes, sir.
 Q When was it born?
 A Christmas of 1931.
 Q Was it the father of that child?
 A Yes, sir.

Q When was the first time that he had anything to do with you, had intercourse with you?

A It was between the 1st and the 13th of August.

Q Of what year?

A 1925.

Q Between the 1st and when?

A Between the 1st and the 13th, sometime between that.

Q Where were you, then?

A I was at my aunts.

Q Just state to the jury what happened on that occasion, and how you happened to let him do that?

A I went up to my cousin's house on Saturday evening, and on Saturday night, then, this Lam boy that goes with this girl that I went to see --

Q (Interposing) Whom were you visiting?

A I was visiting my aunt.

Q What is her name?

A Fannie Morris.

Q She is your father's sister, isn't she?

A Yes, sir.

Q And they have a girl, a grown girl about your age?

A Yes, sir. She is 18 or 19.

Q Her name is Julia Morris?

A Yes, sir.

Q You went up to see her?

A Yes, sir. We run together lots. We go to different places. We are most always together. We are very good friends.

Q And while you were there, Justice Judd came, you say?

A Yes, sir. They came up that night. I think, if I am not mistaken, the Batman boy brought them, and some other fellows. I

Q When was the first time that he was acquainted with you?
A It was between the 1st and the 15th of August.
Q Or what party?
A I don't know.
Q Between the 1st and the 15th?
A Between the 1st and the 15th, because between that
Q Where were you, then?
A I was at my work.
Q But where is the party which happened on that occasion, and
how you happened to get him to that?

A I went up to my cousin's house on Saturday evening, and
on Saturday night, then, this man got into my room with
I went to see --

Q (Interposing) When were you visiting?
A I was visiting my aunt.
Q What is her name?
A Fannie Morris.
Q Was it your father's sister, isn't it?
A Yes, sir.
Q And they have a girl, a young girl about your age?
A Yes, sir. One is 18 or 19.
Q Her name is Miss Morris?
A Yes, sir.

Q You went up to see him?
A Yes, sir. He was together with me. We go to different
places. He was most always together. He was very good friends
and while you were there, he was with me, you say?
A Yes, sir. They came up that night. I think it is not
mistaken, the woman got pregnant with him, and then after that.

don't know who they were. This Lam boy and Justice Judd got out and staid with us. We were sitting in the yard, and, I don't know what time it was, but between 9 and 10 o'clock, and Justice said he had a severe headache, and he got up and stood against a post awhile; and we were just laughing at him about being sick. He said he had a severe headache. We said we would stand up against the post with him and see if it would help our heads. It appeared that he got mad at that, and he walked on down to a place, a kind of an orchard, in a little road like, and, directly, he called me. I sat there awhile and he called me again, and I got up and went down where he was at. Then he commenced acting and wanted me to give up to him, and, of course, I didn't want to do it for anything. He kept on about it, and, finally, he got hold of me and and took me out kind of in the orchard like, and he kept on. "Justice," I said, "I wouldn't do anything like that for anything." I didn't call him "Justice," I called him "Jess."

Q "Jess" is his nickname?

A Yes, sir. I never did call him Justice.

Q Go ahead.

A I said, "I wouldn't do a thing like that for anything. It would be terrible if I ever do such a thing as that." He kept on, and said it wouldn't be found out; it wasn't found out on other people and it wouldn't be found out on me. I said, "Yes, 'Jess', sure as I do such a trick as that I would be caught, and what in the world would my people do?" I said, "You know I have my people to consider, 'Jess,' and I don't want my reputation ruined for anything like that." He said, "Oh, yes, I would marry you if anything happened to you." I said, "Would you do such a thing as that?"

"I know who they were. This man and Justice told you that
 and didn't with me. We were sitting in the yard, and I don't
 know what time it was, but between 9 and 10 o'clock, and Justice
 said he had a severe headache, and he got up and stood against a post
 outside, and he went just looking at his watch being sick. He said
 he had a severe headache. He said we would stand up against the
 post with him and he would be all right. It happened that
 he got me at that, and he called me down to a garden, a kind of an
 orchard, in a little road like, and, anyway, he called me. I saw
 there while he called me down, and I got up and went down
 there as he was. Then he commenced seeing and wanted me to give up
 in him, and he wanted to know if I was willing. He
 kept on saying it was, finally, he got hold of me and took me
 out kind of in the orchard like, and he kept on. "Justice," I said,
 "I couldn't do anything like that for anything." I said, "Well, his
 "Justice," I called him "John."
 "John" in his nickname.
 A. You, sir. I never did call him Justice.
 I do mean.
 I said, "I wouldn't do a thing like that for anything. It
 would be terrible if I ever do such a thing as that." He kept on
 and said it wouldn't be found out; it wasn't found out on other
 people and it wouldn't be found out on me. I said, "Yes, John."
 were as I do such a trick as that I would be caught, and when in
 the world would my people do?" I said, "You know I have my people
 to consider, John," and I don't want my reputation ruined for
 anything like that." He said, "Oh, yes, I would worry you if any-
 thing happened to you." I said, "Would you do such a thing as that?"

"Yes," he said, "I would marry you. I wouldn't wait for the time for the baby to come neither, for I don't believe in any such stuff as that, having you run around here like that, and people see you, I wouldn't want you to be talked about. Of course," he said, "I would marry you." And so I did.

Q What night of the week was that?

A That was on Saturday night.

Q On Saturday night?

A Yes, sir.

Q Now, did you after that have something to do with him on other occasions?

A Yes, sir; I did.

Q When was the next time?

A I don't hardly remember the next time. It wasn't on Sunday. I wasn't with him that Sunday night. I don't know whether it was on Monday. I don't know whether we were attending church or not. I don't reckon it was so long -- sometime during the next week.

Q Where did that occur? In Rockingham or Page County?

A It occurred in Rockingham County.

Q You live in Rockingham county?

A Yes, sir.

Q How long did he continue to have something to do with you? When was the last time?

A I don't hardly remember. I can't tell you because I don't remember.

Q About how many months did he have something to do with you?

A Well, it was up to about, possibly it was February, something like that.

Q February of this year?

A Yes, sir.

-- 9 --

"Yes," he said, "I would really care. I wouldn't want for the time for the body to come out, but I don't believe in any such thing as that, having you run around here like that, and people see you. I wouldn't want you to be talked about. Of course," he said, "I would really care." And so I did.

Q What night of the week was that?

A That was on Saturday night.

Q On Saturday night?

A Yes, sir.

Q Now, didn't you have something to do with him on other occasions?

A Yes, sir; I did.

Q When was the last time?

A I don't really remember the last time. It wasn't on Monday. I wasn't with him that Sunday night. I don't know whether it was on Monday. I don't know whether we were attending church or not. I don't remember it was so long -- sometime during the next week.

Q Where did that occur? In Washington or Lee County?

A It occurred in Washington County.

Q You live in Washington County?

A Yes, sir.

Q Now, did he continue to have something to do with you then was the last time?

A I don't really remember. I don't tell you because I don't remember.

Q About how many months did he have something to do with you?

A Well, it was up to about, possibly it was February, something like that.

Q February of this year?

A Yes, sir.

Q February of this year?

A Yes, sir.

Q You said the first act occurred sometime between August 1st and August 13th?

A Yes, sir.

Q And the last act, you think, was sometime in February, 1926

A Yes, sir; I think so.

Q About how often did he have something to do with you in the meantime?

A Before anything happened to me, it was about, well, it was most every time he was with me that he wanted to. Of course, sometimes --

Q (Interposing) Most every time he was with you?

A Yes, sir; most every time he would want to.

Q And I understand you to say that he came to see you a couple of times a week during that period?

A Yes, sir. We were together often, because there were meetings over there, and Papa would let us go every night to church, and, of course, he was there every night.

Q Now, during the time he was going with you was anybody else going with you, any other man?

A Well, they did not go with me. Sometimes if I didn't have a place to go, maybe somebody would take me some place.

Q Did anybody go with you regularly during that time?

A No, didn't any one go regularly.

Q Were you in love with him or not?

A Yes, sir; I was, I really was in love with him.

Q Have you ever had anything to do with any other boy or

Q February of this year?

A Yes, sir.

Q You said the first one occurred sometime between August

and August 1931?

A Yes, sir.

Q And the last one, you think, was sometime in February, 1932?

A Yes, sir; I think so.

Q About how often did he have occasion to be with you in the

meantime?

A Before anything happened to me, it was about, well, it was

about every time he was with me that he would be with me, of course.

-- 9 --

Q (Interrogating) Just every time he was with you?

A Yes, sir; most every time he would want to.

Q And I understand you to say that he came to see you a couple

of times a week during that period?

A Yes, sir. He was together often, because there were

meetings over there, and they would get on an every night to

break, and of course, he was there every night.

Q Now, during the time he was going with you was anybody else

going with you, any other men?

A Well, that is not to say, because if I didn't

have a place to go, maybe somebody would have some place.

Q Did anybody go with you regularly during that time?

A No, didn't say one go regularly.

Q Have you in love with him or not?

A Yes, sir, I was, I really was in love with him.

Q Have you ever had anything to do with any other set of

man in your life except him?

A No, sir, I never have

Q Why did you ever have anything to do with him, Ann?

A Well, because I loved him, and he seemed to like and love me, and he promised to marry me, and everything like that, and I just gave up to him right there.

Q I believe you said that the first act of intercourse occurred sometime between the 1st and 13th of August?

A Yes, sir.

Q And the baby was born on the 13th of May?

A The 13th of May, yes, sir.

Q When was the last time you were sick, do you know?

A When was the last time?

Q Yes.

A I think the last time was in September.

Q Do you know whether your baby is an eight or a nine months baby?

A The Doctor says it is an eight months baby and I guess it is.

Q Suppose you just bring it in.

MEMO: Witness leaves court-room and returns to witness stand with baby in her arms.

Q It is a little girl baby?

A Yes, sir.

Q How much did it weigh when it was born?

A About three and a half pounds.

Q How old is it, now?

A It will be two months old the 13th of this month.

was in your life except him?

A No, sir, I never have.

Q Why did you ever have anything to do with him, I mean?

A Well, because I loved him, and he seemed to like and love me, and he promised to marry me, and everything like that, and I sort of gave up to him right there.

Q I believe you said that the first way of intercourse

occurred sometime between the first and last of August?

A Yes, sir.

Q And the baby was born on the 13th of May?

A The first of May, sir.

Q What was the last time you were sick, or you knew

A When was the last time?

Q Yes.

A I think the last time was in September.

Q Do you know whether your baby is an eight or a nine months

baby?

A The doctor says it is an eight months baby and I guess it

is.

Q Suppose you had been in the

house when the baby was born, would you have seen it?

Q It is a little girl, baby?

A Yes, sir.

Q How much did it weigh when it was born?

A About three and a half pounds.

Q How old is it now?

A It will be two months old the 13th of this month.

-- 10 --

Q How much does it weigh, now, do you know?

A I think it weighs about six pounds. I did not weigh it today. I counted on weighing it this morning. I think it is about six pounds, something like that.

Q Who was your doctor?

A Doctor Woff.

Q W-o-f-f?

A Yes, sir.

Q He lives in Shenandoah, don't he?

A Yes, sir.

Q Miss ~~Porter~~ how would Judd act when you would allow anyone else to go with you?

A He would act awfully bad.

Q What would he do?

A He would threaten to shoot and every thing like that. Oh, he was awful.

Q What did he do on one occasion down near the Shenandoah bridge, near the town of Shenandoah?

MR. HAMMER: Does your Honor think that is material?

THE COURT: If it don't go too far I think she may answer the question.

MR. HAMMER: He does not say in the question whether it relates to a perior anterior or subsequent to this particular time. If it was anterior it might be proper; if it was subsequent, I don't think it would be.

THE COURT: I think it is proper.

Exception noted for the accused.

Q When was it?

A I don't remember the month it was in. I know it was on

Q How much does it weigh, now, do you know?
 A I think it weighs about six pounds. I did not weigh it
 today. I counted on weighing it this morning. I think it is
 about six pounds, something like that.

Q And you were there?

A Yes, sir.

Q W-2-17

A Yes, sir.

Q He lives in Shenandoah, don't he?

A Yes, sir.

Q Now, didn't you know that when you were there

you were also in the yard?

A He would not admitly be.

Q What would he do?

A He would probably be about and every thing like that. Oh,

he was with.

Q What did he do on one occasion near the Shenandoah

bridge, near the town of Shenandoah?

MR. HANCOCK: Now your honor think that is material?

THE COURT: It is not to be taken as such. I think the way
 makes the question.

MR. HANCOCK: He does not say in the question whether
 it related to a letter or anything or anything
 to this particular time. It is not material
 it might be proper; it is not material. I
 don't think it would be.

THE COURT: I think it is proper.

Exception noted for the counsel.

Q When was it?

A I don't remember the date it was in. I know it was in

Sunday evening.

Q Was that before you were in a family way?

A Yes, sir.

Q Who were you with then?

A This Morris girl, and the Bear boy and the Snyder boy. I was on the back seat of the car with the Bear boy. Bear and Snyder picked us up on our way from church, as we were coming from Shenandoah. It seemed like this Snyder boy liked this Morris girl a little bit, and, of course, he had gone with her some. He asked us if we wanted to go to the Blue Hole, at the river this side of Shenandoah City.

Q That is where they go in bathing?

A Yes, sir. But, of course, I never go in with them. When he asked us to go, I said, no, I couldn't go. Julia Morris said, "Oh, let's go." I said, "No, indeed, I can't go, because we might meet 'Jess' some place and he won't like it." They said, "Come on and go, he won't see us." So, she got in the front seat with the Snyder boy, and I got on the back seat with the Bear boy, and in going up to the Blue Hole we went by the bridge, and there were a number of boys there, I don't know who they were, but I know 'Jess' was there and a couple more. The Lam boy was there. I said, "Well, there is 'Jess,'" and I said, "We will be back directly," or something. We went up to the Blue Hole and turned around and came back. "Jess" was still sitting there when we came back, and he had a gun in his hand.

Q You mean a gun or a pistol?

A A pistol or a gun or a revolver. I said, "Lee, there is 'Jess' and he has a pistol -- he has a gun in his hand,-- and, now,

Monday evening.

Q Was that before you were in a family way?

A Yes, sir.

Q And were you with them?

A This morning first, and the next day and the next day.

I was on the back seat of the car with the boy. Next day

arrived Monday as we got out way from Sunday, as we were leaving

from Sunday. It seemed like this Sunday boy lived this

morning first a little bit, and, of course, he had been with her

some. He asked us if we wanted to go to the Blue Hole, at the river

side of Chesapeake City.

Q That is where they go to fishing?

A Yes, sir. Now, of course, I never go in with them. When

he asked us to go, I said, no, I wouldn't go. John Morris said,

"Oh, let's go." I said, "No, indeed, I can't go, because we might

meet 'em." Some time and he won't like it." They said, "Come on

and go, he won't see us." So, she got in the front seat with the

boy, and I got on the back seat with the boy, and in

going up to the Blue Hole we went by the bridge, and there were a

number of boys there. I don't know who they were, but I know 'em,

and I said, "The boy was there." I said,

"Well, that is 'em," and I said, "We will be back directly."

or something. We went up to the Blue Hole and turned around and came

back. "Em" was still sitting there when we came back, and he

had a gun in his hand.

Q You mean a gun or a pistol?

A A pistol or a gun or a revolver. I said, "Yes, there is

'em, and he has a pistol -- he has a gun in his hand -- and, now,

I am scared." And it seemed like these boys were scared. I said, " Let me out." When we got to him, he just stood out in the road and threw up the gun.

Q What did "Jess" say?

A He didn't say anything, he only threw up the gun. And these boys ran by a couple of steps, and I said, "I am going to jump out right now." I was looking for a shot to come through the car all the time.

Q Who did you go with then? Did you go home with him?

A No, sir; we went on then in the car, and the car stopped and we got out, and "Jess" walked up to where we were, and he seemed awfully mad. Julia and I were standing there. When he got to us, he just shot the pistol off right down at my feet in the ground. Julia said, "Jess, aren't you ashamed?" I said, "You have lost your mind, boy, anyway." I taken him by the arm and taken the gun and held it myself, and handed it back to him. He said, "Put it back in my pocket. You are scared." I said, "No, I am not."

Q Did he want you to go with any other boys?

A No, sir, he said he didn't. He certainly did act like he didn't want me to go with any other boys.

Q Was there any other occasion when he acted like that?

A Yes, sir. One night when we were at McGaheysville to a lawn party, this Morris girl, "Bob" Harris and myself, and "Jess" went along; and we got out of the car and walked down to an automobile -- the Morris girl and myself and my cousin came around and was talking to me, and Theodore Lam, and another boy, I don't know who he was.

I am worried. And it seemed like these boys were worried. I said, "Let us out." Then we got to him, he just stood out in the road and stared at the gun.

I thought that "John" was the man's only chance. He only knew of the gun. These boys had a couple of signs, and I said, "I am going to jump out right now." I was looking for a sign to use through the car off the line.

Q Did you go with them? Did you go home with him?
A Yes, we went on then in the car, and the car stopped and we got out, and "John" wanted to go with us, and he seemed really mad. John and I were standing there. When he got to us, he just shut the pistol off right down at my feet in the ground. John said, "John, aren't you nervous?" I said, "You have just got your mind, hey, anyway." I threw him by the arm and took the gun and held it myself, and looked it back to him. He said, "It is back in my pocket. You are worried." I said, "No, I am not."

Q Did he want you to go with any other boys?
A No, sir. He said he didn't. He certainly did not like to didn't want me to go with any other boys.

Q And there are other occasions when he asked you to go with him, sir. One night when we were at the...
A Yes, sir. This Harris girl, "John" Harris and myself, and "John" went along, and we got out of the car and walked down to an...
A Yes, the Harris girl and myself -- and my cousin came around and was talking to us, and Theodore was, and another boy. I don't know the name.

Q How did "Jess" Judd act on that occasion?

A Well, he came down through the crowd, and Julia Morris said, "Annie, there comes 'Jess.'" And I said, "Laws, Theodore, is 'Jess' coming." And it seemed like my cousin and this other boy seemed scared. They walked in front of us through the crowd. 'Jess' had his gun or pistol that time when he came towards us.

Q How did he have it?

A He had it out in his hand.

Q Did he let you go back home with the boy who came with you?

A No, sir; I went back home with him, with 'Jess.'" "Jess" and "Bob" taken us up to the lawn party, and they went back with us.

Q Who is "Bob"?

A "Bob" Harris.

Q Is he your cousin?

A No, sir; he is no kin to me.

Q He wouldn't allow you to go back with the man who brought you there but took you back himself?

A Yes, sir.

MR. HAMMER: I understood you to say a moment ago that "Jess" took you there to that lawn party, and now Mr. Barman is having you say that he took you away from another fellow? There is some confusion, unintentionally on Mr. Barman's part.

WITNESS: I went with "Jess". I went to the lawn party with 'Jess," Julia and "Bob," and while there we, Julia and I, walked down to this automobile, and, in a couple of minutes "Jess" came down where we were, and the Harris boy staid in the car.

MR. HAMMER: Then you and "Jess" and Julia and

Q Now did "Jesse" look out on that occasion?
 A Well, he came down through the crowd, and John Harris
 said, "Amma, there comes 'Jesse.'" And I said, "Laws, Theobald,
 is 'Jesse' coming?" And it seemed like my cousin and this other
 boy seemed excited. They walked in front of us through the
 crowd. "Jesse" had his gun or pistol tucked under his arm
 towards us.

Q Now did he have it?
 A He had it out in his hand.
 Q Did he let you go back home with the boy who came with

you?
 A No, sir. I went back home with him, with "Jesse". "Jesse"
 and "Bob" taken us up to the team party, and they went back with us.

Q Who is "Bob"?
 A "Bob" Harris.

Q Is he your cousin?

A No, sir; he is no kin to me.

Q His cousin's name you go back with the man who brought
 you there but you don't know his name?

A Yes, sir.

MR. HARRIS: I understand you to say a moment ago
 that "Jesse" took you there in that team party,
 and now Mr. Harris is saying you say that he
 took you away from another party. There is
 some confusion, unintentionally on Mr. Harris's
 part.

MR. HARRIS: I went with "Jesse". I went to the team
 party with "Jesse", John and "Bob", and while
 there we, John and I, walked down to this
 automobile, and in a couple of minutes "Jesse"
 came down where we were, and the Harris boy
 walked in the car.

MR. HARRIS: Then you and "Jesse" and John and

the Harris boy, all went back home together in the same car, didn't you?

WITNESS: Yes, sir.

Q Did you receive any letters from him?

A Yes, sir; I received one from him.

Q He is commonly known over in that community as "Jess," and that is what you call him all the time?

A Yes, sir.

Q Although his right name is "Justice"?

A Yes, sir. You don't hear us call him "Justice," though that is his name.

Q Do you know his handwriting?

A I know his letter that I got from him.

BY MR. HAMMER:

Q That is the only letter you got from him?

A He used to write some. We would be writing each other's names, and I would see his writing, but I never paid much attention to it.

Q You never got but this one letter from him?

A Yes, sir; that is all.

Q You do not know whether that is his handwriting or not, do you?

A Of course, I could not swear to it, no.

BY MR. BAUMAN:

Q I hand you, Miss Barton, a letter, addressed to Miss Anna Barton, Shenandoah, Virginia, and postmarked "Shenandoah, Va., Mar. 12, 6 A. M. 1925," and the top of the letter is written, "Shenandoah, Va., Mar. 11, 1925," addressed, "Sweetheart," and signed "From the one who Loves You, Jess." I believe you said that you always called him "Jess"?

the Harris boy, all went back home together
in the same car, didn't you?

WITNESS: Yes, sir.

Q Did you receive any letters from him?

A Yes, sir; I received one from him.

Q He is commonly known over in that community as "John," and

that is what you call him all the time?

A Yes, sir.

Q Although his right name is "Justice"?

A Yes, sir. You don't hear us call him "Justice," though

that is his name.

Q Do you know his handwriting?

A I know his letter that I got from him.

BY MR. HARRIS:

Q That is the only letter you got from him?

A He must be writing some. We would be writing each other's

names, and I would see his writing, but I never paid much attention

to it.

Q You never got but this one letter from him?

A Yes, sir; that is all.

Q You do not know whether that is his handwriting or not, do

you?

A Of course, I could not swear to it, no.

BY MR. HARRIS:

Q I have got, like I told you, a letter, addressed to him

and dated, I think, Virginia, and postmarked "Shenandoah, Va.,

Mar. 18, 4. M. 1935," and the top of the letter is written

"Shenandoah, Va., Mar. 17, 1935," addressed, "Sweetheart," and

signed "From the one who loves you, John." I believe you said that

you always called him "John"?

A Yes, sir.

Q Did you or not receive this letter through the mails in due course?

A Yes, sir, I received it through the mail.

MR. BARMAN: Your Honor, please, I desire to introduce this letter in evidence.

MR. HAMMER: You have to identify it as coming from the defendant. I want the letter identified as his letter.

THE COURT: How do you know that "Jess" Judd wrote it?

WITNESS: Of course, it has his name to it, and he told me of things -- he says some things in that letter that he mentioned to me that night in coming over. He asked me if I got the letter.

THE COURT: He asked you if you got the letter?

WITNESS: He wanted to come home with me that night, and said if I ~~loved~~ ~~loved~~ him he could come.

MR. HAMMER: Let the letter in, and we will explain the whole situation.

THE COURT: It would be admissible if he told her that day that he had written to her the letter, or referred to it.

MR. HAMMER: I will let it go in, but not as a letter written by Jess Judd, but as a letter.

MEMO: Letter introduced in evidence on behalf of the Commonwealth, and read by Mr. Barman to the jury, as follows:

"Shenandoah, Va., Mar. 11 - 25.

"Sweetheart,

"I will drop you a few lines in Reply to you-heart Breaking letter. I am sorry that I did not come over Sunday. But dear you know that I love you and that I just go to Bridgewater Just to pass away the time. Dear if you thought as much of me as I

A. Yes, sir.

Q. Did you or not receive this letter through the mails in

the country

A. Yes, sir, I received it through the mail.

Q. Now, your Honor, please, I desire to introduce this letter in evidence.

MR. WATSON: Yes, please to identify it as coming from the defendant. I want the letter placed in evidence as his letter.

THE COURT: Now do you know that John Todd wrote this letter?

WITNESS: Of course, it has his name to it, and he told me at London -- he says some things in that letter about me, and I know it is his letter. He says he is writing over to me, and I got the letter.

THE COURT: He asked you if you got the letter?

WITNESS: He wanted to come home with me that night, and said if I looked him in the eye, I would know him.

MR. WATSON: For the letter in, and we will explain the whole situation.

THE COURT: It would be advisable if he told me that he had written to her the letter, or referred to it.

MR. WATSON: I will let it go in, but not as a letter written by John Todd, but as a letter.

MR. WATSON: I have introduced in evidence on behalf of the Government, and read by Mr. Watson to the jury, as follows:

*Exhibit, Vol. 11, p. 12.

Witness:

"I will stop you a few lines in reply to your last letter. I am sorry that I did not come over Sunday. But dear you know that I love you and that I had to go to Bridgewater that to pass away the time. Dear if you thought as much of me as I

think of you you would not get mad at me for trying to have a little fun, for you know that I will always come back to you, for you know that I love you with all my heart. And you know that I am always glad to be in your Company. And I don't think that we will have to wait 50 years until we can be in each others Company. So you don't want me to ask you for a date until I quit going up there. But I am sorry that you feel that way and that don't say that I won't ask you for a date, for you know that I can't keep away from the girl I love, and that is you. I am sorry that you feel lik you do. Dear Come over to Faith Meeting tomorrow night (Thursday) and I will go back home with you. Please do this. I will look for you. Now if you love me please do this, for I want to see you and tell you how much I love you. I looked for you this Eve, but did not see you. Well I will close for this time. By asking you again to please come over tomorrow night.

From the one who loves you,

Jess."

Q Now, you did receive this letter, did you, from him?

A Yes, sir.

Q And this letter, you say, was in reply to a letter you had written him?

A Yes, sir.

Q What did you say to him in your letter?

A I just told him about his going to Bridgewater, and I told him that I wasn't going to go with him any more if he didn't stop going there; I didn't want him to be coming to see me on Saturday nights when he did not have a way to go to Bridgewater; and

think of you you would not get mad at me for trying to have a
 little fun, but you know that I will always come back to you,
 for you know that I love you with all my heart. And you know
 that I am always glad to be in your company. And I don't think
 that we will have to wait 15 years until we can be in each others
 company. So, my dear, I want you to be with me for a while until I
 can't keep away from the girl I love, and that is you.
 I am sorry that you feel like you do. Dear Gene over to
 looking forward to that (Thursday) and I will be there with
 you. Please do this. For I want to see you and tell you how much I
 love you. I looked for you this eve, but did not see you. Tell
 I will miss you this time. By making you again so please come
 over tomorrow night.
 From the one who loves you,
 Gene.

1. How you can receive this letter, tell you from him
 2. You, sir.

3. And this letter, you see, and in reply to a letter you
 had written him
 4. Yes, sir.

5. That the way to him in your letter
 6. I just told him about his going to Bridgewater, and I told
 him that I wasn't going to go with him any more if he didn't
 stop going there; I didn't want him to be coming to see me on
 Saturday nights when he did not have a way to go to Bridgewater; and

he couldn't come to see me on Sunday and Sunday night, as he did. I wasn't going with him any more. I told him I didn't want him to ask me for any more dates, for I wasn't going with him. And I received this letter.

Q This letter was written in response to the one you had written him?

A Yes, sir.

Q How many days after you wrote your letter before you received this one?

A I think I wrote this letter on Monday or Tuesday night, I don't remember which.

Q When did you receive this one?

A I got that one, of course. I don't know, I hardly remember, it has been so long, but it was a short time. Probably he sat down and wrote it that night. I don't know. He wanted me to come to church on Thursday night, and I am sure I wrote to him on Monday or Tuesday night, and, of course, I mailed it that morning.

Q I believe you said that he started to go with you regularly the first of January, 1925, or, you said, the last day of December, 1924, I believe?

A Yes, sir.

Q He came to see you after that every few days?

A Yes, sir.

Q This letter was written March 11, 1925?

A Yes, sir.

Q And it was not until some four, five or six months after this that you got in this trouble?

he couldn't come to see me on Sunday and Monday night, as he did.
 I wasn't going with him any more. I told him I didn't want him to
 ask me for any more dates, for I wasn't going with him. and I
 received this letter.

Q This letter was written in response to the one you had
 written first

A Yes, sir.

Q How many days after you wrote your letter before you

received this one?

A I think I wrote this letter on Monday or Tuesday night, I

can't remember which.

Q How long did it take you to receive this one?

A I got that one, of course. I don't know, I hardly

remember, it has been so long, but it was a short time. Two-

only he was down and wrote it that night. I don't know. He

wanted me to come to church on Thursday night, and I am sure I

wrote to him on Monday or Tuesday night, and, of course, I called

it that morning.

Q I believe you said that he started to go with you regularly

the first of January, 1933, or, you said, the last day of December,

1932, I believe?

A Yes, sir.

Q He came to see you after that every few days?

A Yes, sir.

Q This letter was written March 11, 1933?

A Yes, sir.

Q And it was not until some four, five or six months

after this that you got in this trouble?

A Yes, sir.

MR. HAMMER: That is the only letter, I understand, you have ever gotten from him?

WITNESS: Yes, sir.

MR. HAMMER: Or supposed to have been gotten from him?

WITNESS: Yes, sir. That's the only one I got.

CROSS-EXAMINATION BY MR. HAMMER:

X Did he ever give you a ring?

A No, sir.

X Did he ever make you a present of any kind?

A No, sur.

X Did he ever speak to your father about his relations with you, or that he wanted to marry you?

A No, sir.

X Did you ever tell your father or your mother that he was going to marry you?

A No, sir.

X Did you ever tell anybody else?

A No, I don't think I did.

X Did you ever know of his telling anybody else?

A Well, I heard that he told a girl -- that Morris girl -- that he loved me and would marry me if I hadn't went with other fellows.

X If you "hadn't went with other fellows"?

A That is what he said, so I heard.

X You do not know whether that is true or not?

A No indeed.

X You are about a year and a half older than "Jess", I

A Yes, sir.

MR. HAMMER: That is the only letter, I understand, you have ever gotten from him?

WITNESS: Yes, sir.

MR. HAMMER: Or supposed to have been gotten from him?

WITNESS: Yes, sir. That's the only one I got.

CROSS-EXAMINATION BY MR. HAMMER:

Q Did he ever give you a ring?

A No, sir.

Q Did he ever make you a present of any kind?

A No, sir.

Q Did he ever speak to your father about his relations with you, or that he wanted to marry you?

A No, sir.

Q Did you ever tell your father or your mother that he was going to marry you?

A No, sir.

Q Did you ever tell anybody else?

A No, I don't think I did.

Q Did you ever know of his telling anybody else?

A Well, I heard that he told a girl -- that he told her --

that he loved her and would marry her if I hadn't been with other fellows.

Q If you hadn't been with other fellows?

A That is what he said, so I heard.

Q You do not know whether that is true or not?

A No indeed.

Q You are about a year and a half older than "John", is that right?

believe, aren't you? You are a year and a half or two years older, aren't you?

A I don't know. His birthday, I think, is in August. I don't hardly remember.

X Where were you reared, in and around Shenandoah, weren't you?

A No, I wasn't reared around there. I have been living near Shenandoah for the last six or seven years.

X Where did you come from when you moved near Shenandoah?

A From Mt.Herman.

X Where did you live at Mt.Herman?

A I lived on Mr. Sol. Hensley's place, before we moved down here.

X Mr. Sol. Hensley is the father of Mr. Sam Hensley?

A Yes, sir.

X I guess you knew "Sam"?

A Yes, sir, I knew him.

X Good friends with him and the family, I reckon?

A Well, when we had sickness or anything they would come and show great favor to us when we lived up there.

X Sam, I believe, went to work himself at the shops at Shenandoah, didn't he?

A Yes, sir; I guess so. He works at the shops.

X You know that he did do that, don't you?

A Yes, sir.

X How did he go back and forth to the shops?

A He went in his car.

believe, when I put you into a year and a half or two years

after, when I put

A I don't know. His birthday, I think, is in August.

I don't hardly remember.

I think you were not twelve, in that summer afterwards.

When I was?

A No, I wasn't twelve around there. I have been living

about Birmingham for the last six or seven years.

I think you were some time when you were near Birmingham?

A Yes, Mr. Harman.

I think you live at Mr. Harman's

A I live at Mr. Harman's, Birmingham, before we moved

down here.

I Mr. Harman, Harman is the father of Mr. Harman?

A Yes, sir.

I I guess you know "John"?

A Yes, sir, I know him.

I Good friends with him and the family, I remember?

A Well, when we had a sickness or anything they would

come out and give their love to us when we lived up there.

I And I believe, what is the name of the shop at

Birmingham, that's the

A Yes, sir, I guess so. He works at the shop.

I You mean that he is in that, don't you?

A Yes, sir.

I Has he been to the shop and back to the shop?

A He went in his car.

X He usually went in his car?

A Sometimes he would go with other people, I think. I would see him lots of times. He would pass us, and most of the time he went in his own car.

X Where does he live?

A On this side of the river.

X How far this side of the bridge?

A About a mile and a half.

X About a mile and a half west of the river bridge?

A Yes, sir.

X You live close to the road on the west side of the river -- the road leading to Shenandoah, don't you?

A Yes, sir, right close.

X Mr. Hensley, in going back and forth to his work, passes down that road?

A Yes, sir.

X And almost daily for months before this time you would go to Shenandoah in his car with him, wouldn't you?

A No, I didn't go so often with him, because we were late getting out and he would be gone. If he passed up he usually picked us up.

X He hauled you back and forth frequently, didn't he?

A No, he never would bring us back. He mostly took us to the place.

X Do you know what time he quit work at the shops?

A No, indeed, I do not.

Q He usually went in his boat
 A Sometimes he would go with other people, I think. I
 would see him lots of times. He would pass us, and pass
 of the line he went in his boat.

Q There don't live
 A On this side of the river.
 Q On the other side of the bridge?
 A About a mile and a half.
 Q About a mile and a half west of the river bridge?

A Yes, sir.
 Q You live close to the road on the west side of the
 river -- the road leading to Shunchook, don't you?

A Yes, sir, right close.
 Q Mr. Hamaley, in going back and forth to his work, passes
 down that road?

A Yes, sir.
 Q And almost daily for months before this time you would
 go to Shunchook in his car with him, wouldn't you?

A No, I didn't go so often with him, because we were
 late getting out and he would be gone. If he passed up he usually
 picked us up.

Q He picked you back and forth frequently, didn't he?
 A No, he never would bring us back. He usually took us to the
 place.

Q Do you know what time he quit work at the shanty?
 A No, indeed, I do not.

-- 21--

X You don't know that he quit work about 3 or 4 o'clock in the evening?

A No, I don't know it.

X Do you know whether or not he would go home and change his clothes and come back ostensibly to attend the band meeting and then take you home?

A No, sir. He never took me home. We got off at 5 o'clock.

X Was his car ever left standing down in the hollow, just as you went in there through the railroad bridge?

A I don't know. I did not watch him to see that his car was any place.

X How?

A I never did see his car any place except when he passed us in the morning.

X Mr. Sam Hensley never took you out to any places at all?

A No, sir.

X You are sure of that?

A I am sure.

X Mr. Earman said something about "Jess" was the only boy you kept company with; you knew Clarence Supple?

A I have been in a car with him, and the girl he went with, and "Jess."

X You know Floyd Comer?

A Yes, I know him.

X You know him well?

A Yes, sir; very well -- I don't know him really good, but I have been with him several times.

X Many times?

I You don't know that he quit work about 3 or 4 o'clock

in the evening

A No, I don't know it.

I Do you know whether or not he would go home and change

his clothes and come back afterwards to attend the bank meeting

and then take you home?

A No, sir. He never took me home. He got off at 2 o'clock.

I Was his car ever left standing down in the hollow, just

as you went in there through the railroad bridge?

A I don't know. I did not watch him to see that his car was

any place.

I How?

A I never did see his car any place except when he passed me

in the morning.

I Mr. Sam Hensley never took you out to any places at all?

A No, sir.

I You are sure of that?

A I am sure.

I Mr. Hensley said something about "Lena" was the only girl you

kept company with; you knew Hensley's daughter?

A I have been in a car with him, and the girl he went with

and "Lena."

I You know Hensley's daughter?

A Yes, I know him.

I You know him well?

A Yes, sir; very well -- I don't know him real good, but I

have seen with him several times.

I Thank you very

A No, not many, because he works and just comes in a couple days at a time.

X Where was he in 1925? Was he visiting in Shenandoah?

A I don't know hardly. I think he was about the latter part of July or something like that.

X The last part of July or early part of August Floyd Comer was at Shenandoah, wasn't he?

A Well, I don't know.

X And about that time or just shortly before that time, you and Floyd Comer and Clarence Supple, with some other girl,-- Oh, yes, Mrs. Dean. You know Mrs. Raymond Dean?

A Yes, sir.

X She was summoned here as a witness, where is she?

A She is sick in bed.

X What is the matter with her?

A I don't know.

X You do not know what is the matter with her?

A No. Honest, I do not know what is the matter with her.

X Don't you know that she gave birth to a child in the last day or two?

MR. BARMAN: I object.

MR. HAMMER: The object will be obvious.

X Don't you know that is a fact?

A No, I don't know it.

X You have known Mrs. Dean for a long time?

A Yes, sir; I have been knowing her for four or five years.

X You and she have been quite good friends and cronies?

A Yes, sir; we went to our work together.

A No, not many, because he works and just comes in a couple days at a time.

I Where was he in 1937? Was he visiting in Birmingham?
A I don't know hardly. I think he was about the latter

part of July or something like that.
I The first part of July or early part of August, I don't know

was at Birmingham, was it?
A Well, I don't know.

I And about that time or just shortly before that time,
you and Eliza Gomez and Elizabeth Guggie, with some other girl,

you and Eliza Gomez, you know how, Elizabeth Guggie,
A Yes, sir.

I She was summoned here as a witness, where is she?
A She is sick in bed.

I What is the matter with her?
A I don't know.

I You do not know what is the matter with her?
A No, I don't. I do not know what is the matter with her.

I Don't you know that she gave birth to a child in the last
day or two?

MR. WATKINS: I object.
MR. WATKINS: The object will be obvious.

I Don't you know that is a fact?
A No, I don't know it.

I You have known Mrs. Gomez for a long time?
A Yes, sir; I have been knowing her for four or five years.

I You and she have been with good talents and prominent
A Yes, sir; we went to our work together.

X And you all ran around a good bit?

A Yes, sir.

X I believe she actually spent some time at your home, didn't she?

A No, she did not.

X She entertained her company there, didn't she?

A Yes, sir: she came to our house right smart.

X Who was her company when she came to your house?

A Herman Raw.

X Was there any other company there to see her?

A How is that?

MR. BARMAN: I object, if your Honor please. It is irrelevant and immaterial.

MR. HAMMER: I cannot make my statement as to its relevancy before the witness, as I don't want her to know what I am after. I have the right to show association and conduct which would contradict or rebut the idea that there was any promise of marriage in the case.

THE COURT: It must be evidence of loose conduct on her part. She certainly would not be responsible for the conduct of others.

MR. HAMMER: Can't I show conduct which would contradict or negative the idea that there were such relations existing between her and this man as she says existed? I want to show her conduct and with whom she went.

THE COURT: Come direct to the point in the question.

X I will ask you this; you and Mrs. Dean would entertain company in your father's house until four and five o'clock in the morning?

A No, sir.

X You would not?

A No, sir.

X And you can stand a good bit?

A Yes, sir.

X I believe the adjudge went some time at your house, didn't he?

Yes.

A Yes, sir.

X The witnesses for company were, didn't they?

A Yes, sir, and some for our house right next.

X Who was her company when she came to your house?

A Harriet New.

X How many other company there to see her?

A Not in that.

MR. SAUNDERS: I object, if your Honor please. It is irrelevant and immaterial.

MR. HARRIS: I cannot make my statement as to its relevancy before the witness, as I don't want her to know what I am saying. I have the right to show her conduct and conduct which would be prejudicial or tend to show that there was any promise of marriage in the case.

THE COURT: It must be evidence of loose conduct on her part. The certainly would not be responsible for the conduct of others.

MR. SAUNDERS: Can't I show conduct which would be prejudicial or tend to show that there was any promise of marriage in the case? I want to show her conduct as she says herself. I want to show her conduct and with whom she was.

THE COURT: Come direct to the point in the question.

X I will ask you this; you and her, when were you together again?

is your witness's name until left and live's name in the country?

A No, sir.

X You would not?

A No, sir.

X You and Mrs. Dean with this fellow Floyd Comer and Clarence Supple went to Gettysburg last summer?

A Yes, sir; we were up there.

X She was a married woman?

A Yes, sir.

X And her husband and she had separated some two or three years and were not living together?

A Yes, sir.

X You also know Herman Comer pretty well?

A Yes, sir.

X You have been out with him?

A Yes, sir; I have been with him.

X Where had you been with him?

MR. BARMAN: I object.

MR. HAMMER: The question here is whether this young girl's conduct in this case bears out her statements.

THE COURT: The fact that she went with other men would have no bearing on that question, unless you show improper conduct on her part.

MR. HAMMER: The Court of Appeals in the Riddleberger case has said that these are facts that ought to be taken into consideration, facts that would negative the idea of her charge. It is a circumstance to be taken along with the others to show whether there was a contract of marriage. People who are really in love with each other and engaged do not go with other men around over the country, or certain married women.

THE COURT: They go out a good deal with other people. She certainly can associate with other persons.

X I will come back to this; you not only went out with other men, but you kept up a correspondence with Floyd Comer, didn't you?

I for and Mrs. Dean with this fellow Floyd Gomer and Clarence

Supple went to Gettysburg last summer?

A Yes, sir, we were up there.

I How was a married woman?

A Yes, sir.

I - As per instance and you had separated since you at times

you and have not living together?

A Yes, sir.

I You also know Herman Gomer pretty well?

A Yes, sir.

I You know him pretty well?

A Yes, sir, I have seen him.

I Where has he been with him?

MR. HANCOCK: I object.

MR. HANCOCK: The question here is whether this young girl's conduct in this case bears out her statements.

THE COURT: The fact that she went with other men would have no bearing on that question, unless you show improper conduct on her part.

MR. HANCOCK: The Court of Appeals in the Hildebrand case has said that there are facts that would be taken into consideration, facts that would negative the fact of her charge. It is a circumstance to be taken into consideration to show whether there was a contact of any kind. There are facts in this case which other had contact with her and other men which are over the country, at different times and places.

THE COURT: There is not a good deal of other evidence. She certainly can associate with other persons.

I I will come back to this; you not only want out with other

men, but you keep up a correspondence with Floyd Gomer, don't

A Yes, sir; I wrote right smart to him.

X And he wrote right smart to you?

A Yes, sir.

X You had been down to Stanley with Clarence Supple and Floyd Comer?

A Yes, sir.

X You have been around one place and then another with Carl Whitfield?

A No, I have never been any place much with Carl.

X You have been with him?

A Yes, sir; I was at an oyster supper one night.

X You have been to Harrisonburg with Mrs. Dean?

A I was in the car with them.

X And you were out in a car with Mr. Hensley and Julia Morris, too, weren't you?

A No, sir; I was not.

MR. BARMAN: I object.

THE COURT: We cannot lose the time of the court on that, Mr. Hammer.

MR. HAMMER: Here is the theory, your Honor, and I will get the Riddleberger case at dinner time for you. When a girl pretends to be engaged to one man, and is shown to be running around the country with Tom, Dick and Harry,--

THE COURT: What do you mean by "running around with Tom, Dick and Harry," going out with them?

MR. HAMMER: I mean, keeping company with them.

THE COURT: Did you ever become engaged to Justice Judd?

WITNESS: Yes, sir.

THE COURT: When?

A Yes, sir; I wrote right away to him.

X And he wrote right away to you?

A Yes, sir.

X You had some conversation with him, didn't you?

Right?

A Yes, sir.

X You have both worked the same and then worked with him?

Witness?

A No, I have never been any place much with him.

X You have been with him?

A Yes, sir; I was at an apartment house one night.

X You were in the apartment house with him, wasn't you?

A I was in the car with him.

X And you were out in a car with Mr. Henneley and John?

Maybe, wasn't you?

A No, sir; I was not.

MR. HANCOCK: I object.

THE COURT: We cannot lose the line of the court as that, Mr. Hancock.

MR. HANCOCK: There is the theory, your honor, and I will get the Hildebrand case at dinner time for you. When a girl proposes to be engaged to you, and it is known to be a serious matter, the country with Tom, Dick and Harry.

THE COURT: What do you mean by "serious matter" with Tom, Dick and Harry? Going out with them?

MR. HANCOCK: I mean, keeping company with them.

THE COURT: Has your honor engaged to Justice?

WITNESS: Yes, sir.

THE COURT: What?

WITNESS: That was in August.

THE COURT: The time that this thing occurred that you speak of?

WITNESS: Yes, sir.

X You never had been engaged to him before?

A Well, he asked me sometime before the Fourth of July -- he asked me if I would marry him.

THE COURT: What did you tell him?

WITNESS: I told him I did not want to get married, that I thought I was too young to get married and everything like that. He wanted me to ask my mother and father, and I told him, no, indeed, I wasn't going to ask them.

X You knew he was going to Bridgewater, didn't you?

A Yes, sir, I did.

X You knew he was going up there every week to see another lady?

A Yes, sir; most every week.

X Every Sunday. And you yourself knew at that very time that you were in correspondence with Floyd Comer? That is true, is it not?

A When?

X At that very time when he was going to Bridgewater?

A Yes, sir.

X Do you know the handwriting of Floyd Comer?

A Yes, sir; I expect maybe I would.

X Is this letter which I hand you, mailed "Cumberland, Md., August 17, 1926, his handwriting?

A Yes, sir.

X You got that letter, didn't you?

WITNESS: That was in August.

THE COURT: The time that this thing occurred that you speak of?

WITNESS: Yes, sir.

Q. You never had any conversation with him before?

A. Well, he seemed to be coming before the Board of July --

he seemed to be in some way.

THE COURT: What did you tell him?

WITNESS: I told him I did not want to get married, that I thought I was too young to get married and everything like that. He wanted me to get my mother and father, and I told him no, indeed, I wasn't going to see them.

Q. You told him he was going to be married, didn't you?

A. Yes, sir, I did.

Q. You know he was going up there very well to see another

party?

A. Yes, sir, every week.

Q. Every Sunday. And you yourself knew at that very time

that you were in correspondence with Floyd County. That is true, is

it not?

A. Yes.

Q. At that very time when he was going to the party?

A. Yes, sir.

Q. In your own handwriting or Floyd County?

A. Yes, sir. I speak of my own handwriting.

Q. Is this letter which I have just mailed "Complaint," is it

signed in your handwriting?

A. Yes, sir.

Q. You got that letter, didn't you?

A Yes, sir.

X You were making love to him at the same time?

A No, sir, I wasn't making any love to him.

X You were not? What does he mean by addressing you as "Dearest One"?

A I don't know.

MR. BARMAN: Unless you show something improper in their relations, I object.

THE COURT: Just leave that letter out for the present. Let me see it.

MEMO: Letter handed to the Court by Mr. Hammer.

X Now, what did you mean awhile ago when you said that "Of course he could not come to my home;" what did you mean by that?

A My parents didn't -- at least, my father did not want him to come.

X Didn't want him to come?

A No, sir.

X And he did not come to your home?

A Yes, he came. He slipped in my home sometimes.

X The home you live in is just a little four room house there, isn't it?

A Yes, sir.

X Now, do you mean that you could have company in your home, in a little four room house, and your father and mother not know that he was there?

A Yes, sir. We certainly did. He came to see me and we were there in the house.

X And your father never knew it?

A No, sir.

X What?

A Yes, sir.

I You were making love to him at the same time?

A No, sir. I wasn't making any love to him.

I You were not? What time he went by Robinson for me?

"About ten."

A I don't know.

THE COURT: Witness you saw something improper in their relations, I suppose?

THE COURT: Just James that letter was for the present. Let us see it.

NEWS: Letter handed to the Court by Mr. Bennett.

I Now, what did you mean earlier you when you said that

"It seems to him not good to my family, that old man was of that

and my parents didn't -- at least, my father did not want him

to come.

I Didn't want him to come?

A No, sir.

I And he did not come to your house?

A Yes, he came. He stayed in my home sometimes.

I The name you live in is just a little four room house

there, isn't it?

A Yes, sir.

I Now, do you mean that you could have company in your

home, in a little four room house, and your father and mother

not know that he was there?

A Yes, sir. He certainly did. He came to see us and we were

there in the house.

I And your father never knew it?

A No, sir.

I That's

A No, sir. And sometimes we would tell them it was somebody else.

X You would tell your parents it was somebody else?

A Yes, sir; sometimes we would tell them that it was somebody else there that night.

X When do you say this first act of intercourse happened?

A In August.

X When?

A Between the first and the thirteenth.

X How do you happen to fix that that way?

A How do I happen to fix it that date. I know it did not happen before the first, because there was a lawn-party at St. Peter's and I know hadn't any thing occurred then; and, then, I thought I kept my character up until I was almost twenty and then I had to go and ruin myself like that, and my birthday was on the 13th. It was between the 1st and the 13th.

X How do you fix August the 8th as being the date?

A Because that comes between the 1st and the 13th, and I know it was on Saturday night.

X When you testified at Elkton that it was August 8th you had looked up the calendar and checked up on that night because it was between the 1st and the 13th?

A I looked to see to be sure.

X When did you first tell your parents of your trouble?

A When did I first tell them?

X Yes, Miss.

A Law! They found it out on me. I didn't never tell them.

A No, sir. And sometimes we would tell them if we somebody else.

X Yes, you'd tell your parents if we somebody else? A Yes, sir, sometimes we would tell them if we somebody else some time night.

I When you see the first one at intercomms payphone? A In August.

X Why? A Between the first and the third.

X How do you happen to fix that way? A How do I know to fix it that way? I know it did not

happen before the first, because there was a tank-pump at St. Peter's and I know hadn't any thing occurred then; and, then, I thought I kept my character up until I was almost twenty and then I had to go and this again like that, and my birthday was on the 15th. It was between the 1st and the 15th.

I How do you fix August the 15th as being the date? A Because that comes between the 1st and the 15th, and I know it was on Saturday night.

X When you testified at trial that it was August 15th you had I fixed up the calendar and worked up on that night because it was between the 1st and the 15th?

A I looked to see to be sure.

X When did you first tell your parents of your friendship?

A When did I first tell them?

X Yes, Miss.

A Now, they found it out on me. I didn't never tell them.

X Now, you say this is Floyd Comer's letter to you?

A Yes, sir.

X (Reading) "Cumberland, Md., August 18, Dearest One: Will answer your most appreciate letter which received and was real glad to here from you again." You had been corresponding with him; you had written him, and, I reckon, your letter was a love letter?

A I never did write one that was so much of a love letter.

X You had love in that one, for he appreciated it.

A No, sir; there was not much love in it.

X (Reading) "Dear, hope we won't have to write many more letters before we can be together for I want to see you so bad, for I often think of the nine times we have had together and I get so lonesom I can hardly live but I am trusting we will have them to go ones again. Dear, I will let you know the last of the month if I can be at home when I promised you I sure hope I can. Dear you don't know how bad I want to see you because you are the only one I love or ever will dear it seems like it has been six months since I saw you but the time went seem that long any more dear I herd they was going to have a high time up there Saturday I guess it was just like always dear as I have told you all for this time will close hoping to here from you real real soon with lots of love.

A true friend. F."

He says here, "Dear, hope we won't have to write many more letter before we can be together"; what did he mean by that? Were you looking for him?

A No, I wasn't particularly looking for him.

X You don't know what he means by that?

A Oh, yes. I knew he was coming back to Shenandoah.

X Now, you say this is Floyd Comer's letter to you?

A Yes, sir.

X (Reading) "Dear, hope we won't have to write any more letters before we can be together for I want to see you so bad."

and I often think of the time we have had together and I get so anxious I can hardly live but I am trusting we will have them to go soon again. Dear, I will let you know the last of the month if I can be at home when I graduate you I sure hope I can. I don't know how bad I want to see you because you are the only one I love or ever will. Dear it seems like it has been six months since I saw you but the time went seem that long any more. Dear I had they was going to have a high time up there Saturday I think it was just like always. Dear as I have told you all for this time all these things to have them you will feel soon with love as love.

A No, sir; there was not much love in it.

X (Reading) "Dear, hope we won't have to write any more letters before we can be together for I want to see you so bad." For I often think of the time we have had together and I get so anxious I can hardly live but I am trusting we will have them to go soon again. Dear, I will let you know the last of the month if I can be at home when I graduate you I sure hope I can. I don't know how bad I want to see you because you are the only one I love or ever will. Dear it seems like it has been six months since I saw you but the time went seem that long any more. Dear I had they was going to have a high time up there Saturday I think it was just like always. Dear as I have told you all for this time all these things to have them you will feel soon with

A Yes, sir.

X (Reading) "Dear, hope we won't have to write any more letters before we can be together"; what did he mean by that? - Dear you look-

ing for that

A Yes, I wasn't particularly looking for him.

X The fact is that he means by that

A Yes, I know he was coming back to school.

X For what?

A I don't know for what. To see his people.

X And you, too?

A Probably he was.

X What?

A He might have been.

X You know it. This letter was mailed August 17th, and it was written after you said you were engaged to "Jess" here, after this act of intercourse had taken place, wasn't it?

A If it is the 17th of August it is. I made sure it was the latter part of July.

X The letter is dated the 18th of August and is post-marked on the envelope August 17th, which is evidently a mistake in the date of the letter. "I often think of the nice times we had together," what does he mean by that?

A I guess he means "nice times."

X He had been loving you and hugging you the same as "Jess"?

A No, sir.

X He had not kissed you and loved you a bit?

A No, sir, he had not.

X "I get so lonesome," and so forth. What did he mean by that? He must have loved you hard.

A Talks like it there.

X "I am trusting we will have them to go over again. Dear, I will let you know the last of the month if I can be at home when I promised you." He had promised you to come back?

A I don't remember whether he did or not.

X "I sure hope I can. Dear, you don't know how bad I want

X For what?

A I don't know for what. To see his people.

X And you, too?

A Probably he was.

X Why?

A He might have been.

X You know it. This letter was mailed August 17th, and it

was written after you said you were engaged to "Jean" here, after

this act of intercourse had taken place, wasn't it?

A It is in the 17th of August it is. I made sure it was the

letter out of July.

X The letter is dated the 17th of August and is post-marked on

the envelope August 17th, which is evidently a mistake in the date of

the letter. "I often think of the nice times we had together,"

what does he mean by that?

A I guess he means "nice times."

X He had been loving you and hugging you the same as "Jean"?

A No, sir.

X He had not kissed you and loved you a bit?

A No, sir, he had not.

X "I got no intention," and so forth. What did he mean by

that? He must have loved you hard.

A I believe it is true.

X "I am trusting we will have them to us over again. Dear,

I will let you know the fact of the matter if I can be of any

when I promised you." He had promised you to come back?

A I don't remember whether he did or not.

X "I sure hope I can. Dear, you don't know how bad I want

to see you because you are the only one I love or ever will. Dear, it seems like it has been six months since I saw you." How long had it been since you had seen him?

A Well, I don't know.

X Just a few days, wasn't it? You say he left the letter part of July or the 1st of August?

A Yes, sir. That is what I thought.

X "Hope the time won't seem that long any more, dear." Now, what did he mean by that?

A By what?

X Hoped that the time wouldn't seem that long any more? Were you engaged to him and did he promise to come back to you and marry you, or was there any agreement between you two?

A No, sir; I wasn't engaged to him or anybody else but "Jess."

X What did he mean by saying^{that}? Wasn't it really that he wanted to have you with him all the time?

A I don't know. Maybe he did.

X "I heard they was going to have a big time up there Saturday. I guess it was just like always. Dear, I have told you all for this time. Will close hoping to hear from you real real soon. With lots of love. A true friend, F." You say that is Floyd Comer's letter?

A I guess it is.

THE COURT: What does that "F" stand for?

WITNESS: Must stand for "Floyd."

THE COURT: I thought you said that she wrote the letter?

MR. HAMMER: No, sir. It is Floyd Comer's letter coming to her.

MR. BARMAN: I move to strike it out, and the testimony relating to it.

THE COURT: I thought you identified it as a letter

Dear, I hope you are the only one I love or ever will. Dear,
it seems like it has been six months since I saw you. How long
has it been since you had seen him?

A. Well, I don't know.

X. And I know, when I see you, you say he left the letter

part of it at the bar in the house.

A. Yes, sir, that is what I thought.

X. Hope the time won't seem that long any more, dear. How

what did he mean by that?

A. By what?

X. He said that the time wouldn't seem that long any more. How

you engaged to him all the time he was in the house to you and

every day, at the time you were engaged to him?

A. No, sir; I wasn't engaged to him or anybody else but "Jane."

X. What did he mean by saying "Jane"? Is really that he wanted

to have you with him all the time?

A. I don't know. Maybe he did.

X. I heard they was going to have a big time up there Saturday.

I guess it was just like always. Dear, I have told you all for this

time. Will please hoping to hear from you real soon. With love

of love, I am yours, X. You will find in Miss Gans's letter

A. I guess so.

THE COURT: That does not "stand for" anything.

WITNESS: That stands for "X's".

THE COURT: I thought you said that she wrote the
letter.

MR. BARNES: No, sir. It is Miss Gans's letter
coming to her.

MR. BARNES: I want to strike it out, and the Court
wants relating to it.

THE COURT: I thought you identified it as a letter.

that she had written.

MR. HAMMER: No, it is a letter that she had gotten from this other fellow.

MEMO: Motion not ruled on.

X Did "Jess" Judd ever take you to any shows or anything like that?

A Yes, sir.

X Where?

A Shenandoah.

X How many times?

A I don't remember. A couple times.

X Did he ever take you to church?

A No, sir.

X Did he ever take you any where else?

A No, sir.

X He never gave you any ring nor made you presents of any kind

A No, sir.

DIRECT EXAMINATION RESUMED BY MR. BARMAN:

Q Miss Barton, it is true, I believe you said, that you did go with other boys occasionally?

A Yes, sir.

Q While going with this young man; did you ever go with any of them regularly?

A No, sir, I did not.

Q After you met Judd and he came to see you a couple of times a week, you say he took you to the movies on some occasions?

A He took me to "Dick" Lewis' show; yes, sir.

Q Was it his custom to go to church with you over at that

that she had written.

MR. BARKER: Is it a letter that she had written from this other fellow.

WEND: Boston had called on.

Q Now "John," had you seen him at any time or occasion?

A Yes, sir.

Q How many times?

A About.

Q How many times?

A I don't remember. A couple times.

Q Did he ever come to your home?

A No, sir.

Q Did he ever come to your home?

A No, sir.

Q Did he ever come to your home?

A No, sir.

Q Did he ever come to your home?

A No, sir.

IDENTIFICATION SUBMITTED BY MR. BARKER:

Q Miss Barker, it is true, I believe you said, that you did

go with other boys occasionally?

A Yes, sir.

Q Did you ever go with any

of these fellows?

A No, sir, I did not.

Q After you had said you had seen him a couple of times

a week, you say he had been to the movies on some occasions?

A He took me to "Dick" Javie, show, yes, sir.

Q Was it his custom to go to church with you ever at that

little Mission Church?

A Yes, sir; we went to this little church. He came over couple of times ^{a week} and walked over with me -- just met him in the road or something.

Q He would take you home from services?

A Yes, sir; he always took me home.

Q That is a kind of custom out in the country, isn't it?

A Yes, sir.

Q Did you ever know boys to take girls home from church over there?

A Yes, sir.

Q Would he do that with you often or not?

A Go home with me, you mean?

Q Yes, from church.

A Every time I was in church. I never was in that church but once that "Jess" -- but what he was there to go back with me -- go home with me. He usually went Sunday night and Thursday night. And they often had meetings weeks at a time, and, probably, we would go most every night.

Q And on all these occasions that you attended church, except two or three times, "Jess" would go home with you?

A Yes, sir.

LOREN SNYDER sworn, examined by Mr. Barman, testified:

Q Mr. Snyder, where do you live?

A Down below Elkton.

Q Half way between Elkton and Shenandoah City?

A Yes, sir.

Q Are you a farmer?

A No, sir; I work in the shops at Shenandoah.

Little Mission Church?

A Yes, sir; we went to this Little Church. He came over
couple of times and waited over with us -- just met him in the
room or something.

Q He would have you from something?

A Yes, sir; he always look in home.

Q That is a kind of matter out in the country, isn't it?

A Yes, sir.

Q Did you ever know any to take this case from church over

there?

A Yes, sir.

Q Would he do that with you often or not?

A He don't with me, your honor?

Q Yes, from church.

A Every time I see in church. I never was in that church but
once that "day" -- but that he was there to go back with us -- go
down with us. He usually went there night and Thursday night.
And they also had meetings weeks at a time, and, probably, we would
be most every night.

Q And on all those occasions that you attended church, except
two or three times, "day" would go down with you?

A Yes, sir.

THESE WITNESSES EXAMINED BY MR. BARNES. RECALLED:

Q Mr. Rogers, where do you live?

A Down below Nixon.

Q Half way between Nixon and Buchanan City?

A Yes, sir.

Q Are you a farmer?

A No, sir; I work in the shops at Buchanan.

Q Did you ever go with Miss Annie Barton?

A No, sir.

Q Weren't you in a car with her on one occasion when Justice Judd came --

A No, sir; I was not. Never was. She has ridden down in the car with us to her work. My brother would stop and pick her up. You have got the wrong man. B. M. Snyder is the man you want.

Q She works over in Shenandoah City?

A Yes, sir; at the overall factory.

Q She and her sisters both work there?

A Yes, sir. I think she has two sisters who work there, two or three. They were always together every time I saw them.

Q Sometimes you would pick her up and haul her into Shenandoah City in your car?

A Yes, sir; if we weren't loaded, we always took her up to help her out on the road.

GEO. W. BARTON, sworn, examined by Mr. Barman, testified:

Q Mr. Barton, you are the father of Miss Annie Barton?

A Yes, sir.

Q Where do you live?

A I live about two miles west of Shenandoah, on the west side of the river, I suppose, about two miles, near the St. Peter's Church neighborhood.

Q She is your child?

A Yes, sir.

Q How many children have you?

A Eight.

Q Did you ever go with Miss Annie Barton?

A No, sir.

Q Haven't you in a way with her on one occasion when Justice

This case --

A No, sir; not at all. Haven't you. She has ridden down in the

car with me in her work. My brother would stop and pick her up.

You have got the wrong man. D. M. Taylor is the man you want.

Q She works over in Birmingham City?

A Yes, sir; at the overalls factory.

Q She and her sisters work there?

A Yes, sir. I think she has two sisters who work there, too.

at Birmingham. They were always together every time I see them.

Q Sometimes you would pick her up and haul her into Birmingham

City in your car?

A Yes, sir; if we weren't hindered, we always took her up to help

her out on the road.

THE W. BARTON, sworn, examined by Mr. Barton, testified:

Q Mr. Barton, you are the father of Miss Annie Barton?

A Yes, sir.

Q Where do you live?

A I live about two miles west of Birmingham, on the east

side of the river. I suppose, about two miles, near the St. Peter's

Church neighborhood.

Q How is your child?

A Yes, sir.

Q How many children have you?

A Eight.

Q How old is Anna?

A Anna was twenty years old last August.

Q Do you know whether Justice Judd came to see her?

A Yes, sir.

Q With your consent or not?

A No, sir; not altogether. Not for a long while after that. I suppose it was along in the middle of the summer.

Q Do you know how often he would come to see her, or they would get together, Mr. Barton?

A I suppose lots of times, nearly every day, that is, somewhere between her work and her home.

MR. HAMMER: Tell what you know personally, Mr. Barton. We don't want any suppositions. Don't tell what you heard. If you seen that yourself, tell it.

A (Contd.) There was company come to my house at different times. I did not take any account of who it was. Old people and young people, that way, don't take --

THE COURT: (Interposing) Did you ever see him come there to your home?

WITNESS: Yes, sir.

THE COURT: About how often? A week or a month, or something like that?

WITNESS: I saw him there, well, I can't say how many times. He came there at night when she would come home from meeting or preaching. He would come with her, but, of course, I could not say how many times because I don't know. He commenced coming there the 29th of November past a year ago. That was the first start of his coming. He came just along, I suppose, that he wanted to come.

Q During the time he was keeping company with her, do you know whether any one else went regularly with her or not?

A No, sir.

Q Mr. Barton, you are a farmer, are you? You work on a farm?

A Yes, sir; I work a farm.

Q You worked on Mr. Gilbert Harnsberger's farm?

A I worked on his place five years.

Q You are a poor man, I believe?

A Yes, sir; I am a poor man.

Q And on that account your daughter is working. How many girls did you have working over at the shirt factory?

A I have four that work at the factory. Anne has been working nearly three years. She worked hard to take care of herself and helped us to make a living and get along.

Q You did not know anything about this trouble?

A No, sir; I did not know anything about it. She worked up until just a few days before this happened.

Q Before the baby was born?

A Yes, sir; before the baby was born.

Q When was it born?

A The 13th of May.

CROSS-EXAMINATION BY MR. HAMMER:

X Mr. Barton, Mr. Barman asked you if she had any other company; she kept company with Floyd Comer?

A Yes, sir; he came a few times, and corresponded.

X And with Mr. Supple?

A Mr. Supple was not keeping her company.

X He took her one time up to Gettysburg, Pennsylvania?

A There are two Supples. When she went up to Gettysburg last May there were probably five or six in the party.

A No, sir.

Q Mr. Gordon, you are a farmer, are you? You work on a farm?

A Yes, sir; I work a farm.

Q You worked on Mr. Wilson's farm?

A I worked on his place five years.

Q You are a poor man, is that right?

A Yes, sir; I am a poor man.

Q And on that account your daughter is working, is that right?

A Yes, sir; you have worked over at the mill factory?

Q I have done that work at the factory. Anne has been working

over there for some time. She worked hard to earn some of her money and

helped on the home & living and out along.

Q You did not know anything about this trouble?

A No, sir; I did not know anything about it. She worked

up until just a few days before this happened.

Q Before the baby was born?

A Yes, sir; before the baby was born.

Q When was it born?

A The 12th of May.

EXHIBIT - EXHIBIT OF MR. GORDON:

Q Mr. Gordon, Mr. Gordon asked you if you had any other

company; the only company with Elsie Conroy?

A Yes, sir; he came a few times, and accompanied.

Q And with Mr. Duffie?

A Mr. Duffie was not working for company.

Q He took her one time up to Gettysburg, Pennsylvania?

A There are two Engles. When she went up to Gettysburg

last day there were probably five or six in the party.

X She had several young men friends to come around and take her on trips that way, didn't she?

A What?

X Her society was not monopolized by Justice Judd, but there were other boys that went with her the same as Justice Judd?

A At times, but these other boys had to quit on account of him, because he threatened them and things like that.

X You do not know that of your own knowledge?

A He taken her out of the car over at the bridge.

X You did not see any thing of that?

A No, sir. But people are here that did see it.

MR. HAMMER: I move to strike out that answer as hearsay.

THE COURT: The jury have already heard the testimony of the girl about that.

BENNIE M. SNYDER, sworn, examined by Mr. Harman, testified:

Q What is your name, Mr. Snyder?

A Bennie Snyder.

Q Where do you live?

A About three miles this side of Shenandoah City.

Q You work over at the shops, do you?

A Yes, sir.

Q Did you ever go to see Miss Anna Barton?

A No, sir.

Q Were you ever with her?

A Yes, sir.

Q Where did you meet her?

A On the road.

Q She had several young men friends to come around and

take her on trips that way, didn't she?

A Yes?

Q Her society was not monopolized by Justice Child, was it?

A At times, but these other boys had to pass on account of

him, because he threatened them and things like that.

Q You do not know that of your own knowledge?

A He taken her out of the car over at the bridge.

Q You did not see any thing of that?

A No, sir. The people are sure that she was in.

THE COURT: I now in strike and that answer as
hearing.

THE COURT: The jury have already heard the testimony
of the girl about that.

EDWIN M. SWINER, sworn, examined by Mr. Dennis, testified:

Q What is your name, Mr. Swiner?

A Dennis Swiner.

Q Where do you live?

A About three miles this side of Danvers, City.

Q You went over at the bridge, do you?

A Yes, sir.

Q Did you ever go to see Miss Anna Swinney?

A No, sir.

Q Have you ever seen her?

A Yes, sir.

Q Where did you meet her?

A On the road.

Q What day of the week was it?

A It was on Sunday, but I don't know the date.

Q Where was she going?

A I did not ask her. I asked her to go with me and I picked her up.

Q You asked her to go with you?

A Yes, sir; we just picked them up.

Q Who was with her?

A The Morris girl, Julia Morris.

Q They had been down to church and were on their way home, weren't they?

A Yes, sir.

Q Had you been to church, too?

A No, sir. I just came from home.

Q You asked these girls to get in the car and ride with you?

A Yes, sir.

Q Who was with you?

A Roy Bear.

Q Who was driving the car?

A Myself.

Q Who got in beside of you?

A The Morris girl.

Q You had what kind of a car?

A Ford touring car.

Q And Ann^e Barton got on the back seat with who?

A The Bear boy.

Q Now, just tell what happened? Did you take them home?

Q What day of the week was it?
 A It was on Sunday, but I don't know the date.
 Q Where was the party?
 A I don't know that. I asked her to go with me and I picked
 her up.

Q Did you go with her?
 A Yes, with me. I just picked them up.
 Q Who was with her?
 A The Morris girl, Julia Morris.
 Q They had been down to church and were on their way home,

weren't they?
 A Yes, sir.
 Q Had you been to church, too?
 A No, sir. I just came from home.
 Q You asked these girls to get in the car and ride with

you?
 A Yes, sir.
 Q Who was with you?
 A My father.
 Q Who was driving the car?
 A Myself.
 Q Who got in beside of you?
 A The Morris girl.
 Q You had what kind of a car?
 A Ford touring car.
 Q And Anne Barton got on the back seat with you?
 A The Bart boy.
 Q Now, just tell what happened? Did you take them home?

A I did not take them home. I took them to Blue Hole and was going to take them home.

Q Did you go in swimming when you reached the Blue Hole?

A No, sir.

Q Did you get out?

A I don't know whether they got out or staid in the car.

Q Was it in the day time or at night?

A Day time.

Q On your way back what happened?

MR. HAMMER: Objected to as immaterial.

THE COURT: It goes to show the relation between the witness and this young lady, to which some reference has been made.

MR. HAMMER: I withdraw the objection.

A On the way back this Lam boy and Justice Judd -- I don't know whether there were any more -- I was coming across the bridge, and the Judd boy pulled out a gun, I taken it to be a gun, it looked like one to me. Of course, I don't know. I had that curve to pull and I couldn't watch him, and I went on. These girls got to hollaring and I let them out, and I went on and don't know where they went.

Q Why did you let them out?

A They were scared and were going to jump out and I let them out.

Q What frightened them?

A I don't know what frightened them.

Q Did you do any thing to them?

A No, I did not do anything to them at all. I did not hear them say anything; I kept on going.

A I did not take them home. I took them to Miss Hols

and was going to take them home.

B Did you go in swimming when you reached the Hols house?

A Yes, sir.

B Did you get out?

A I don't know whether I got out or stayed in the car.

B Was it in the day time or at night?

A Day time.

B On your way back what happened?

MR. HANCOCK: Objected to as immaterial.

THE COURT: It goes to show the relation between the witness and this young lady, to which some reference has been made.

MR. HANCOCK: I withdraw the objection.

A On the way back this lady and Justice told -- I don't know whether there were any more -- I was walking across the bridge and the lady called out to me, I think it to be a girl, it looked like one to me. Of course, I don't know. I had that name to call and I couldn't watch him, and I went on. These girls got to talking and I let them out, and I went on and don't know where they went.

B Why did you let them out?

A They were talking and were going to jump out and I let them

out.

B What happened then?

A I don't know what happened then.

B Did you do any thing to them?

A No, I did not do anything to them at all. I did not hear

them say anything; I kept on going.

Q You kept on going?

A Yes, sir. I kept on going for about fifty yards.

MR. HAMMER: Does your Honor think that is proper?

THE COURT: Some of it is. I did not hear it all.

MR. HAMMER: I object. (Overruled, exception for the defendant).

Q You say that you saw this boy Judd with a pistol?

A Yes, sir.

Q Was he in the middle of the road or on the side of it or where?

A On the side of the bridge.

Q What was he doing with the pistol?

A I don't know what he was doing with it. I did not stop to see.

Q When the girls saw the pistol they became frightened and hollared and you let them out?

A They were going to jump out and I let them out.

Q Do you know whether he fired the pistol or not?

A No, sir.

MR. HAMMER: I move to strike out that answer as immaterial, and has no relation to the issue as to the seduction under promise of marriage.

(Motion denied and exception for the defendant).

Q You were never with Anna Barton on any other occasion?

A No, sir.

Q You did not haul her the next time?

A No, sir. I aint took any more girls up there.

Q You did not take any more up on the road?

A No, sir; I let them walk.

Q You kept on going?

A Yes, sir. I kept on going for about fifty yards.

MR. WALKER: Does your Honor believe that is correct?

THE COURT: Does it is. I did not hear it all.

MR. WALKER: I object, Your Honor, excepting the
the defendant.

Q You say that you saw this boy jump with a pistol?

A Yes, sir.

Q Was he in the middle of the road or on the side of it or

where?

A On the side of the bridge.

Q How was he doing when the pistol

A I don't know what he was doing with it. I did not stop to

see.

Q When the girls saw the pistol they became frightened and

bolstered and you let them go?

A They were going to jump out and I let them go.

Q Do you know whether he fired the pistol or not?

A No, sir.

MR. WALKER: I have no further questions to ask you at
this time, and I have no objection to the
proceeding with the case.

(Motion denied and exception for the defendant.)

Q You were never with him when he was with the other

A No, sir.

Q You did not hear her the next time?

A No, sir. I don't know any more girls up there.

Q You did not hear any more up on the road?

A No, sir. I let them walk.

Q When was that?

A I don't remember the time. Seems to me like it was in July.

Q Of last year?

A Yes, sir.

Q It was one Sunday, you think, in July of last year?

A Yes, sir. It was awful hot weather.

MR. HAMMER: I move to strike out the testimony of this witness as irrelevant and immaterial to the issue.

Motion denied, exception for defendant.

ROY BEAR, sworn examined by Mr. Earman, testified:

Q What is your name?

A Roy Bear.

Q Where do you live?

A Shenandoah.

Q You work at the shops there do you?

A Yes, sir.

Q Do you know Miss Anna Barton?

A Yes, sir.

Q Did you ever go to see her?

A No, sir.

Q Were you ever in an automobile with her on any occasion?

A Yes, sir, once I was.

Q Who was in the car at the time?

A Me and Bennie Snyder and Anna Barton and Julia Morris.

Q Who were you with?

A I was with Anna Barton.

Q How did you happen to be with her?

Q When was that?

A I don't remember the time. Seems to me like it was in July.

Q Of last year?

A Yes, sir.

Q It was the Sunday, you think, in July of last year?

A Yes, sir. It was a fine day.

Q Now, I have in mind the testimony of
Miss Wilson as to the conversation
that took place.

Notice denied, exception for defendant.

Q Now, you were examined by Mr. Garrison, testified:

Q And in your answer

A Yes, sir.

Q Where do you live?

A In Cambridge.

Q You work at the office there do you?

A Yes, sir.

Q Do you know Miss Wilson?

A Yes, sir.

Q Has she ever been to see you?

A No, sir.

Q Were you ever in an automobile with her on any occasion?

A No, sir, never.

Q How was it the day of the trial?

A We had a picnic together and some other people were there.

Q How were you going?

A I was with Miss Wilson.

Q Has she ever been to see you?

A We asked them to take a ride over to Blue Hole swimming pool.

Q Where had the girls been, do you know?

A I don't know.

Q They were walking along the road one Sunday, were they?

A Yes, sir.

Q And you boys came along in your car and asked them to go to the Blue Hole?

A Yes, sir.

Q That is where they bathe is it?

A Yes, sir.

Q Did you bath that Sunday?

A No, we turned around and came back. Nobody over there.

Q It was in the daytime, was it?

A Yes, sir.

Q You were on the rear seat with Miss Barton?

A Yes, sir.

Q And on the front seat were whom?

A Bennie Snyder and Miss Julia Morris.

Q What happened on the way back?

A Coming back, on the other side of the bridge, there were some boys there. Mr. Judd pulled out a gun, it looked to me like a gun, it might have been a toy pistol or gun. We let the girls out and we went on up the hill.

Q What was Judd doing with that pistol?

A I don't know.

Q Why did the girls get out of the car?

A They said to let them out, and we stopped and let them out.

Q What did the girls do before that, did they hollar?

A I think Anna hollared out.

MR. HAMMER: I make the same objection to this evidence.

Q You think Anna Hollared?

A Not for sure, but I think she hollared or said something.

Q And you boys let them out, did you?

A Yes, sir.

Q What became of the girls?

A I don't know. We let them out.

Q Why did you let them out?

A They said, let them out, and we let them out.

Q Did they say "Let us out" before they saw the pistol?

A No, sir.

Q That is the only occasion you were ever with Anna Barton?

A Yes, sir.

MEMO: Court took a recess until 2 o'clock, after which testimony for the Commonwealth was resumed as follows:

REUBEN LUCAS, sworn, examined by Mr. Barman, testified:

Q Where do you live, Mr. Lucas?

A One mile north of Ingham, Page County, Virginia.

Q Where do you work?

A Shenandoah shops.

Q What do you do there?

A Help in the blacksmithshop.

Q Who is the chief blacksmith or head blacksmith?

A S. L. Hensley is one, and L. W. Snyder is the one I

A They said to let them out, and we stopped and let them out.
Q What did the girls do before that, did they believe
A I don't know, believe me.

THE WITNESS: I have the same objection to this
evidence.

Q For that same matter?

A Not too much, but I think the belief of said witnesses.

Q And you boys let them out, did you?

A Yes, sir.

Q What because of the light?

A I don't know, we let them out.

Q Why did you let them out?

A They said, let them out, and we let them out.

Q Did they say "let us out" before they saw the pistol?

A No, sir.

Q That is the only occasion you were ever with these children?

A Yes, sir.

NOTE: Don't look a record until a witness
after which testimony for the defense
would be resumed as follows:

THE WITNESS, now, examined by Mr. W. W. ...

Q Where do you live, Mr. ...

A One mile north of ...

Q What do you do?

A ...

Q What do you do there?

A Help in the blacksmith shop.

Q Who is the chief blacksmith or head blacksmith?

A R. I. ... is one, and J. W. ... is the one.

help.

Q L. W. Snyder?

A Yes, sir; Loren Snyder. I am his helper.

Q Do you know young Justice Judd?

A Yes, sir.

Q He works over there, too, doesn't he?

A Yes, sir.

Q Did you ever tease him about this girl here, Anna Barton?

A Well, I asked him one day when he came in with some work, I said, "Judd, you going over the river any more?" "No," he said, "when I get what I want I quit." He said, "I am going to Harrisonburg, now." That is all he said, and that is all I asked him.

Q You mean that this girl lived across the river?

A I did not ask him about any girl whatever; I just asked him in that way; "Judd, do you go over the river any more?" and he said, "No, when I get what I want I quit." He said, "I am going to Harrisonburg, now." I never asked him *any* other question about it.

Q You had reference to this girl here, Anna Barton when you asked him if he was going across the river, didn't you?

A I did not really know where he was going, to be honest about it. I did not know where he was going.

Q You had talked to him about going over the river?

A I had often teased him about going over the river.

MR. HAMMER: I object. Remember, Mr. Zarman, this is your witness.

THE COURT: Who lived over the river? Did this girl live over there?

WITNESS: Yes, sir.

help.

Q J. W. Sawyer

A Yes, sir; James Sawyer, I am his father.

Q Do you know where the bridge is?

A Yes, sir.

Q He works over there, too, doesn't he?

A Yes, sir.

Q Did you ever know him about this girl here, James Sawyer?

A Well, I asked him one day when he came in with some work,

I said, "John, you going over the river any more?" "No," he said,

"I don't want to go." He said, "I am going to Harrison-

burg, now." That is all he said, and that is all I asked him.

Q You mean that this girl lived across the river?

A I did not ask him about any girl whatever; I just asked

him in that way: "John, do you go over the river any more?" and he

said, "No, when I got what I want I quit." He said, "I am going

to Harrisonburg, now." I never asked him any other question

about it.

Q You had reference to this girl here, James Sawyer when you

asked him if he was going across the river, didn't you?

A I did not really know where he was going, so he doesn't think

it. I did not know where he was going.

Q You had talked to him about going over the river?

A I had often talked him about going over the river.

THE COURT: THE WITNESS: JAMES SAWYER, Sr. Deponent, this is

your witness.

THE COURT: THE WITNESS: JAMES SAWYER, Sr. Deponent, this is

your witness.

MR. HAMMER: Aren't there others living over there?

WITNESS: Oh, yes, sir.

Q You had teased him about this girl before, hadn't you?

A No, sir.

Q Judd came in your shop occasionally?

A Yes, sir.

Q Did you ever say anything to him about crossing the river before that, or did he say anything to you about it?

A No, sir. I have heard him talking and laughing with the other boys about going. I said, "Well, 'Jess', are you going over the river, now?" and he said, "When I get what I want I quit." He said, "I am going to Harrisonburg, now." It was a short time before being summoned that I was asked about it. Mr. George Barton came in the blacksmithshop one day and asked me if I had heard "Jess" make that statement, and I said that I did.

MR. HAMMER: I want to make an objection to this testimony, that it has no reference in any way, shape or form to the case that we are trying, and it can only tend to hurt this defendant in other respects. I move to strike it out, and all the testimony that this witness has given.

Motion denied and exception for defendant.

Q When was it you had this conversation with "Jess"? Do you remember whether it was this year that he made that statement to you?

A Yes, sir; in this year.

Q What month was it?

A I cannot tell you the month, but I am sure it was in this year. It was awhile after Christmas, say, maybe, a month after Christmas. I did not have any date of it, and I never

thought of any trouble being on hand whatever.

Q You are friendly to this boy Judd, aren't you?

A Yes, sir, I like the boy all right.

Q You are not interested in this case in any way at all, are you?

A In no way, shape or form. The boy has always treated me all right. I am sorry I asked the question, for I was not thinking of any trouble when I asked him.

Q Who was present when Judd said that?

A Mr. Loren Snyder, the furnace boy I am striking for and helping.

LOREN SNYDER, recalled on behalf of the Commonwealth, examined by Mr. Sarman, testified:

Q You were sworn this morning, I believe, Mr. Snyder. You said this morning that you were a blacksmith over at the N. & W., shops?

A Yes, sir.

Q Mr. Reuben Lucas, who has just testified, works for you, does he?

A Yes, sir; he helps me.

Q Were you present on one occasion when there was a conversation between Reuben Lucas and this young man, "Jess" Judd, in reference to whether or not Judd was going across the river any more?

A Yes, sir.

Q State to the jury what happened on that occasion, what was said there?

A He talked to him and he said to Judd "Are you still going

thought of any trouble being on hand whatever.

Q You are friendly to this boy, isn't that right?

A Yes, sir, I like the boy all right.

Q You are not interested in this case in any way, are you?

A In no way, shape or form. The boy has always treated me

all right. I am sorry I asked the question. For I was not

thinking of any trouble when I asked him.

Q Who was present when you said that?

A Mr. Loren Snyder, the furnace boy, I am striking for and help-

ing.

JOHN SHYMER, recalled on behalf of the Commonwealth, examined

by Mr. Swann, testified:

Q You were sworn this morning, I believe, Mr. Snyder. You

said this morning that you were a blacksmith over at the R. & W.

shop?

A Yes, sir.

Q Mr. Snyder says, who has just testified, works for you, does

he?

A Yes, sir; he helps me.

Q Were you present on one occasion when there was a conversa-

tion between Berben Jones and this young man, "John" Todd, in the

evening of whether or not Todd was going across the river any more?

A Yes, sir.

Q Where in the jury what happened on that occasion, what

was said there?

A He talked to him and he said to Todd "are you still going

over the river?" and he said, "No, when I get what I want I quit, and I am going to Harrisonburg."

Objection, overruled, exception for defendant.

Q I don't know whether the jury heard you. What did Reuben Lucas say to him?

A Reuben said, "Jess, you still going over the river?" and he said, "No, I am going to Harrisonburg, now.-- No, this is the way he first said it: He said, "Jess, you going over the river, now?" and he said, "No, when I get what I want at a place I quit. I am going to Harrisonburg, now." Just like that.

Q This little girl, Anns Barton, does live right across the river from Shenandoah, in Rockingham County, doesn't she?

A Yes, sir.

THE COURT: Do you know whether he had been going with her or not?

WITNESS: Yes, sir; right smart while ago.

THE COURT: Had he been going with anybody else over there?

WITNESS: No, sir; not as I know of.

MR. HAMMER: Had she been going with anybody else?

WITNESS: No, sir; I don't remember seeing her with anybody else.

MR. HAMMER: Did you see Floyd Comer there or with her?

WITNESS: No, sir. I don't know Floyd Comer.

Q When was it that Reuben Lucas asked Jess Judd that question?

A It has been about three months and maybe four.

Q Three or four months ago?

A Yes, sir.

Q That would have been along sometime in March?

over the river" and he said, "No, when I get what I want I will
and I am going to Harlanburg."

Opposition, overruled, excepted for statement.

Q I don't know whether the jury heard you, what the witness

means by that.

A Witness said, "Yes, you will going over the river" and he

said, "No, I am going to Harlanburg, now." -- So, this is the way

he first said it: He said, "Yes, you going over the river, now?"

and he said, "No, when I get what I want of a plane I will. I am

going to Harlanburg, now." That is the fact.

Q This little girl, Mrs. Carter, does she live with anyone

the city of Harlanburg, in Harlanburg County, doesn't she?

A Yes, sir.

THE COURT: Do you know whether he had been going
with her or not?

WITNESS: Yes, sir; right about three weeks ago.

THE COURT: Has he been going with anybody else
over there?

WITNESS: So, sir; not as I know of.

MR. BARNER: Has she been going with anybody else?

WITNESS: No, sir; I don't remember seeing her with
anybody else.

MR. BARNER: Did you see Miss Carter there or with
her?

WITNESS: No, sir; I don't know Miss Carter.

Q What was it that Barnard asked you that first question?

A It has been about three months and maybe four.

Q Three or four months ago?

A Yes, sir.

Q That would have been along sometime in March?

A Yes, sir.

Q You are not interested in this case at all are you, Mr. Snyder?

A No, sir.

Q You are not related to any of these people?

A No, sir.

Q You are a friend of this boy, I presume?

A Yes, a friend of the boy and of the girl, I presume; I know them all.

Q You know them all?

A Yes, sir.

MR. HAMMER: So there may be no mistake, I move, your Honor, to strike out all testimony relating to this reference to the boy going across the river, to which I have heretofore objected, but I now move to strike it out.

Motion denied and point saved for defendant.

MARY GUY, (Colored), sworn, examined by Mr. Earman, testified:

Q You are Mary Guy?

A Yes, sir.

Q How old are you Mary?

A I am forty-four years old.

Q Where do you live?

A Port Republic.

Q Do you tell fortunes?

A Sometimes.

Q You say you are Mary Guy, you live at Port Republic, and you tell fortunes sometimes?

A Yes, sir.
Q You are not interested in this case at all are you, Mr.

Hubbard?

A No, sir.
Q You are not related to any of these people?

A No, sir.
Q You are a friend of this boy, I presume?

A Yes, a friend of the boy and of the girl, I presume; I
know them all.

Q You know them well?
A Yes, sir.

MR. HUBBARD: No there may be no mistake, I have
your honor, to strike out all testimony refer-
ring to this reference to the boy being across
the river, to which I have heretofore object-
ed, but I now move to strike it out.

Witness denied and point saved for defendant.

MARY GUY, (deposed), sworn, examined by Mr. Harman, testified:

Q You are Mary Guy?

A Yes, sir.

Q How old are you Mary?

A I am forty-four years old.

Q Where do you live?

A Fort Republic.

Q Do you sell tortones?

A Sometimes.

Q You say you are Mary Guy, you live at Fort Republic, and

you sell tortones sometimes?

A Yes, sir; that is what they give me the name of.

Q Do you know Justice Judd here?

A Yes, sir, he has been to my place.

Q Who was with him when he came there?

A Well, really, I cannot just call the man's name that was with him nor of the other lady; there were four of them; there were two ladies and himself and another gentleman.

Q Do you know whether a little girl by the name of Anne Barton was with them?

A Yes, sir; she was along in the car.

Q What did he say there about what he wanted you to do?

A He said he was in trouble and would like for me to help him out.

Q He said he was in trouble?

A Yes, sir.

Q What kind of trouble?

A I suppose trouble with the girl.

Q And he wanted you to do something to get rid of the baby?

A That is right. Yes, sir.

Q When was that?

A I can't just tell the date, but I think it was along in the month of October.

Q Of last year?

A Yes, sir.

Q Where were you at the time?

A Where were me?

Q Yes.

A I was at home.

A Yes, sir; that is what they give as the name of.

Q Do you know Justice John Berry?

A Yes, sir, he has been in my plane.

Q Who was with him when he came there?

A Well, really, I cannot just tell the man's name that was with him nor of the other party; there were four of them; there were two ladies and himself and another gentleman.

Q Do you know whether a little girl by the name of Anne Barton was with them?

A Yes, sir; she was along in the car.

Q What did he say there about what he wanted you to do?

A He said he was in trouble and would like for me to help him out.

Q He said he was in trouble?

A Yes, sir.

Q What kind of trouble?

A I suppose trouble with the girl.

Q And he wanted you to do something to get rid of the baby?

A That is right. Yes, sir.

Q Then was that?

A I can't just tell the date, but I think it was along in the month of October.

Q Of last year?

A Yes, sir.

Q Where were you at the time?

A There were not.

Q Yes.

A I was at home.

Q At your home?

A Yes, sir.

Q And he and this girl and another couple came up to your place?

A Yes, sir.

Q In the day time or the night time?

A It was in the evening.

Q Do you mean by that before dark or after dark?

A Oh, yes, sir; it was somewhere along between two and three o'clock.

Q What day of the week was it?

A Sunday.

Q How did he happen to tell you about this girl being in a family way?

A Well, I just disremember at this time how the subject started, but I think the way it came up he came back and asked me, said he was in a little trouble and would like for me to help him out.

Q You told his fortune, did you?

A Yes, sir.

Q After that was all over he came back to see you and told you he was in trouble and wanted you to help him out?

A Yes, sir.

Q What did you tell him?

A I told him I couldn't do it.

CROSS-EXAMINATION BY MR. HAMMER:

X Did you know how to help him out in a case of that kind?

A Sir?

X Did you know what to do if he was in trouble in a case of that kind? What would you have done to get rid of it in case of trouble of that kind?

A No, I wouldn't know.

X If you possessed the faculty of telling fortunes, couldn't you tell whether he was in trouble?

A I did not judge the matter that close. I simply took his word for it.

X Did you judge the girl that close?

A No, sir, I didn't.

X What?

A No, sir, I didn't.

X Will you tell the jury how Justice Judd happened to go to see you; had you ever known him before that time?

A No, sir; I hadn't known him.

X Had you ever known either of the girls?

A No, sir; I didn't.

X Are you a fortune teller or are you an abortionist? What do you do down there, tell people's fortunes, or do you hold yourself out down there to commit abortion on young people who are in trouble?

A No, sir, I don't do that.

X That is what they were seeking you for?

A I suppose so, but they didn't get it.

X Who was present when he asked you that?

CROSS-EXAMINATION BY MR. HARRIS:

Q Did you know how to help him out in a case of that kind?

A Yes.

Q Did you know what to do if he was in trouble in a case of that kind? What would you have done to get rid of it in case of trouble of that kind?

A No, I wouldn't know.

Q If you possessed the faculty of falling backwards, wouldn't you fall whether he was in trouble?

A I don't judge the matter that close. I might look this way for it.

Q The jury judge the girl that sister?

A No, sir, I didn't.

Q What?

A No, sir, I didn't.

Q Will you tell the jury how Justice had happened to go to see you had you ever known him before that time?

A No, sir; I hadn't known him.

Q Had you ever known either of the girls?

A No, sir; I didn't.

Q Are you a former teller or are you an assistant teller at your bank there, tell people's business, or do you hold yourself out down there to commit abortion on young people who are in trouble?

A No, sir, I don't do that.

Q That is what they were seeking you for?

A I suppose so, but they didn't get it.

Q She was present when he asked you that?

A I don't think any one was present.

X Where were the others?

A They were out in the car. Staid out at my gate.

X The girl didn't come in to see you?

A Yes, the girl was in before that.

X Did she ask you anything about it?

A No, sir.

X Did she have her fortune told?

A I think so.

X You told her she was pregnant and was going to have a baby?

A No, sir. I did not tell her.

X Did she tell you who was the daddy of the baby?

A No, sir.

X Couldn't you tell who was the daddy?

A I didn't investigate that close.

CARL WHITFIELD, sworn, examined by Mr. Earman, testified:

Q Where do you live, Mr. Whitfield?

A Elkton.

Q State whether or not you took Miss Ann^e Barton to an oyster supper at McGaheysville on one occasion?

A No, sir; at Elkton.

Q Was it at Elkton?

A Yes, sir.

Q When was it?

A I don't recall what date it was, but it seems to me that it was after Christmas.

Q After Christmas?

A I think so.

A I don't think any one was present.
 I Where were the others?
 A They were out in the car. Heald out of my eyes.
 I The girl didn't come in to see you?
 A No, the girl was in bed at that time.
 I Did she see you anything about it?
 A No, sir.
 I Did she have her romance with
 A I think so.
 I You told her she was pregnant and was going to have a

girl

A Yes, sir, I did not tell her.
 I Did she tell you she was the subject of the charge?
 A No, sir.
 I Couldn't you tell who was the daddy?
 A I didn't investigate that case.

DATE: DECEMBER 1, 1904, at St. Louis, Missouri, testified:

I have to you live, Mr. Winters?

A Yes, sir.

I State whether or not you took this man - I mean to be sure

to get at his residence on one occasion?

A No, sir, I did not.

I You did not visit?

A Yes, sir.

I When was that?

A I don't recall what date it was, but it seems to me that

it was after Christmas.

I After Christmas?

A I think so.

Q You mean this past Christmas?

A Well, indeed, I do not know. I don't know, exactly, when it was, but I think it was several weeks after Christmas.

Q Did you take her back home?

A No, sir.

Q Why not?

A Well, Mr. Justice Judd came up and taken her home.

Q Who took her there?

A I did.

Q Why didn't you take her back?

A Well, he came up and took her away from me.

MR. HAMMER: He beat your time?

WITNESS: Yes, sir.

Q Just tell the jury what happened there on that occasion?

A I took Miss Anna Barton up to this oyster supper, and we went in and had supper. So, after supper I stopped to talk to my sister a little bit, and Miss Barton stood there, and Mr. Judd and several fellows came in, and in a kind of rough manner Mr. Judd called her out, and they went out and stood and talked a little bit; and when they went outside and stood for a few minutes, I got in my car and left, and I waited until they left before I came back. Mr. Judd never said a word out of the way to me there. He never spoke a word to me. All that he said when he came up there was that he was a bad man from noman's land.

Q That he was a bad man from noman's land, is what he said?

A Yes, sir. I don't think he said that to me; he just said that in the crowd.

Q You mean this part Christmas?

A Well, indeed, I do not know. I don't know, exactly, when it was, but I think it was several weeks after Christmas.

Q Did you take her back home?

A No, sir.

Q Did you?

A Well, Mr. Justice took care of her and I took her home.

Q Who took her home?

A I did.

Q Why didn't you take her home?

A Well, he was up and took her away from me.

Q Mr. Justice, he took her away?

WITNESS: Yes, sir.

Q Just tell the jury what happened there on that occasion?

A I took Miss Anna Justice up to this upper supper, and

we went in and had supper. So, after supper I stopped to talk to my

eldest - a little bit, and Miss Justice stood there, and Mr. Justice and

several fellows came in, and in a kind of rough manner Mr. Justice called

her out, and they went out and stood and talked a little bit; and

when they went outside and he took her away, I got in my

car and left, and I walked until they left before I went back. It

was never with a word out of the way to me there. He never spoke

to me. All that he said was he came up there and that he was

with her from my own's home.

Q That he was a son from my own's home, is that the only

A Yes, sir. I don't think he said that to me; he just said

that in the crowd.

Q Did he appear to be mad or not?

A Well, I don't know. He seemed to be rather mad.

Q What was he mad about?

A I don't know. He must have been mad because I was with Miss Barton. I never done anything else for him to get mad about.

Q You say you took her over there?

A Yes, sir.

Q So far as you know there was no occasion for him to act like he did unless it was because you were with Miss Barton?

A No, sir.

Q Did you ever go back to see her any more?

A No, sir; that was the last time I went to see her.

Q Why didn't you go back?

A Well, I think, a man taking a girl away from me once, I don't give him a chance to take her away any more.

CROSS-EXAMINATION BY MR. BARNER:

X Mr. Earman has asked you about the time you did not take her back home, and I am going to ask you about a time when you did take her back.

A Yes, sir; I have taken her back before that time.

X You took her back when Bernard Reubush, and Emmett Keyser and Will Comer were over there, didn't you?

A Yes, sir.

X At that time she was pretty well shot, wasn't she?

A Yes, sir; but I didn't know it.

X She was drunk?

A No, sir, she wasn't drunk.

X She was shot up?

A No, sir; she wasn't shot up. I didn't know that you meant it that way. I thought you meant the other circumstance.

X What way did you think I meant it?

A I thought you meant she was like she was.

MR. BARMAN: In the family way, you mean?

WITNESS: Yes, sir.

X Didn't you take her home last September or October when Emmett Keyser, and Will Comer, and the others I mentioned were with you, and didn't you all have whiskey in the car, and wasn't Miss Anna Barton pretty well loaded when you all were with her that night with whiskey?

A No, sir; I never met her until the 1st of December. I never knew who Miss Barton was until then.

X You did not take a bottle of whiskey from under the car seat that night?

A No, sir.

X And she didn't take it out either and give it to the boys to drink?

A No, sir.

X You did not see that happen?

A No, sir.

X You have been with her a good bit, haven't you?

A No, sir; I was only with her on several occasions.

X What do you mean by "several occasions"?

A I was with her Sunday evening, and probably one night in the week, and the night I took her up to the oyster supper.

X So, if Mr. Roudabush and Keyser and Comer state that

Q The who shot up?

A No, sir; she wasn't shot up. I didn't know that she wasn't shot up. I thought you meant the other circumstances.

Q And you did not think I meant it?

A I thought you meant she was hit and was.

Q Mr. Tolson, in the family you mean?

A Yes, sir.

Q Didn't you say her name just happened to be called when

Samuel Taylor, and Will Connor, and the others I mentioned were

with you, and didn't you all have dinner in the car, and wasn't

the name Taylor mentioned when you all were in the car?

A No, sir; I never met her until the 1st of December. I

never knew who Mrs. Taylor was until then.

Q You did not take a bottle of whisky from under the car

and that night?

A No, sir.

Q And the time I took it out either was five or ten days

to eight?

A Yes, sir.

Q You did not see that night?

A No, sir.

Q You have been with her a good bit, haven't you?

A No, sir; I was only with her on several occasions.

Q Just as you mean by "several occasions"?

A I was with her Sunday evening, and probably one night in

the week, and the night I took her up to the upper supper.

Q So, if Mr. Hollenback and Taylor and Connor state that

that happened, they are mistaken, are they?

A They certainly are.

MR. SARMAN: I object.

THE COURT: That is a good objection.

BY MR. SARMAN:

Q Did she or not conduct herself as a perfect lady when you were with her?

A She certainly did.

Q I believe you say you live at Elkton?

A Yes, sir.

JULIA MORRIS, sworn, examined by Mr. Sarman, testified:

Q You are Miss Julia Morris?

A Yes, sir.

Q Do you know Miss Anna Barton?

A Yes, sir.

Q Your mother is her --

A (Interposing) My mother and her father are sister and brother.

Q Where do you live?

A In Elkton.

Q Where did you formerly live?

A Down on the Snapp farm.

Q When did you move to Elkton?

A Moved to Elkton about the first of March, I think.

Q Of this year?

A Yes, sir.

Q Before that time you lived down near the Page County line, did you?

that happened, they are mistaken, are they?

A They certainly are.

Q Now, I object.

THE COURT: That is a good objection.

BY MR. WATSON:

Q The one or two comments herein as to what they were

were with her?

A The certainly are.

Q I believe you say you live at Elkhart?

A Yes, sir.

THE WITNESS, sworn, examined by Mr. Watson, testified:

Q You are Miss John Hamilton?

A Yes, sir.

Q Do you know Miss Anna Hamilton?

A Yes, sir.

Q Your mother is her --

A (Interposing) My mother and her father are sister and

brother.

Q There is your sister?

A Is Nixon.

Q There are two Hamiltons living

A Live on the same farm.

Q When did you move to Elkhart?

A Moved to Elkhart about the first of March, I think.

Q Of this year?

A Yes, sir.

Q Before that time you lived down near the Lake County

line, did you?

A Yes, sir; close to the line.

Q You were with Miss Anna Barton on one occasion when Roy Bear and Bennie Snyder were with you?

A Yes, sir; I was.

Q How did you happen to get in the car with these boys?

A Anna and I, I think, were going from Church, anyhow we were on the pike and they picked us up and told us that they were going to the Blue Hole, and that is the way they got us -- picked us up.

Q And you got in the car with them?

A Yes, sir.

Q They said they were going to the Blue Hole?

A Yes, sir; that is where we went.

Q Did you all go in bathing on that occasion?

A No, sir; we just went over there and turned around and came right straight back.

Q You were with Bennie Snyder?

A Yes, sir; and she was with Bear.

Q What happened on the way back?

A Nothing at all.

Q Did any one do any shooting?

A I suppose they did.

Q Just tell the jury what did happen.

A Well, when we went over, Justice Judd was on the bridge, he and the Lam boy and a couple of other boys. They were on the bridge. We just saw them when we went through, and when we came back they were still there. When we were coming across the bridge

A Yes, sir; close to the line.

Q You were with Miss ... when she was ...

Boy ... and ...

A Yes, sir; I was.

Q How did you ...

A ... and I, I think, were going ...

were on the ... and they ...

going to the ... and that is the way they got us -- picked us

up.

Q And you got in the way with them?

A Yes, sir.

Q They said they were going to the ...

A Yes, sir; that is where we went.

Q Did you all go in ...

A No, sir; we just went over there and ...

came right straight back.

Q You were with ...

A Yes, sir; and she was with ...

Q What happened on the way back?

A Nothing at all.

Q Did you see ...

A I suppose they did.

Q That is all the ...

A Well, when we went over, ...

he and the ... and a couple of other ...

... He just saw them when we went through, and when we came

back they were still there. When we were coming across the bridge

and got almost to the other end, Justice just threw his hands out in front of the car, and I suppose he had a gun then ;that is what they said he had. He did that to make her get out of the car, but we did not get out there, we went on up the hill before we got out. She told the boys to stop and then we got out.

Q What did Justice Judd do then?

A I suppose he shot the gun down at her feet. That is all I can say.

Q That is what he did, didn't he?

A Yes, sir.

MR. HAMMER: I make the same objection to this line of examination. (Overruled, exception).

THE COURT: What did he say? Did he do any talking? Did he have anything to say?

WITNESS: No, sir; not much. Not that I know.

Q He was in a good humor, was he?

A I don't suppose he was in a very good humor.

Q What was he mad about?

A I don't know.

THE COURT: Did he make any complaint, or anything of that kind? Did he find fault with her in any way?

WITNESS: No, sir. I never heard of any.

THE COURT: Did he say anything to her about being with this other man?

WITNESS: As near as I remember he did not.

Q Miss Anna Barton used to come up to your home?

A Yes, sir.

THE COURT: After this shooting what became of him and what became of Miss Anna Barton?

WITNESS: What became of us?

and got almost to the other end, Justice just threw his hands out
in front of the car, and I suppose he had a gun then; that is what
they said he had. He was supposed to have had a gun, but
we are not sure of that, we are not sure of the bill Justice had
the time the boys to stop was then on the way.

Q What did Justice say to them?
A I suppose he said the gun was not there. That is all.

I see why.

Q That is what he said, didn't he?

A Yes, sir.

THE COURT: I will now ask the witness to state the
of examination. (Overruled, sustained.)

THE COURT: What did he say? Did he do any talking?
Did he have anything to say?

WITNESS: No, sir; not much. Not that I know.

Q He was in a good humor, was he?

A I don't suppose he was in a very good humor.

Q What was he and about?

A I don't know.

THE COURT: Did he make any complaint, or anything
of that kind? Did he find fault with her in
any way?

WITNESS: No, sir. I never heard of any.

THE COURT: Did he say anything to her about
being with this other man?

WITNESS: As far as I remember he did not.

Q How long would you need to come up to your home?

A Ten, sir.

THE COURT: After this shooting what became of him
and what became of Miss Ann Barrett?

WITNESS: That became of me?

THE COURT: What became of the girl and Justice?

WITNESS: He went over to the pike with us. I don't think he went to her house. I think he turned around and went back and we went to her home.

Q Last August, sometime about the first of August, was Miss Anna Barton at your home one Saturday night?

A I don't remember the dates or anything like that. I know she came up there but I don't know when it was.

Q On the occasion that she came up there, did Judd come over there to see her?

A He came there a couple of times; yes, sir.

Q Did they go away from the porch where you and your friend was, or did they leave you and go down in the orchard or away from you?

A I think they did, because I -- I don't know what happened -- anyway he walked off and she walked off and followed him, she went on down in the orchard where he was. The time I am thinking about we were all on the front porch.

Q And he left her and went down where?

A He walked down in the orchard, or someplace I don't know where, and finally she got up and followed him.

Q Did he call her?

A I don't remember him calling her.

Q She finally did go where he was?

A She got up and went down where he was.

Q Was that in the day time or at night?

A Night.

Q How long did she stay down there?

A I don't know. I don't know, exactly, how long it was.

THE COURT: What became of the girl and Justice?

WITNESS: He went over to the girl with me. I don't think he went to her house. I think he stayed around and went back and he went to her house.

Q Last night, according to you, the first of August, was this

the first of August was the first night?

A I don't remember the date or anything like that. I

know she came up there but I don't know when it was.

Q On the occasion that she came up there, did she come over

there to see her?

A Because there a couple of times, yes, sir.

Q Did she go away from the porch when you and your friend

was at the time that you saw her in the orchard or was she

just

A I think they did, because I -- I don't know what happened --

anyway he walked off and she walked off and followed him, she went

on down in the orchard where he was. The time I am thinking about

we were all on the front porch.

Q And he left her and went down there?

A He walked down in the orchard, or somewhere I don't know

where, and finally she got up and followed him.

Q Did he call her?

A I don't remember his calling her.

Q Did she call him or was he calling her?

A She got up and went down where he was.

Q Was that in the day time or at night?

A Night.

Q How long did she stay down there?

A I don't know. I don't know, exactly, how long it was.

Q You and Justice Judd are good friends?

A Certainly.

Q And he goes to see you sometimes, now, don't he?

A No, sir.

Q He don't?

A I have been with him a couple of times. I don't go with him, to say go with him. Last Thursday afternoon he picked me up going down the street, but as for going with him, I never have gone with him.

Q You are a friend of his?

A Well, certainly.

CROSS-EXAMINATION BY MR. HAMMER:

X There is nothing between you and Miss Ann^B. Barton?

A What do you say?

X You and she are good friends?

A Yes. Certainly.

X You know, of course, that you girls have several fellows; Miss Barton had more than one boy on the string, more than one boy friend? She has Floyd Comer --

A (Interposing): I don't know Floyd Comer. She did not go with Floyd Comer while I was going with her. She did not go with him.

X She did go with a good many others?

A You want me to tell the boys that I have been with her with?

THE COURT: He is asking you who she went with?

WITNESS: When? When she was at my house?

X Yes.

Q You and Justice told me good friends?

A Certainly.

Q And he goes to see you sometimes, now, don't he?

A No, sir.

Q He don't?

A I have seen with him a couple of times. I don't go with him, so say go with him. Last Thursday afternoon he picked me up going down the street, but as for going with him, I never have gone with him.

Q You are a friend of his?

A Well, certainly.

CROSS-EXAMINATION BY MR. HARRIS:

X There is nothing between you and Miss Ann Barton?

A What do you say?

X You and she are good friends?

A Yes, certainly.

I, of course, of course, that two girls have several friends. Miss Barton had more than one boy on the string, more than one boy friend, she had many boys --

A (interrupting) I don't know Miss Barton. She did not go with Miss Barton while I was going with her. She did not go with her.

I. She did go with a good many others?

A You want me to tell the boys that I have been with her

with

THE COURT: He is asking you who she went with?

WITNESS: When she was at my house?

I Yes.

A One time she and Carl Whitfield came to my home. That is one.

X What boys have you seen her with?

A Carl Whitfield; John Price, one night he was along; Claude Morris and Herbert Comer.

X How about Floyd Comer?

A I don't know him.

X Do you know Herman Comer?

A Yes, sir; he was the one I was with when she was with John Price.

X Do you know Clarence Supple?

A Yes, sir.

X Did she go with him?

A I don't know.

X By the way, didn't you, yourself, advise her with reference to her conduct with certain married men?

A She was up home one day last summer, and I had heard -- of course, this is all hearsay -- that she had been riding with Sam Hensley to work, and he is a married man, and I told her, I said, "Anna, you may not mean anything by it, but you know people will talk, and I advise you not to ride with him even to work. That is all.

X You did advise her?

A Yes, sir. I told her that. I don't know whether it stopped or not. I don't know that she went with him. I heard it. It was all hearsay, I don't know.

X Now, this night at your house, you say Justice Judd went down in the orchard?

A Yes, sir.

A One time she and Carl Whittell came to my house. That is

one.

I That how long has been that?

A Carl Whittell, from 1912, one night he was staying

at the house and Herbert Conroy.

I How about W. J. Conroy?

A I don't know him.

I Do you know Herman Conroy?

A Yes, sir; he was the one I saw with when she was with John

White.

I Do you know Clarence Whittell?

A Yes, sir.

I Did she go with him?

A I don't know.

I By the way, didn't you, yourself, advise her with reference

to her conduct with certain married men?

A She was up there one day last summer, and I had heard -- at

that time, this is all hearing -- that she had been riding with men

coming to work, and he is a married man, and I told her, I said,

'Annie, you may not want anything to do, but you may people will

talk, and I advise you not to ride with him even to work. That is

all.

I You did advise her?

A Yes, sir. I told her that. I don't know whether it

stopped or not. I don't know that she went with him. I don't

know all that, I can't know.

I Now, this night at your house, you say Justice told went

down in the orchard?

A Yes, sir.

X He did not call her to come down there where he was, did he?

A No, sir, not that I heard.

X She went down herself?

A She says he called her, but I don't remember it.

X You were right there beside her?

A We were all there on the porch, and I suppose if he had called her I would have heard him but I didn't hear it.

X How far were you from them?

A It was dark and they were in the orchard and I don't know how far they went down.

REDIRECT EXAMINATION BY MR. BARMAN:

Q Did you ever see her on any occasion when she was guilty of misconduct with any man?

A No, sir.

Q She always conducted herself as a lady when you were around?

A Yes, sir, as far as I know. If there was anything wrong with Anna Barton I did not know it. I have been with her and "Jess" lots of times, and as for seeing anything wrong, I did not myself.

SAM HENSLEY, sworn, examined by Mr. Barman, testified:

Q You are Mr. Sam Hensley?

A Yes, sir.

Q Where do you live, Mr. Hensley?

A Live about a mile this side of Elkton coming towards Harrisburg.

Q What is your business?

A I am a blacksmith at the shops at Shenandoah.

Q Do you go backwards and forwards from your home to your work down at Shenandoah?

A Yes, sir.

Q What time do you usually leave your home to go to work?

A When I arrive there with the other boys, which I always do unless I oversleep myself, I leave there at 6 o'clock. If I oversleep myself, I drive my own car, and do not start until 6:15 and I have started at 6:30.

Q What time did you go to work?

A Seven o'clock.

Q What time did you get off from work?

A Three o'clock.

Q Have you on any occasion picked up Miss Anna Barton and her sisters on their way to work?

A Yes, sir.

Q Just state how often that occurred and what her conduct was on those occasions?

A Well, whenever I overtook them on their way to work, when I was driving my car, I would stop and take them in and help them as far as I went, and I would let them out and go on to my work. I have never seen her do anything in my presence that would suggest in any way, shape or form that she was not ladylike.

Q Were her sisters always with her on these occasions?

A Yes, sir.

Q How many of these girls worked over there?

A There were four of them, I think.

Q Were you ever with her at any time, anywhere, except when you picked her up on the road going to her work?

Q Do you go backwards and forwards from your home to your

work down at Shennong?

A Yes, sir.

Q What time do you usually leave your home to go to work?

A When I arrive home with the other boys, which I always do

because I usually go with them, I leave home at 6 o'clock. If I

overleaves myself, I drive my own car, and so get started until 6:15

and I have started at 6:30.

Q What time did you go to work?

A About 6:45.

Q What time did you get off work?

A About 6:00.

Q Have you on any occasion picked up Miss Anna Barton and

her sisters on their way to work?

A Yes, sir.

Q What state has often time occurred and what has occurred?

was on time occasionally?

A Well, whenever I overtake them on their way to work, when

I am driving my car, I would stop and take them to the help them

as far as I could, and I would take them out to my car.

I have never seen her so appearing in my presence that would suggest

in any way, where or how that she was not healthy.

Q Have her sisters always with her on these occasions?

A Yes, sir.

Q How many of these girls worked over there?

A There were four of them, I think.

Q Were you ever with her at any time, anywhere, except

when you picked her up on the road going to her work?

A No, sir; that is the only time she was ever in my car , in the mornings when I would go to work when I stopped and picked them up when they were walking on the road, and they were usually right there. The other men helped them, too, that is, the other men that worked down there. Whichever one overtook them generally asked them to ride.

Q It is the custom to pick up these girls or anybody else.

A Anybody else most. There are some old ladies working there, and when they have a heavy turn I ask them to ride. It gives them a lift.

Q The other employes, Mr. Sine, and the others, do the same thing?

A Yes, sir; all the fellows that work down there that drive cars. Elmer Leap and the Whitfield boy, Sam Flick, Claude Hensley, any of the fellows that work down there. I think there are some ten or fifteen cars that go backwards and forwards, probably more. Oftentimes somebody would take them up just in front of me. I have seen fellows stop and pick them up when they were in sight of me.

CROSS-EXAMINATION BY MR. HAMMER:

X When you would go down to your work you wore your working clothes in the morning?

A Yes, sir. I would go in my working clothes and come back in them.

X And you would quit work about three o'clock?

A Yes, sir.

X And you would go back to your home?

A Yes, sir.

X You belong to the band at Shenandoah?

A I do not now. I did at one time, last summer.

X When you did belong to it, you would dress in the afternoons when you get home and would go back to Shenandoah for band practice, would you not?

A Yes, sir; would go back at nights for band practice.

X You would go down for band practice pretty early, wouldn't you, between three and four o'clock?

A Sometimes I was late for band practice, and sometimes I didn't go there at all.

X And sometimes you would go down to Shenandoah and park your car and your car would disappear and you would not get back until about seven or eight o'clock at night?

A No, sir; I was always present at band practice when I went back.

X What was the occasion for your leaving your car under the hill below the old mill? What was the occasion for you to park your car down near the railroad bridge, down at the arch?

A I never did park it down there.

X At no time?

A Not that I remember of; no.

X What were you doing up on Second Street, picking up Miss Barton as late as 5 o'clock in the evening?

A I don't know where Second Street is in Shenandoah.

X You know where the old Masonic Temple building is?

A I know where the Masonic building is.

X Well, on that street.

A I never picked her up up there. She never was in my car,

I You belong to the band at Bismarck?
 A I do not know. I think one time, last summer.
 I don't you did belong to it, you would know in the afternoon
 when you got home and would go back to Bismarck, you don't know
 time, would you not?
 A Yes, sir; would go back at night for some practice.
 I You would go down for some practice pretty early, wouldn't
 you, between three and four o'clock?
 A Sometimes I was late for some practice, and sometimes I
 didn't go there at all.
 I And sometimes you would go down to Bismarck and back four
 or five times and would stop at night and you would not get back until
 about seven or eight o'clock at night?
 A No, sir; I was always present at some practice when I went
 back.
 I What was the occasion for your leaving your car under the
 hill below the old mill? What was the occasion for you to pass that
 car when near the railroad bridge, down at the shop?
 A I never did park it down there.
 I At no time?
 A Not that I remember at; no.
 I What was you doing up on Second Street, passing up there
 when you were on B's block in the evening?
 A I don't know where Second Street is in Bismarck.
 I You know where the old Masonic Temple building is?
 A I know where the Masonic building is.
 X Well, on that street.
 A I never played back up by there. The never was in my car,

Mr. Hammer, only of mornings when I took her to work and then her sisters were with her.

X You never brought her home from work?

A No, sir; I never did bring her home in any one instance.

X You tried to take her away from "Jess" one night, didn't you? Down at the bridge, didn't you?

A No, sir.

X Are you sure of that, now?

A Yes, sir; I am sure of that.

X You were trying to take this Barton girl away from "Jess" Judd when "Kansas" Dean was there?-- I believe that is her name. Down at the Shenandoah river bridge you tried to take Anna Barton away from him?

A No, sir. I did not know that anybody had attempted to take her away from him.

X You do not think you were trying to take her away from him?

A No, sir. I never tried to take her away from him.

EVIDENCE FOR THE ACCUSED, IN CHIEF:

J. ELMER COVERSTONE, sworn, examined by Mr. Hammer, testified:

Q Do you know Mr. Justice Judd?

A Yes, sir.

Q Do you know Miss Anna Barton?

A Yes, sir; I know Miss Barton.

Q You know both of them well, do you?

A I don't know Miss Barton so well, but I have known Judd all his life.

Q Did you ever write a letter, or any letters, to Miss Anna Barton?

A Yes, sir, I wrote one letter to Miss Barton.

Q How did you happen to write that letter?

A Mr. Judd gave me a letter and asked me if I would answer it for him.

Q Did Judd tell you what to put in the letter?

A No, sir; he just told me to take the letter he gave me and write according to that one.

Q Did you read it over to Judd after you had written it?

A No, sir, I did not read it to him.

Q Do you recall whether or not you sealed it?

A I don't remember whether I did or not.

Q I will ask you to examine the letter I now hand you and state whether or not that is the letter you wrote and where it was that you wrote it?

A Yes, sir, this is the letter I wrote. I wrote it in Mr. C. C. Kite's pool-room, at Shenandoah.

Q What was "Jess" doing at that time?

A He was shooting pool.

Q You did take the letter and answered it in the pool-room?

A No, sir; I was back at a little desk in the office.

CROSS-EXAMINATION BY MR. BARMAN:

X What is your business?

A I work for Mr. McDaniel.

X What?

A I run a pool-room for Mr. McDaniel.

X How long have you been "Jess's" social correspondent?

Q Did you ever write a letter, or any letters, to him

and

A Yes, sir, I wrote one letter to the woman.

Q How did you happen to write that letter?

A Mr. Ladd gave me a letter and asked me if I would answer

it for him.

Q Did Ladd tell you what to put in the letter?

A No, sir; he just told me to leave the letter he gave me and

write according to that one.

Q Did you read it over to find what he had written?

A No, sir, I did not read it for him.

Q Do you recall whether or not you mailed it?

A I don't remember whether I did or not.

Q I will ask you to examine the letter; I now hand you and

state whether or not that is the letter you wrote and where it

was that you wrote it?

A Yes, sir, this is the letter I wrote. I wrote it in Mr.

C. C. Linn's possession, at Memphis.

Q What was "Ladd" doing at that time?

A He was sleeping here.

Q You did take the letter and answered it in the post-room?

A No, sir; I was down at a little bank in the office.

CROSS-EXAMINATION BY MR. LADD:

Q What is your business?

A I work for Mr. Ladd.

Q What?

A I am a post-room for Mr. Ladd.

Q Now I am going to ask you some "Ladd's" social correspondence

A I don't know.

X What?

A That is the only letter I ever wrote for him.

X What did he say to you when he asked you to write the letter?

A He just handed me the letter and asked me if I would answer that letter for him.

X What was in the letter? What did it say?

A I don't remember.

X Of course, you read the letter over to him after it was written to find out whether he approved it?

A No, sir, I did not read it to him.

X He read it over, of course?

A I don't remember whether he did or not. I remember giving him the letter and I know he mailed it, but whether he read it or not I don't know.

X What kind of a letter did he tell you to write?

A He didn't tell me. He told me to take the letter and go according to that one.

X Was anyone else there when you wrote the letter?

A No, sir.

X He can read, can't he?

A I suppose so.

X He can write, too, can't he?

A I think so.

X What did he pay you for writing the letter?

A He didn't pay me anything.

X Did you ever write any other letters for him?

A No, sir.

X Did you ever write any for anybody else?

A Oh, yes, I write letters for other fellows.

X You make a business of that, do you?

A No, sir, but if a fellow comes and asks me to write a letter for him, I do.

X I notice in this letter that you call her "Sweetheart," how did you happen to do that?

A I thought she was his sweetheart, I didn't know.

X You say in here, "I am sorry that I did not come over Sunday, but, dear, you know that I love you." What did you have reference to when you say he was sorry that he did not go over Sunday?

A I just wrote the letter like I thought he wanted it wrote.

X How did you know what he wanted to say? If he did not dictate it, how did you know how to write it?

A I was going according to the other letter -- the letter that he got from her.

X What did you do with that letter?

A I don't know. Gave it back to him.

X Suppose you just write a little here for me.

A What do you want me to write.

X Write "Shenandoah, Virginia, March 11, 1925. Sweetheart. I will drop you a few lines in reply to your heartbreaking letter. I am sorry that I did not come over Sunday, but, dear, you know that I love you, and that I just go to Bridgewater just to pass the time away. I am sorry that you feel like you do. Dear, come

over to the Faith meeting tomorrow night. I looked for you this eve but didn't see you. Please come tomorrow night. From one who loves you. Jess."

X Tell the jury how you happened to write this letter?

A I told you because Mr. Judd asked me to write it.

X Was he present when you wrote it at all?

A No, he was shooting pool. He was probably twenty-five feet away from me -- not that much -- ten feet anyway.

X When you finished the letter you put it in the envelope, did you, and gave it to him?

A I gave him both letters.

X You did not seal the one you had written, did you?

A I don't remember whether I did or not.

X Of course, you gave him opportunity to read it over before he mailed it, didn't you?

A I don't know whether I sealed it. I don't remember.

X Did you try to disguise your hand when you wrote it?

A No, sir.

X Did you sign his name to it?

A I put "Jess" there.

X You say you wrote the word "Jess" to it?

A Yes, sir.

X He told you to sign it, did he?

A Yes, sir, I suppose he wanted me to sign it. He didn't tell me to.

X How did you happen to print the address on the envelope?

A I don't know.

X Did you do that?

over to the White meeting tomorrow night. I looked for you but you
hadn't come yet. Please come tomorrow night. From the way
I love you, Jane.

X Will you tell me how you happened to write him last night?

A I told you because Mr. T. had asked me to write it.

X You had heard when you wrote it at all?

A No, he was shooting pool. He was probably twenty-five feet
away from me -- not that much -- ten feet away.

X When you finished the letter you put it in the envelope,
is that right?

A Yes, and gave it to him?

X I gave him the letter.

X You did not seal the envelope and did not
write anything on it?

A I don't remember whether I did or not.

X Of course, you gave him opportunity to read it over before
he mailed it, didn't you?

A I don't know whether I mailed it. I don't remember.

X Did you try to distinguish your name when you wrote it?

A No, sir.

X Did you sign his name to it?

A I put "Jane" there.

X You say you wrote the word "Jane" to it?

A Yes, sir.

X He told you to sign it, did he?

A Yes, sir, I suppose he wanted me to sign it. He didn't
tell me so.

X How did you happen to print the address on the envelope?

A I don't know.

X Did you do that?

A Yes, sir.

X Was he present when you did it?

A No, sir; he wasn't.

X Who mailed the letter?

A He did.

X Who put the stamp on it?

A He did.

X Who furnished the stationery?

A He did.

X How did you happen to say here, "Dear, come over to Faith Meeting tomorrow (Thursday) and I will go back home with you"?

A I think he told me to put that in the letter.

X What?

A I think he told me to put that in there.

X He told you to put all of this in here, too, didn't he?

A No, sir, he did not.

X Where was he when he told you that?

A That was before I started to write the letter. He told me to make a date with her for what night if I could before I put it in the letter.

X You say, here, "Please do this. I will look for you." He told you to say that, too, didn't he?

A No, sir.

X What?

A No, sir.

X You are sure you wrote that letter?

A Yes, sir; I know I wrote that letter.

X How did you happen to make this kind of an "S" in this

A You, Mr.

B How do you know that?

A No, Mr. ...

B The ...

A He ...

B The ...

A He ...

B The ...

A He ...

B How did you ...

A I ...

B I ...

A What?

B I think he ...

A He ...

B No, Mr. ...

A Where ...

B That was ...

A To ...

B The ...

A You ...

B Tell ...

A He ...

B What?

A He ...

B You ...

A Yes, Mr. ...

B How ...

letter?

A I don't know. I wrote the letter, though.

X Why did you make this kind of an "S" in "Shenandoah"?

A I can make one kind of an "S" as well as another.

X In this letter you write you kind of printed the "S" didn't you?

A I just made a switch around it, just like that. (Writing letter g).

X Now, Coverstone, if you did write this letter, you know that you wrote it at the instance and request of young Judd, and he told you substantially what to put in the letter?

A He gave me an idea of what he wanted. I don't remember how he said it, or anything. He had the other letter there and I followed that.

X He told you that he wanted a love letter written, didn't he?

A Yes, sir.

X What?

A He told me that.

X He told you that he wanted a love letter written, and that is the kind you wrote?

A That is the kind I tried to write.

X What did you say your business is?

A Work in the pool-room for Mr. Vernon McDaniel.

X "Jess" just came in on that occasion and asked you to write this letter and you wrote it?

A I wrote it.

X You handed it to him and do not recall whether you sealed it? You did not mail it?

A No, sir. I don't know whether it was sealed or not. I did not mail it.

BERNARD ROUDABUSH, sworn, examined by Mr. Hammer, testified:

Q Your name is Bernard Roudabush?

A Yes, sir.

Q Do you know Miss Annie Barton and Justice Judd?

A Yes, sir.

Q Did you ever visit at the home of Miss Barton?

A I have been over there with her sister twice.

Q Were you there at any time when Emmett Keyser and Will Comer were there?

A Yes, sir.

Q Was Miss Anna Barton at home when you were there?

A I wasn't at the house. I was at the gate just out from the house, and it was between 11 and 12 o'clock on Saturday night.

Q It was between 11 and 12 o'clock on Saturday night?

A Yes, sir; because I left her sister shortly after 11 o'clock; her and Mr. Whitfield came by the gate.

Q Was that Mr. Carl Whitfield?

A Yes, sir.

Q What was their condition?

A I couldn't tell you exactly what their condition was. I asked her sister who that was and she said it was Whitfield.

Q Did you go up to the house?

A No, sir. I never did go to the house.

Q Did you see her and Mr. Whitfield up around the house there?

A No, sir; I staid at the gate until he came back.

Q Until who came back?

A Mr. Whitfield. Me and the other two boys staid there.

Q Do you know what his condition was?

A I could not say what her condition was, but he was drinking.

MR. SARMAN: I object to that statement.

THE COURT: That is a good objection.

MR. HAMMER: I will follow that up by showing that she was under the influence of liquor.

THE COURT: That is no defense to this suit.

MR. HAMMER: It is a circumstance that ought to be considered with all the other facts and circumstances of the case.

THE COURT: I don't think so.

MR. SARMAN: The fact that a woman takes a drink is no evidence that she is immoral.

Exception for the accused.

JUSTICE JUDD, sworn, examined by Mr. Hammer, testified in his own behalf, as follows:

Q How old are you, Mr. Judd?

A Nineteen. Will be twenty the 22nd of August.

Q Do you know Anna Barten?

A Yes, sir.

Q Mr. Judd, you have been accused here of having seduced her under promise of marriage, have you at any time ever promised to marry her, or has there been any engagement between you?

A No, sir.

Q Where did you meet her?

A No, sir; I think at the time I was in the room.

Q What was the time?

A Mr. Hamilton, I do not know the time. I do not know the time.

Q Do you know what time it was when you were in the room?

A I do not know what time it was, but I was

standing.

MR. HAMILTON: I object to that statement.

THE COURT: That is a good objection.

MR. HAMILTON: I will follow that up by showing that she was under the influence of liquor.

THE COURT: That is an attempt to show that.

MR. HAMILTON: It is a circumstance that ought to be considered with all the other facts and circumstances of the case.

THE COURT: I don't think so.

MR. HAMILTON: The fact that a woman takes a drink is no evidence that she is intoxicated.

Exception for the record.

THE COURT: Now, examine by Mr. Hamilton, testified in his

own behalf, as follows:

Q How old are you, Mr. Hamilton?

A I am about twenty-two years of age.

Q Do you know any one named Hamilton?

A Yes, sir.

Q Mr. Hamilton, you have been accused here of having had an affair with

Miss Hamilton, have you at any time ever promised to

marry her, or has there been any engagement between you?

A No, sir.

Q Where are you now?

A Faith Healing Church at Shenandoah.

Q When?

A I can't say. I don't know. Around Christmas sometime, I know.

Q Christmas of what year?

A 1925, I think.

Q Christmas of 1925? You mean 1925 or 1924, now?

A It has been two years ago.

Q Last Christmas a year, I guess?

A Yes, sir.

Q I noticed that trouble here through the introduction of the Commonwealth's evidence. I thought there must have been a mistake as to the time. You met her at the Faith Healers meeting about two years ago, or Christmas before last?

A About around there.

Q You said that you met her around Christmas a year ago, didn't you?

A Yes, sir.

Q When did you first call on her? Did you ever call on her or go to see her?

A Call on her?

Q Did you ever go to see her?

A Yes, sir.

Q How many times do you say you went to see her?

A I don't know. Right many times.

Q Did you quit going there, then?

A Did I quit going?

Q Yes, sir?

A With Healing Church at Shrewsbury.

Q When?

A I can't say, I don't know. Around Christmas holidays, I

know.

Q Christmas of what year?

A I don't think.

Q Christmas of 1922? You mean 1922 or 1924, now?

A It has been two years ago.

Q Last Christmas a year, I guess?

A Yes, sir.

Q I noticed that friends have through the introduction of the
Communist's advance. I thought there must have been a mistake
as to the time. You met her at the With Healing meeting about

two years ago, or Christmas before last?

A About around there.

Q You said that you met her around Christmas a year ago.

didn't you?

A Yes, sir.

Q When did you first call on her? Did you ever call on her

or you to see her?

A Call on her?

Q Did you ever go to see her?

A Yes, sir.

Q How many times do you say you went to see her?

A I don't know. Right away then.

Q Did you call going there, then?

A Did I call going?

Q Yes, sir?

A I went with her six or seven months, I guess, and I stopped.

Q Why did you stop?

A Well, one night we walked out on the porch, or she did, rather, and then I walked out, and her father was sitting out there, on the kitchen porch, and he said, "Is that you, Annie?" and she said, "Yes, sir." He said, "Get back in the house." She said, "All right, after while." He said, "I mean right now." I went back in there and I staid until about 12 o'clock that night. After that she told me that the old man didn't like me and I must stay away. And he told another fellow to tell me -- Clyde Shorts --

Q Don't tell what he told some one else. You got information from somebody else to the same effect?

A Sir.

Q You got information from someone else along the same lines?

A Yes, sir.

Q What else?

A From Clyde Shorts.

Q Did Mr. George Barton ever say anything to you himself?

A No, sir.

Q He never said anything to you at all?

A No, sir.

Q After she told you not to come back, that her father didn't want you to come back, did you go?

A No, sir; not for awhile.

Q Did you see her around town or go with her over there?

A Yes, sir.

Q Now, I will ask you this; did you ever take her to church?

A No, sir, I don't think I did.

A I want with her six or seven months, I guess, and I thought
 I was the first thing
 I Well, and might be wanted out on the porch, up and
 porch, and then I was out, and the ladies were sitting out
 time, on the afternoon porch, and he said, "In that case, Andy"
 and she said, "Yes, sir." He said, "Get back in the house," and
 said, "All right, after this." He said, "I mean right now." I
 want back in there and I stayed until about 11 o'clock that night.
 after that she said she had the old man's name, I think he was
 very easy, and he was willing to let me -- I don't know --
 I don't know what he was doing. You put up
 first somebody else in the same way?
 A Sir.
 Q You got information from someone else along the same line?
 A Yes, sir.
 Q What else?
 A From Clyde Shasta.
 Q Did Mr. George Barton ever say anything to you himself?
 A No, sir.
 Q He never said anything to you at all?
 A No, sir.
 Q After she told you not to come back, that day, didn't
 want you to come back, did you get
 A No, sir, not for awhile.
 Q Did you see her between then or go with her ever again?
 A Yes, sir.
 Q Now, I will ask you this; did you ever take her to church?
 A No, sir, I don't think I did.

Q Did you ever take her to any other place, to any snows or anywheres else?

A No, sir; I took her to a lawn-party.

Q You took her to a lawn-party?

A Yes, sir. I don't recall taking her to a snow.

Q Did you ever make her a present of any kind?

A No, sir.

Q Did you ever give her a ring?

A No, sir.

Q No gift of any character?

A No, sir.

Q She said something about a letter that she received supposed to have come from you back in March -- March 11, 1925 -- what about that letter? Did you write it or have it written?

A Had it wrote.

Q How did it happen that you did that?

A I was shooting pool and "Jake" Coverstone came in and I got him to write it. I gave him the letter and the stationery to write it.

Q You were shooting pool?

A Yes, sir.

Q Do you know what was written?

A No, sir.

Q Did you read it after it was written?

A No, sir; the letter was sealed.

Q Now, then, that was in March. Something has been said that later on you drew a gun on the bridge when she and Miss Julia Merris was with her, in a car, coming with two young men, from Blue Hole. Tell us about that.

Q Did you ever take her to any other place, do you know of

anywhere else?

A No, sir; I don't see a law-abiding.

Q You don't see a law-abiding?

A Yes, sir. I don't recall taking her to a house.

Q Did you ever come out a present at any kind?

A No, sir.

Q Did you ever give her a ring?

A No, sir.

Q Is that of any importance?

A No, sir.

Q Has she ever mentioned a letter that she received and

passed to have some time you back in March -- March 11, 1935 --

what about that letter? Did you write it or have it written?

A Had it wrote.

Q How did it happen that you did that?

A I was shooting pool and "Jack" Overstump came in and I got

him to write it. I gave him the letter and the stationery to write

it.

Q You were shooting pool?

A Yes, sir.

Q Do you know what was written?

A No, sir.

Q Did you read it after it was written?

A No, sir; the letter was sealed.

Q Now, then, that was in March. Something has been said that

later on you drew a gun on the bridge when she and Miss Julia

Harris was with her, in a car, coming with two young men, from

Miss Hefle. Tell us about that.

A That was on the bridge on one Sunday evening, I don't know what date it was. I was standing there, me and Howard Lam and I think another boy, and they went by and went to the Blue Hole-- that is what they told me. When they came back I was showing that gun to Howard Lam, and they went by and stopped on the hill and got out. I heard them up there and went up there -- Howard Lam and myself.

Q Did you pull out your gun and shoot at them?

A No, sir. I shot once but did not shoot at them. I shot in the river.

Q Did you take them home that evening?

A I think I walked a piece of the way with them.

Q You walked a piece of the way home with them that evening?

A Yes, sir.

Q I will ask you right here; did you ever see her out with anybody else?

A Yes, sir.

Q Who?

A I saw her out with Hensley?

Q What Hensley?

A Sam Hensley.

Q State whether or not Sam Hensley ever tried to take this girl here away from you, and if so where and when?

A On the bridge about 9:30 and Kansas Dean was with him.

Q Who is she?

A Raymond Dean's wife.

Q Where is she now?

A Shenandoah.

Q She was summoned here in this case as a witness?

A Yes, sir.

Q How long has it been since Kansas Dean and her husband separated?

A I don't know.

Q Has it been a year, two years or three years?

A Since Kansas Dean separated from her husband?

Q Yes?

MR. MARMAN: I object. That is immaterial.

A I suppose it is two or three years.

Q Kansas Dean was along when that happened?

A Yes, sir.

Q What did Sam Hensley do?

A He ran two front wheels on the bridge and the other two on the ground, and he stopped and said to the girls, "Do you want to take a ride?" He asked them three times before he pulled off. Another man was with them, I don't know who he was.

Q You heard her statement here about being out at Mr. Morris' and that something occurred between you one night down in the orchard?

A Yes, sir.

Q I want you to tell the jury just precisely what happened there, and how it came about, and whether you made any promise to marry her, and how that sort of intimacy with this young woman came about that night.

A We were all sitting on the porch and I had a headache, and I went on down in the orchard, not in the orchard, but down the road, and it was not twenty minutes until she came down there.

Q Did you call her?

A No, sir.

Q Had you suggested to Anna Barton that she come down there where you were before you left the house?

A No, sir.

Q She came down where you were, and then what?

A She said, "Let's walk out in the orchard and your head may get better, and I did.

Q You walked in the orchard, then, with her, did you?

A Yes, sir.

Q Then what happened?

A I sat down and she sat down, too.

Q You both sat down?

A Yes, sir.

Q Go ahead and tell exactly what happened in your own way. Tell what happened.

A I asked her for it and I got it.

Q When you asked her for intercourse there in the orchard did you make any promise of any kind in reference to marriage, or tell her that if she got in trouble you would marry her, or anything of the kind?

A No, sir, I didn't make her any promise. She didn't ask me for one reason.

Q What do you say?

A She didn't ask me to promise her any thing.

Q She did not ask you for any promise?

A No, sir.

Q Where had she come from?

A Where had she come from?

Q Down into the orchard. Where had she been before she

came in the orchard?

A On the porch.

Q With whom?

A With Julia Morris and Howard Lam.

Q Now, when she yielded to you down in the orchard there state whether or not she insisted that you take any precautions?

A I did not understand you.

Q Did you use any rubber or anything of the kind?

A Yes, sir.

Q What?

A Yes, sir.

Q Did you suggest that or did she?

A I did.

Q You did?

A Yes, sir.

Q When did you find out that she was in trouble, Justice?

A Well, I guess it was about March.

Q About March of this year?

A Yes, sir.

Q Had she ever before that time, from back yonder in August when she says this happened, up until March of this year, told you or advised you that she was in a family way?

A No, sir.

Q How did you find it out, then?

A Supple boy told me.

Q Which Supple boy?

A Clarence Supple.

Q Clarence Supple told you?

A Yes, sir.

Q. In the orchard?
 A. In the orchard.
 Q. With whom?
 A. With Miss Martin and her son.
 Q. Now, when did you see them in the orchard?
 A. I do not remember.
 Q. Did you see any other person in the orchard?
 A. Yes, sir.
 Q. Who?
 A. Mr. ...
 Q. Did you see any other person in the orchard?
 A. I did.
 Q. Who?
 A. Mr. ...
 Q. When did you see him in the orchard?
 A. Well, I think it was about March.
 Q. About what time of day?
 A. Yes, sir.
 Q. Did you see him in the orchard?
 A. Yes, sir.
 Q. How did you see him?
 A. He was with me.
 Q. What time of day?
 A. I do not know.
 Q. Did you see him in the orchard?
 A. Yes, sir.

Q Where was that?

A Down at Huffman's garage, at the Arch..

Q When did you first learn it from her?

A First learn it from her?

Q When did she first tell you?

A She never did tell me.

Q You mean that she never has told you that you were the father of her baby or that you were responsible for her condition until after she had you arrested?

A No, sir.

Q Had she ever written you a letter or the scratch of a pen charging you with being responsible for it?

A No, sir.

Q Do you know what her habits have been with reference to staying in or going out and running around the neighborhood with other men?

A I didn't understand you.

Q Do you know what have been her habits have been as to going in and out the neighborhood with other men?

A I know that she has been out with them.

Q Do you know what hours she goes out with them?

A I have kept her out until five o'clock in the morning.

Q What do you mean by that? What do you mean when you say you have been out until 5 o'clock in the morning with her?

A Staid there until 5 o'clock.

Q Do you mean in Mr. Barton's house?

A Yes, sir.

Q What was that?

A I don't know, it was a woman, at the time...

Q When did you first learn it was her?

A I first learned it from her.

Q When did she first tell you?

A She never did tell me.

Q You mean that she never has told you that you were the father of her baby or that you were responsible for her condition until after she had you arrested?

A No, sir.

Q Did she ever mention you a letter or the mention of a card changing you with being responsible for it?

A No, sir.

Q Do you know what her habits have been with reference to staying in or going out and talking around the neighborhood with other men?

A I didn't understand her.

Q Do you know what have been her habits have been as to going in and out the neighborhood with other men?

A I know that she has been out with them.

Q Do you know what hours she was out with them?

A I have heard her out until five o'clock in the morning.

Q What do you mean by that? What do you mean when you say she was out until five o'clock in the morning with her?

A That's what she was out.

Q Do you mean in Mr. Burton's house?

A Yes, sir.

Q You staid all night with her?

A Yes, sir.

Q Who else staid there?

A Howard Lam and Julia Morris.

Q What size house is that?

A Square house, four rooms.

Q A four-room house?

A Yes, sir.

Q Who was in the room with you and Miss Barton, just Howard Lam and Julia Morris?

A It was with Raymond Roudabush and with Kansas Dean.

Q You mean her parents allowed the girls to have company there until 5 o'clock in the morning?

A I guess so.

Q Well, now, something has been said here to the effect that you had been going over to see a young lady at Bridgewater; had you?

A Yes, sir.

Q And this girl here objected to your going up there?

A She never said nothing about it.

Q Do you know whether Floyd Comer or Raymond Roudabush ever went with her?

A Yes, sir, they did.

Q They brought this old fortune teller here, Mary Guy. I believe her name is. Were you up there?

A Yes, sir.

Q Who were you with?

A I was up there twice. On last July 4th picnic, at Crottoes.

Q You stated all night with him?

A Yes, sir.

Q The other night?

A Howard was not with me.

Q What time was it then?

A About seven, ten, twelve.

Q A four-room house?

A Yes, sir.

Q Who was in the room with you and Miss Burton, just before

the other night?

A It was with Howard, and I was there.

Q The other night, Howard was with you in that room?

A Yes, until he came in the morning.

A I know so.

Q Well, now, something has been said here to the effect

that you had been going over to see a young lady at Bridgewater;

is that

A Yes, sir.

Q And this girl had objected to your going up there?

A She never said anything about it.

Q Do you know whether that house is beyond Bridgewater?

A Yes, sir.

A Yes, sir, they did.

Q They brought this old fortune teller here, they say. I

believe her name is. Was she up there?

A Yes, sir.

Q Who were you with?

A I was up there twice. On each day I was there, at

Q You mean, July 4th a year ago?

A Yes, sir.

Q You were up at the Grottoes picnic?

A Yes, sir.

Q Who with?

A Julia Bateman. I went up on the train and came back. Julia Bateman and Herman Mazingo went over and had their fortunes told. That was the first time I went. After that Clarence Supple and the Dean woman wanted to have their fortunes told, and I went up there with them.

Q Who went with you?

A Annie Barton.

Q What did you go this second time for?

A I don't know. They wanted to go and I had my fortune told, too.

Q You had your fortune told, too?

A Yes, sir.

Q All of you had your fortunes told?

A Yes, sir.

Q Now, Mary Guy has come in here and told that you told her that you were in trouble with a woman?

A No, sir.

Q Did you tell her that?

A No, sir.

Q Did you ever write Anna Barton a letter of any kind?

A No, sir, none but the one that Coverstone wrote.

Q And you never promised to marry her in any way, shape or form?

A No, sir.

Q Conditionally or otherwise?

A No, sir.

Q This Faith Healers' Church, that these people speak of, what kind of a place is that? Is it a real church, or what kind of a place is it?

A I take it that it is a church. I guess it is a church.

Q What kind of conduct do they have there?

A They dance around a little bit.

Q What is the conduct of the men and the women around that place? (Objection, sustained).

CROSS-EXAMINATION BY MR. BARMAN:

X When was this occasion that you say you had something to do with her up in the orchard?

A I don't know what date it was. I know that was one time.

X Just one time?

A That was the first time.

X How long had you been going with her? You had been going with her for some five or six months before that happened?

A I guess, six or nine months, something like that.

MR. HAMMER: I don't remember whether I asked you or not. Did you have intercourse with her only one time or more than one time?

WITNESS: Several times.

MR. HAMMER: Several times after that?

WITNESS: Yes, sir.

X You were with her, you say, about six to nine months before this happened in the orchard?

A Yes, sir.

A No, sir.

Q DUBIOUSLY AS OBSERVED?

A No, sir.

Q THIS FINE HEALTH, WHICH, THAT THESE PEOPLE HAVE AT THAT
KIND OF A PLACE IS THAT IS IT A GOOD THING, AS THAT KIND OF
A PLACE IS IT?

A I FEEL IT THAT IS IN A CHURCH. I KNOW IT IS A CHURCH.

Q THAT KIND OF CONDUCT DO THEY HAVE THERE?

A THEY HAVE ABOUT A FINE ONE.

Q WHAT IS THE CONDUCT OF THE MEN AND THE WOMEN ABOUT THAT

PLACE? (SPEAKING, SPOKING).

CROSS-EXAMINATION BY MR. WARD:

Q WHEN WAS THIS MENTIONED THAT YOU HAD SOMETHING TO DO

WITH HER UP IN THE CHURCH?

A I DON'T KNOW WHAT DATE IT WAS. I KNOW THAT WAS ONE TIME.

Q JUST ONE TIME?

A THAT WAS THE FIRST TIME.

Q NOW LONG HAS YOU BEEN GOING WITH HER? YOU HAD BEEN GOING

WITH HER FOR SOME TIME OR SIX MONTHS BEFORE THAT MENTION?

A I GUESS, SIX OR NINE MONTHS, SOMETHING LIKE THAT.

MR. WARD: I DON'T REMEMBER WHETHER I ASKED YOU
OR NOT. DID YOU HAVE INTERCOURSE WITH HER
ONLY ONE TIME OR MORE THAN ONE TIME?

WITNESS: SEVERAL TIMES.

MR. WARD: SEVERAL TIMES? WHEN THAT?

WITNESS: YES, SIR.

Q YOU WERE WITH HER, YOU SAY, ABOUT SIX TO NINE MONTHS

BEFORE THIS HAPPENED IN THE CHURCH?

A YES, SIR.

X And you were with her a couple times a week?

A I went with her twice a week, I guess.

X Why didn't you have something to do with her before that time? Because she was all right?

A I went with her six or seven months. She was all right. The only thing I found against her was that she kept me up late -- early in the morning.

X She kept you up early in the morning?

A I did not leave until the other fellow left.

X You did not have to stay, did you?

A I did not like to leave in the dark by myself and go two or three miles.

A JUROR: We did not hear that.

MR. HAMMER: He said he did not like to leave in the dark. (To witness) What were you waiting on?

WITNESS: Waiting on the other guy; and she wanted me to stay and I staid.

MR. HAMMER: There was another man there with the other woman?

WITNESS: Yes, sir.

X She was cheete up until you had been going with her six, seven, eight or nine months; isn't that true? For the first 6, 7, or 8 months that you were going with her she was all right?

A Yes, sir.

X And then you did have something to do with her, and how often after that?

A I quit about two months.

X When did you quit?

A After Mr. Barton told me he didn't allow me there.

X When was that?

I and you were with her a couple times a week?

A I went with her twice a week, I guess.

I don't think you have anything to do with her before that

time, because she was all right?

A I don't think she was ever unwell. She was all right.

The only thing I think I should mention is that she was up late --

early in the morning.

I She kept you up early in the morning?

A I did not know until the other fellow left.

I You did not know he was there, did you?

A I did not know he was in the room by myself and he was

at that time.

A LUNN: He did not hear that.

MR. HANCOCK: He said he did not like to leave in the
dark. (The witness) What were you asking me?

WITNESS: Waiting on the other guy; and she wanted
me to stay with her.

MR. HANCOCK: There was another man there with the
other woman?

WITNESS: Yes, sir.

I She was waiting up until you had been going with her

for some time, right at that time, isn't that right? The first

time you mentioned that you were going with her she was all right?

A Yes, sir.

I And then you did have something to do with her, and she

often after that?

A I quit about two months.

I When did you quit?

A After Mr. Barker told me he didn't allow me there.

I When was that?

A I don't know what time.

X Was that before you had anything to do with her?

A Yes, sir.

X Well, after you did have something to do with her, was that along about the first of August of last year?

A I don't know.

X Do you know what month it was?

A No, sir.

X Was it in the winter time or in the summer time?

A Summer time. It was warm.

X It occurred out there near Miss Julia Morris' home, did it?

A Yes, sir.

X And you had intercourse with her after that every few days up until February of this year, didn't you?

A No, sir; I never went with her in February, once, for I was sick that month.

X How often did you have anything to do with her altogether?

A Once a week and twice a week sometimes.

X Once or twice a week?

A Yes, sir.

X Over a period of how many months?

A I don't know how many months.

X Two or three months, or four or five months?

A I don't know how long. Four or five months, I guess.

X You had something to do with her, then, on an average of once or twice for a period of four or five months -- once or twice a week during that time -- is that right?

A Yes, sir.

X Now, just when did you tell the jury, to the best of your recollection, when the first act occurred and when the last act occurred?

A I don't know when the last act occurred.

X When?

A I don't know when.

X You can give the jury some idea, can't you, as to when it occurred?

A No, sir. I guess it has been about five or six months ago. The first time was in the orchard.

X She says that was along about the first of August of last year, is that right?

A I don't know.

X Have you had anything to do with her since Christmas?

A No, sir, I don't think so.

X You don't think so?

A No, sir.

X You were with her since Christmas? You have gone with her since, haven't you?

A I don't know whether I went with her after Christmas or not.

X What made you carry on like you did with this girl? You did love her, didn't you?

A No, sir.

X What do you say?

A No, sir.

X Why did you carry on so about it when she went with other men?

A I didn't carry on so bad.

X Why did you shoot in the ground when she was with these other men on that Sunday that has been mentioned here?

A Because I had the gun.

X You don't shoot in the ground every time you take up a gun, do you?

A No, sir. I happened to have that gun that evening.

X What were you doing with it?

A What was I doing with it? I had it carrying it.

X What for?

A I used to go over there in the dark -- over there at night.

X This was not at night when you shot it.

A No, it was sometime in the evening, two or three o'clock, I guess.

X Were you drinking?

A No, sir.

X Now, as a matter of fact, when you saw her with these other men, didn't you become enraged and tried to intimidate her and scare her, and you pulled out this gun to scare her? Wasn't that the object of your shooting in the ground?

A No, sir.

X Why did they get out of the car?

A I don't know. They got out a hundred or two hundred feet ahead of me up on the hill from the Shenandoah bridge.

X Did you take her home?

A No, sir; I took her part of the way, I think.

X What did you say to her?

A I don't know what I said to her.

X Well, now, on this other occasion, when Mr. Whitfield was with her and took her to an oyster supper at Elkton.

A I went up there with Zaney Grimsley. I call him, and his brother, and I saw her (Anna Barton) standing there and I went up to her and asked her how she got up there; she said she came up the public road; and I talk with her and asked her how she was going back and she said she was going to walk back, and I said, "How about going back with me?" and I made arrangements, then, to go back with Grimsley, and when I did that she told me that she had come up there with Carl Whitfield.

X What did you say to her when you went up to her?

A I said, "How did you get up here?"

X What boys were with you then?

A No boys with me. I just asked her that.

X And she said that she had walked up?

A That she had walked up.

X Didn't she start to tell you with whom she came to the lawn-party?

A I don't know; she did not tell me until she started to get in the car.

X Now, when was it that you said, there, that you were a "Bad man from noman's land"?

A I don't know that I said that or not. I don't remember saying it.

X You did take her home?

A Yes, sir.

X Why didn't you let the boy take her home who brought her there?

A He was gone at that time.

X What made him go?

A I don't know what made him go.

X Now, as a matter of fact, you have been so infatuated and so in love with this girl that you tried to assume ownership of her for the last year or two, haven't you?

A No, sir.

X You wouldn't allow her to go with anybody else when you knew it, and when you did know it you ~~you~~ would get mad and shoot and raise Cain about it?

A No, sir.

X Now, you never saw her guilty of any improper conduct with any other man, did you?

A No, sir.

X She has always acted as a lady, so far as you know, with other men, hasn't she?

A Yes, sir.

X And you know that you are the father of this little baby, don't you?

A No, sir.

X You had an opportunity to be, hadn't you?

A I don't know whether I had or not.

X What do you say?

A I don't know whether I have or not.

X Now, isn't it a fact that this girl was absolutely straight with you for a period of six, seven or eight months after you started to go with her?

A When I first started with her?

I that made his go?

A I don't know what made his go.

I don't see a better of that, you may have as interested as
as in love with him first, that you tried to remove ownership of her
the last year or two, haven't you?

A No, sir.

I You wouldn't allow her to go with anybody else when you
knew it, and when you did know it you would not let her go
and raise Cain about it?

A No, sir.

I Now, you haven't seen her guilty of any improper conduct
with any other man, did you?

A No, sir.

I She has always acted as a lady, so far as you know, with great
and, hasn't she?

A Yes, sir.

I And you know that she has the reputation of this little body,
don't you?

A No, sir.

I You had an opportunity to see, hadn't you?

A I don't know whether I had or not.

I What do you say?

A I don't know whether I have or not.

I Now, isn't it a fact that this girl was absolutely straight
with you for a period of six, seven or eight months after you

started to go with her?

A When I first started with her?

X And it was not until that night up in the orchard that you promised her that if anything happened as the result of this unlawful act of intercourse with her there that you would marry her?

A No, sir.

X And isn't that the reason that she yielded to your persuasions on that occasion, because you promised to marry her in the event anything happened?

A No, sir.

X She told you, didn't she, when she was in this trouble? Every time she would see you she would tell you that she was in this trouble and asked you to marry her?

A No, sir.

X Didn't she write you a letter along in February and March of this year asking you what you were going to do about it?

A No, sir. I got two or three letters from her -- I don't know whether it was two or three.

X She told you her trouble, that she was in trouble, in those letters, didn't she?

A No, sir.

X Didn't she tell you that she wanted you to come to see her?

A No, sir. I didn't get no letters but two or three and Mr. Hammer has those.

X What did she say in those letters?

A I don't recollect what she said.

X Did you answer those letters?

A I answered one.

X What did you say?

A "Jake" Coverstone answered it for me.

X Can't you read and write?

A I can write a little bit.

X Why did you want "Jake" to do your writing?

A I was shooting pool that evening.

X Couldn't you take time off to write to your girl?

A I don't care to write much, and I got him to write it.

X Let me see those letters that you got from her.

MEMO: Mr. Hammer, Counsel for accused, produced three letters and passed them to Counsel for the Commonwealth.

MR. HAMMER: You were at Elkton at the call trial?

WITNESS: Yes, sir.

MR. HAMMER: You heard her say at Elkton that she never had written you and told you about this?

WITNESS: That she never wrote me?

MR. HAMMER: You heard her state, at Elkton, that she had not written you about the baby?

WITNESS: I don't know whether I did or not.

X Are these three letters the only ones that you received from her?

A Yes, sir.

X When was the last letter that she wrote you?

A I do not know.

X Did you answer the last one?

A I answered one of them. I don't know whether it was the last one or the first one.

X How many letters did this man answer for you, "Jake" Coverstone?

Q "I think" Government requested it for me.
 A Yes, I was with the writer.
 Q I don't know what "I think" is to your writing.
 A I was shooting pool that evening.
 Q Did you see him at that time?
 A I don't care to write much, and I got him to write it.
 I let me see those letters that you got from her.

MEMO: Mr. Bennett, Bureau for Research, Progress
 These letters are copies from the Bureau
 for the Committee.

Mr. Bennett: You were at dinner at the club Friday
 evening, Jan. 11, 1934.

Mr. Bennett: You were not at dinner that day
 have you written her and told her about this?

Witness: That she never wrote me.

Mr. Bennett: You heard her speak at dinner, that
 she had not written you about the party.

Witness: I don't know whether I did or not.

Q Are there three letters the only ones that you received

from her?

A Yes, sir.

Q Then one of the last letters that she wrote you?

A I do not know.

Q Did you receive the last one?

A I remember one of them. I don't know whether it was the

last one or the first one.

Q Now many letters did she send you for the "Times"?

Witness:

A One.

X You answered the last one yourself, didn't you?

A Sir?

X I say, the one that she wrote you here along in February or March of this year, did you answer that?

A "Jake" Coverstone answered that one. That is the only letter that was wrote.

X This one here, you mean? (Indicating).

A Yes, sir.

MR. HAMMER: The envelope that Mr. Barman picked up there is postmarked "Shenandoah, Mar. 10, 1925," and this other one from Jess to you is post-marked "Shenandoah, Mar. 12, 1925"; do you know whether these are the two letters that went together?

WITNESS: I don't know.

X What did you say to this man Coverstone when you asked him to write this letter for you?

A What did I say to him?

X What kind of a letter did you ask him to write?

A I told him to answer that letter.

X He says you told him that you wanted a love letter written?

A I might have told him that, but I don't remember.

X You were in love with the girl?

A No, sir.

X You were not?

A No, sir.

X You read over this letter or had it read to you before you mailed it, didn't you?

A Sir?

X You had this letter read to you before you mailed it,

A Yes.

X You answered the last one, didn't you?

A Yes.

X I see, the one that was written for me along in February

or March of this year, did you answer that?

A Yes, Governor answered that one. That is the only letter

that was written.

X This one here, for me, (indicating).

A Yes, sir.

Q Now, the evidence that Mr. ...
there is no evidence ...
and this letter was from you to ...
written ...
whether there are the two letters that were
written?

ANSWER: I don't know.

X What did you say to this man Governor when you asked him

to write this letter for you?

A What did I say to him?

X What kind of a letter did you ask him to write?

A I said him to answer that letter.

X He says you told him that you wanted a love letter written?

A I might have told him that, but I don't remember.

X You were in love with the girl?

A Yes, sir.

X You were very

A Yes, sir.

X The book over this letter or had it sent to you before

you called at ...

A Yes?

X You had this letter sent to you before you called it,

didn't you?

A No, sir.

X How did you know what he was going to write?

A I didn't know and didn't care.

X You did not care?

A No, so he wrote according to the other letter.

X Why did you have him write it, then, if you didn't know what he was going to write?

A I thought he would answer the letter according to the other one.

X State to the jury what you told him to write?

A I didn't tell him nothing. I told him to write a letter according to the other letter.

X How did he know when to make a date for you?

A I don't know.

X Now, you know that you told him that you wanted to make a date for this girl for the following Thursday night, didn't you?

A No, sir; I don't remember.

X How did he happen in this letter, if you did not tell him to make a date for you, to make it without telling you anything about it?

A Sir?

X How did he happen to ask for a date on the following Thursday night if you hadn't told him that you wanted a date then.

A I don't know. I don't remember telling him anything like that. I might have told him, but I don't remember.

X How did he know that you just went away to Bridgewater to

pass away the time if you did not tell him?

A I don't know.

X Sir?

A I don't know.

X How did he know that you were going over there to pass the time away, if you did not tell him?

A I do not know how he got that.

X You told him to write this: (Reading) "Dear, if you thought as much of me as I think of you, you would not get mad at me for trying to have a little run, for you know that I will always come back to you, for you know that I love you with all my heart, and you know that I am always glad to be in your company, and I don't think we will have to wait fifty years until we can be in each others company." What did you mean by that?

A I didn't tell him nothing like that.

X (Reading) "I am sorry that you feel like you do. Dear, come over to Faith Meeting tomorrow night (Thursday) and I will go back home with you." Now, how did "Jake" Coverstone happen to write that in there if you did not tell him?

A I do not know.

X Now, did you go over there that Thursday night?

A Went there every night of the meeting.

X Every night you took her home?

A Most every night I took her part of the way, if I did not take her all the way, while I was going with her.

X You say in this letter: "I looked for you this eve but did not see you." How did Coverstone know that you had looked for her if you did not tell him?

A I don't know.

pass away the time if you did not tell him?

A I don't know.

A I don't know.

A I don't know.

A How did he know that you were going over there to help the

time away, if you did not tell him?

A I do not know how he got that.

A You told him to write this: (Reading) "Dear, if you

thought me much of me as I think of you, you would not get me

at me for trying to save a little time, for you know that I will

always come back to you, for you know that I love you with all

my heart, and you know that I am always glad to be in your company,

and I don't think we will have so well fifty years until we can be

in each other's company." What did you mean by that?

A I don't tell him anything like that.

A (Reading) "I am sorry that you feel like you do. Dear,

come over to Paris Monday morning (Thursday) and I will

be back with you." Now, how did "Dear" know that you were

write that in there if you did not tell him?

A I do not know.

A Now, did you go over there last Thursday night?

A Yes, there every night of the meeting.

A Every night you took her home?

A About every night I took her part of the way, if I did not

take her all the way, while I was going with her.

A You say in this letter: "I looked for you late eve but

did not see you." How did Governor know that you had looked

for her if you did not tell him?

A I don't know.

X Now, as a matter of fact, Judd, you got this letter from her and you wanted to answer it because you knew that this girl was peeved because you were going to see some girl over there at Bridgewater some place, and you wanted to have a reconciliation with her, you were seeking a reconciliation, and you went to this pool-room and got this boy to write this letter; you got the stationery and the envelope and the stamp, and you were there, right present, when he was writing the letter?

A I gave him the letter and I got the stationery, and he went and wrote the letter while I was shooting pool.

X How did he know exactly what to write about these things that happened, and to make this date for you on the following Thursday night, and about your going to Bridgewater just to pass the time away, if you did not say anything to him about it?

A I did not tell him any thing. I was not in there when he was writing. I was shooting pool.

X How did he know these things if you did not tell him?

A I don't know how he knew them.

X Now, if you did not love this girl why did you go to see her so often?

A Sir?

X If you did not love this girl why did you continue to go to see her so often?

A I just went.

X You say you went with her some 6, 7 or 8 months before you had anything to do with her. If you did not care for her why did you go to see her every few days?

A I don't know. I just went over there.

I got, as a matter of fact, when you got this letter from me and you wanted to answer it because you knew that this girl was never because you were going to see some girl over there at Bridgewater some place, and you wanted to have a reconciliation with her, you were making a reconciliation, and you went to this school-room and got this boy to write this letter; you got the stationery and the envelope and the stamp, and you were there, right across, when he was writing the letter?

A I got him the letter and I got the stationery, and he went and wrote the letter while I was shooting pool.

I how did he know exactly what to write about these things that happened, and he came back late for you on the following Thursday night, and about your going to Bridgewater, you to have the time away, if you did not say anything to him about it?

A I did not tell him any thing. I was not in there when he was writing. I was shooting pool.

I how did he know these things if you did not tell him?

A I don't know how he knew them.

I how, if you did not have this girl say that you go to see her on Friday?

A Yes?

I if you did not love this girl why did you continue to go to see her on Friday?

A I just went.

I the day you went with her was a, 7 or 8 o'clock Friday you was waiting to go with her. If you did not once for that day did you go to see her every few days?

A I don't know. I just went over there.

X As a matter of fact you went with her six, seven or eight months before you had anything to do with her, and for three or four months after she was "caught", and when she got in this trouble she told you about it and wanted you to marry her?

A She never did tell me nothing about it.

X Why did you quit?

A Because it looked like she didn't have anything to say to me a month before February, or January, or something like that. I was out on the street and she passed me and wouldn't speak to me. She passed me often and wouldn't speak to me. The month of February I got sick. I heard she got in this trouble. Supple told me.

X What did you do when you heard that she was in trouble?

A I didn't do nothing.

X You know it bothered you and you got sick about it, didn't you?

A No, sir.

X You did go over with her to this colored woman's and have your fortunes told?

A I went over there; yes, sir.

X And you did go back to to see this colored woman, after your fortunes had been told, and asked her if she wouldn't make way with this unborn baby, too, didn't you?

A No, sir. I never was there but twice. I was there with Julia Bateman and Mazingo the first time; and with Mrs. Kansas Dean and the Supple boy and Miss Barton the second time.

X On another occasion over there in front of Miller's store, in Elkton, shortly after this oyster supper that has been referred

I as a matter of fact you want with you, never in
 eight months before you had anything to do with her, and for
 three or four months after she was "engaged", and when she got in
 this trouble she told you about it and wanted you to marry her?
 A She never did tell me anything about it.

I Why did you say that?

A Because it looked like she didn't have anything to say to
 me a month before February, or January, or something like that.
 I was out on the street and she passed me and wouldn't speak to
 me. She passed me often and wouldn't speak to me. The month or
 February I got sick. I heard she got in this trouble. She told
 me.

I What did you do when you heard that she was in trouble?

A I didn't do nothing.

I You know if someone you had got sick about it, didn't

you?

A No, sir.

I You did go over with her to this colored woman's and have

your business there?

A I went over there; yes, sir.

I And you did go back to see this colored woman, didn't

you? You went and then told me about it, didn't you?

Yes, with this colored woman, yes, sir, that's right.

A No, sir. I never was there one time. I was there with

John Johnson and Marjorie the first time, and with his friends

and the people you and Miss Barton the second time.

I On another occasion ever there in front of Miller's store,

in Elmer, shortly after this other matter that has been mentioned

to here when this youngman Whitfield brought the girl there and you took her home, you walked up to this girl, on the corner, therein front of Miller's store, and put a pistol against her breast and told her that if she went home with Whitfield you were going to kill her?

A No, sir, I don't remember that. Miller's store, at Elkton?

X No, Miller's store at Shenandoah?

A No, sir.

X You do not know whether it happened or not?

A I know it did not happen. Not with me.

DIRECT EXAMINATION RESUMED BY MR. HAMMER:

Q Mr. Judd, Mr. Barman has asked you about this one letter, and how the ideas and suggestions came about. I am going to let the jury see exactly what happened here. Just say, a question addressed to Miss Barton.

ANNA BARTON, recalled for further cross-examination by Mr. Hammer:

X Miss Barton, I hand you a letter, now, mailed at Shenandoah March 10, 1925; that envelope is in your handwriting, and the letter?

A Yes, sir.

X This letter beginning "Mon. Mite" is also your letter?

A Yes, sir.

JUSTICE JUDD, redirect examination by Mr. Hammer:

Q Did you receive this letter through the mail?

A Yes, sir.

to have when this young man Whitfield brought the girl there and you
took her home, you walked up to this girl on the corner, Martin
Luther of Miller's store, and got a pistol against her breast and
told her that if she went home with Whitfield you were going to
kill her.

Q No, sir, I don't remember that. Miller's store, is

Miller's?

A No, Miller's store at Channahon.

Q No, sir.

Q You do not know whether it happened or not?

A I know it did not happen. Not with me.

EXHIBIT RECEIVED IN EVIDENCE BY MR. HANCOCK

Q Mr. Judd, Mr. Judd has asked you about this one letter,
and how the issue and suggestion came about. I am going to let
the jury see exactly what happened here. Just say, a question
addressed to Miss Barton.

MISS BARTON, would you please let further cross-examination by

Mr. Judd?

A Miss Barton, I had you a letter, one, called of Channahon

about 10, I had that envelope in my handwriting, and the let-

ter

Q Yes, sir.

Q This letter beginning "Dear Sir," is also your letter?

A Yes, sir.

EXHIBIT RECEIVED IN EVIDENCE BY MR. HANCOCK

Q Will you receive this letter through the mail?

A Yes, sir.

Q And the envelope is marked "Shenandoah, Virginia, March 10, 11 A.M., 1925," and addressed, "Mr. Justice Judd, City, Personal."

A Yes, sir.

MR. HAMMER: I will read this letter to the jury: (Reading):

"Mon. Nite.

"Dearest Jess:

I guess you will be a little surprised to get this letter from me, but we shouldn't be surprised at any thing these days, so don't get excited. As we just finished our Book game, and is now 12.30 A. M. I thought I would write you just a few lines. They tell me you taken your trip to Bridgewater yesterday. I truly hope you enjoyed yourself, for I would rather for you to be pleased than be displeased and I'm sure if you couldn't get up there one Sun. you would be sadly displeased. Jess, if I have ever done anything to you to make you treat me like this I wish you would make it known to me. I have always tryed to treat you the very best I could. I don't think you can say you ever saw me the leaset mad with you. Jess, I have treated lots of boys bad, for you, boys that really would think lots of me. Was a boy here Sun. and as you promised me Sat, nite you might come over Sun. I want to bed and played off sick. Now I want to say I don't want you to think I am mad with you. But I do want ask you to please not ask me for a date while you are going up the way for I can't denie you. There isn't any one can take your place in my heart, and I would rather put my hand in the fire than to tell you this. But I'm doing it for my sake only, Dearest you might think hard of me for writing this. But if you just stop once, and think how you would like for some one to do you like that you wouldn't think

And the envelope in which "Spencer's" Virginia, March 10, 1850, was enclosed, "Mr. Charles Jones, City, Virginia."

"Dear Sir,"

"Dear Sir,"

I guess you will be a little surprised to get this letter from me, but we shouldn't be surprised at any thing these days, as we've got excited. As we just finished our book game, and in the 12.30 A. M. I thought I would write you just a few lines. I hope you will like your trip to Washington yesterday. I hope you enjoyed yourself, but I would rather for you to be pleased than be disappointed and I'm sure if you wouldn't get up there and see you would be really disappointed. Now, if I have ever done anything to you so much for great as this I wish you would make it known to me. I have always tried to treat you the very best I could. I don't think you can say you ever saw me the least and with you, John, I have treated you of boys had, for you hope that really would think lots of me. Now a boy here says and so you promised me but, also you might come over soon. I want to get you to get and please me. Now I want to say I don't want you to think I am mad with you. But I do want you to please me and so for a while will you are going up the way for I don't think you. There isn't any one can take your place in my heart, and I would rather put up here in the line than to tell you this and it's doing it for my own only. Because you might think hard of me for writing this. But if you just stay gone, and think how you would like for some time to be your line that you wouldn't think

the least hard of me. I have spent some mighty happy short hours with you, and I am looking forward for the time to come when I will spend some more. And if its fifty years from now and you desire to forsake all the rest of the girls and stop going to Bridgewater and come to see me Sat nite and Sun eve I will gladly forsake all the rest of the boys for you. Jess you have my heart and it don't seem like I can ever love any one but you. Now if you ever really get in love with some one that don't care anything for you and you know it you will find that you don't feel like you are on flower beds of pleasure. As it is getting late, I'm tired and sleepy and also lonesome and have the headache, will close. Good by. Lonely, Anna."

Q. Is that the letter that was handed over by you to the boy Coverstone to answer?

A I don't know whether that was the one or not

Q Did you turn over to me all the letters you got from this girl here?

A Yes, sir.

Q You say you do not know whether the letter that Coverstone wrote was in reply to the letter I have just read?

A No, sir.

MR. HAMMER: I will recall Mr. Coverstone and ask him.

THE COURT: The contents of the letter will probably show that.

MEMO: Mr. Hammer here read the letter testified to have been written by Coverstone for the accused to Miss Barton, read into the record and found ante p. 16.

Q After Coverstone wrote that letter did you quit going over to Mr. Barton's for any length of time?

A Did I quit when?

The first part of me. I have spent some nights busy about
 with you, and I am looking forward for the time to come when I will
 spend some time. And if the first letter has not yet arrived
 to London, the rest of the letter has also been sent to Birmingham
 and will be in your hands in a few days. I will gladly discuss all
 the rest of the letter for you. I am sure you have not heard of my
good like I have ever love any one but you. But if you ever really
 get in love with some one that don't care anything for you and
 you know if you will find that you don't love like you are in
 those days of pleasure. As it is getting late, I'm tired and
 must close this business and have the pleasure, will close. Good
 night, my dear.

It is time the letter that you handed over to me to the day
 above to answer?

A I don't know whether that was the one or not
 I did you turn over to me all the letters you got from this
 girl lately

I am, etc.

I am sure you do not know whether the letter that I have
 wrote was in reply to the letter I have just wrote?

I am, etc.

MR. BENTON: I will recall Mr. Bentons name and ask him
 THE COURT: The contents of the letter will probably
 show that.

MR. BENTON: Mr. Bentons name was the letter testified to
 have been written by Bentons name for the purpose
 to give Bentons name into the court and to
 give it to.

I after Bentons name wrote that letter did you give going over to
 Mr. Bentons for my length of time

I am I give when

Q After March 11, 1925, did you continue to go regularly to see her, or did you stay away a couple of months?

A I staid away a couple of months, but I don't know when.

Q Stay away in the winter or the summer?

A I think it was in the winter.

Q In the winter?

A Yes, sir.

Q As I understand you, you never, at any time, promised this girl to marry her?

A No, sir.

ANNA BARTON, recalled by Mr. Hammer for further cross-examination, testified:

X Miss Barton, you spoke about this colored woman, Mary Guy; what were you and Julia Morris going back up there in the early spring by yourselves, when you went on the train, in May, by yourselves?

A I did not go in the room by myself with her.

X What did you and Julia Morris do, what were you going up there on the train for, without boys with you?

A We go without boys. I go lots of places without boys.

X What were you doing up at this colored woman's?

A To have our fortunes told.

X That was before "Jess" was arrested?

A No, that was afterwards.

X Just you two were back there again?

A Julia and I; yes, sir.

X You did not let Julia Morris hear what occurred between you and Mary Guy, did you?

Q After March 11, 1948, did you continue to be regularly in contact with the person you mentioned in your testimony?

A I think I saw him a couple of times, but I don't know when.

Q How many times in the winter of the summer?

A I think it was in the winter.

Q In the winter?

A Yes, sir.

Q As I understand you, you never, at any time, provided this girl to any party?

A No, sir.

THE COURT: Now, I want to ask you a few more questions.

Q Now, you spoke about this colored woman, Mary Gray, that you and John Lewis going back up there in the early part of the year, when you went on the train in May, by yourself?

A I did not go in the room by myself with her.

Q What did you and John Lewis do, what were you going up there on the train for, without boys with you?

A We go without boys. I go into all places without boys.

Q What were you doing up at this colored woman's?

A To have her testimony.

Q That was before "John" was arrested?

A No, that was afterwards.

Q That was the case here before?

A That was it, sir.

Q Now, did you and John Lewis have what you called a conversation with Mary Gray, did you?

A She asked Julia to stay out, and when I stepped out of the car she asked me if my name wasn't Anna Barton, and I told her, yes; and she said, "You have been up here before," and then she went on to tell me about this Supple boy having been there.

X What were you doing there at this particular time?

A Julia Morris wanted to go there to have her fortune told. She says, "I am going to have my fortune told, but I haven't a cent of money." I said, "Let's go. I have got ten dollars, and I know that will pay our way up there," and she said, "All right."

MR. HAMMER: That is all for the defendant.

TESTIMONY ON REBUTTAL FOR COMMONWEALTH:

MISS ANNA BARTON, recalled, examined by Mr. Eberman:

Q Miss Barton, when you found out that you were in a family way did you say anything to this young man about it?

A Yes, sir; I did.

Q How often did you speak to him in regard to it?

A I don't know. I spoke to him often. Nearly every time I got with him I would tell him.

Q What did he say he was going to do?

A He just wouldn't say anything, just stand and study-like. One time he made mention that he would get a job in Warren, Ohio, and was going to leave soon, and everything like that.

Q Did he say anything about taking you along?

A No, sir, he did not.

Q Did you ever write to him about it?

A Yes, sir, I wrote and told him about it.

Q When was it that you wrote him?

A I don't remember. It was sometime. I think, in Feb-

A She asked Willie to stay out, and when I stepped out of the
 our was wonderful it was like a... I told her
 you; and she said, "I'll have him to take care of," and then she went
 on to tell me about this...
 I that was you being mean of this particular thing
 A Willie wanted to go there to have her...
 she says, "I'm going to have my fortune told, but I haven't a
 cent of money." I said, "Let's go. I have got ten dollars, and
 I know that will get you up there," and she said, "All right."
 Mr. Hunter: That is all for the testimony.

EXHIBIT ON SUBJECT FOR IDENTIFICATION

MISS ANNA MARION, recalled, examined by Mr. Hunter:
 Q Miss Marion, when you found out that you were in a family
 way did you say anything to this young man about it?
 A Yes, sir; I did.
 Q How often did you speak to him in regard to it?
 A I don't know. I speak to him often. Nearly every time
 I got with him I would tell him.
 Q What did he say he was going to do?
 A He just wouldn't say anything, just stand and stare like
 one like he made mention that he would get a job in... and
 and was going to leave soon, and everything like that.
 Q Did he say anything about taking you along?
 A Yes, sir, he did not.
 Q Did you ever write to him about it?
 A Yes, sir, I wrote and told him about it.
 Q How was it that you wrote him?
 A I don't remember. It was sometime, I think, in 1905.

ruary or March, I don't hardly remember. The last of February or the last of March, one.

Q How often did you write to him?

A I just wrote him that one time. That is when I did not get to see him on the street. I never did get to see him on the street to talk to him.

Q You not only spoke to him and asked him to marry you, but you also wrote to him?

A Yes, sir, I wrote to him.

Q What made him stop coming to see you?

A I don't know. I never did hear any reason why.

Q You were ready and willing to marry him if he had wanted you to do it?

A Yes, sir.

Q You want him to do that now, don't you?

A I don't know. (Laughing).

Q You don't know?

A No, I don't.

Q Something has been said here about Mr. Hensley. I don't know whether I said anything to you about it on your examination in chief or not. You did ride in Mr. Hensley's car sometimes?

A Yes, sir.

Q On those occasions who all were with you?

A My sisters. Sometimes it was three of my sisters and myself; and, then, sometimes he would just pick me and one of my sisters up, that is, when we would be separated, you know.

Q He said something about one night, down at the Shenandoah bridge someplace, while you were with Kansas Dean, Mr. Hensley tried to take you away from him.

... at least, I can't hardly remember. The last of February or
the last of March, was.

Q Has there been any other time?

A I just wrote him that one time. That is when I did not get
to see him on the street. I never did get to see him on the street
to talk to him.

Q You not only spoke to him and asked him to marry you, but

you also wrote to him?

A Yes, sir, I wrote to him.

Q What date did you write to him?

A I don't know. I never did have any record of it.

Q You were ready and willing to marry him if he had wanted you

to do so?

A Yes, sir.

Q You want him to do that now, don't you?

A I don't know. (Laughing.)

Q You don't know?

A No, I don't.

Q Something has been said about Mr. Hensley. I don't

know whether I said anything to you about it on your examination in

that or not. You did this in Mr. Hensley's case, is that right?

A Yes, sir.

Q On those occasions who did you write to?

A My sisters. Sometimes it was three or my sisters and myself;

and then, sometimes he would just take me and one of my sisters to

that is, when we could be separated, you know.

Q He said something about one night down at the ...

bridge ... while you were with Emma ... Mr. Hensley ...

to take you away from him.

A I do not remember anything about that.

Q Did that ever happen?

A No, sir; it never did happen. Never did anyone try to take me away from him.

Q "Jess" further said that he would go to your home and stay up until five o'clock in the morning.

A He did not do it.

Q What time did he leave?

A We would get interested in a Rook game sometimes and it would be 12 o'clock.

Q He states that the first information that he had of your condition was from a man named Clarence Supple, who told him; I believe you testified that that was not true, that you told him yourself?

A Yes, sir.

Q He further testified that he was not in love with you and told you that he was not in love with you. How about that?

A He has told me thousands of times, I reckon, that he cared more for me than any girl he ever saw, and never would love anybody else, and that if I married anybody else that he would kill him dead; and a whole mass of stuff.

Q One day in front of Miller's store, in Shenandoah, he pulled out a pistol and put it to your breast, didn't he?

A Yes, sir; one evening when we were coming from our work -- me and my sister were coming from work. Probably it was after five o'clock, and we came right straight from the factory down by the post office to Miller's store, and he and this little Lam boy -- I don't know whether it was the Lam boy or not, I didn't pay

Q I do not remember anything about that.

Q Did you ever see him?

A No, sir; I never saw him. There are many boys in

the neighborhood.

Q "John" further says that he would go to your home and stay

up until five o'clock in the morning.

Q He did not do it.

Q What time did he leave?

A He was not interested in a thing from me, and he

would be in a room.

Q He stated that the first impression that he had of your

condition was that you were dressed in a very nice way; that

you were dressed in a very nice way, that you were

young.

Q Yes, sir.

Q He further testified that he was not in love with you and

that you were not in love with him. How about that?

A He said he thought he was in love with you, that he

was in love with you, and never would love anybody

else, and that he would never love anybody else.

Q He said he would never love anybody else.

Q The day in front of Miller's store, in the neighborhood, he

was not in love with you, that's all.

Q Yes, sir; one evening when we were coming from our work --

we had up stairs were coming from work. Probably it was after

five o'clock, and we were right outside from the factory door by

the post office to Miller's store, and he said this little boy --

I don't know whether it was the boy or not, I don't know.

and attention. He was standing on the corner, and it was raining
 rain a little, and he raised up to where he was, not so far from
 the inn boy, and he got to talking to me about being with him
 without pay, and he said that he would like to go with me to
 his father the day out on the street and stand it to my credit. It
 stood it on my house. "You see that?" he said, "and the trouble
 I see that" I said, "I don't care if I do." He stood there talking
 and wanted me to go to church with him that night, so he would
 come back with me that night. I said that I was tired and didn't
 want to go, and he said that he would go with me to church that
 night. He said, "I will come over at night to see you
 before you go to the gate, and if my father comes I will know him
 full of holes. I said, that I reckoned if Whiffle came he
 was sure you. He said, that he would not see any Christian out here.

By Mr. Justice:
 Q. You did tell me, Floyd Kite that you wanted me to
 this man was a little money, that's your
 A. I don't want a cent of his money.
 Q. I am not asking you what you want, now. I am asking you
 what you told me. Floyd Kite.
 A. No, sir, I did not tell her that.
 W. W. BROWN, testified on behalf of the complainant, examined
 by Mr. Justice, testified:
 Q. His father told you that your father was a very good man?
 A. Yes, in the morning with him, and some other day he was

with the other girl?

A That is a mistake.

Q How late would they stay?

A Sometimes on Saturday night when playing some kind of games they might stay until 11 or 12 o'clock on Saturday nights, but not very often that way, just once in a while. There would be right smart company. Sometimes there would be five or six, and, probably, seven or eight.

Q Your house is a small house, isn't it?

A It was not very small. It was the old Samuel Harnsberger house. There were five rooms in the house. It was a square house, and I think it was probably 30 feet one way and 30 feet the other; there were three rooms up stairs and two downstairs.

Q The house is right across the river from Shenandoah, isn't it?

A Yes, sir. It is about a mile, I suppose, west of Shenandoah, on this side of the river not hardly a mile, about three-quarters, something like that.

Q If he had staid there until five o'clock in the morning would you have known it?

A I get up about 4 or 4:30; yes, sir; I would have been most apt to have known it.

Q You got up, when?

A I always get up in the morning about 4 or 4:30. I would have been pretty apt to have known it if anybody had been there at five.

Q You got up at that time?

A Yes, sir. I make it a rule to get up at 4 or 4:30 every morning.

with the other girls

Q That in a minute.

A Yes, I'm sure they stay

Q I understand on Saturday night when visiting home kind of busy

they might stay until 11 or 12 o'clock on Saturday nights, but not

very often times say, just once in a while. There would be right

about company. Sometimes there would be five or six, and, probably,

seven or eight.

Q That house is a small house, isn't it?

A It was not very small. It was the old small farmhouse

there. There were five rooms in the house. It was a square house, and

and I think it was probably 50 feet one way and 50 feet the other;

there were three rooms up stairs and two downstairs.

Q The house is right across the river from Shennandoah, isn't

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A Yes, sir. It is about a mile, I suppose, west of Shennandoah.

on this side of the river and nearly a mile, above three-quarters,

something like that.

Q It is not there until they are down in the morning would

you have them?

A I got up about 4 or 4:30; yes, but I would have been past

that to have seen it.

Q You got up, didn't you?

A I always get up in the morning about 4 or 4:30. I would

have been pretty far to have known if it anybody had been there at

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Q You got up at that time?

A Yes, sir. I think it a wife to get up at 4 or 4:30 every

morning.

JENNIE DOVEL, sworn, examined by Mr. Earman on behalf of the Commonwealth, testified:

Q You are Mrs. Jennie Dovel?

A Yes, sir.

Q You live down in east Rockingham, between Elkton and Shenandoah City?

A Yes, sir.

Q Do you know Anna Barton?

A Yes, sir, about 4 or 5 years.

Q She lives there close to you, does she not?

A Yes, sir, lives close neighbor.

Q Do you know her general reputation in that community for truth and veracity?

A Yes, sir.

Q Is it good or bad?

A It is all right. I have never known no harm of her. She has been there and staid of night, and I never saw a bit of harm in my life of her in any way. She has always been a perfect lady so far as I know.

MR. HAMMER: That is not the question.

Q What is her reputation for chastity, her general reputation for being a moral girl and fooling with men?

A I don't know anything in the world about nothing of that kind.

Q You never heard anything of that kind of her?

A No, sir.

... ..
... ..

Q You are now, I think,
A Yes, sir.
Q You give down in

... ..
A Yes, sir.
Q Do you know

A Yes, sir, about
Q The
A Yes, sir,

Q Do you have any general reputation in
... ..
A Yes, sir.

Q Is it good or bad?
A It is all right. I have never known
has been there and

is no life of
... ..
... ..

Q
... ..
A I don't know anything in the world about

... ..
Q You never heard anything of
A Yes, sir.

MR. BARMAN: I think that is all for the Commonwealth.

TESTIMONY ON SURREBUTTAL for Defendant:

JUSTICE JUDD, recalled in his own behalf, further testified:
BY MR. BARMAN:

Q You heard Miss Barton's statement to the effect that you threatened to kill her and anybody that got with her; tell the jury if you ever did anything of that kind?

A I never did do nothing of that kind.

Q You heard her statement, also, about your putting the pistol up against her breast?

A Yes, sir.

Q Did you do that?

A No, sir.

CROSS-EXAMINATION BY MR. BARMAN:

X You say that you never gave her anything, Judd? You did give her, I believe, when you came to Harrisonburg to the Fair on one occasion, a doll-baby that you bought, didn't you?

A That is; I bought the doll-baby and she took it.

X You did not give it to her?

A No, sir.

X You gave her some kind of a stone that you got at the caverns at Luray, with initials on it, didn't you?

A Not as I know of.

X Didn't you give her a stone that you got from the caverns that had a "E" on it?

A Not as I know of.

THEY WERE NOT THERE THAT IS ALL THE INFORMATION.

RECORDED IN MARCH 1942 THE DEFENDANT.

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HOWARD LAM, sworn, examined by Mr. Hammer for defendant,
testified:

Q You are Howard Lam?

A Yes, sir.

Q Mr. Lam, do you know Miss Anna Barton?

A Yes, sir.

Q Do you know Justice Judd?

A Yes, sir.

Q You have visited Mr. Barton's house?

A Yes, sir; right smart.

Q Who did you go there to see?

A I would go to see her cousin.

Q Who was that?

A Julia Morris.

Q Julia Morris?

A Yes, sir.

Q I would like for you to give some idea about what time you
boys left there of nights?

A I don't know what time it was we left.

Q Did you ever stay as late as five o'clock in the morning?

A I don't know. I don't believe we did. We were there one
morning, Christmas a year ago. It was raining and we could not
get away.

Q Wasn't it customary for you and Justice Judd to go in there
and stay until three, four or five o'clock?

A No, sir, not every night.

Q About how often did that occur?

A It would not occur very often, for Julia Morris never came

WILLIAM LAM, sworn, examined by Mr. HENRY J. HARRIS:

Testimony:

Q. You are Henry Lam?

A. Yes, sir.

Q. Do you know the name of the person who was arrested?

A. Yes, sir.

Q. Do you know Justice Judd?

A. Yes, sir.

Q. You have visited Mr. Justice's home?

A. Yes, sir, many times.

Q. How did you get there to-day?

A. I went in to see Mr. Justice.

Q. How was that?

A. This morning.

Q. This morning?

A. Yes, sir.

Q. I would like for you to give some idea about what time you

went into Justice's office?

A. I don't know what time it was, sir.

Q. Did you ever stop on your way in the morning?

A. I don't know. I don't believe so, sir. He was there one

morning, somewhere a year ago. It was raining and we could not

get away.

Q. Would it be necessary for you and Justice Judd to go in there

and stay all night, four or five nights?

A. No, sir, not every night.

Q. About how often did that occur?

A. It would not occur very often, but Justice Judd would come

down there so often.

CROSS-EXAMINATION BY MR. BARMAN:

X Mr. Lam, you have known this young girl for sometime, haven't you? Anna Barton.

A Yes, sir.

X You have been with her and others at different places?

A I have not been with her, but have been with others.

X You have been with Miss Morris, and others, in her company?

A Yes, sir. I was mostly with "Jess" and Anna.

X Did you ever see her conduct herself improperly on any occasion?

A No, sir.

X This Judd boy did go with her regularly for a year or so, didn't he?

A Yes, sir.

X And, apparently, was devoted to her, wasn't he?

A Yes, sir.

DIRECT EXAMINATION BY MR. BARKER:

Q Do you mean to say what Mr. Barman says there, that he went there regularly for a year or two?

A Yes, sir.

Q Don't you know that for a long time there they were not going together at all?

A No, I don't.

Q Weren't you gone away from there at that time? Where did you live?

A I used to live in Shenandoah, but I live in Elkton, now.

been there so often.

INTERVIEW WITH MR. BROWN:

Q Mr. Brown, you have known this young girl for sometime, haven't you?

A Yes, sir.

Q How long?

A You have been with her and others at different times?

A I have not been with her, but have been with others.

Q You have been with Miss Harris, and others, in her car?

A Yes, sir.

Q You, sir, I am speaking with "John" and "Sam"?

A Yes, sir. I am speaking with "John" and "Sam".

Q Now?

A Yes, sir.

Q This would be with her regularly for a year or so?

A Yes, sir.

Q How long?

A Yes, sir. I am speaking with "John" and "Sam".

A Yes, sir.

INTERVIEW WITH MR. BROWN:

Q Is your name to say what Mr. Brown says there, that he

and others regularly for a year or two?

A Yes, sir.

Q Don't you know that for a long time there they were not

going together at all?

A No, I don't.

Q Didn't you come away from there at that time? Where

did you live?

A I used to live in Manhattan, but I live in Boston, now.

Q Where did you live during the winter of 1925-26?

A Shenandoah.

Q In Shenandoah?

A Yes, sir.

Q How often did you say you were over at Mr. Barton's?

A I would be over there once or twice every couple weeks when Julia Morris was there on a visit.

BY MR. BARBAM:

X I want to ask you about another occasion. You were up at Julia Morris' on the occasion that Justice Judd and this girl, Anna Barton, were down in the orchard?

A Yes, sir, I was.

X Do you know how the girl happened to go down there?

A No, I do not, exactly.

MR. HAMMER:

Q Justice Judd did not call her down there in the orchard, did he?

A I wouldn't say that. I don't remember.

Teste:

This 17 day of July, 1926, and within sixty days from the final order entered herein.

J. A. Haas

Judge.

Q Where did you find the body of the man?

A In the street.

Q In the street?

A Yes, sir.

Q How often did you see the man at the house?

A I recall no other time or place where I saw him.

Q This man was there on a visit?

W. H. HARRIS:

Q I want to ask you about another occasion. Do you recall

any other time when you saw the man in the street?

A Yes, sir, I do.

Q Do you know how the girl happened to be there?

A No, I do not, exactly.

W. H. HARRIS:

Q Justice told you that she saw the man in the street.

Did she?

A I wouldn't say that. I don't remember.

Q Now

this is the day of July, 1936, and Justice says she saw the

man in the street.

W. H. HARRIS

In the Circuit Court of Rockingham County, Virginia.

Commonwealth

v).

Justice Judd

The following instructions granted at the request of the Commonwealth and the defendant respectively as hereinafter denoted are all the instructions that were granted on the trial of this case:

INSTRUCTION No. 1.

The court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty.

In the Circuit Court of Northern District, Virginia.

Complaint

vs.

George J. Lee

The following instructions were given at the request of the
Complaint and the defendant respectively as returned by the
Court and all the instructions that were given on the trial
of this case.

INSTRUCTIONS NO. 1.

The Court instructs the jury that in this case, as in all
criminal cases, the burden is on the Government to prove
beyond a reasonable doubt the guilt of the defendant. It is
not the duty of the jury to guess as to the guilt of the
defendant. If the Government fails to prove its case beyond
a reasonable doubt, the jury must acquit. If the Government
proves its case beyond a reasonable doubt, the jury must
convict. If the jury is in doubt as to the guilt of the
defendant, they must acquit.

INSTRUCTION No. 2.

The court instructs the jury that in order to convict the defendant Judd the jury must believe from the evidence beyond a reasonable doubt that the prosecutrix, Anna Barton, was of chaste character previous to the alleged seduction and that the act of seduction was done by the said Judd and accomplished under and by means of a promise of marriage, and that the said Anna Barton yielded to said Judd by reason of such promise and not for some other reason, or merely to gratify her own lustful desires. The promise of marriage, however, may be either an absolute promise, or a conditional one, as a promise to marry the female in case she gets into trouble or in the family way.

... ..

The court instructed the jury that in order to convict the defendant, they must believe from the evidence beyond a reasonable doubt that the defendant, James Butler, was at some material time in the alleged neighborhood and that the act of abduction was done by the said defendant and not by some other person at a private residence, and that the said James Butler yielded to said lady because of such promise and not for some other reason, or merely to gratify her own lascivious desires. The promise of marriage, however, may be either an absolute promise, or a conditional one, so a promise to marry the female in case she gets into trouble is in the latter case.

INSTRUCTION No. 3

The court instructs the jury that the promise of marriage and the seduction cannot be proved by the unsupported testimony of Anna Barton but there must be corroborating evidence in addition to hers to support the said facts of the promise of marriage and the seduction. The law does not prescribe the degree or quantity of corroboration necessary; that is a matter for the jury. There must be such corroboration of her testimony in the testimony of other witnesses, the circumstances proven by other witnesses, or in circumstances appearing on the trial, as strengthens or confirms her testimony, and taken with her testimony satisfies the jury beyond reasonable doubt.

The corroboration need be such only as the character of the matter admits of.

EXHIBIT No. 5

The court further says that the question of whether and how
evidence should be given by the witnesses is left to the jury
and that it is not the duty of the court to direct the jury
as to the weight of the evidence or the number of witnesses. The law
does not require the jury to believe any number of witnesses;
that is a matter for the jury. There must be such corroboration of
the testimony in the testimony of other witnesses, the circumstances
given by other witnesses, or in circumstances appearing on the trial,
as to require the jury to believe the testimony, and when the jury
believes the testimony, it is their duty to believe it.

The court further says that the jury is the master of the facts.

Very truly yours,
J. H. [Name]

INSTRUCTION No. 4.

A female of previous chaste character, as these words are used in the law concerning seduction, is one who before the act alleged in the indictment had preserved her chastity in the sense that she had kept her body from actual defilement by a man.

INSTRUCTION No. 5.

In a prosecution for the seduction of an unmarried female of previous chaste character, the previous chastity of the female is presumed and the burden is on the defendant to impeach it if previous unchastity is replied on as a defense.

Teste: this 17 day July, 1926, and within sixty days from the final order herein.

J. N. Haas

Judge.

INVESTIGATION NO. 44

A review of previous records shows that in the late 1930s and early 1940s, the individual in question was employed by the Federal Bureau of Investigation. It is noted that the individual was employed in the capacity of a stenographer and was assigned to the office of the Chief of the Bureau. The individual was employed from approximately 1938 to 1942.

INVESTIGATION NO. 45

In a report dated 1942, it is stated that the individual in question was employed by the Federal Bureau of Investigation in the capacity of a stenographer. It is noted that the individual was employed from approximately 1938 to 1942. The individual was employed in the capacity of a stenographer and was assigned to the office of the Chief of the Bureau.

Copies of this report are being furnished to the Bureau and the Bureau of Investigation. The Bureau of Investigation is requested to advise the Bureau of any further information received.

Very truly yours,
J. M. Hoover
Director

In the Circuit Court of Rockingham County, Virginia.

Commonwealth

v).

Justice Judd.

INSTRUCTION No. 2.

The court instructs the jury that in order to convict the defendant Judd the jury must believe from the evidence beyond a reasonable doubt that the prosecutrix, Anna Barton, was of chaste character previous to the alleged seduction and that the act of seduction was done by the said Judd and accomplished under and by means of a promise of marriage, and that the said Anna Barton yielded to said Judd by reason of such promise and not for some other reason, or merely to gratify her own lustful desires. The promise of marriage, however, may be either an absolute promise, or a conditional one, as a promise to marry the female in case she gets into trouble or in the family way.

The foregoing instruction was granted at the request of the Commonwealth, and the defendant excepted.

Teste: this 17 day of July, 1926, and within sixty days from the date of the final order herein.

J. H. H.

Judge.

In the Circuit Court of Rockingham County, Virginia.

Commonwealth

v).

Justice Judd.

INSTRUCTION No. 3.

The court instructs the jury that the promise of marriage and the seduction cannot be proved by the unsupported testimony of Anna Barton but there must be corroborating evidence in addition to hers to support the said facts of the promise of marriage and the seduction. The law does not prescribe the degree or quantity of corroboration necessary; that is a matter for the jury. There must be such corroboration of her testimony in the testimony of other witnesses, the circumstances proven by other witnesses, or in circumstances appearing on the trial, as strengthens or confirms her testimony, and taken with her testimony satisfies the jury beyond reasonable doubt.

The corroboration need be such only as the character of the matter admits of.

The foregoing instruction was granted at the request of the Commonwealth, and the defendant excepted.

Teste: this 17 day of July, 1926, and within sixty days from the entry of the final order herein.

J. M. Nass Judge.

In the County Court of Washington County, Virginia.

Commonwealth

v.

Jessie Todd.

TESTIMONY No. 2.

The court inquired the jury what the grounds of objection are
 the objection being as stated by the undersigned testimony of
 that there was no material evidence in addition
 to that in support of the said facts of the parties in dispute and
 the objection. The law does not prescribe the degree or quantity
 of corroborative testimony; that is a matter for the jury. There
 must be such corroboration of her testimony in the testimony of
 other witnesses, the circumstances given by other witnesses, or in
 circumstances appearing in the trial, as strengthen or confirm
 her testimony, and from this her testimony sustains the law
 before mentioned facts.

The objection must be such only as the court at law
 might sustain it.

The foregoing testimony was given at the request of the
 Commonwealth, and the defendant excepted.

Given this 17 day of July, 1906, and within sixty days from
 the date of the final order hereto.

 J. H. [Signature]

Commonwealth

v).

Justice Judd

Be it remembered that after the jury was sworn to try the issue joined in this case, and after having heard the evidence, rendered a verdict of guilty, and fixed the punishment of the defendant at two and a half years in the penitentiary, and the court sentenced the defendant to a term of two and a half years in the penitentiary, ~~six months~~ in accordance therewith.

Whereupon, Counsel for the defendant moved the Court to set aside the verdict as being contrary to the law and the evidence, ^{and} because of the misdirection of the law, which motion the Court overruled. To which action of the Court the defendant, by Counsel, excepted, and tenders this his bill of exception, which he prays may be signed, sealed, enrolled and made a part of the record of this cause, and the same is accordingly done this 12th day of July, 1926, within sixty days from the date of the entry of the final order herein.

J. H. Haas

Judge.

Continued

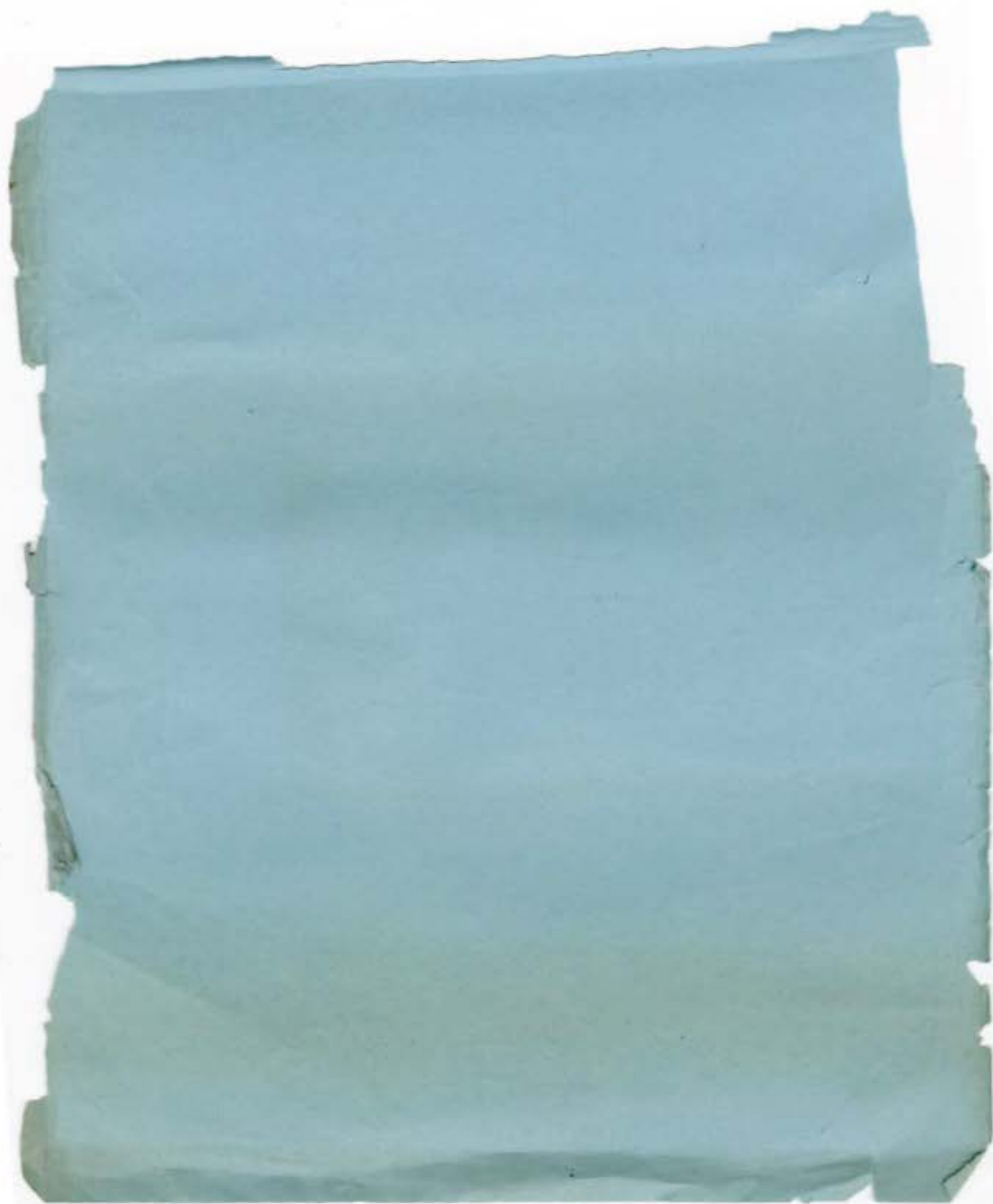
VI.

Section 10

It is remembered that after the jury was sworn to try the
 issue joined in this case, and after having heard the evidence
 tendered & replied to by the defendant, and after the
 defendant had been a half hour in the courtroom, and the
 court rendered the defendant a term of two and a half years
 in the penitentiary, and immediately in evidence
 thereupon, counsel for the defendant moved the court to
 set aside the verdict as being contrary to the law and the
 evidence, because of the misdirection of the law, which motion the
 court overruled. To which motion of the court the defendant, by
 counsel, excepted, and tendered his bill of exceptions, which
 he says may be signed, sealed, enrolled and made a part of the
 record of this case, and the same is accordingly done this
 day of July, 1900, within sixty days from the date of the entry
 of the final order herein.

Wm. H. ...

 Judge





INSTRUCTION NO. 1

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty.

INSTRUCTION No. 2

The court instructs the jury that in order to convict the defendant Judd the jury must believe from the evidence beyond a reasonable doubt that the prosecutrix, Anna Barton, was of chaste character previous to the alleged seduction and that the act of seduction was done by the said Judd and accomplished under and by means of a promise of marriage, and that the said Anna Barton yielded to said Judd by reason of such promise and not for some other reason, or merely to gratify her own lustful desires. The promise of marriage, however, may be either an absolute promise, or a conditional one, as a promise to marry the female in case she gets into trouble or in the family way.

The court instructs the jury that in order to convict the defendant told the jury must believe from the evidence beyond a reasonable doubt that the prosecutrix, Anna Burton, was of chaste character previous to the alleged seduction and that the act of seduction was done by the said Judd and accomplished under and by means of a promise of marriage, and that the said Anna Burton yielded to said Judd by reason of such promise and not for some other reason, or merely to gratify her own lascivious desires. The promise of marriage, however, may be either an absolute promise, or a conditional one, as a promise to marry the female in case she gets into trouble or in any other way.

INSTRUCTION No. 3

The court instructs the jury that the promise of marriage and the seduction cannot be proved by the unsupported testimony of Anna Barton but there must be corroborating evidence in addition to hers to support the said facts of the promise of marriage and the seduction. The law does not prescribe the degree or quantity of corroboration necessary; that is a matter for the jury. There must be such corroboration of her testimony in the testimony of other witnesses, the circumstances proven by other witnesses, or in circumstances appearing on the trial, as strengthens or confirms her testimony, and taken with her testimony satisfies the jury beyond reasonable doubt.

The corroboration need be such only as the character of the matter admits of.

The court instructs the jury that the promise of marriage and the
 reduction cannot be proved by the uncorroborated testimony of Ann Haxton
 but there must be corroborating evidence in addition to hers to support
 the said facts of the promise of marriage and the reduction. The law
 does not prescribe the degree or quantity of corroboration necessary;
 that is a matter for the jury. There must be such corroboration of
 her testimony in the testimony of other witnesses, the circumstances
 proven by other witnesses, or in circumstances appearing on the trial,
 as circumstances or confessions her testimony, and taken with her testimony
 satisfies the jury beyond reasonable doubt.

The corroboration need be such only as the character of the

trial merits it.

INSTRUCTION No. 4.

v A female of previous chaste character, as these words are used in the law concerning seduction, is one who before the act alleged in the indictment had preserved her chastity in the sense that she had kept her body from actual defilement by a man.

INSTRUMENT NO. 1

A certain of persons whose names are listed
in the law concerning education, is one who before the act signed in
the instrument had presented his name in the same that the law
has not been from actual delivery by a law.

INSTRUCTION No. 5.

In a prosecution for the seduction of an unmarried female of previous chaste character, the previous chastity of the female is presumed and the burden is on the defendant to impeach it if previous unchastity is relied on as a defence.

*At two and one half o'clock
Confession in the presence
of the jury and the
Judge and the
prosecution*

INVESTIGATION No. _____

In a proceeding for the violation of an unexpired license of
private liquor licenses, the burden is on the defendant to prove
guilt and the burden is on the defendant to prove it if previous
conviction is relied on as a defense.

We, the jury find Justice Judel
guilty and set his punishment
at two and one half years
confinement in the penitentiary.

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY, to-wit:

In the Circuit Court of said County:

The Grand Jurors in and for the body of said County of Rockingham and now attending said Court at its June term, 1926, upon their oaths do present that Justice Judd on or about the 13th day of August, 1925, in said County, did unlawfully and feloniously, under promise of marriage, seduce and have illicit connection with one Anna Barton, an unmarried female of previous chaste character, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Anna Barton and G. W. Barton, witnesses sworn in Court and sent before the Grand Jury to give evidence.

We the jury find the accused, Justice Judd, guilty
as charged in the indictment and give his punishment
at two and one half years confinement in the
penitentiary.

E. R. Gavel
Foreman

SEDUCTION

Commonwealth
v) Indictment
Justice Judd

Felony
June term, 1926.

Assigned plan
of
Rust

A True Bill:

D. W. Egan
FORWARD

D. W. Egan
Commonwealth's Attorney

Spencetown

Va

Mar 11 - 23 -

Sweetheart,

I will drop you a few lines in Reply to your heart Breaking letter. I am sorry that I did not come over Sunday. But dear you know that I Love you and that I just go to Bridgewater just to pass away the time. Dear if you thought as much of me as I think of you you would not get mad

at me for trying to have a
 little fun, for you know
 that I will always come
 back to you, for you know
 that I love you with
 all my heart. And you
 know that I am always
 glad to be in your company.
 And I don't think that
 we will have to wait
 50 years until we can
 be back with your company,
 so you don't want me to
 ask you for a date until
 I quit going up there.
 But I am sorry that
 you feel that way.
 And that don't say that

I want ask you for
 a date, for you know
 that I can't keep away
 from the girl I love.
 and that is you.
 I am sorry that you
 feel like you do, Dear
 Come over to faith
 Meeting tomorrow.
 (Thursday) and
 I will go back home
 with you. Please do
 this. I will look
 for you. Now if you
 Love me please do
 this, for I want to
 see you and tell
 you how much I

4

Love you. I Looked for
you This Eve. But
did not see you,
well I will Close
for this time. By
asking you again to
Please Come over
To morrow night
from the one
who loves you,

Jessie



MISS. ANNA BARTON,

SHENANDOAH,

VIRGINIA.



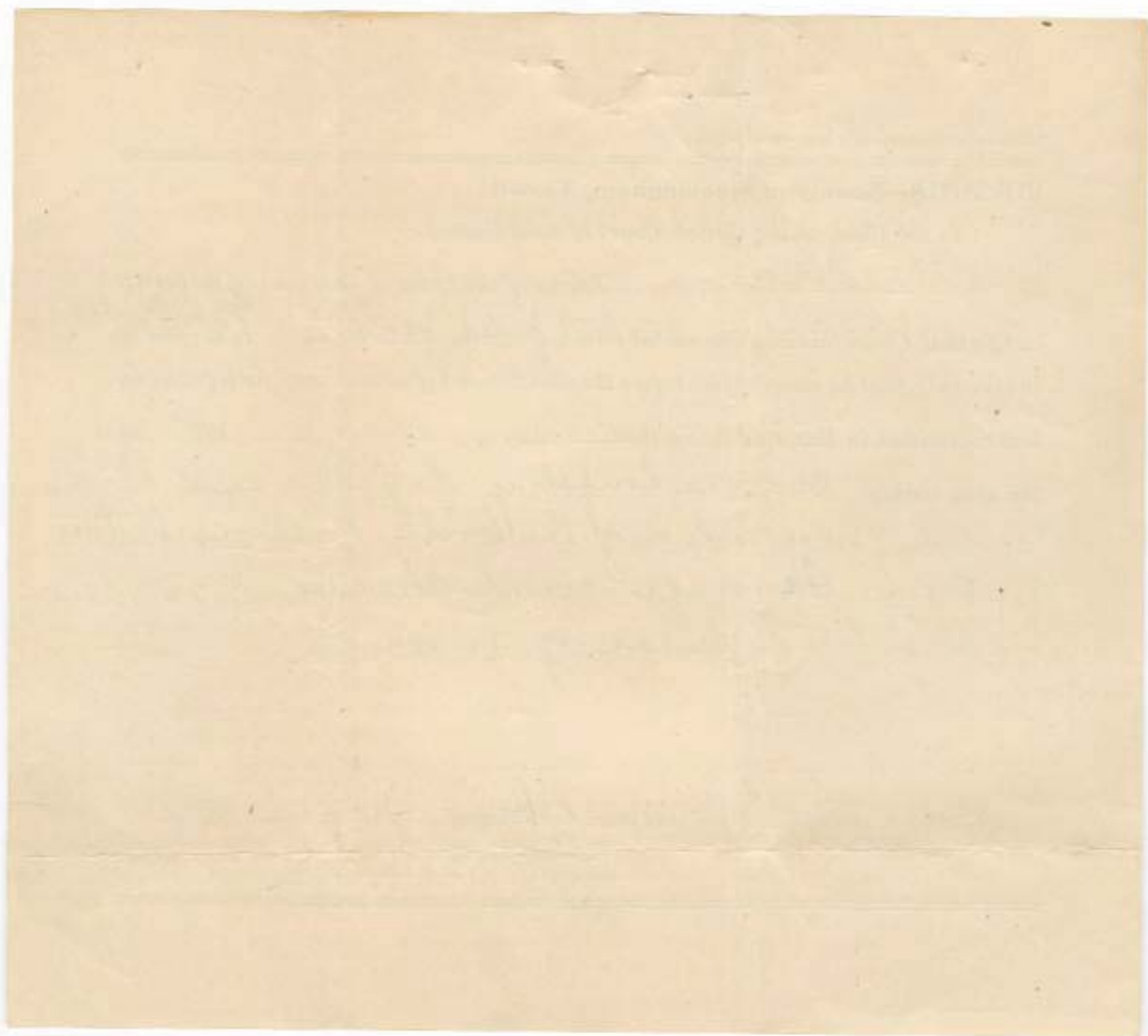
VIRGINIA--County of Rockingham, To-wit:

To the Clerk of the Circuit Court of said County:

I, W. H. Bruce, a Justice of the Peace of said county, do hereby certify that I have this day committed Paul Peter J. Redd ^{Grand Juror} to the ~~jud~~ of said county, that he may be tried before the circuit court of said county, for a felony by him committed, in this, that he, on the any day of any, 1976, in the said county Did unlawfully defile and have carnal knowledge of the body of Leura Boston a chaste female under the age of 20 yrs under the promise of marriage

Given under my hand and seal this 1 day of June 1976

W. H. Bruce, J. P. [L. S.]



Arrest Warrant

COMMONWEALTH OF VIRGINIA, } TO WIT:
ROCKINGHAM COUNTY,

To L. T. Burke ^{Page}, a Constable of said County:

Whereas, Geo Barton of the said County, has this day made complaint and information on oath before me, L. T. Burke, a Justice of the said County,

that Justice Jud of of the said County, on the _____ day of May 1925, in the said County, did

unlawfully defile and abuse Cornal knowledge
of the Body and name of Barton a Child female
under the age of 20 yrs
under the promise of marriage,

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said

Justice Jud of
to answer the said complaint and to be further dealt with according to law. And you are required to summon Howard Com. Sam. Hensley, Lorraine Snyder, Ben Snyder
Rob Lucas, Elorence Suffles, Fannie Morris
to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 8 day of May, in the year 1926

L. T. Burke J. P. (Seal)

Miss Coconhead
this 1st day of
June 1926 and you
bind on to the bond
of \$2000 and
pay of Court and
with the following

Cost
Page 210 3.00
Dues with 3.50
Rent Alhambra 3.50
+ mileage 3.50
Car attorney 5.00
Justice fee 3.00
18.00

L. T. Burke Jr.

Commonwealth

vs. } Arrest Warrant

Josue Judal

Executed the within warrant by arresting
and delivering the body of

before
a Justice of Rockingham County, and by sum-
moning the within named witnesses in person,

this 10 day of May 1926

L. T. Burke
Constable of ~~Rockingham~~ County,

Page

Fine \$300

The Commonwealth of Virginia.

To the Constable of Faye Co. District---Greeting:

You are hereby commanded to summon Calarence Redfles,
Dam Hensley, Ruben Lucas, Lorne
Snyder, Bernice Snyder
to appear before L. H. Bruce, a Justice of said District, at
Colleton on the 1st day of
June 1926 to testify and the truth to say on behalf of
Leam

in a certain matter of controversy in said Court depending and undetermined, between
Justice Judd

And this sum shall in no wise omit, under the penalty of £100. And have
then and there this writ.

Witness L. H. Bruce, Justice of the Peace, the 29
day of May, 1926, and in the 50th year of the Commonwealth.
L. H. Bruce J. P.

Executed This 29 day of May 1726 by
Delivering a true Copy of the Within
Summones to Glorance Snyder
Son Hensley Ruben Lucas, Isaac Snyder
Benis Snyder, in Person, Reading
and Explaining the Purport of the
same to them, L. T. Burke

Constable Page & ¹⁰ Reuten

Commonwealth of Virginia, }
Rockingham County, } To-wit:

BE IT REMEMBERED that on the 15th day of June 1926

Justus Judd + B. F. Judd
came before me L. H. Bruce

of the said county of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said

B. F. Judd in the sum of
One thousand Dollars

good and lawful money of the United States, and the said
in the sum of Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said

Justus Judd shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Justus Judd

do and shall personally appear before the Circuit Court of Rockingham on the 1st day of the June Term next thereof, being the 7th day of June 1926, at the Court-house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain mis where- of the said Justus Judd stands charged, and shall not depart thence without the leave of said Court, then the above recognizance shall be void and of no effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.
L. H. Bruce

Commonwealth of Virginia,
Rockingham County, To-wit:

Know all men by these presents, that I, James
Smith, of the County of Rockingham, State of Virginia, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears by the records of the County of Rockingham, State of Virginia, to-wit:

James Smith
County Clerk

Witness my hand and the seal of the County of Rockingham, State of Virginia, this 10th day of June, 1865.

The within and foregoing is a true and correct copy of the original of the same as the same appears by the records of the County of Rockingham, State of Virginia, to-wit:

James Smith
County Clerk

Commonwealth of Virginia, }
Rockingham County, } To-wit:

BE IT REMEMBERED that on the 10 day of May 1926.

Justus Judd & B F Judd
came before me L. H. Bruce

of the said county of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said

Justus Judd & B F Judd in the sum of
Five Hundred Dollars Dollars

good and lawful money of the United States, and the said

in the sum of _____ Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they

severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any

claim or right to discharge any liability to the Commonwealth arising under this recognizance with

coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said

Justus Judd shall make default in the performance of the

conditions underwritten.

The condition of the above recognizance is such that if the above bound _____

Justus Judd do and shall personally appear before the Justice Circuit

Court of Rockingham on the 1 day of the June Term next

thereof, being the _____ day of _____ 1926, at the Old Court-house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain Wid where-

of the said Justus Judd stands charged, and shall not

depart thence without the leave of said Court, then the above recognizance shall be void and of no

effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.

L. H. Bruce, Jr.

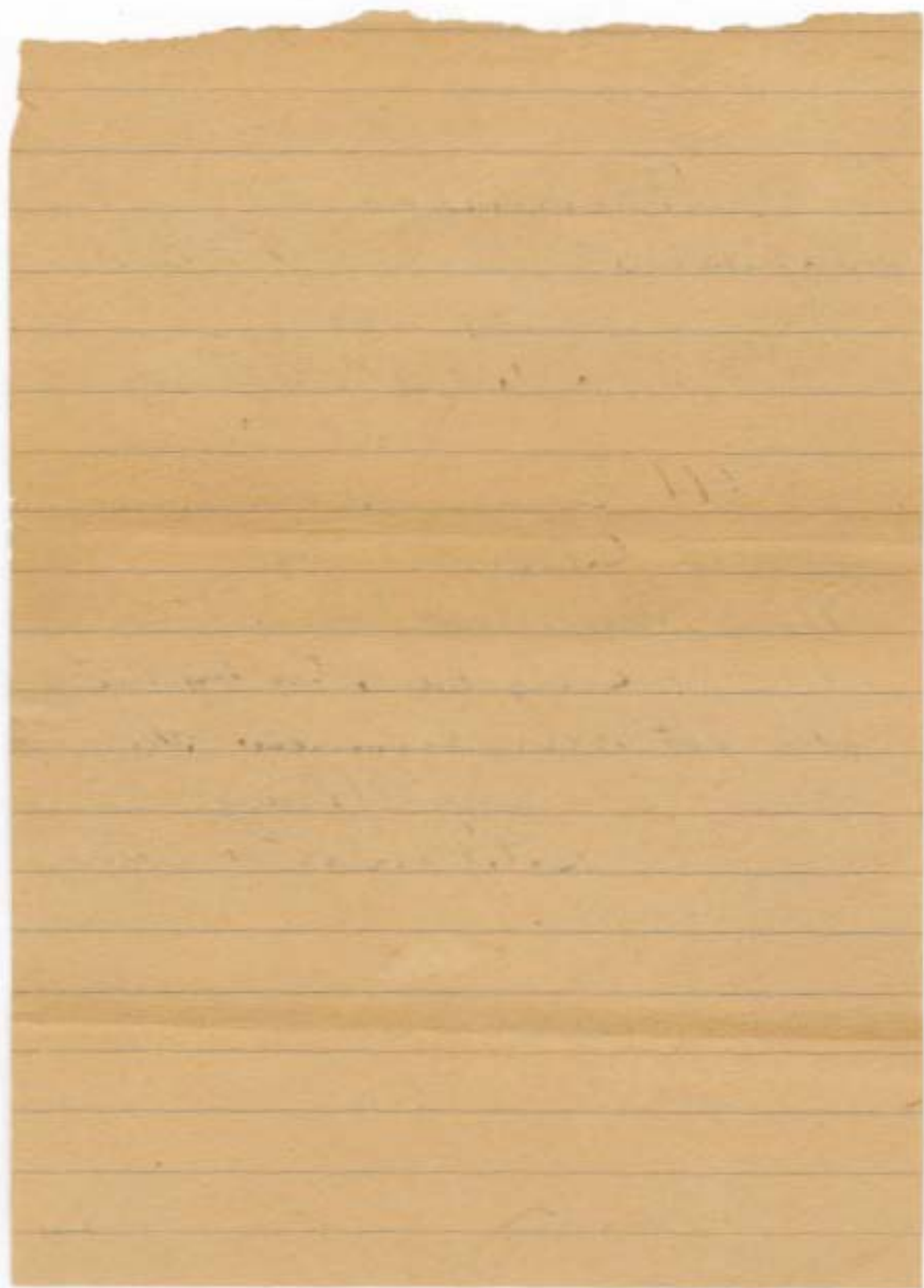
Shenandoah Va
Justice Judd (care) July 5 - 1924

Mr J. F. Blackburn
Dear Sir

All summonses are
Served O.K. in Page

Mrs Raymond Dean Lins
in Rockingham Co try but
she got her summons O.K.

Respectfully
L. T. Hunt Constable



OFFICE OF THE CLERK
Supreme Court of Appeals of Virginia,
HAMPTON H. WAYT, CLERK
Staunton, Va.

July 31st., 1926.

This is to certify that upon the petition of Justice Judd, one of the Judges of the Supreme Court of Appeals of Virginia has allowed a writ of error and superseded a judgment of the Circuit Court of Rockingham County pronounced on the 7th. day of July, 1926, in the cause then therein pending of Commonwealth of Virginia Vs. Justice Judd. No bond.

Teste,

H. H. Wayt, Clerk.

To the Clerk of the Circuit Court of Rockingham County.

7/31

OFFICE OF THE CLERK
Supreme Court of Appeals of Virginia
WASHINGTON IN DECEMBER
1884

July 21st., 1884.

This is to certify that upon the petition of Justice Judd, one of
the Justices of the Supreme Court of Appeals of Virginia and signed a writ
of error and return thereon to a writ of error of the Supreme Court of
Virginia do hereby certify that the same was granted on the 21st day of July, 1884, in the
case of the Virginia Bank of Commerce vs. Justice Judd, do hereby

Wm. M. Mott, Clerk.

In the Clerk of the District Court of Washington County.

7/21/84

E. V. Howard
~~J. W. Ketch~~
 E. A. Howard
 with me
~~Howard~~
 Ketcher like
~~J. A. Ketch~~
~~George F. Lee~~
~~J. R. Fitch~~
 A. B. Postman
 P. F. Baker
~~W. W. Ketch~~
 J. C. Armstrong 1.
 W. H. Huffman 2.30
~~G. Ed. Fells~~ 3.50
 C. C. Conners 2.70
 W. D. B. Cook 2.30
~~R. B. Bumble~~ 2.50
 48.20



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

IN RE:

Application of Justice Judd for Bail.

Be it remembered that this 3rd day of August, 1926, came Justice Judd in person and by Chas. A. Hammer, his attorney, and the Commonwealth by D. W. Earman, her attorney, and thereupon the said Judd, by his attorney, moved and asked the Honorable T. N. Haas, Judge of the Circuit Court of Rockingham County, sitting in chambers in vacation at Harrisonburg, Virginia, to grant him bail in such sum as to the Court might seem proper for his appearance before the said Court at such time and place as the Court might designate, to answer the further orders of said Court after ^{the decision by} the Supreme Court of Appeals, ^{of Va.} ~~had rendered its decision in the case of Justice Judd vs. The Commonwealth, now pending in the Supreme Court of Appeals at Staunton, Virginia, on a writ of error and supersedeas to a judgment of the Circuit Court of Rockingham County rendered on the 7th day of July, 1926, in the case then and there pending in the name and style of The Commonwealth vs. Justice Judd.~~

And thereupon by agreement of the said Judd, by Chas. A. Hammer, his attorney, and of The Commonwealth by D. W. Earman, her attorney, the following agreed state of facts are treated as though regularly proven in evidence at the hearing on the said motion for bail.

It is agreed that the said Judd was indicted and convicted in Rockingham County, Virginia, of seducing one Anna Barton under promise of marriage and was sentenced by the Court to confinement in the penitentiary for the term of two and one half years; and that on motion of the said Judd the execution of said sentence was suspended for sixty days in order to permit the said Judd to apply to Supreme Court of Appeals for a writ of error and supersedeas.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

IN RE:

Application of Justice John H. Hill.

It is represented that this bill of habeas corpus was
 granted in person and by Justice Hill, his attorney, and the
 Commonwealth by D. W. Herman, her attorney, and thereupon the bill
 was granted, and the Honorable J. H. Hill, Justice
 of the Circuit Court of Rockingham County, sitting in chambers in va-
 cation at Harrisonburg, Virginia, to grant his bill in such and so
 the Court might deem proper for his application before the said Court at
 such time and place as the Court might designate, to answer the writ
 orders of said Court after the Supreme Court of Appeals had rendered
 its decision in the case of Justice Hill vs. the Commonwealth, now pending
 in the Supreme Court of the United States, Virginia, in a bill of
 error and application to a Justice of the Circuit Court of Rockingham
 County rendered on the 7th day of July, 1930, in the case then and there
 pending in the name and style of the Commonwealth vs. Justice Hill.
 and thereupon by agreement of the said Hill, by D. W. Herman,
 her, his attorney, and of the Commonwealth by D. W. Herman, her attorney,
 the following agreed state of facts are stated as though regularly
 proven in evidence at the hearing on the said motion for bill.
 It is agreed that the said Hill was indicted and convicted in
 Rockingham County, Virginia, of seducing one Anna Taylor under pretense of
 marriage and was sentenced by the Court to imprisonment in the penitentiary
 for the term of two and one half years; and that on motion of the said
 Hill the execution of said sentence was suspended for sixty days in order
 to permit the said Hill to apply to Supreme Court of Appeals for a writ
 of error and supersedeas.

That the said Judd did apply to the Honorable M. P. Burks, one of the Judges of the Supreme Court of Appeals of Virginia for a writ of error and supersedeas to the said judgment of the said Circuit Court of Rockingham County and that a writ of error and supersedeas to the said judgment was awarded by Judge Burks, on the ~~24~~²⁵ day of July, 1926, and that the said appealed cause of Justice Judd is now pending in the Supreme Court of Appeals at Staunton, Virginia, and that the record there filed is the record of the judgment under which the said Judd is now held in confinement, and the facts above set forth are all the facts submitted to the Court for its consideration.

And thereupon the Honorable T. N. Haas, after consideration of the facts aforesaid refused to grant the said Judd bail as requested to which action of the Court in refusing to grant the said Judd bail, the said Judd by counsel excepted and prays that this his Bill of Exceptions may be signed, sealed and enrolled and made a part of the record which is accordingly done this 10th day of August, 1926, and within sixty days from the refusal of the said bail by the said Court.

T. N. Haas (SEAL)

That the said writs apply to the Honorable E. L. ...
 one of the Judges of the Supreme Court of Appeals of Virginia for a
 writ of error and certiorari to the said judgment of the said Court
 of Honorable Justice and that a writ of error and certiorari to
 the said judgment was granted by Judge ... on the 21st day of July,
 1888, and that the said appeal came on for hearing in the Supreme
 Court of Appeals at Staunton, Virginia, and that the
 record there filed in the record of the judgment under which the said
 writ is now held in continuation, and the facts show that both in all
 the facts submitted to the Court for its consideration.
 and therefore the Honorable E. L. ... after consideration
 of the facts submitted, refused to grant the writ and the said Court
 to which action of the Court in refusing to grant the writ and the
 said Court of Appeals and Judge ... the writ of error
 and made a part of the record which is accordingly now in the
 record of the Court of Appeals, 1888, and within
 sixty days from the return of the writ by the said Court.

W. H. ...
 (Seal)

VIRGINIA:

In the Clerk's Office of the Circuit Court of Rockingham County,
July _____, 1926.

I, J. F. Blackburn, Clerk of the aforesaid court, hereby
certify that the foregoing is a true, accurate, and complete
transcript of the record in the prosecution for felony pending
in said court under the style of
Commonwealth of Virginia, Plaintiff

v.

Justice Judd, Defendant
as appears of record in my said office, and which I have been
requested, in writing, to copy for the purpose of presentation, along
with a petition for a writ of error to the judgment therein pro-
nounced, to the Supreme Court of Appeals of Virginia for an appeal
from and supersedeas to the aforesaid judgment.

And I further certify that it appears of record in this case
that the Attorney for the Commonwealth of said county had had due
and legal notice of the intention of counsel for said defendant
to apply for the foregoing transcript, and like notice of the
place and time the bills of exceptions herein were presented to the
Judge of this court for his attestation and signature.

Given under my hand this ____ day of July, 1926.

_____, Clerk.

IN THE COURT OF THE COMMONS OF GREAT BRITAIN
IN PARLIAMENT ASSEMBLED

July 18, 1881.

I, J. B. Stansfield, Clerk of the House of Commons, hereby
certify that the following is a true, correct, and complete
transcript of the speech in the House of Commons on the 17th day of
July 1881.

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In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Anna Barton & G. W. Barton

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the 21st day of June 1926 to testify and the truth to say in behalf of the Commonwealth before the Grand Jury vs. Justice Judd

who stands charged with and indicted for a felony misdemeanor.

And this they shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 14th day of June, 1926, and in the 15th year of the Commonwealth.

J. F. Blackburn, Clerk.

Corn

of the Commonwealth of Massachusetts

Justis Gued

line on Hansberger
form between Elkton
& Shenandoah city

Shiff fee \$1.00

June 11, 1926

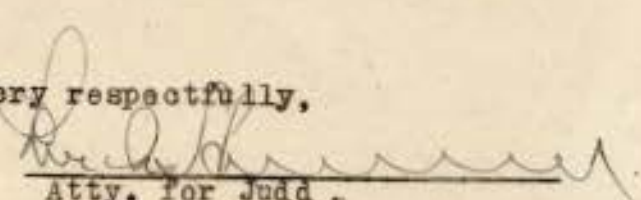
Executed June 18 1926
By delivering a true copy
of this writ to Emma Barton
and G. W. Barton in person
for E. W. G. a. Lawson & S
Lawson & S R L

TO D. W. BARMAN, COMMONWEALTH'S ATTORNEY

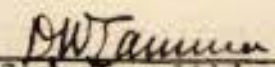
TAKE NOTICE That I will on Friday the 16th day of July, 1926, apply to the Judge of the Circuit Court of Rockingham County for ~~assessments~~ bills of exceptions in the case of the Commonwealth Ads. Judd.

I am handing you herewith copy of the bill which I will ask the Court to sign.

Very respectfully,


Atty. for Judd.

Legal and timely service accepted.


Commonwealth's Attorney.

63414

THE UNIVERSITY OF CHICAGO

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In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *Anna Barton, G. N. Barton, Howard Lam, Carl Whitfield, Sam Hensley, Loren Snyder, & Bennie Snyder*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the *6th* day of *July* 19*24* to testify and the truth to say in behalf of the Commonwealth against

Justice Judd

who stands charged with and indicted for a felony *misdeameanor.*

And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *7th* day of *June*, 19*24* and in the *14th* year of the Commonwealth.

J. F. Blackburn, Clerk.

Comm.

the Commonwealth of Virginia
vs.

Justice Judd

Executed June 24 1926

By delivering a true copy of this writ to Anna Barton
by W. Barton
Carl Whitfield
Sam Hensley
Lora Snyder
Bennie Snyder

Shriff fee \$ 3.50

July 6, 1926

not finding Hallward Lamart
his usual place of abode & served
a true copy on his father in person
G. C. Johnson, do
for D. W. Jones S. R. C.

Hallward J

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

COMMONWEALTH :

v. : CHARGE TO THE JURY.

JUSTIS JUDD :

If you find the accused, Justis Judd, not guilty,
you will say so and no more.

If you find him guilty as charged in the indictment,
then you will say so and fix his punishment by confinement
in the penitentiary for a period of not less than two nor
more than ten years.

IN SENATE, JANUARY 18, 1882.

Commonwealth

v.

Justice Judd

Charge to the Jury

The Commonwealth vs. Justice Judd
Charge to the Jury
The Commonwealth vs. Justice Judd
Charge to the Jury

314

COMMONWEALTH

vs. Fel.

Jusd

Ans. v. pl. D. G.

Set for July 6th

Motion to set aside the
 verdict on copy to show
~~it was~~
 2. Sentence suspended
 Motion for bail denied
 & conviction
 Court sustained present
 to pass — have to be
 by

E. F. Tracy
G. H. Zeller
E. G. Elliott
E. M. Gore
J. M. & Mrs. Glangelin
Lester Lewis
A. B. Patterson
D. F. Baker
J. C. Armstrong
W. H. Huffman
C. C. Cronshaw
D. C. Flood

Sheriff Costs

Arrest	1.50
Imp. jury	1.50
Summons	4.50
	<hr/>
	7.50