431

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

Commonwealth

7).

Justice Judd

I N.D E X.

Vitnesses	In Chief	Cross-ex.	Redirect	Re-cross.
Anna Barton,	1	18	32	
Leren Snyder,	33			
Geo. W. Barton,	34	36		
Bennie Snyder,	37		277	
Roy Bear,	41			
Reuben Lucas,	4.5			
Loren Snyder,	46			
Mary Guy,	48	51		
Carl Whitfield,	52			
Julia Morris,	56			
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Bernard Roudabush,	73			
Justice Judd,	74	99		
Anna Barton,	99			

TESTIMONY FOR COMMONWEALTH--REBUTTAL:

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Anna Barton, 103 Geo. W. Barton, 106 Jennie Dovel, 108

Justice Judd,

Anna Barton,

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Witness In Chief Cross Exam.

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Justice Judd, 109

Howard Lem, 110 111

INSTRUCTIONS, 113

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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. Harman, Attorney for the Commonwealth, testified:

- Q You are Miss Anne 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 Whore does he live?
- A Roomingham County.
- Q Near what place?
- A Near Shenandoah.
- Q He lives, does he not, he tween Shenandoah City and Elkton?
 - A Yes, pir.

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- 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 Shenandcah 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?

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- A I met him in Shenandosh, 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

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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?
- Thirteenth of May.
- Q Who is the father of that child?
- A Justice Judd.

rough, or semething lime that, and I would listen to him and a cought, or semething the that, and I would listen to him and a cought, or beam a list of this and a cought; and then the semed that he went't are this phares that he went't are this phares to listen as much, that he can here are that't are that he can here are that't are

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- 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, 817.
 - 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 siways together. We are very good iriends.
 - 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 Tellows. I

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don't know who they were. This Lam bow and Justice Juda 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 ne mad 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 nelp our heads. It appeared that he got mad at that, and he walked on down to a place, a kind or an orchard, in a little road like, and, directly, he called me. I sat there awnile and he called me again, and I got up and went down where he was at. Then he commenced acting and wented me to give up to nim, and, of course, I dian't want to do it for anything. He kept on about it, and, linkily, 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 enything like that for anything." I dien't call him "Justice." I called him "Jess."

- Q "Jess" is his nickname?
- A Yes, sir. I never ald call him Justice.
- @ Go shead.
- 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?"

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"Yes," he said, "I would marry you. I wouldn't want 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, didyou 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.

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- Q February of this year?
- A Yes, Sir.
- Q You said the first set occurred sometime between August lst and August 13th?
 - A Yes, sir.
 - Q And the last sot, 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 ohurch, 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. dian'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

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man in your life except him?

- A No. sir. I never have
- Q Why aid you ever have anything to do with him, Anne?
- 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 Now old is it, now?
- A It will be two months old the 13th of this month.

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- A No. atr. I never have
- Q Why did you aver have anything to do with him, canger
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 - Q And the deby wes born on the 18th of May?
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- 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 dector?
 - A Doctor Woff.
 - Q W-0-f-f?
 - A Yes, sir.
 - Q He lives in Shenandoah, don't he?
 - A Yes, sir.
- Q Miss Berier: how would Judd act when you would allow anyone else to go with you?
 - A He would act swfully 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 Shenandosh bridge, near the town of Shenandosh?
 - MR. HAMMER: Does your Honor think that is material?
 - THE COURT: If it don't go to 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

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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.
 - 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,

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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.

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- 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. Earman is having you say that he took you away from another fellow? There is some confusion, unintentionally on Mr. Earman'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

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 - A Me, sir; he is no kin to no.
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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. EARMAN:
 - Q I hand you, Miss Barton, a letter, addressed to Miss Anna Barton, Shenandeah, Virginia, and postmarked "Shenandeah, Va., Mar. 12, 6 A. M. 1925," and the top of the letter is writtem, "Shenandeah, 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"?

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you clear online him "Jone";

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. HARMAN: 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" Jude 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 loyed 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. Earman 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

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Tester. I am norry that I did not owns over manlay. But dear you know that I love you ame that I fail no to inidgement find you know that I love you ame that I fail no to inidgement find to man enor the time. Boar if you thought as much at me as I think of you you would not got 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 Wight (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,

- Q Now, you did receive this letter, did you, from him?
- A Yes, Bir.
- 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

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- him that I wasn't going to go with him one nore if he didn't and it he didn't wasn't going to see it he didn't was thin to be coming to see no an atop going there; I didn't wast him to be coming to see no an its property and the did not have a way to go to Extension; 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, gir.
- 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, 1925, 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 some to see me on Sunday and Sunday signt, as he did, it wonn't going with him any more. I told him I didn't went him to see me for any more dates, for I ween't going with him. And I received this latter.

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- A I got that one, of course. I don't inow, I hardly concentrate that the man hardly in one come and wrote it was a state. He waste to make and wrote it was a state. He waste is made as to come to charge on Thursday night, and I was ones I wrote to him on Manday night, and I waste. I sailed to that manday or Tamaday night, and, of annual, I sailed it that manday.
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 - A And is that you are this this trouble?

A Yes, Bir.

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

WITHESS: Yes. sir.

MR. HAMMER: Or supposed to have been gotten from

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

CROSS-HYAMINATION 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 p-- that he loved me and would marry me if I hadn't went with other fellows.
 - X If you "hean'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 clder than "Jess", I

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HR. HANNING: That Is the only letter, I understand,

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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 have 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.

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- 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.
- I 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.
 - I 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.

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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 estensibly 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 our 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.

I You are sure of that?

A I am sure.

X Mr. Marman 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?

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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 Shenendoah?

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 Ployd Comer and Clarance 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.

() 1996 ()

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

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

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

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

- A Ho, not many became he works and just once a days of a days at a time.
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 - A. You, eley we went to our ward tagethers.

- X And you all ran around a good bit?
- A Yes, sir.
- I 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. HARMAN: 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 Ers. 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.

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

- A Yes, sir; we ware up there.
- I She was a married woman?
- A Yes, sir.
- I and her husband and she had separated some two or three years and were not living together?
 - A Yes, sir.
 - I You also know Herman Comer pretty well?
 - A Yes, sir.

you?

- 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. The certainly can associate with other persons.

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

I Ton and Her. Dean with this follow Plays Conner and Clarenna Supple went to Cottpelucy Last summer

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

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- A Yes, sir; I wrote right smart to him.
- X And he wrote right emert 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. HARMAN: 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?

WITHESS: Yes, sir.

THE COURT: When?

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 - A I was in the our with them.
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WITMESS: 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 semetime 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.
- I 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?
 - At that very time when he was going to Bridgewater?
 - A Yes, sir.
 - X Do you know the handwriting of Ployd Comer?
 - A Yes, sir; I expect maybe I would.
- X Is this letter which I hand you, mailed "Cumberland, Md., August 17, 1925, his handwriting?
 - A Yes, sir.
 - I You got that letter, didn't you?

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- 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 aces he mean by addressing you as "Dearest One"?
 - A I don't know.

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

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

MHMG: Letter handed to the Court by Mr. Rammer.

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 hoom 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. Bir.
 - X What?

- Ten. etc.

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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 let 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.

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- 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.
- I (Reading) "Dear, hope we won't have to write many more letters before we can be togeather for I want to see you so bad, for I often think of the nime times we have had togeather 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 wont 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 new, you may this is Floyd Comer's letter to your x

A You, star.

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- A L mirror out, artis one and lady one offer the towns. I a
 - I You had love in that one, For he appropries it.
 - A No. mir; there were not much live in it.

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

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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.

I Just a few days, wasn't it? You say he left the latter part of July or the lat of August?

A Yes, sir. That is what I thought.

I "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 some 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."

I What did he mean by saying? 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. MARMAN: I move to strike it out, and the testimony relating to it.

THE COURT: I thought you identified it as a letter

to mee you become you are the only one I love or ever will. Dear, it weems like it has been win months wince I am you." How long bed it been since you lot seem him!

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A I Am't know, kippe he cids.

I whom it was just like wiways. Dear, I have told you will for this I was it was just like wiways. Dear, I have told you will for this time, will eleve to know from you rest real even, tith love of love. I was friend, w. T. You say this is fingl descript in the live.

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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 Shenandosh.
- X How many times?
- A I don't remember. A couple times.
- I Did he ever take you to church?
- A No. sir.
- X Did he ever take you any where else?
- à 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 oustom to go to church with you over at that

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- I Mid he over this you may where elser
 - A Ma, sir.
- I He never you you say ring nor made you presents of the Mind
 - A RO. BAE.

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little Mission Church?

- A Yes, sir; we went to this little church. He came over couple of times 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 oustom 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.
 - 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 those 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. Harman, 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 Shenandonk.

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A No. wist I mark in the shops of spendantumb.

- W 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.
 - 2 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. Earman, 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.

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- Q How old is Annay
- A Anna was twenty years oldmlast 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?

WITHESS: Yes, sir.

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

WITHESS: 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?

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A (Contd.) There was sumpared acres to my home at different times. I did not take unp newscall at whe it was. Old people and young people, that say, day't take --

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O During the time he was knoping company with her, so you have electric any one also went regularly with her or noty

- 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.

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g Mr. Barbon, you are a farmer, are your You work on a farm?

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last may there were probably three or six he the party.

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

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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. Marman, 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.

A She had several young man friends to some eround and take her on tripe that way, didn't sher

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 - Q Where did you ment bery
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- 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 saked 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 cary
 - A Myself.
 - Q Who got in beside of you?
 - A The Morris girl.
 - Q You had what kind of a car?
 - A Ford touring our.
 - Q And Anna Barton got on the buck seat with who?
 - A The Bear boy.
 - Q Now, just tell what happened? Did you take them home?

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- 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?
 - 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. HALDER: 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 enything; I kept on going.

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- 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: Bome 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 is 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 haml her the next time?
- A No. sir. I sint took any more girls up there.
- Q You did not take any more up on the road?
- A No. sir: I let them walk.

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- 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 exemined 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?

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

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motion denied, exception for defendent.

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A I was with Anna Street and

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- 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.
 - 4 That is where they batheis it?
 - A Yos, Bir.
 - Q Did you bathethat 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.
 - 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 Juda doing with that pistol?
 - A I don't know.
 - Q Why did the girls get out of the car?

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- 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.

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- 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. Earman, 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

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help.

- Q L. W. Snyder?
- A Yes, sir; Loren Snyder. I am his helper.
- Q Do you know young Justice Judd?
- 4 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 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; "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, Anma 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 tessed him about going over the river.
 - MR. HAMMER: I object. Remember, Mr. Zarman, this is

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

WITNESS: Yes, sir.

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WILLIAMS: NAV. HIE.

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.

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.

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

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

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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 help ing.

LOREN SNYDER, recalled on behalf of the Commonwealth, examined by Mr. Earman, 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

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- Q You are friendly to this boy Judd, eren't your
 - a Yes, sir, I like the how all right.
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- A Mr. Loren Bayder, the formens boy I am etriking for and help

LORENT BRYDDE, recolled on behalf of the Commonwealth, examined by Mr. Marmon, testified:

- Q You were aword this morning, I bullaws, Mr. Sayder. You said this share we you ways a bischantik over ut the H. S W., shapes
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- Q Hr. Dombon Laura, who had just testified, works for you, does
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over the river?" and he said. "No. when I get what I want I quit, and I am going to Harrisonburg."

Objection, oversuled, 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, Anna 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?

WITHESS: No. sir; I don't remember seeing her with anybody else.

MR. HAMMER: Did you see Floyd Comer there or with

WITHESS: 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?

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Objection, overcoles, exception for defendant,

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- 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. HANNER: 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.
- 2 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 att.

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- 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 Anna 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.

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- a Yes, age; that to when they give me the rate of.
 - Q Do you know Justian Jude here's
 - A Ten, six, he had been to my place.
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 - A Yes, elf; the wes blong in the car.
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 - A That is right. Ten, sir.
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- 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 bim?
 - A I told him I couldn't do it.

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CROSS-EXAMINATION BY MR. HAMMER:

- X Did you know how to help him out in a case of that kind?
- A Sir?
- I 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.
- I 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?

CHOCAS-SERVICES BY MR. HARRISH:

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 - d Do, sir, I don't do that,
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 - A I suppose so, but they didn't get it.
 - I the man present when he saked you that y

- 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 Mikton.
- Q State whether or not you took Hiss Anna. 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.

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- A They were out in the car. Staid out at my goter.
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- Q You mean this past Christmasy
- 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.
 - 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 best your time?

WITNESS: Yes, sir.

- Q Just tell the jury what happened there on that occasion?
- A I took Miss Anna Berton up to this oyster supper, and we went in and had supper. So, after suppor 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.

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- 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 snything 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 set like he did unless it was because you were with Miss Barton?
 - A Ho. sir.
 - Q Did you ever go book 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-MEANINATION BY MR. HAMMER:

- I Mr. Harman has naked you about the time you ald 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.

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I 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.

I What way did you think I meant it?

A I thought you meant she was like she was.

MR. SARMAN: In the femily way, you mean? WITHESS: Yes, sir.

A Didn't you take her home last September or October when Ehmett 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 let 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. Bir.

I And she didn't take it out either and give it to the boys to drink?

- A No. sir.
- I You did not see that happen?
- A No. sir.
- X You have been with her a good bit, haven't you?
- A Ho, 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. Roudsbush and Keyser and Comer state that

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that happened, they are mistaken, are they?

A They certainly are.

MR. HARMAN: I object.

THE COURT: That is a good objection.

BY MR. BARMAN:

- 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, pir.

JULIA MORRIS, sworn, exemined by Mr. Earman, 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.
 - @ Where do you live?
 - A In Elkton.
 - Q Where did you formerly live?
 - A Down on the Snapp form.
 - 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?

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- 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 Ann 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 our with them?
 - A Yes, Bir.
 - 1 They said they were going to the Blue Hole?
 - A Yes, eir; 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

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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 get 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 sid he say? Did he do any talking? Did he have snything 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 ramember 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?

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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 line 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.
 - a 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.

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- Q You and Justice Judd are good friends?
- A Certainly.
- Q And he goes to see you semetimes, now, don't he?
- A No. sir.
- Q He don't?
- A I have been with him a couple of times. I con'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-MXAMINATION BY MR. HAMMER:

- I There is nothing between you and Miss ann & 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 follows; 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 Ployd Comer. She did not go with Floyd Comer while I was going with her. She did not go with him.
 - 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? When she was at my house?

X Yes.

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- 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 Ployd 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.
- I 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.

I Now, this night at your house, you say Justice Juda went down in the orchard?

A Yes, sir.

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- 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. MARMAN:

- Q Did you ever see her on any occasion when she was guilty of misconduct with any man?
 - A No. sir.
 - ? She always conducted herself as a lady when you were around?
- A Yes, sir, as far as I know. If there was snything wrong with Annu 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. Marman, testified:

- Q You are Mr. Sam Hensley?
- A Yes, Bir.
- Q Where do you live, Mr. Hensley?
- A Live about a mile this side of Elkton coming towards Harrieonburg.
 - Q What is your business?
 - A I am a blacksmith at the shops at Shenandoah.

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 - I How far were you from themy
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- Q Do you go backwards and forwards from your home to your work down at Shenandoah?
 - A Yos, 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 have 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 p'eleck.
 - 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 overtaken them on their way to work, when I was driving my car, I would step 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 those 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;

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 - A There were four of them, I thinky
 - d were you ever with her at any time, anywhere, armept

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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.

I And you would go back to your home?

A Yes, sir.

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A SO, also, that is the only time one was not can as a second and the standard one of the standard of the stan

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- X You belong to the band at Shenandcah?
- 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 got 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 dian't go there at all.
- X And sometimes you would go down to Shenandouh 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.
 - 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 picked her up up there. She never was in my car,

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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.
- I 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.
- I 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 Shenandeah 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. HIMER COVERSTONE, sworn, exemined 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.

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- 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 scaled it?
 - A 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. Mite's pool-room, at Shenandosh.
 - 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 dosk in the office.

OROSS-MEAMINATION 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.
- I How long have you been "Jess's" social correspondent?

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- A I don't know.
- X What?
- A That is the only letter I ever wrote for him.
- I What did he say to you when he saked 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, mir, 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.
 - I What kind of a letter aid he tell you to write?
- A He didn't tell me. He told me to take the letter and go according to that one.
 - I 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 fid he pay you for writing the letter?
 - A He didn't pay me snything.

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I what old he pay you for writing the latter?

A He didn't pay me aughling.

- 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, 60 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.
- If 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.
- I will drop you a few lines in reply to your heartbreaking letter.

 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

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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 now 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.
 - I 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.
 - I 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.
 - I 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?

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 - A I told I'm the same his water some on to write it.
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 - X Did you do that Y

- A Yes, mir.
- X Was he present when you did it?
- A Ho, 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, mir, he did not.
 - X Where was he when he told you that?
- A That was before I started to write the letter. He teld me to make a date with her for that 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.
 - I You are sure you wrote that letter?
 - A Yes, sir; I know I wrote that letter.
 - X How als you happen to make this kind of an "3" in this

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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 3).
- I Now, Coverstone, if you did write this letter, you know that you wrote it at the instance and request of young Jude, 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.
 - I He told you that he wanted a love letter written, dien't he?
 - A Yes, sir.
 - M 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?

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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 or Miss Barton?
- A I have been over there with her sister twice.
- Q Were you there at any time when Emmett Reyser and Will Comer were there?
 - A Yes, sir.
 - Q Was Miss Anna Barton at nome 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 eister shortly after 11 o'clock; her and Mr. Whitfield came by the gate.
 - 4 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. Whitrield up around the house there?

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 - A Yes, mir.
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- A No. sir: I staid at the gate until he came back.
- Q Until who came back?

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- 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. RARMAN: I object to that statement.

THE COURT: That is a good objection.

MR. HAMMER: I will rollow 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 oir-cumstances of the case.

THE COURT: I don't think so.

MR. MARMAN: 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 Barton?
- 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 Mo. sir.
 - Q Where did you meet her?

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- A Faith Heeling Church at Shenandoah.
- Q When?
- A I can't say. I don't know. Around Christmas sometime. I know.
 - Q Christmas or 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, Bir.
 - Q How many times do you say you went to see ner?
 - A I don't know. Right many times.
 - Q Did you quit going there, then?
 - A Did I quit going?
 - Q Yes, sir?

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Q You said that you not har necessar Christians a year ago,

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- 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 dien't like me and I must stay away. And he told snother 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 sise 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 enything 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.

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A Fee, min, - don't think I did.

- 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 yound men, from Elue Hole. Tell us about that.

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- 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 new?
 - A Shenandoah.
 - Q She was summoned here in this case as a witness?

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A That I was the bridge on one summer. I deal A that the same of t

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- 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 husbans?
 - 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. Bir.
- Q What did Sam Heneley 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 perore he pulled off. another man was with them, I don't know who he was.
- Q You heard her statement here about being our at Mr. Morris' and that something occurred between you one night down in the erchard?
 - 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 act 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 Yen, Bir.

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- A Mo, sir.
- Q Had you suggested to Anna Barton that and come down there where you were before you lest the house?
 - A No. sir.
 - Q She came down where you were, and then what?
- A She said, "Let's walk out in the oronard and your head may get better, and I did.
 - Q You walked in the orchard, then, with her, did you?
 - A You, sar.
 - Q Then what happened?
 - A I sat down and sae sat down, too.
 - Q You both sat down?
 - A 700, SIF.
- Q Go aness and tell exactly what happened in your own way. Tell what happened.
 - A I saked her for it and 1 got it.
- Q When you saked her for intercourse there in the orehard 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 sak me for one reason.
 - Q What do you may?
 - A the didn't sak me to promise her may thing.
 - 3 She did not wake you for any promise?
 - A Mo, sir.
 - Q Where had the come from?
 - A Where had she come from?
 - 4 Down into the orchard. Where had she been before she

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came in the orchard?

- A On the perch.
- 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?
 - à 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.
 - when did you find out that she was in trouble, Justice:
 - A Well. I guess it was about Earch.
 - 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.

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 - Did you me may rather or engining of the Manor
 - A Yes, sir.
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- 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.
- Had she ever written you a letter or the scratch of a pen charging you with being responsible for it?
 - A No. Bir.
- 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 ment
 - A I know that she has been out with thom.
 - 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.
 - 4 Do you mean in Mr. Barton's house;
 - A Yes, sir.

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- 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 y
- A Square house, four rooms.
- & 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 andwith 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 pionic, at Grottoes.

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- A I was up there teles, on less will 4th plants, at orderons.

- Q You mean, July 4th a year ago?
- A Yos, sir.
- Q You were up at the Grottoes pionic?
- A Yos, 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 wented 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?

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- & Mo. 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 maked you or not. Did you have intercourse with her only one time or more than one time?

WITNESS: Soveral times.

MR. HAMMER: Several times after that?

WITHESS: Yes, sir.

X You were with her, you say, about six to nine months before this happened in the orchard?

A Yes, sir.

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- 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? Became 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 maiting 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.

I She was chaste up until you had been going with her six, seven, eight or nine months; isn't that true? For the first 5, 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?

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- A I don't know what time.
- X Was that before you had snything to do with her?
- A Yes, sir.
- I 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. Bir; I never went with her in February, once, for I was sick that month.
 - X How often did you have snything to do with her altogether?
 - A Once & week and twice & week sometimes.
 - I Once or twice a week?
 - A Yes, sir.
 - X Over a period of how many months?
 - A I don't know how many months.
 - I Two or three months, or four or five months?
 - A I don't know how long. Four or five months, I guess.
- If You had something to do with her, then, on an average of once or twice for a period of four of five months -- once or twice a week during that time -- is that right?
 - A Yes, sir.

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 - A THEY RESE
 - A And you had interposees with her after that E and grang few deat to until Pebrancy of this year, didn't you?
 - A No. of the contract of the last of the following, once, for I was a fall that south.
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 - A Your serve

A I don't know.

X Have you had anything to do with her since Christmas?

A No. sir, I don't think so.

I 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.

I 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. Bir.

X Why did you carry on so about it when she went with other men?

A I didn't carry on so bad.

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X Now, as a matter or rest, 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.

I Way 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 Shenandoun 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.

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A I went up there with Zeney Grimsley, I cellinim, 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 wake 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 aid you got 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 sao 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.
- I 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 nome?
 - A Yes, sir.
- X Why didn't you let the boy take her nome who brought her there?
 - A He was gone at that time.

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- X What made him go?
- A I don't know what made him go.
- I 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 know it, and when you did know it you wan would get mad and shoot and raise dain 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, gir.
- I 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.
 - I What do you say?
 - A I don't know whether I have or not.
- X Now, isn't it a raot 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?

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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.

I And isn't that the reason that one 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, aidn'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 dome to see her?

A No, sir. I didn't get no letters but two or three and Mr. Hammer has those.

X What did me gay 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?

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TURN BUT BEE FROM I

- A "Jake" Coverstone answered it for me.
- X Can't you read and write?
- A I can write a little bit.
- I Why did you want "Jake" to do your writing?
- A I was shooting pool that evening.
- X Coulan't you take time off to write to your girl?
- A I don't care to write much, and I got mim to write it.
- I 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?

WITHESS: 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.
 - I When was the last letter that she wrote you?
 - A I do not know.
 - X Did you enswer the last one?
- A I snawered 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?

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- I You snawered the last one yourself, didn't you?
- A Sir?
- X I say, the one that she wrote you here slong in February or March of this year, did you snewer that?
- A "Jake" Coverstone Enswered 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. Marman picked up there is postmarked "Shenandcah, Mar. 10,1925," and this other one from Jess to you is postmarked "Shenandcah, 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?

J. 3

- 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,

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E You had thin letter read to you better you maked 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 dien't tell nim 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.
- I 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.
- I 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 snything about it?
 - A Sir?
- X How did he happen to ask for a date on the following Thorsday night if you hadn't told him that you wanted a date then.
- A I don't know. I don't remember telling him enything 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

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pass away the time if you did not tell nim?

- 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.
- A You told mim to write this: (Reading) "Dear, if you thought as much of me as I think of you, you would not get med 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.
 - I Now, did you go over there that Thursday night?
 - A Went there every night of the meeting.
 - I Every night you took her nome?
- 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 may 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.

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A 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 preved 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 way did you go to see her so often?

A Sir?

X If you did not love this girl way 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 sid not care for her why did you go to see her every few days?

A I don't know. I just went over there.

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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 or 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 slok 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 cyster supper that has been referred

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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 Elktony

- X No, Miller's store at Shenshoosh?
- A No. sir.
- X You do not know whether it appened or not?
- A I know it did not happen. Not with me.

DIRECT EXAMINATION RESUMED BY MR. HAMMER:

Q Mr. Judd, Mr. Earman 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.

ANN'A BARTON, recalled for further cross-examination by Mr. Hammer:

I 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. Nite" is also your letter?

A Yes. sir.

JUSTICE JUDD, redirect exemination by Mr. Hammer:

Q Did you receive this letter through the mail?

A Yes, sir.

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Q And the envelope is marked "Shenandoah, Virginia, March 10, 11 A.M., 1925," and addressed, "Mr. Justic Judd, City, Personal."

A Yes, sir.

MR. HAMMER: I will read this letter to the jury: (Resding):

"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 Rook 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 then be displeased and I'm sure if you couldn't get up there one Sun. you would be sadly displeased. Joss, 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 least 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 went 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

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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 forsale 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 seam 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 headsche, 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.

HEMB: 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 whon?

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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 whon.
- 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?

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A She asked Julia to stay out, and when I stopped 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 RESUTTAL FOR COMMONWEALTH:

MISS ANNA BARTON, recalled, exemined by Mr. Earman:

- 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, Chic, 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-

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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 Yos, 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.

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- 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 18 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 recken, 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 Willer's store, in Shenandosh, he pulled out a pistel and put it to your breast, didn't her
- 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 Lem boy -I don't know whether it was the Lam boy or not, I didn't pay

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any attention. He was standing on the corner, and it was drissling rain a little, and he walked up to where we were, not so far from the Lam boy, and he got to talking to me about being with this Whitfield boy, and he didn't want me to go with him any more. So, he taken the gun out on the street and stuck it to my breast. He stuck it on my dress. "You see that?" he said," and the trouble I can do?" I said, "I don't care if I do." He stood there fussing, and wanted me to go to church with him that night, so he could come back with me that night. I said that I was tired and sleepy and had been working hard every day and I didn't believe I would go that night. He said, I will come over at night to keep any other fellow out of the gate, and if any fellow comes I will shoot him full of holes. I said, that I reckened if Whitfield comes he can out run you. He said, that he could out run any Chevrolet car made.

EXPRESED HAN BERESUNDAND DE DE LE RESEDENCE DE LE LE RESEDENCE DE LE RESEDENCE

BY MR. HAMMER:

X You did tell Mrs. Floyd Kite that all you wanted out of this case was a little money, didn't you?

A I don't want a cent of his money.

X I am not asking you what you went, now. I am asking you what you told Mrs. Floyd Kits.

A No. sir; I did not tell her that.

GEO. W. BARTON, recalled on behalf of the Communwealth, exemined by Mr. Herman, testified:

Q Did Justice Judd ever come to your house and stay until 5 e'clock in the morning with Annie, and some other boy be there

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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, ien'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, an 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 Shenandosh, isn't
- A Yes, sir. It is about a mile, I suppose, west of Shenandosh, 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.

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JENNIE DOVEL, sworn, examined by Mr. Earman on bahalf of the Commonwealth, testified:

- Q You are Mrs. Jennie Dovel?
- A Yes, sir.
- 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 bady
- A It is all right. I have nover 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 ment
- A I don't know enything in the world about nothing of that kind.
 - Q You never heard anything of that kind of her?
 - A No. Bir.

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MR. EARMAN: I think that is all for the Commonwealth.

TESTIMONY ON SURrebuttal for Defendant:

JUSTICE JUDD, recalled in his own behalf, further testified: BY MR. HADDER:

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. Bir.

CROSS-MXAMINATION BY MR. EARMAN:

- X You say that you never gave her anything, Judd? You did give her, I believe, when you came to Harrisonburg to the Pair 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 "B" on it?
 - A Not as I know of.

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HOWARD LAM, sworn, examined by Mr. Hammer for defendant, testified:

- Q You are Howard Lam?
- A Yes, sir.
- Q Mr. Las, do you know Miss Anna Barton?
- A Yes, sir.
- Q Do you know Justice Juday
- A Yas, 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 Morrie?
- 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. Christman 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

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down there so often.

CROSS-EXAMINATION BY MR. BARMAN:

- M Mr. Lam, you have known this young girl for sometime, haven't you? Anna Berton.
 - 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.
- I 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. HAMMER:

- Q Do you mean to say what Mr. Marman 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 Mo, 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.

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- Q Where did you live during the winter of 1925-26?
- A Shenandoah.
- u In Shensndosh?
- 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. BARMAN:

I 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.
- I Do you know how the girl happened to go down there?
- A Me. I do not, exactly.

MR. HAMMER:

Q Justice Judd did not call her down there in the orchard.

A I wouldn't say that. I don't remember.

Teste: This /7 day of July, 1926, and within sixty days from the final order entered herein.

2. 1. Haas Judge.

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In the Circuit Court of Rockingham County, Virginia.

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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 soubt. 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.

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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 set 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 may.

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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.

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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 / day July, 1926, and within sixty days from the final order herein.

J.n. Haas Juage.

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John Heave mayor.

In the Circuit Court of Rockingham County, Virginia.

Commonwealth

V).

Justice Judd.

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The foregoing instruction was granted at the request of the Commonwealth, and the defendant excepted.

Teste: this // day of July, 1926, and within sixty days from the date of the final order herein.

7. 11. 14. Judge.

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In the Circuit Court of Reckingham County, Virginia.

Commonwealth

VI.

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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 1 day of July, 1926, and within sixty days from the entry of the final order herein.

Jin Noa Judge.

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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, sixkaraxkakara 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 because of the misdirection of the law, which motion the Court everruled. To which action of the Court the defendant, by Counsel, excepted, and tenders this his bill of exception, which he prays may be signed, scaled, enrolled and made a part of the record of this cause, and the same is accordingly done this 10 day of July, 1926, within sixty days from the date of the entry of the final order herein.

Til Hans Judge.

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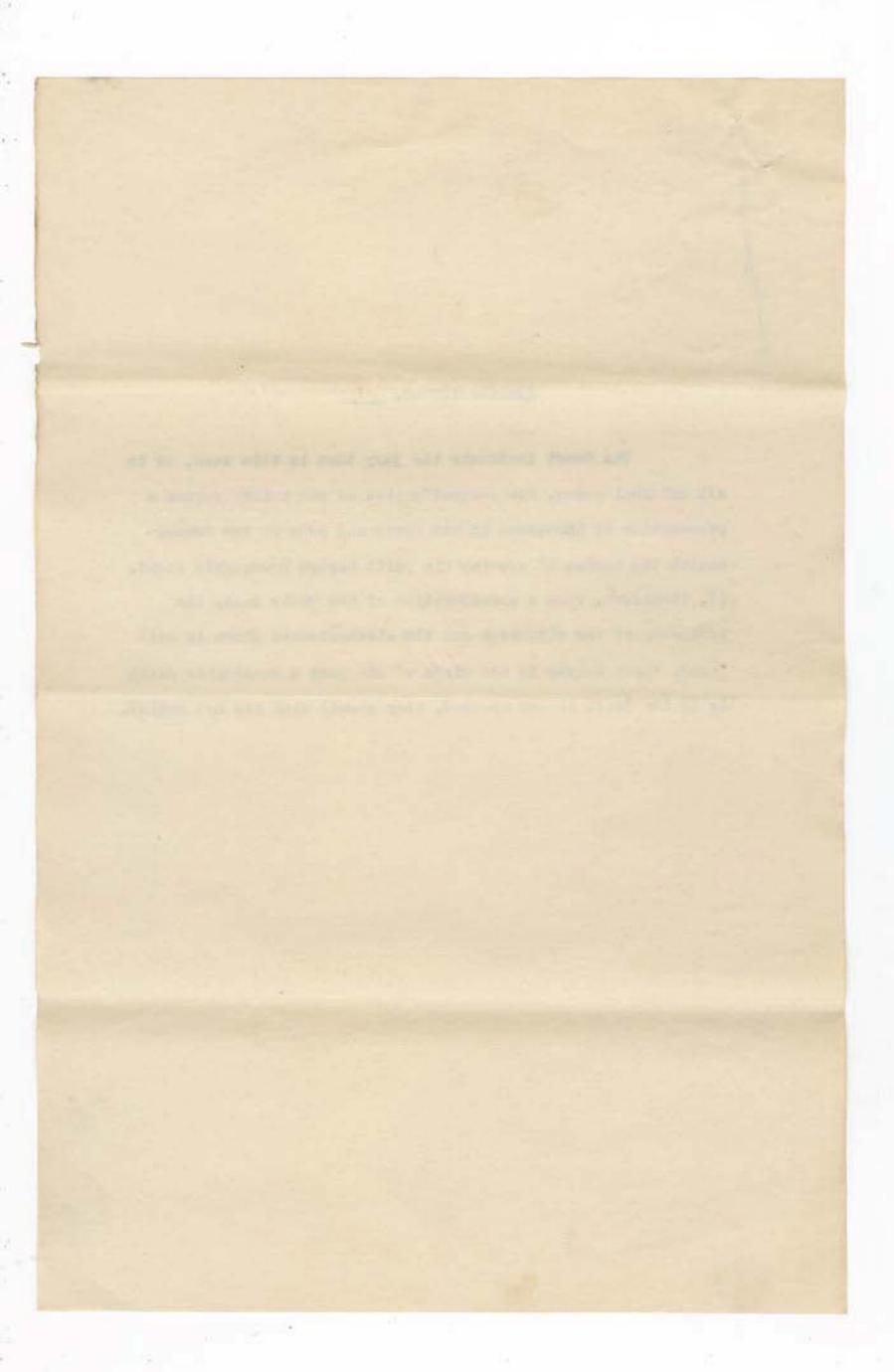
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INSTRUCTION No. 4.

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WE, the fury find Justus Judel guilty and fix his punishment at two and one half years Confinement in the denitentary

COMMONWEALTH OF VIRGINIA, ROCKINGHAM COUNTY, to-wit:

In the Circuit Court of said County:

County of Rockingham and now attending said Court at its June term, 1926, upon their oaths do present that Justis 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 accuracy furtire pudd quilly as at larger in the industrient and gir his principlements or two and me hosp years four furnished in the Jasuelin trang E. M. Gowl Foreman SEDUCTION omnomreal th

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of me for Trying To have a I when ask you for a date, for you Throw little fun, for you know that I will al ways Come that I Can't Heep oway Book to you. For you Knew from the guil I Loud. that I Low you with and That is you. all my heart. And you I am Sony that you Mow That I am always ful like you do, Dear glad to be in you Company, Come out To faith And I don't Thomas that Meeting Tomarrow. We esell have To Wants night & Thursday) And so years until we Can I will go back hours Brhotoch ofhers Company with you, Please do So you don't want me to this! I will look ask you for a date until for you, now if you I quit going up there. Love me Please do Bux 9 cm Sorry That This, for I want to you ful that way. See you and tell And That den't Say That you how Much &

Love your I Looked for you This Ene. But did not de you evel 2 evill Close for this fing, By adding you again to Please Come once To mourou night from The one



MISS. ANNA BARTON,

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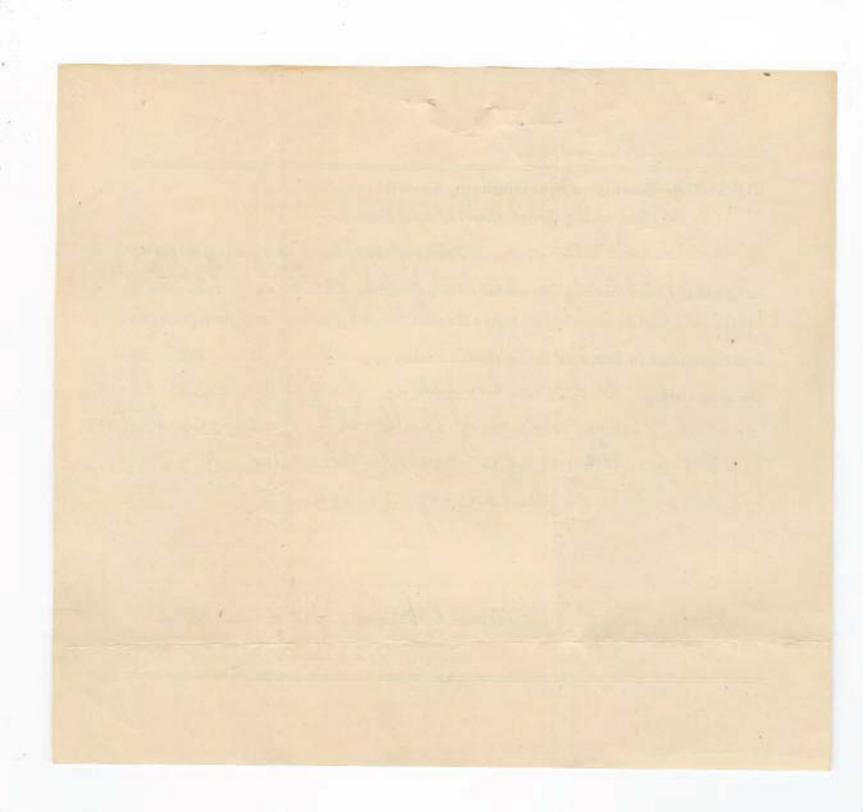
WIREINIA.



VIRGINIA -- County of Rockingham, To-wit:

To the Clerk of the Circuit Court of said County:
I, ON Brun , a Justice of the Peace of said county, do hereby
certify that I have this day committed Seul ptoto Jecdel withe jobs 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 day of C , 1986 , in
the said county Did in longully defile and have
a chone downale ander the cape of 20 gs
and Armondo le the
a chare commune and make of 20 95
ander the tomuse of morning

Given under my hand and seal this I stay of June 1976.



COMMONWEALTH OF VIRGINIA, TO WIT:	Entel day &
Whereas Seo Borton a Constable of	Paye
	unty, has this day made
that Lestis ud of	tice of the said County,
of the said County, on the und day of any 1925; but low fully blefile and thomas Cor	in the said County, did
getter Bolly tenna Borton a cho	de Fomule
under the Promined of morninge.	
These are therefore, in the name of the Commonwealth of Virginia, to command y	ou forthwith to appre-
hend and bring before me, or some other Justice of the said County, the body of the	e said
mon Howard for A on . Hearly Lorum Sunder,	
Much Luras, Colorence Suffles Formie Ma	ornig J
Given under my hand and seal this Solven day of Solven and Solven	iching the said offence.
01/2	L C J. P. (Seal)

This Coure herd June 1986 en Frere Real on Little Bus Com attaly

Communiversità

Arrest Warrant

Join Judal

Executed the within warrant by arresting and delivering the body of

before

a Justice of Rockingham County, and by sumrooning the within named witnesses in person,

this 10 day of May 192

Constable of Station County

Jut 300

The Commonwealth of Virginia.

To the Constable of	Fuge Co- District-Greeting:
Dum Kensley,	Ruben Encag Lorente
Enyder, Benne to appear before IN 132	rece , a Justice of said District, at
Edlelar	on the 151- day of
lean _	193 4 to testify and the truth to say on behalf of
	said Court depending and undetermined, between
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then and then at the same	wise omit, under the penalty of £100. And have
day of 1924 , 1926	and in the BOth year of the Commanwealth.
	J. P.

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Commonwealth of Virginia, Rockingham County, To-wit:

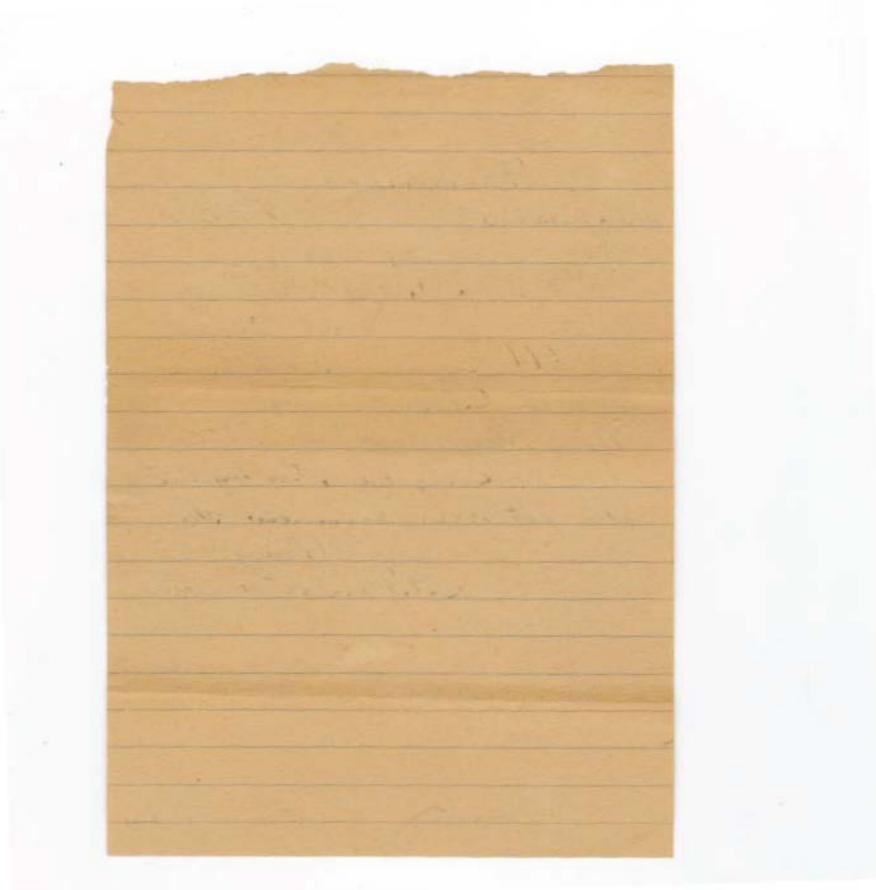
BE IT REMEMBERED that on the 151 day of June 1926
Justes Judd + 197 Judal
Justes Jule + 197 Jule 1926. came before me. CHIBNICE
of the said county of Rockingham, and severally and respectively acknowledged themselves to be in-
debted to the Commonwealth of Virginia, in manner and form following, that is to say: the said
B.7. Juld in the sum of Ohe thou Sour L Dollars
Ohr Mousond 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
compons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said
conditions underwritten.
The condition of the above recognizance is such that if the above bound state of the Circuit
Court of Rockingham on the / At_day of the
thereof, being the
and then and there answer the Commonwealth of Yirginia concerning a certain Wis where-
of the said & ustes full 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.

Commonwealth of Virginia, Rockingham County, To-wit:

BE IT REMEMBERED that on the 10 day of mey 1991
Justin Judd 7 13-1 Judd
BE IT REMEMBERED that on the 10 day of my 1926. Justin Judd 7 13 - Judd eame before me CALONIU
of the said county of Rockingham, and severally and respectively acknowledged themselves to be in-
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Time Acceleral Dollers Dollars
good and lawful money of the United States, and the said.
in the sum of
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coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said
Justine Just shall make default in the performance of the
conditions underwritten.
The condition of the above recognizance is such that if the above bound
Court of Rockingham on the day of the June
Court of Rockingham on theday of the
thereof, being the day of 192 6, at the Court house thereof,
and then and there answer the Commonwealth of Virginia concerning a certain where-
of the said Justes Justed - stands charged, and shall not
depart thence without the leave of said Court, then the above recognizance shall be void and of no
ffeet, otherwise to remain in full force and virtue.
Taken and acknowledged before me, the day and year first above written.
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Shenandaak 1 a Justin Judd Gare) July 5-1926 Mr J. J. Blacklinn all Summons are Surved O.H. in Page Mrs Raymond Luan Lins in Rocking ham to try but She got hur humon ask. Respellfrely L. J. Buile Constable



Supreme Court of Appeals of Virginia,

Stausten, Ba.

July 31st., 1926.

This is to certify that upon the ratition of Justice Judd, one of the Judges of the Supreme Court of Appeals of Virginia has allowed a writ of error and supersedeas to 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.

Toste.

NeW. Mayt, Clerk.

To the Clerk of the Circuit Court of Rockinghan County.

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Mitgendon, Dr.

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

IN RE:

Application of Justice Judd for Bail.

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 Harrischburg, 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 Supreme Court of Appeals, had rendered the accision in the case of Justice Judd va. The commonwealth, now pending in the Supreme Court of the Circuit Court of Rockingham County rendered on the Judgment of the Circuit Court of Rockingham County rendered on the Judgment 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 supersedess.

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That the said Juda 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 Juday of July, 1926, and that the said appealed cause of Justice Juda 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 Juda 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 afcresaid refused to grant the said Juda bail as requested to which action of the Court in refusing to grant the said Juda bail, the said Juda 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 for day of August, 1926, and within sixty days from the refusal of the said bail by the said Court.

J.h. Haas (SEAL)

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v.

In the Clerk's Office of the Circuit Court of Rockingham County, July _____, 1926.

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.

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Salara Per.

In	the	Name	of	the	Commonwealth	of	Virginia:
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To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

anna Barton v G. N. 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 L/N day of June 19 26 to testify and the truth to say in behalf of the Commonwealth before the Grand Jury NA, Juntis July

who stands charged with and indicted for a felony misdemeanor.

And this Writ. Shall not omit under the penalty of £100. And have then und there this Writ.

14 day of June 192 and in the 15 th year of the Commonwealth,

A. & Black time, Olerk.

Live on Hamsberger June 21,1924

TO D. W. BARMAN. COMMONWRALTH'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 **** See 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.

Obminonwealth's Attorney.

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In the	Name of the Commonwealth of Virginia:
	To the Sheriff of Rockingham County, Greeting:
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agas	ton, Haward Lam, Carl Whitfield,
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12	Hensley, Foren Snyder, & Bennis
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to annear	before the Judge of the Circuit Court of Rockingham County, at the Court
House the	seed at 10 c'olors a me on the
	reof, at 10 o'clock, a. m., on the Oth day of July 19 26
to testify	and the truth to say in behalf of the Commonwealth ageinst
-	July July
who stane	ds charged with and indicted for a felony misdemeanor.
	his. Ihely shall not omit under the penalty of £100. And have then
and there	this Writ.
Witne	88, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
day.	of June . 19 F Vand in the 14 th year of the Commonwealth.
	y o revacation, Clerk.

Executed June 24
By delivering a

true bapy of this
wint to anna Barton
by W Borton bard whitfield am Henrley Lovor Synder innie Snyder July 6.1726

IN THE CIRCUIT COURT OF ROCKINGHAM COURTY, VIRGINIA.

COMMONWEATHE :

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.

COMMONWEALTH Fel. Just an v pl. n. y. Let for July 6 th Heating to cit mile the I sentince employed Court suite and present to the town - town for how

6. Train E. G. Llevil 6. M. Gorfe I mist mit Glandelin Lesete leliit a. B. Patterson P. 7 Baker 26 amentra m. H. Kuffman 6. C. Cerousham D.Q. Floop