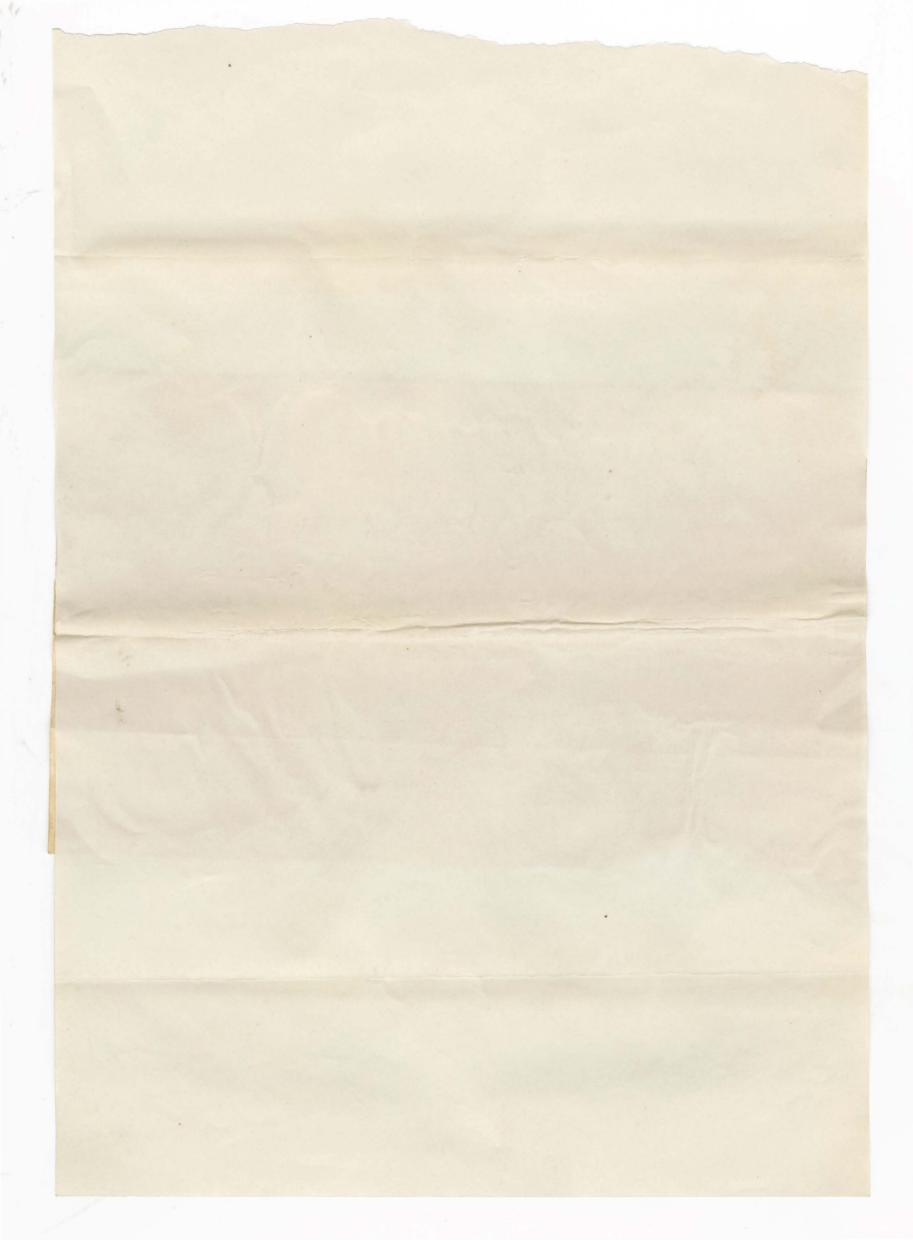


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aven v Gager Refuned. Except. The court instructor, That if They this case That he whad the right and anthority to fell out the blank hale in The manner, and for the purthe same out, They must find him hat quilty of The charge of Jorgery



COMMONWEALTH

V Charge to the Jury

T. S. YEAGER

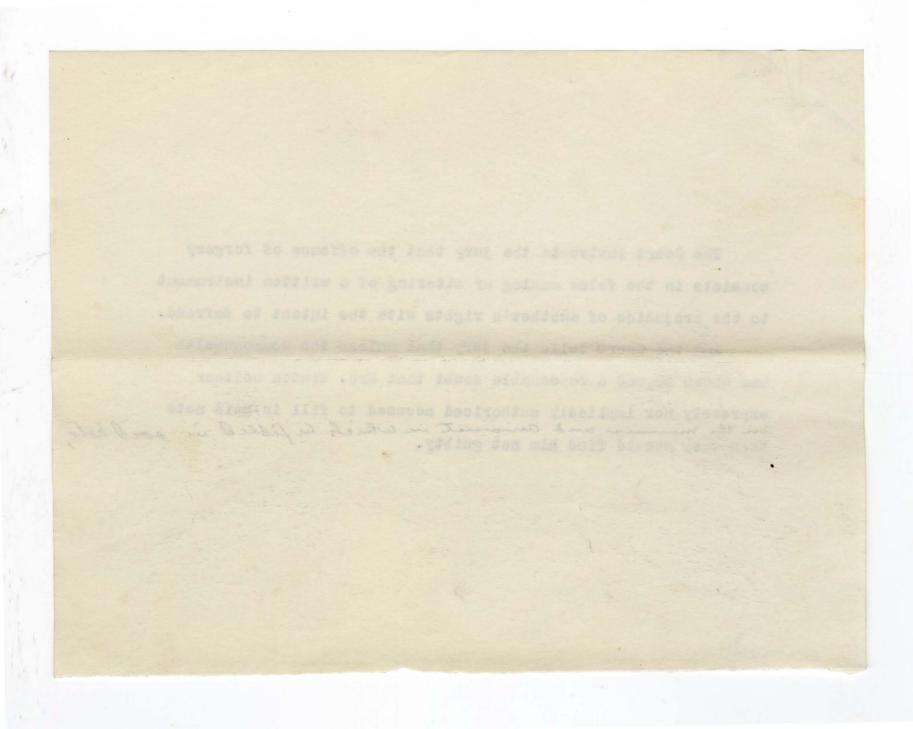
If you find the accused, T. S. Yeager, not guilty, you will say so and no more.

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 years nor more than ten years, or in your discretion, by confinement in jail for a period of not less than six months nor more than twelve months.

Charge to the Jury If you find the accused, T. G. Yesger, not guilty, you. will say so and no more. i If you find him guilty, as charged in the indictment, 1 TH more than ten years, or in your discretion, by confinement in jail for a period of not less than six months nor more than taelve months.

The Court instructs the jury that the offense of forgery consists in the false making or altering of a written instrument to the prejudice of another's rights with the intent to defraud.

And the Court tells the jury that unless the Commonwealth has shown beyond a reasonable doubt that Mrs. Hinton neither expressly nor impliedly authorized accused to fill in said note in the means and amount in which he filled in poid hole, then they should find him not guilty.



The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and this presumption of innocence goes with the accused through the entire case, and applies at every stage thereof; and if, after having heard all the evidence in this case the jury have a reasonable doubt of guilt of the accused upon the whole case, or as to any fact essential to prove the charge made against him in the indictment, it is **their** duty to give the prisoner the benefit of the doubt, and find him not guilty. The doubt introduction with a party that the last presented to actual to have and we have to be and a measurable dente, and this presemption of immedance goes with the counced through the outine same, and applies at every stage thereof; and if, offer having heard all the evidence in this eace the jury have of the restore do guilt of the resused upon the whole same has at a the indictment. It is their date to draw the observe the prisence has been all the detert date to prove the charge made spainet his of as to any flot constitut to prove the charge made spainet his benefit of the their date to prove the charge made spainet his is the indictment. It is their date to draw the date the prisence the The court instructs the jury that if they believe from the evidence beyond a reasonable doubt that the accused without authority, filled out a promissory note for nine hundred fifty dollars, signed by Lucy Hinton, when he had only been authorized by her to fill out said note for one hundred twentyfive dollars, and that he afterwards attempted to utter and employ as true and genuine, said note, with intent as charged in the indictment, then they should find the accused guilty of forgery and of attempting to utter a forged instrument as charged in the two counts in the indictment. The court instructs the jury that it they believe

Tirty dollars, signed by Lucy Hinton, when he had only been five dollars, and that he afterwards aftermeted to uttar and without authority, filled out a prominanty note for hims hundred in the indictment, then they should find the scones guilt . tremtoibni edt ni atmuco owt ent ni begrado employ as true and genuine, said note, with intent as charged

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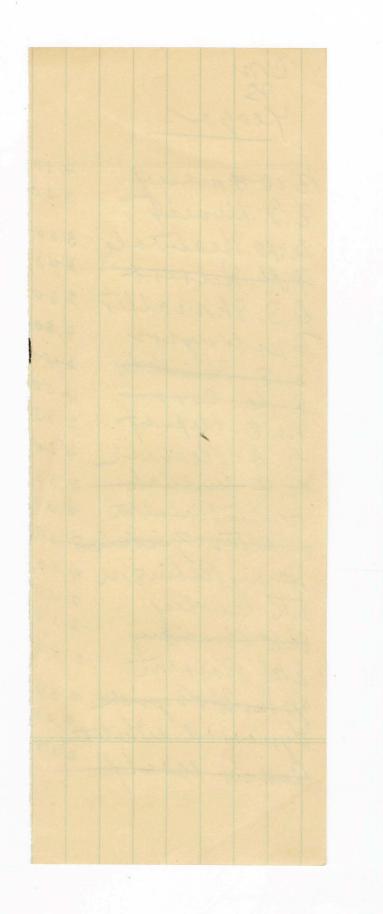
Arrest Warrant Commonwealth of Virginia, | To-Wit: Rockingham County, City of Harrisonburg To C. R. Fawley, Sheriff, a Constable of said County: of the said County, has this day made Whereas. Wilma Dewey a Justice of the complaint and information on oath before me, said County, that T. S. Yeager of the said County, on the 31 day of March, 19.31, in the said County, did unlawfully and feloniously raise a certain bank note dated March 31, 1931, signed by Macy Hinton, payable to the said T. S. Yeager, from One Hundred Twenty-five dollars to Nime Hundred Fifty Dollars, andxatiamptedatexter said notexasx with the intent to defraud the said Lucy Hinton, against the Peac and Dignity of the Commonwealth of Virginia. These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before, me or some other Justice of the said County, the body of the said T. S. Yeager to answer the said complaint and to be further dealt with according to law. And you are required to summon to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence. Given under my hand and seal this 18th day of April ______ in the year 19______ Une J. P. [Seal]

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:

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JUDGMENT	Upon the examination of the within charge, Commonwealth I find the accused	.S [19. 3], in the said County, di obe de cad sare one indiana de cad sare	Clerk's Fee \$ Execu Justice's Fee \$	Arrest dijwrdinol nov bus suroo of J.S. bias add to vbod add annoo are and Summoning Witness - s. before &	Witness Attendence and Mileage \$	e <u>ramina</u> tion.to	Justice of the Peace.
To-Wit:	alth	Yeagar to vab	Executed the within warrant by arrest- and delivering the body of	y cages	Rockingham County, and by sum- within named witnesses in person	All of Lockingham County	, J. P.
County o have this tels, upor signed or and not 1 action of	f Rockingham, Vir s day acknowledged h this condition: f r the Circuit Court leave hence without the Grand Jury o	ginia, do hereby cer I themselves indebte Dollars (\$ That the said t of Rockingham Co t leave of the said (of the said County t his, the	tify that ed to the Court, to ans upon the wit	ommonwealth o) to be made day swer the charg hin charge.	of Virginia and levied of shall a 7 of	as his in the sum of of their goods appear before t	and suret, and chat- the under- , 19,

Cm 2S yeager 4.50 B w famely 3.30 E.S. pleased 300 4.D. Heatitale 340 T.R. Heltert 280 E.S. Showaller 4.30 Contrayton 340 S.S. Hintele 4.50 gile corr 2 83 m. O. Leepuly 430 G. A. Reames 430 RA annak 3 30 Huilar Ralsen 250 totter gitte 430 Harry Reting n 2 50 T.R. Cover 250 RAB Bradde 2 80 EA Rousent 250 Jahrand Byrde. Lynwood whitesil 250 Centrene for al



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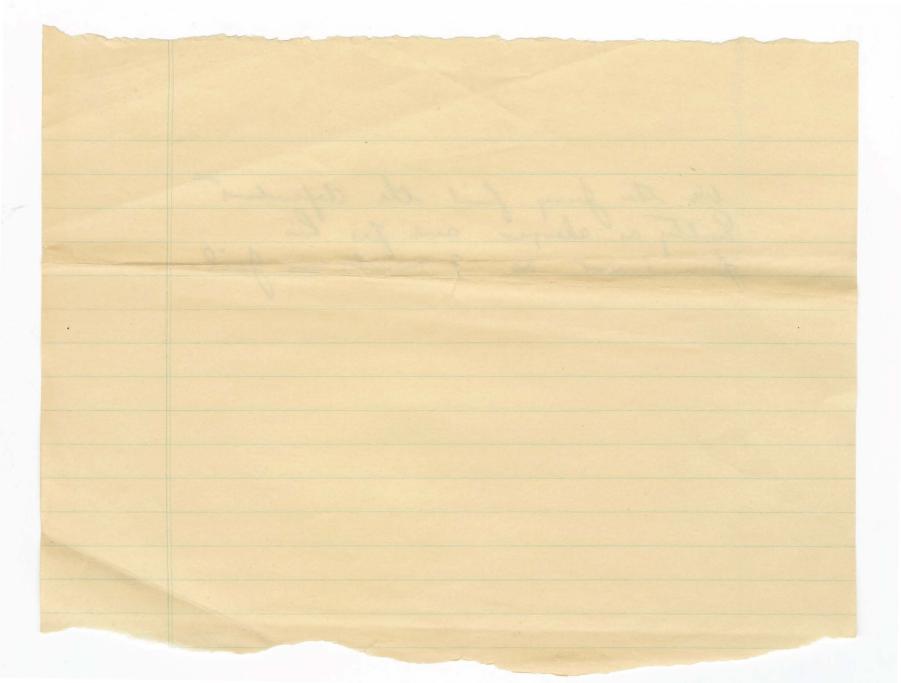


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We the Juny find the defendant healty as charge and fix his functionent as 9 months in Jail.



In the Name of the Commonwealth of Virginia: To the Sheriff of Rockingham County, Greeting: You are hereby commanded to summon Q ucy 6 Senton lacer Crawy Lincoln 1111 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 13 th day of July 1931 to testify and the truth to say in BEHALF OF THE COMMONWEALTH against Jean who stands charged with and indicted for a felony misdemeanor. And this they shall not omit under the penalty of £100. And have then and there this Writ. Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 9 th 19. M, and in the 155 the year of the Commonwealth. day of cutant , Clerk P & L. PRESS, HARRISONBURG, VA

11-13 by delivering a true copy Executed don, Re of the within summon to 1each in person. Anewman defut fee OR Joswly 2RC tore day by

Commonwealth of Virginia, Rockingham County, To-Wit: ent ERED, that on the , principal and who justified to his sufficiency, came before me surety , of the said County of Rockingham, (J. P. or Bail Commissioner) and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of M. Jonny March undard _____ Dollars, (\$ 1, 500 2 elen to be levied of their respective goods and chattels, lands and tenements, for the use of the Commonwealth of Virginia rendered, and they each severally waved their homestead exemption to their recognizance; yet upon this condition: That if the said shall personally appear before the Circuit Court of Rockingham County, at the Court house of said County, on the day of the Sefeker 19 m to and receive as the lout may then each there Term thereof, being the day of and at such other time or times to which the proceedings may be continued or further heard, and before any court or judge hereafter having or holding any proceedings in connection with then and there answer the Commonwealth of Virginia concerning a certain the said charge, whereof the said stands charged, and be bound under said recognizance until the charge is finally disposed of or until it is declared void by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full force and effect. IN WITNESS WHEREOF, I hereunto affix my signature this day of enler 1931

or BAIL COMMISSIONER)

of the said County of Rockingham,

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to be lavied of their respective goods and chattels, lands and tenements, for wealth of \hat{V}_{T}^{\dagger} ginin rendered, and they each severally waved their homestea cognizance; yet upon this condition:

ine Carsant Court of Rootingham County, a ne Confinence of said Con the Carsant Court of Rootingham County, a ne Confinence of said Con the said at much other une or times to which the proceedings he said court, and before any court or indge hereafter having or holding any p the said court, and there any there are the Commonwealth of J

elated wid by contrast a compatent point, then the above recognizance shall be null and void; ofb

IN WITNESS WHIREOF, I hereunto affix my signature this [

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COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

Grand Coth Scient Journan

The jurors of the Commonwealth of Virginia in and for the body of the County of Rockingham now attending the Circuit Court at its June term, 1931, do upon their oaths present, that T. S. Yeager on the _____ day of March, 1931, in said County, did unlawfully commit forgery by making a promissory note for nine hundred fifty dollars instead of one hundred twenty-five dollars without authority, said note having been signed in blank by Lucy Hinton and delivered to the said Yeager to be filled out for one hundred twenty-five dollars only, with intent to defraud her, the said Lucy Hinton, against the peace and dignity of the Commonwealth of Virginia.

We the party find the second T.S. Goger, quick a charged in the indication and fix bin pround men

at confirment in pail for a time of new months

And the jurors aforesaid, upon their oaths aforesaid, do further present that the said T. S. Yeager afterwards, to-wit, on the ______ day of March, 1931, in the said County, feloniously did utter and attempt to employ as true said forged promissory note; he, the said T. S. Yeager at the time he so uttered and attempted to employ as true said forged note in the County aforesaid, well knowing the same to be forged, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Lucy E. Hinton, Wilma Dewey, William H. Byrd, J. O. Stickley, Frank Hoover, and Return Lincoln, witnesses sworn in court and sent before the grand jury to give evidence.

9 41 ager, 5 The WR 2 0

FORGERY

COMMONWEALTH

T. S. YEAGER

A FELONY

A True Bill

Foreman

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D. W. Earman, Commonwealth's Attorney

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To D. W. Carman Communically allowing As Rodaingham Cenney, Virginia, Dake Usein that an September 1/1 1931 I shall appey a the Stancoverster, Bution for a curificer of the avidness and providings Rad in the case of The On wow auch of Miginia august. J. S. yager, O Klim man my hand ilin 11' day of Spenel 1931, T. S. Yager By Convere Dos ather any, Avoir accepter, 1940 Tacum Com. atty. 9/11/31

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The argundent officed and astart the Court to give to its jury the force and astart the Court to give

11

The court instructs the jury that if they believe from the evidence in this case that the defendent believed that he had the right and authority to fill otu the blank note in the manner, and for the purposes, in which he filled ythe same out, they must find him not guilty of the charge of forgery

As the court report alignetion by the according defindant by coursed there and there excepted. Dese Reptander 11# 1931 NWBestram gudge

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COMMONWEALTH

V

CHARGE TO THE JURY

T. S. YEAGER

If you find the accused, T. S. Yeager, 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 years nor more than ten years, or in your discretion, by confinement in gail for a period of not less than six months nor more than twelve months.

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And the Court tells the jury that unless the Commonwealth has shown beyond a reasonable doubt that Mrs. Hinton neither expressly nor impliedly authorized accused to fill in said note in the manner and amount in which he filled in said note, then they should find him not guilty.

AWG

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AWD

The fourt instructs the jury that the inv presumes every person charged with orige to be indocent until his soilt is actabilished by the formoranalth beyond a remainable doubt, and this presumption of innocence goes with the seconsed through the emtire case, and applies at every stage thereof; and if, e resconsois doubt of such to the nooung! applies the prove the the indictant is the result of the nooung! applies the table in the indictant, it is their duty to give the prisoner the bandit of the doubt, and find his not give the prisoner the table indictant, it is the indicate the prisoner the prisoner the bandit of the doubt, and find his not cultur. The court instructs the jury that if they believe from the evidence beyond a reasonable doubt that the accused without authority, filled out a promissory note for nine hundred fifty dollars, signed by Lucy Hinton, when he had only been authorized by her to fill out said note for one hundred twentyfive dollars, and that he afterwafds attempted to utter and employ as true and genuine, said note, with intent as charged in the indictment, then they should find the accused guilty of forgery and of attempting to utter a forged instrument as charged in the two counts in the indictment.

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in the case of Commonwealth vs. T. S. Yager.

Testimony of

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Mrs.Lucy E.Henton,		*****	Pages	13; 27;
Mr.William H. Byrd,			n ;	37;
Mr.Frank C.Hoover,	••••••	•••••	т., I	7-11;
Mr.J.O.Stickley,	••••••	•••••	n 1.	1-12;
Mr. E.R. Lincoln,	•••••	•••••	" 1	2-13;
Mr. C.K. Switzer,	••••••	•••••	" 1	3-14;
Mr. B. H. Arey,	•••••	•••••	"]	4-15;
Mr. R.E. Tutwiley,	••••••	•••••	• " 1	5-16;
Mrs. Wilma Dewey,	•••••	•••••	u J	6-17;
Mr. Charles R. Fawley	•••••••	•••••	n T	7-18;
Mr. T.S.Yager,	•••••	•••••	u J	8-26;
Mrs. Henton re-calle	a		Page	27.

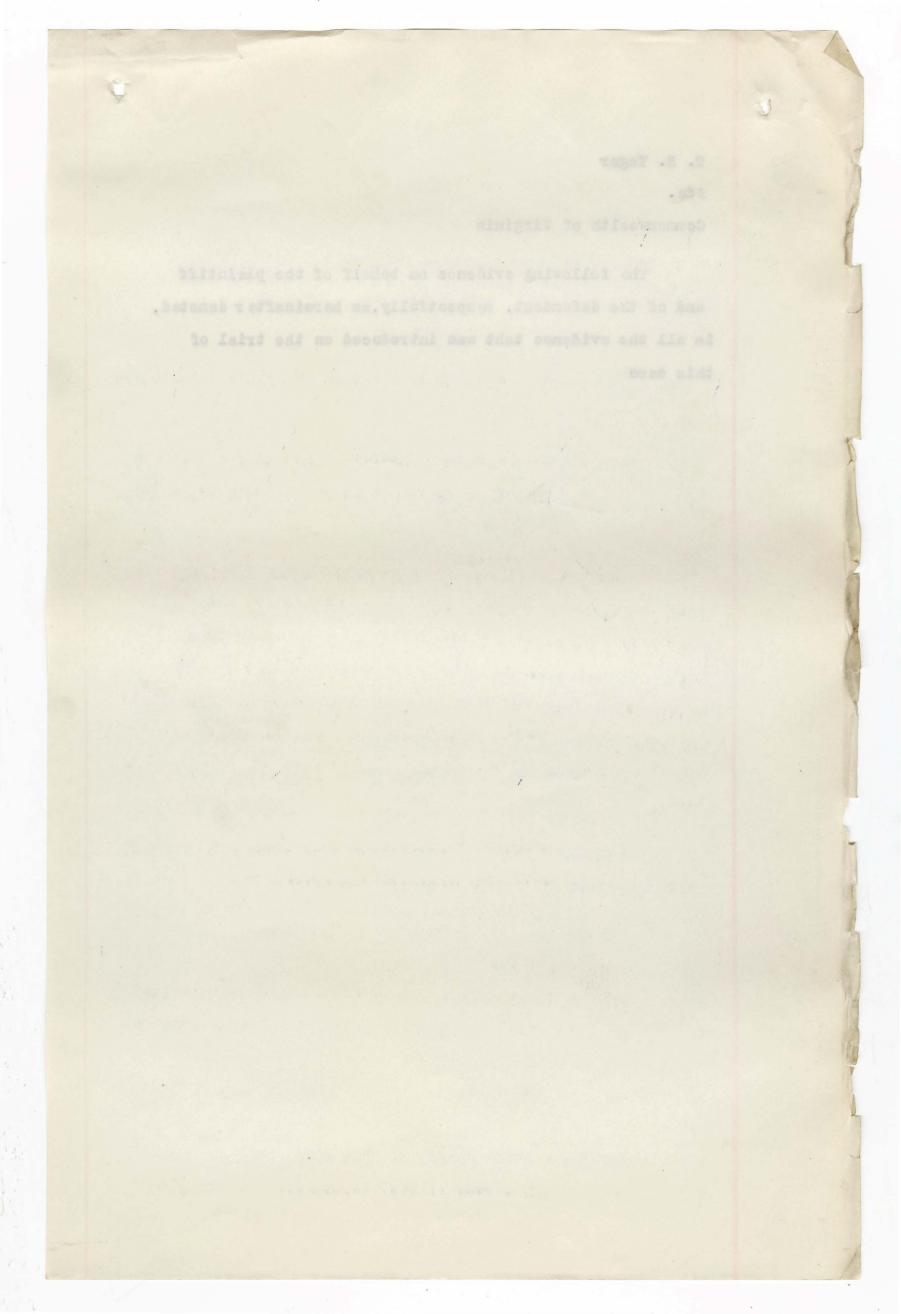
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T. S. Yager Ads. Commonwealth of Virginia

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The following evidence on behalf of the plaintiff and of the defendent, respectfully, as hereinafter denoted, is all the evidence taht was introduced on the trial of this case



Commonwealth TRS Yager.

Transcript of testimony taken in above styled case in the Circuit Court of Rockingham County, Virginia, on Monday, July 13,1931.

> Present, Mr. D. W. Earman, representing the Commonwealth, Mr. Chas. A. Hanmer, representing the defendant,

Before the sailing of the witnesses was taken, Mr.Hammer asked the Court to require the Commonwealth's Attorney to elect which of the charges he would try the defendant upon, as there were two separate offences named. The Commonwealth's Attorney stated that the defendant would be tried on both counts and indictments, if the Court pleased. This being allowed by the Court, the defendant, by counsel, excepted to the action of the Court.

Mrs.Lucy E.Henton, being first duly sworn, examined by Mr.Earman, Commonwealth's Attorney, testified.

Q You are Mrs. Lucy E. Henton? A Yes sir.

Q How old are you?

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A Between seventy-five and eighty. I don't know exactly.

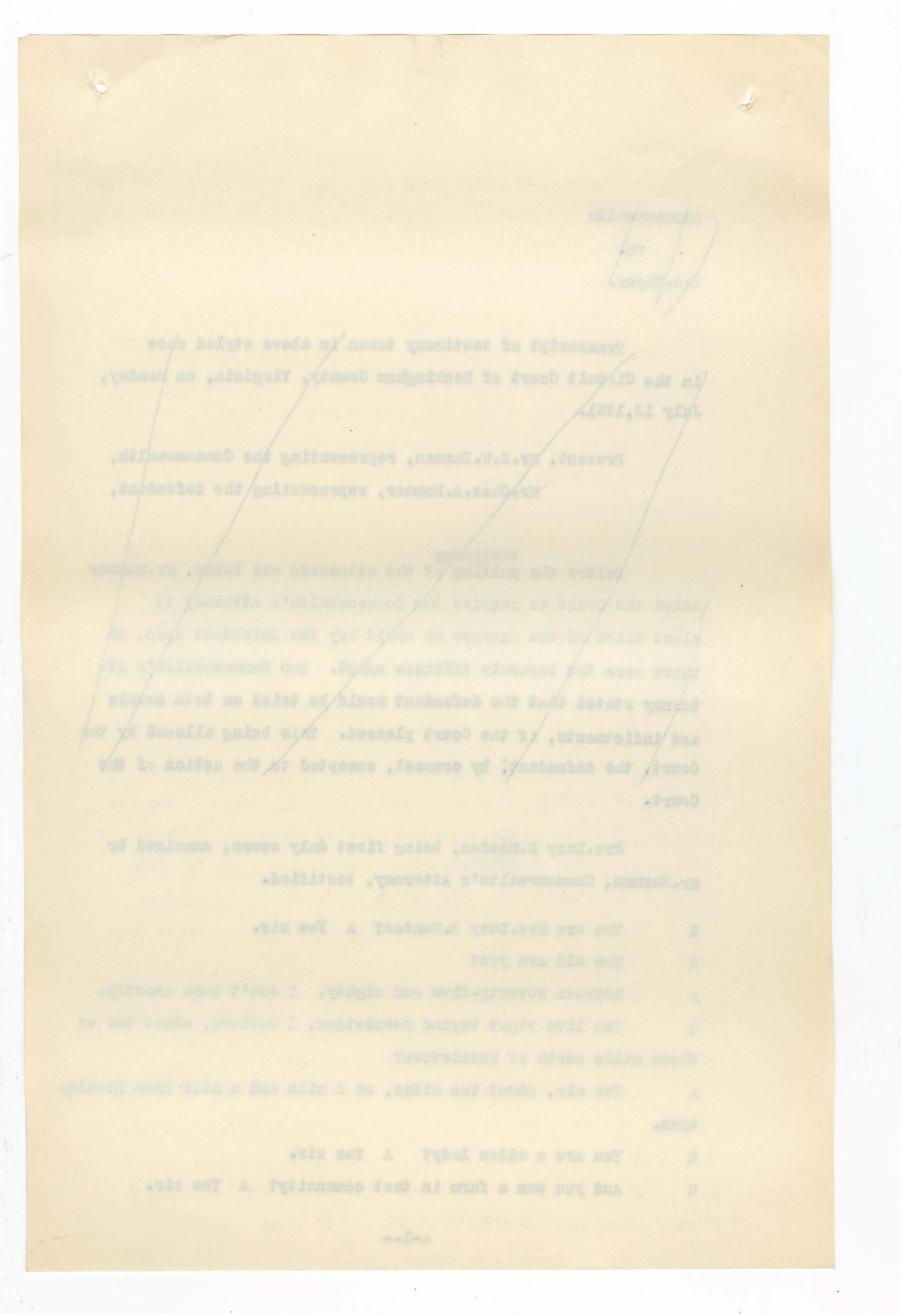
Q You live right beyond Keezketown, I believe, about two or three miles north of Keezletown?

A Yes sir, about two miles, or a mile and a half from Keezletown.

Q You are a widow lady? A Yes sir.

And you own a farm in that community? A Yes sir.

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Q I believe you are running this farm yourself, or have been trying to, for the last few years?

A	Yes sir, for the last three or four years.
Q	Do you know this man Yager?
A	I know him from what I saw of him at my daughter's.
Q	Your daughter lived in Harrisonburg? A Yes sir.
Q	And he boarded at your daughter's? A Yes sir.
Q	Did you sign a note and turn it over to him?

Yes sir, he heard me speak about wanting some horses. He A frequently said something about getting the horses himself. I had another man looking at some horses, and he was a farmer, and I thought he would know more about the horses than Mr. Yager did. He got the horses for me, and I hdd to have \$125.00. Mr. Yager came into the kitchen one morning, and showed my daughter a telegram that he had got from Pennsylvania, and he said he would have nine hundred dollars deposited in his bank in Pennsylvania by the 6th of April. And I asked him then if he would loan me \$125.00, and he said he would. He offere d in the first place to loan me \$125.00; told my daughter to show me the telegram that he had received. He came down then one morning in a big flurry. Had his hat and overcoat on, said I should sign the note, and he would get the money for me in a few days; that he was going to Pennsylvania the next morning at five o'clock; would be back that night; that he would have the money for me; we should leave the house open for him.

Q

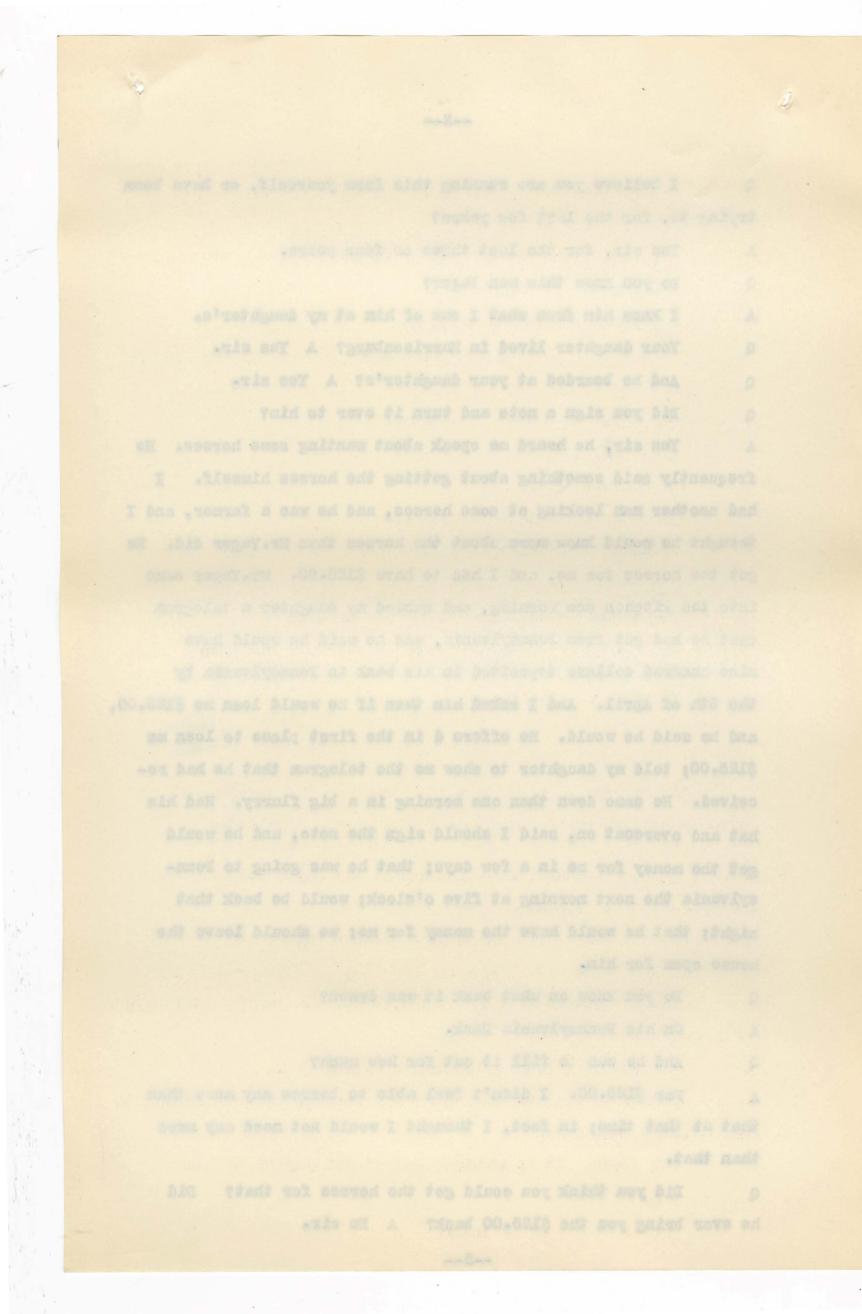
Do you know on what bank it was drawn?

A On his Pennsylvania Bank.

Q And he was to fill it out for how much?

A For \$125.00. I didn't feel able to borrow any more than that at that time; in fact, I thought I would not need any more than that.

Q Did you think you could get the horses for that? Did he ever bring you the \$125.00 back? A No sir.



Q	Did he ever return the note? A No sir.
Q	What became of it?
A	His wife 'phoned down that if we would release Mr. Yager
	Mr.Hammer: I object.
Q	Did he stay here, or go away?
A	Went away. Never saw him any more after that. Then he sent
us a sp	ecial delivery letter. I reckon I can sepak of that.
Q	Who sent you a special delivery?
A	Mr. Yager, I think.
	Mr.Hammer: I object.
	The Court: Written by Mrs.Yager?
	Witness: Written by Mrs.Yager, and had her name
	signed to it.
Q	You never say him after that? A No sir.
	Mr. Harman: That is all; you can take the witness.
	Witness dismissed.
. 14	
	Mr.William H. Byrd, another witness on the same behalf,
being f	irst duly sworn, examined by Mr. Earman, testified.
Q	You are Mr.Wm.H.Byrd, Cashier of The First National Bank
in this	city? A Yes sir.
Q	Do you know the accused here, Mr.T.S.Yager?
A	I met him on one occasion, yes sir.
Q	Did he offer a note at your bank for the purpose of having
it disc	ounted?
A	He offered a note as collateral for a loan.

J.

Q Just state to the jury the circumstances in connection with his offering that note.

> The Court: It is assumed that it was signed by T.S. Yager.

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Witness: Yes sir.

Q Whose note was it?

Q.

A The note is signed by Lucy E.Henton, for \$950.00.

Q Do you recall when that was?

A I don't recall definitely, but I do recall that it was within 48 hours from the time the note was dated.

Did he say how he obtained this note?

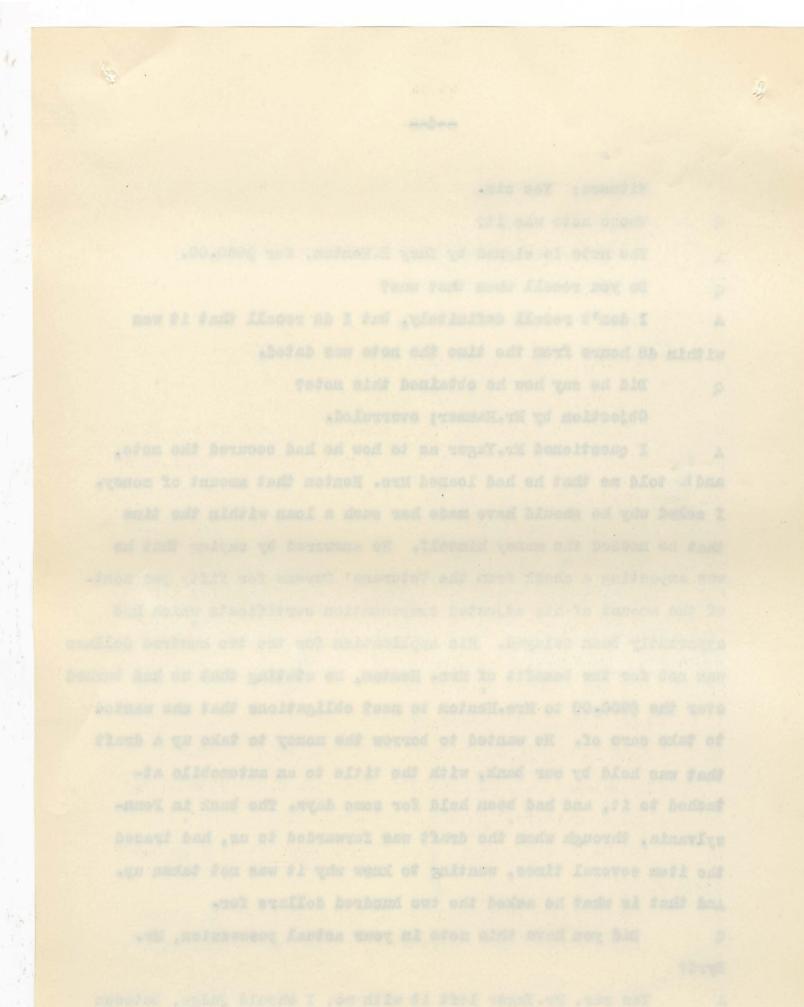
Objection by Mr.Hammer; overruled.

I questioned Mr. Yager as to how he had secured the note. A and he told me that he had loaned Mrs. Henton that amount of money. I asked why he should have made her such a loan within the time that he needed the money himself. He answered by saying that he was expecting a check from the Veterans' Bureau for fifty per cent. of the amount of his adjusted compensation certificate which had apparently been delayed. His application for the two hundred dollars was not for the benefit of Mrs. Henton, he stating that he had turned over the \$950.00 to Mrs.Henton to meet obligations that she wanted to take care of. He wanted to borrow the money to take up a draft that was held by our bank, with the title to an automobile attached to it, and had been held for some days. The bank in Pennsylvania, through whom the draft was forwarded to us, had traced the item several times, wanting to know why it was not taken up. And that is what he asked the two hundred dollars for.

Q Did you have this note in your actual possession, Mr. Byrd?

A Yes sir, Mr.Yager left it with me, I should judge, between two-thirty and three o'clock one afternoon, and came back the next morning to get the answer as to whether he could get the money.
Q Any doubt in your mind as to the amount of the note?
A I didn't question the amount at all.
Q It was for \$950.00? A It was for \$950.00.
Q Did he say anything about wanting the money for the horses

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wo-thirty and three o'diads one affermore, and once hair the use combing to get the answer as to aborbor to could get the users, and doubt in your aims as to the means of the mater t didn't modifies the second at all.

14 wes for \$250,007 A It was for \$550,00.

Did he say anything about wanting the honey for the horace

for Mrs.Henton?

A Didn't refer to it at all. He wanted the money to take up this draft.

Q Do you remember what bank it was drawn on?

A It was on a Pennsylvania form note, but I don't remember what bank.

Cross-examination by Mr. Walker.

xq What was the date of the note?

A I don't remember the exact date, but it was within 48 hours of the time it was presented to me. I remember that, because of thinking that it was strange that he should make a lean for that amount and within that short a period offer the note for collateral.

xq What month was it in?

A My recollection, sir, is that the note was dated the 30th or 31st of March, and that it was presented a day or two after that, but I could not be positive about that.

XQ Who was it made payable to?

A Made payable to T.S. Yager.

NQ That is the defendant here? A Yes sir. Mr.Hammer: Do you remember how long after date it was

due? Witness: No sir, I do not.

NQ Mr.Walker continuing; And it was approximately 48 hours after the date?

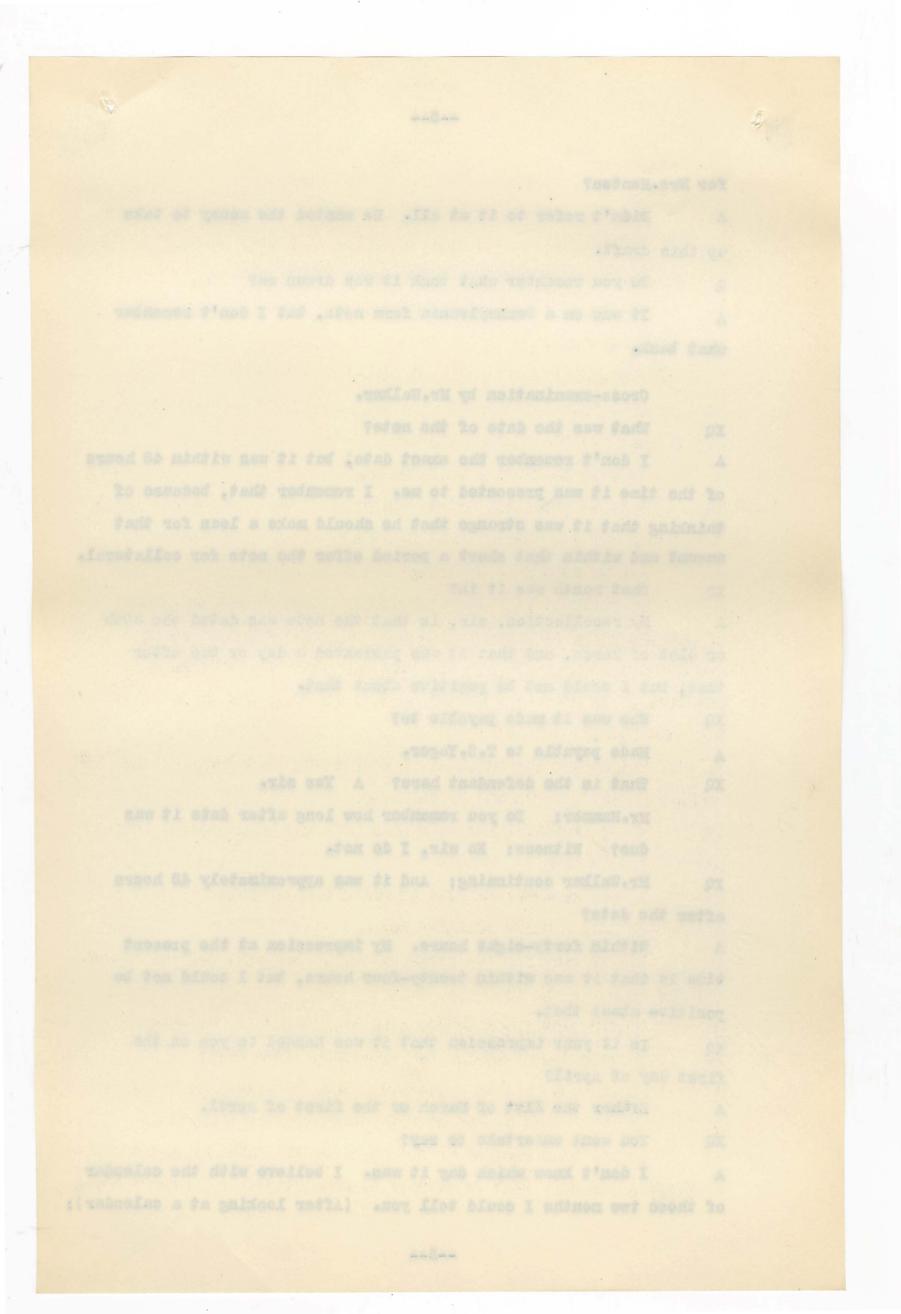
A Within forty-eight hours. My impression at the present time is that it was within twenty-four hours, but I could not be positive about that.

XQ Is it your impression that it was handed to you on the first day of April?

A Bither the 31st of March or the first of April.

XQ You wont undertake to say?

A I don't know which day it was. I believe with the calendar of those two months I could tell you. (After looking at a calendar):



No. I can't tell from that. I don't know, sir.

xQYou say you submitted this note to the Board of Directors?ATo a discount committee. Their regular time of meeting

is Friday afternoon, but they often meet at other times.

Mr.Hammer: You have a discount committee that acts at other dates?

Witness: Other dates, yes sir.

XQ Mr.Walker continuing: You just can't say whether it was the 1st of April or the 31st of March?

A No sir; wouldn't attempt to say.

XQ When he explained to you how he came into possession of this note, you did question his explanation? A Yes sir.

XQ Did he undertake to change his explanation?

A He stuck to it. He had an answer right on the bat, that he was expecting this money from the Veterans' Rureau. At that time, the loans were ______ at fifty per cent. of their face value, and were being paid on that basis, although very few of the checks had come through at that time.

NQ You didn't say anything to Mrs.Henton about this at the time, did you? A No sir, I did not.

XQ Do you remember how long this note was made payable after date? A I do not.

XQ Do you remember whether it was a demand note?

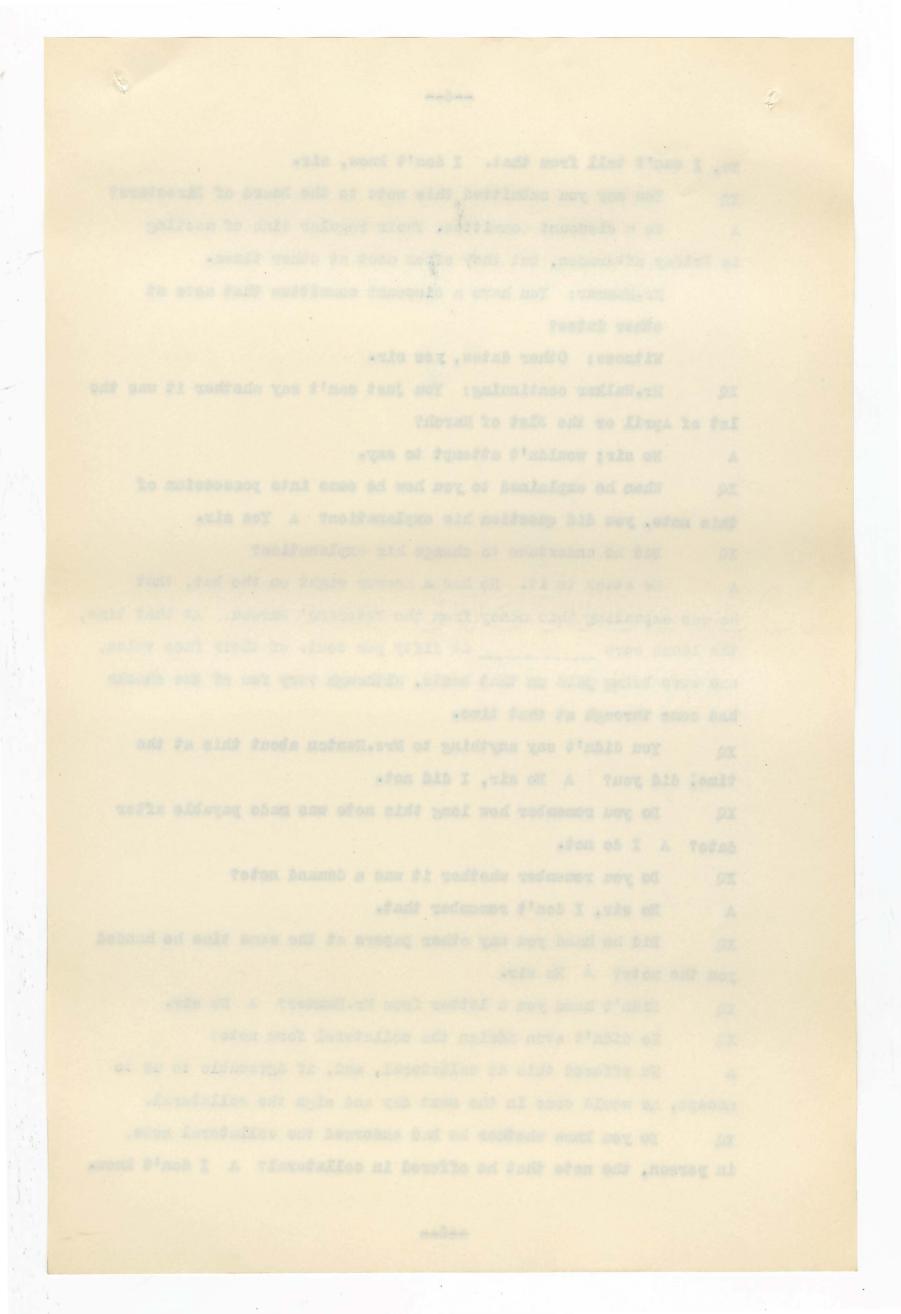
A No sir, I don't remember that.

xQ Did he hand you any other papers at the same time he handed you the note? A No sir.

XQ Didn't hand you a letter from Mr.Hammer? A No sir.

XQ He didn't even assign the collateral form note?

A He offered this as collateral, and, if agreeable to us to accept, he would come in the next day and sign the collateral. NQ Do you know whether he had endorsed the collateral note, in person, the note that he offered in collateral? A I don't know.



I don't know that he had endorsed it, don't remember. Mr.Earman: The note was a negotiable note? Witness: Yes sir.

Witness dismissed.

Mr.Frank C.Hoover, another witness introduced on the same behalf, being first duly sworn, was examined by Mr.Earman, and testified.

Q You are Mr. Frank C. Hoover? A Yes sir.

Q Nou live where? A At Broadway.

Q And what is your business?

A Retail motor truck sales.

Q Do you know the accused, T.S. Yager? A Yes sir.

Q State whether he offered to you, in exchange for a truck, a note of Lucy E.Henton's for \$950.00? A Yes sir.

Q Do you recall about when that was?

A In the first part of April, that he offered it to me in my office at Broadway.

Q Just what did he say with reference to this note? What were the circumstances with respect to the trade?

A He wanted to trade this note to me for a ______ Dunn motor truck, and offered this note as settlement for the truck.

Q What did he say he wanted with it?

A He said his brother wanted this truck, I believe he said he lived over in Orange County.

Q Was it a T truck? A T-15, that quality.

A He asked for T-15; he knew our line. He had formerly been employed, I think, by one of our dealers.

Q Didn't say anything about wanting to get some horses for Mrs. Henton? A No sir. He said he wanted it for his brother.

Q How far is Broadway from Harrisonburg?

A 16(?) miles by way of the Valley Pike.

--7--

I don't know that he had endorsed it. don't remember.

Witness: Yes sir.

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Mr.Frank C.Hoover, another witness introduced on the same behalf, being first duly sworn, was examined by Mr.Earman, and testified.

you are Mr. Frank C. Hoover? A Yes sir.

You live where? A At Broadway.

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Didn't say anything about wenting to get some horses for anten? A No sir. No said he wanted it for his brother. How far is Broadway from Harrisonburg? Cross-examination of witness by Mr. Walker.

XQ You know that this man sold trucks, himself? A Yes sir. XQ What price truck was he selling at that time?

A Higher prices than ours; some of the models were considerably higher.

NQ You weren't surprised then, were you, that he wanted to buy a higher priced model for his brother?

A Very much surprised. I asked him why he didn't furnish his brother one of his own trucks.

XQ What did your trucks sell for?

A

Somewhere around nine hundred dollars. Mr.Hammer: Good demand for ahigh-priced truck? Objection by Mr.Earman.

XQ Mr.Walker continuing: Did you think it was strange that he should be in the market for a higher priced truck for his brother?

A I knew that he had some lower priced trucks than three or four thousand dollars.

XQ Didn't you know, as a matter of fact, that \$3,400.00 is the lowest priced truck those people make?

A No sir, I did not.

XQ Well, if that is true, then you are sadly mistaken? Then your suspicions were ill-founded? A Yes sir.

XQ Have you ever looked these prices on this truck up, in the Commercial Law Journal, etc. ?

A I think have at times, yes sir. I looked them over in our July issue.

XQ Have you ever seen them quoted at lower prices than \$3,400.00? A I couldn't say.

XQ In other words, you don't know? A No sir. I was pretty sure he had a car cheaper than \$3,400.00, and I think so now. I couldn't say that positively. We look more closely to those we are

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re . You woren't surprised then, were you, that he wanted to

A Very anch surprised. I asked him why he didn't furnish his brother one of his con tracks.

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rq wall, if that is true, then you are addy mistaliant then your completent ware ill-founded? A Yos sir.

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in in other words, you don't know? A No size I was profity store he had a our chooper than \$2,000.00, and I think no news I douldn't say that peatsively. We look more closely to those we are 1

in serious competition with.

XQ He wanted to buy a truck for his brother? A Yes sir. XQ And he ascertained the price of it, and asked you if you would take this note? A Yes sir.

XQ Did you notify Mrs.Henton? A No sir. Mrs.Henton's daughter called me later. She called me some time about the time this came up, - Mrs.Henton's daughter. I have never met the lady. Have never met any of them.

NQ There was nothing that arese that caused you to get in touch with them? A No sir.

XQ All right, why didn't you take this note then?

A I didn't want it.

XQ Why didn't you want it? That is what I am trying to find out?

A I didn't think it was a good note. I looked on it with some suspicion.

XQ If the note had been in part payment of the truck, instead of full payment, you would have taken it, wouldn't you?

A That depends on the note. I try to be just as careful as I can about those things.

XQ If it had been offered in part payment, you would have taken it?

A Not this note, no sir.

XQ Why then, did you state in your preliminary hearing? "I do take notes. I didn't want to take a note for the full amount. If it had been in part payment, I suppose I would have taken it."

A If I had known the parties and all the circumstances, I probably would have.

XQ Did you make this statement? A I probably did. If I had known all the circumstances, I probably have would have been willing. XQ You didn't make that statement before, did you? A I probably did not.

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sars ou "eader arms to

Mr. Earman: What price truck did he want to get? Witness: In the neighborhood of nine hundred dollars. Mr. Earman: Do you recall what time of day he was there? Witness: Saturday afternoon. He called up and made an engagement with me.

Mr. Earman: Did he have a letter from Mr. Hammer? Objection by Mr. Walker; Objection overruled; exception.

Mr.Earman: I want to know from this witness whether a letter from Mr.Hammer was showed him then, stating the value of the Henton property and what liens were on it.

Witness: Yes.

A further cross-examination of witness was conducted by Mr.Hammer.

XQ Is the copy I am handing you a copy of the letter that he showed you?

A To the best of my knowledge, that is a copy. XQ Just read that, please sir.

(Reading):

A

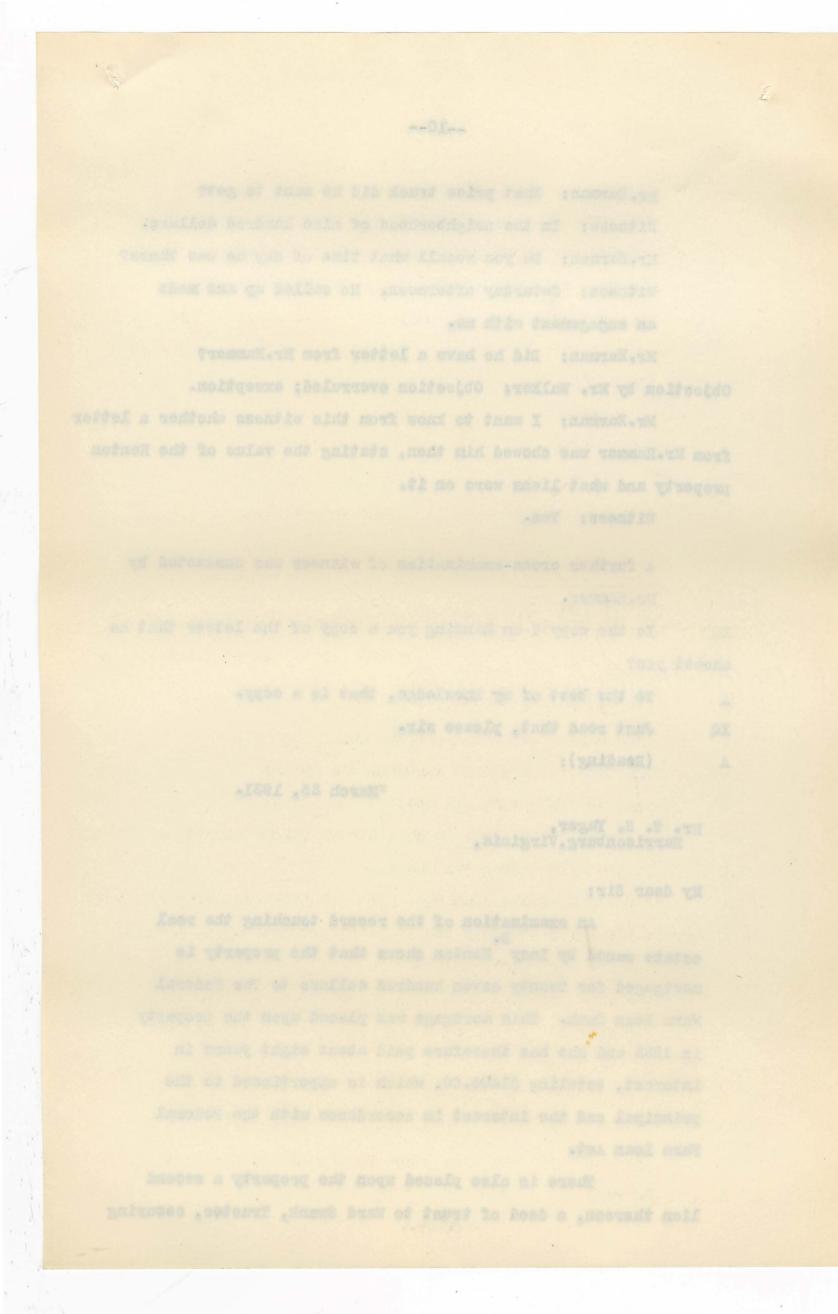
"March 25, 1931.

Mr. T. S. Yager, Harrisonburg, Virginia,

My dear Sir:

An examination of the record touching the real B. estate owned by Lucy Henton shows that the property is mortgaged for Twenty seven hundred dollars to The Federal Farm Loan Bank. This mortgage was placed upon the property in 1922 and she has therefore paid about eight years in interest, totaling \$1404.00, which is apportioned to the principal and the interest in accordance with the Federal Farm Loan Act.

There is also placed upon the property a second lien thereon, a deed of trust to Ward Swank, Trustee, securing



unto Mr. Bradley a note of \$875.00.

The farm is located to the northeast of Reczeltown and contains 264 acres. This was purchased by Mrs.Henton or by Mr.Bradley for Mrs.Henton at a price of \$1750.00 over and above the lien upon the property in favor of the Farm Ioan at the time the sale was made, the purchaser assuming the payment of the lien on the farm to the Federal Farm Ioan Bank and Mrs.Hinton assuming this payment when the property was transferred to her.

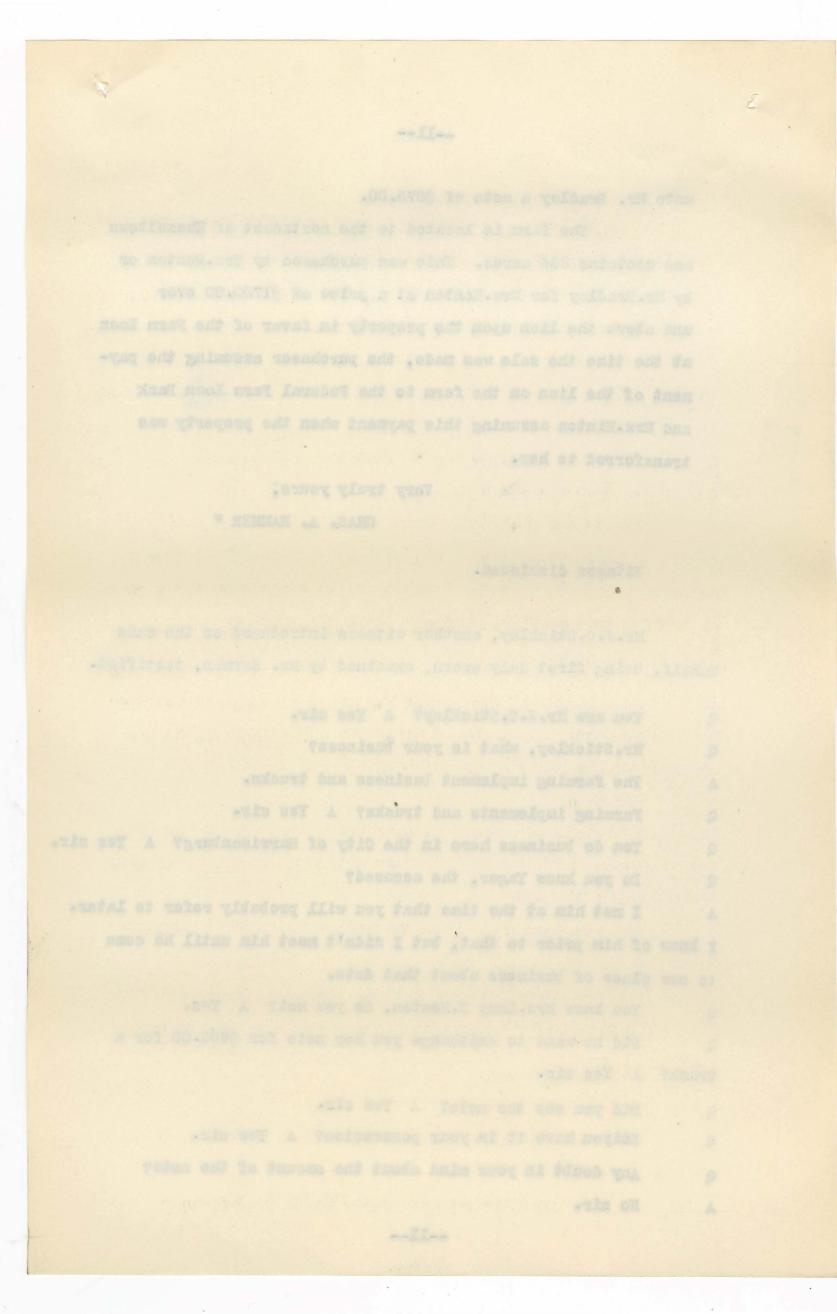
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Very truly yours,

CHAS. A. HAMMER "

Witness dismissed.

	Mr. J. C. Stickley, another witness introduced on the same
behalf,	being first duly sworn, examined by Mr. Earman, testified.
Q	You are Mr. J. O. Stickley? A Yes sir.
Q	Mr.Stickley, what is your business?
A	The farming implement business and trucks.
Q	Farming implements and trucks? A Yes sir.
Q	You do business here in the City of Harrisonburg? A Yes sir.
Q	Do you know Yager, the accused?
A	I met him at the time that you will probably refer to later.
I knew	of him prior to that, but I didn't meet him until he come
to our ;	place of business about that date.
Q	You know Mrs.Lucy E.Henton, do you not? A Yes.
Q	Did he want to exachange you her note for \$950.00 for a
truck?	A Yes sir.
Q	Did you see the note? A Yes sir.
Q	Dédyou have it in your possession? A Yes sir.
Q	Any doubt in your mind about the amount of the note?
A	No sir.



Q Did you make a copy of it?

A I started to make a copy of it. When Mr. Yager presented the note, I told him I would make some inquiry as to the security, and started to make a copy of it. And he said, "Just take the note." And I didn't finish the copy then, so, in taking the note, I told him I would take the note if he would go with me, which he did, and an hour or two later I had a report on the note as to the security value of it.

--12---

Q What kind of truck did he want?

A He wanted a light truck.

Q Did he say what for?

A I think he said that his brother or some of his family had some lumber to market, at least he had a customer for a truck in a class that he didn't have.

Cross-examination of witness was conducted by Mr.Hammer. NQ As a matter of fact, when you got the note, you received the report later on from Mr. Swank, your attorney, and, on the strength of his report, you declined to make the deal?

A Yes sire

NQ You said you started to make the memorandum of the note when he said, "Take the note." Then did both you and he go down to Mr.Swank's together?

A Yes sir, he said, "Take the note," so I didn't complete the copy.

XQ Did you leave the note with Mr. Swank, -- anyway, you all went away, and Mr. Swank later made the report? A Yes sire

Witness dismissed.

Mr.E.R. Lincoln, another witness introduced on the same behalf, being first duly sworn, testified.

-- Direct examination was conducted by Mr. Harman ---

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I I STANDAR TO MADE & GOTT OF 15. Then WEITERE PROVIDE THE ROLE, I TOLE MADE I WORLD HALD THE CHARTER AT TO THE OFFICE THE AND PROPERTY TO MADE & COTT OF 15. IN THE ALL, "THE TATE THE MADE." AND I GIGS'T finish the COTT THE ALL, will be antic, "The All and I told him I would take the nets If he would go with not which he did, and an hour or two later I had a report on the mote as to the counting value of 15.

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(c) You said you started to make the memorandum of the note deen to wild, "fain the notes." Then did both you and he go down to Mr. Mank's together?

A Yes sir, he sold, "fake the note," so I didn't complete the copy.

1 Did you low the coto with Hr. Hank, -- anyway, you all an ever, and Mr. Seant later ando the report? I You air.

Maria Maria Madoin, another vitues inversance on the same

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You are Mr. E.R. Lincoln? A Yes sir. Q

Q Until quite recently, you were identified with the Kavanaugh Garage in this city? A Yes sir.

Do you know the accused? A Just met the gentleman. Q State whether or not he wanted to exchange a note to you 0 of Mrs. Lucy E. Henton's for a Plymouth automobile?

He came down to the garage and wanted to buy an automobile. He liked the Plymouth, and he wanted to know how cheap I would sell him one, and in turn he offered me in payment for the car a note of \$950.00. He said it was Mrs. Lucy E. Henton's.

pid you make the exchange? A No sir. Q

What was the selling price of that car at that time, do 0 you remember? A \$710.00. He wanted cash for the difference. Q Did he say what he wanted with the car? A That wasn't discussed. Q

You didn't get that far? A No sir.

Mr.Hammer: If he had gotten the cash, he would have gotten about the price of two horses, wouldn't he?

Witness dismissed.

Mr.C.K. Switzer, another witness introduced on the same behalf, being first duly sworn, testified.

-- Direct examination was conducted by Mr. Earman .--

You are Mr.C.K.Switzer, and are doing business, I believe, Q at the Ravanaugh Garage? A Yes sir.

Did the accused. T.S. Yager. offer you a note of Mrs. Henton's Q in exchange for an automobile? A Yes siz.

Were you and Mr. Lincoln both present?

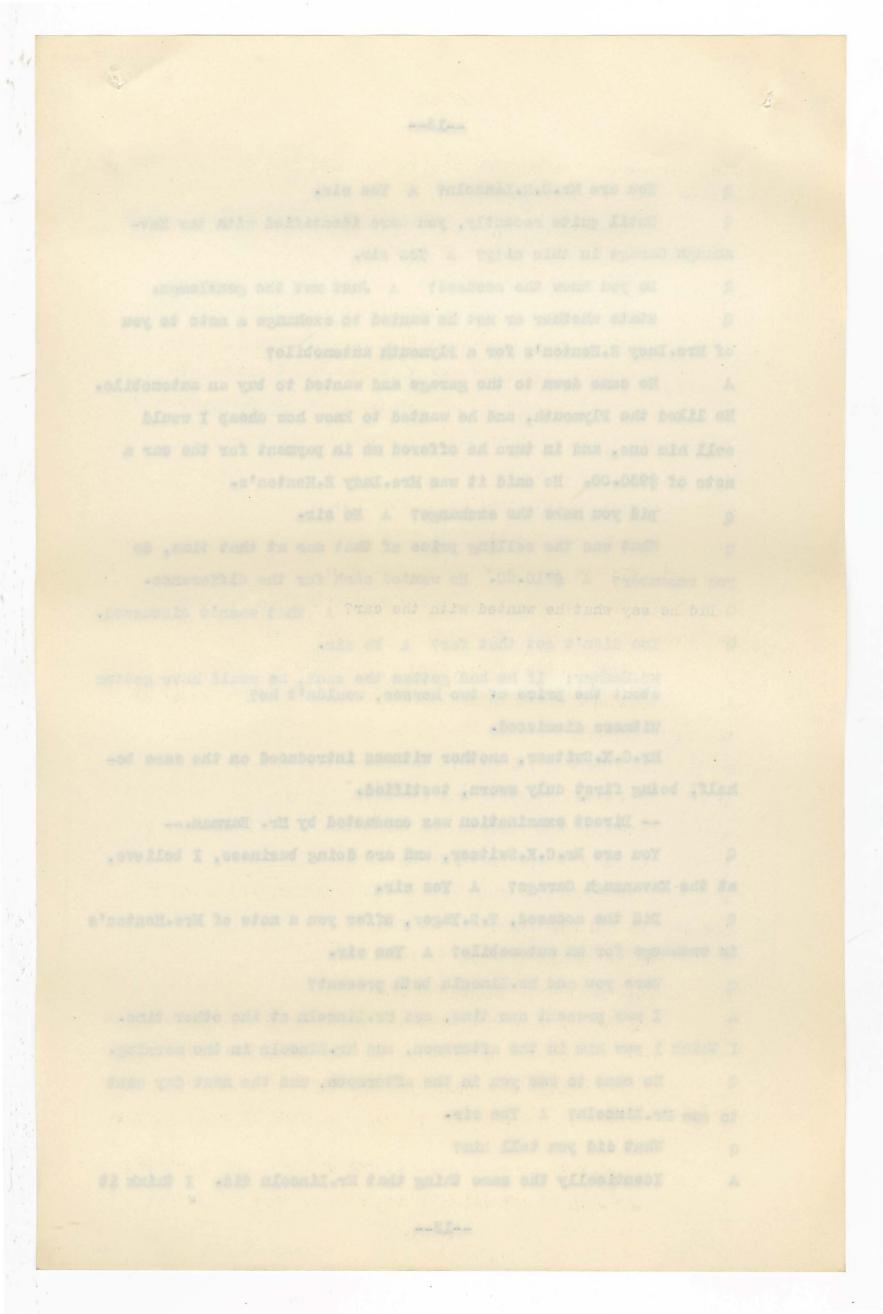
I was present one time, and Mr.Lincoln at the other time, A I think I saw him in the afternoon, and Mr. Lincoln in the morning. He came to see you in the afternoon, and the next day went Q to see Mr. Lincoln? A Yes sir.

What did you tell him? 0

0

Identically the same thing that Mr. Lincoln did. I think it A

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was a matter of co-incidence that he happened to see me one time and Mr. Lincoln the other.

Witness dismissed.

Mr. B.H. Arey, another witness introduced on the same behalf, being first duly sworn, testified.

--Direct examination was conducted by Mr. Harman ---You are Mr. B.H. Arey, and you work for the Ford automobile 0 people here in the City of Harrisonburg? A Yes sir. In what capacity? 0 Acting as Secretary and Treasurer. A Do you know the accused, T.S. Yager? Q I met him on one occasion, yes sir. A Did he, or not, want to exchange with you, for an auto-Q mobile, a note of Mrs. Incy E. Monton? A Yes sir. Q. Do you remember the amount of the note? Something o ver nine hundred dollars. I don't remember A the exact amount. What kind of automobile did he want? Q He wanted to buy a Ford standard coupe. A What did they sell for at that time? A \$582.00. 0 Did he say what he wanted with the east car? 直 He said he was traveling across mountain roads, and the A car that he had was too heavy for him. He had mountain roads to travel? Q That is what he said, yes sir. A You recall when this note was payable? A No sir, I do not. Q. Did you see the note? A I saw the note, yes sir. 0 Do you recall when that was, Mr. Arey? Q I don't know the date. It was some time in early spring. A Cross-examination of witness was conducted by Mr. Walker.

what kind of car did he have, when he came out there?

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XQ



and a mother of co-incidence that he happened to see as one time g and it. Timeoin the ciner.

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and he, or not, what to exchange with let. a pote of previnger Sultantent . Yes shit. 35 yes yes added the sname of the sale?

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That kind of automobile did he wanty is wanted to buy a Ford standing coupes

and ald that to the tot for at that there a \$888.00.

Did he say what he wasted with the same sa

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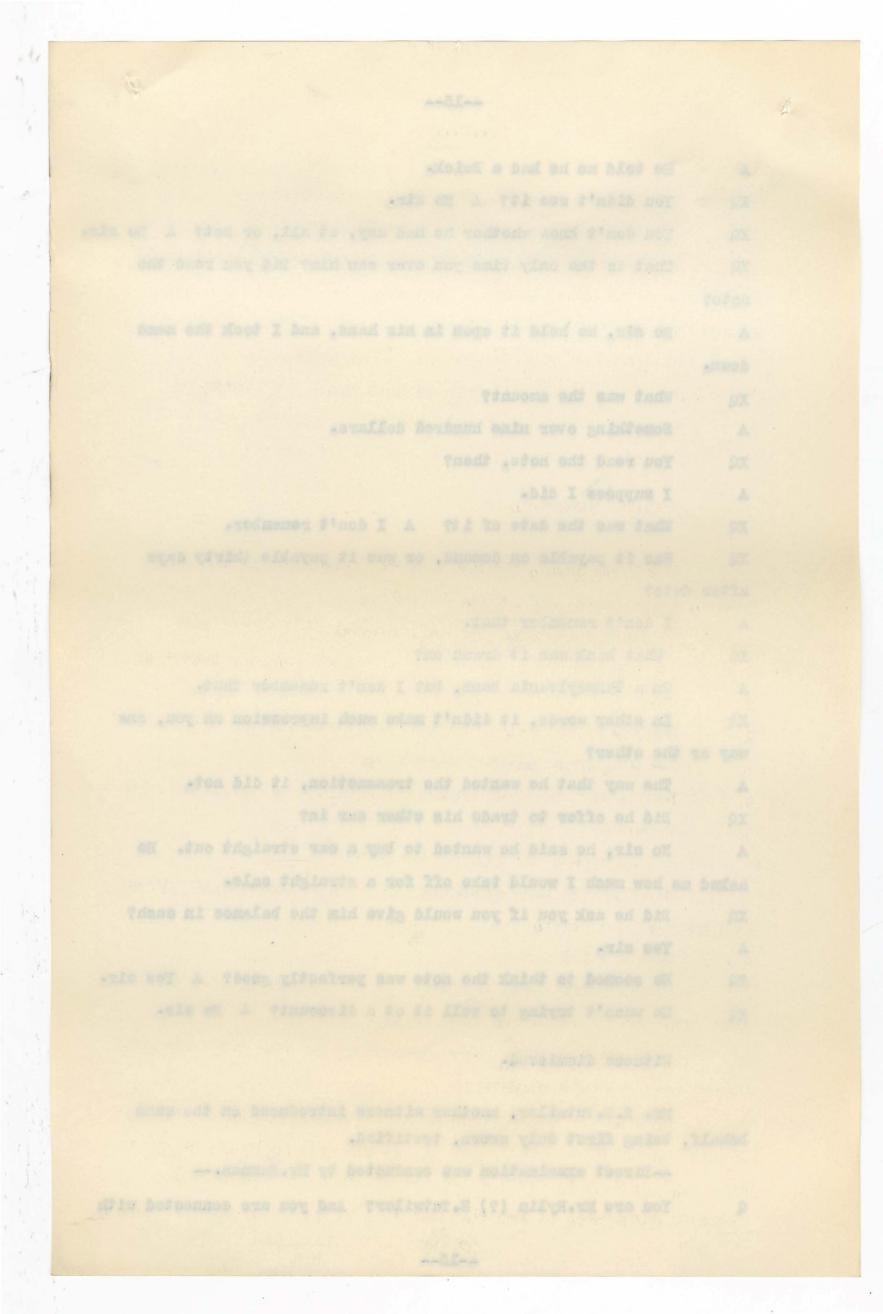
 A	He told me he had a Buick.
XQ	You didn't see it? A No sir.
XQ	You don't know whether he had any, at all, or not? A No sire
XQ	That is the only time you ever saw him? Did you read the
note?	
A	No sir, he held it open in his hand, and I took the name
down.	
XQ	What was the amount?
A	Something over nine hundred dollars.
XQ	You read the note, then?
A .	I suppose I did.
XQ	What was the date of it? A I don't remember.
XQ.	Was it payable on demand, or was it payable thirty days
after de	ato?
A	I don't remember that.
XQ	What bank was it drawn on?
A	On a Pennsylvania bank, but I don't remember that.
XQ	In other words, it didn't make much impression on you, one
way or	the other?
A	The way that he wanted the transaction, it did not.
XQ	Did he offer to trade his other car in?
A	No sir, he said he wanted to buy a car straight out. He
asked m	e how much I would take off for a straight sale.
XQ	Did he ask you if you would give him the balance in cash?
A	Yes sir.
XQ	He seemed to think the note was perfectly good? A Yes sir.
XQ	He wasn't trying to sell it at a discount? A No sire
	Witness dismissed.
	Mr. R.E.Tutwiler, another witness introduced on the same
bohalf,	being first duly sworn, testified.
	Direct examination was conducted by Mr. Harman

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Q

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You are Mr.Rylin (?) E. Tutwiler? And you are connected with



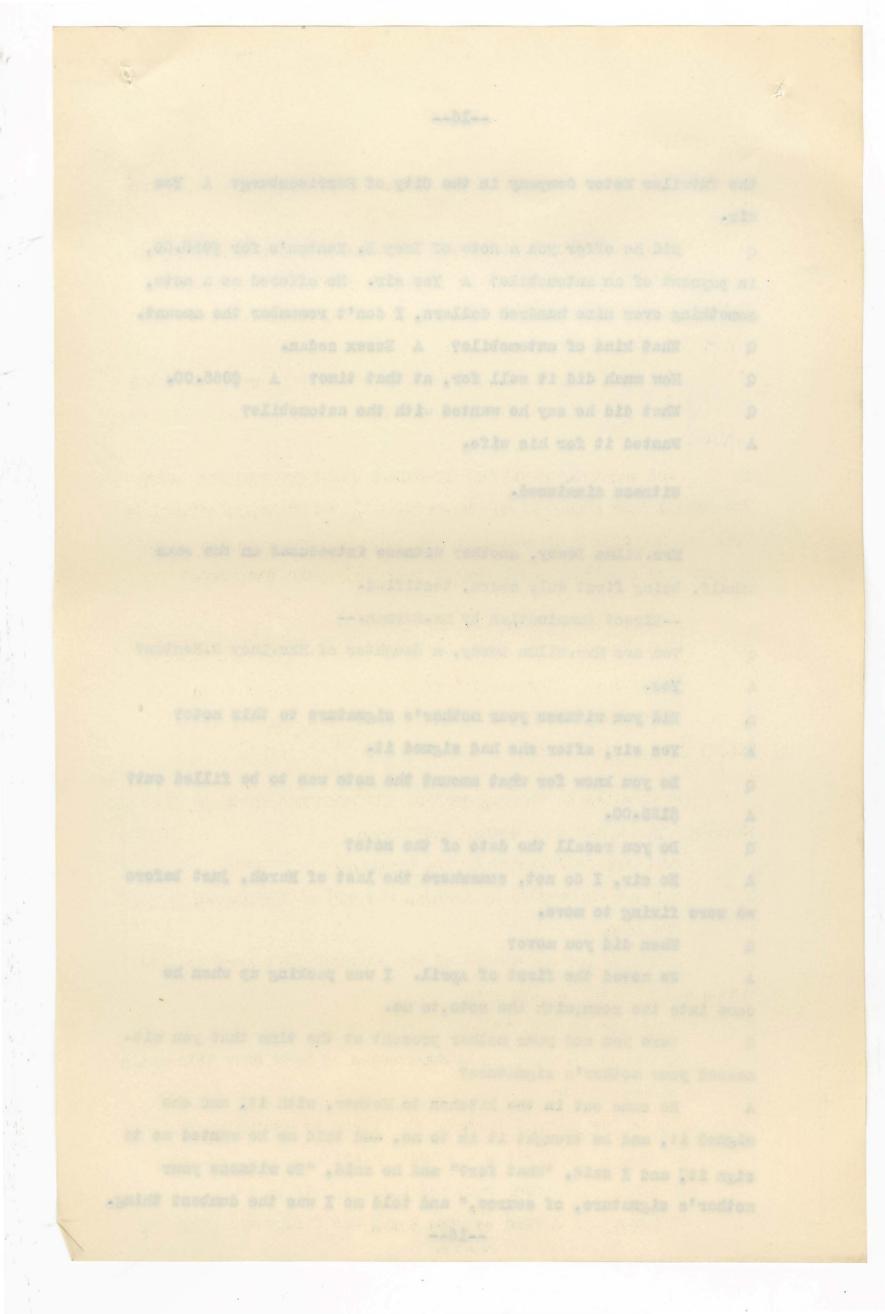
the Tutwiler Motor Company in the City of Harrisonburg? A Yes sir.

Q Did he offer you a note of Lucy E. Henton's for \$950.00,
in payment of an automobile? A Yes sir. He offered me a note,
something over nine hundred dollars, I don't remember the amount.
Q What kind of automobile? A Essex sedan.
Q How much did it sell for, at that time? A \$865.00.
Q What did he say he wanted with the automobile?

A Wanted it for his wife.

Witness dismissed.

1	Mrs.Wilma Dewey, another witness introduced on the same	
behalf,	being first duly sworn, testified.	
	Direct examination by Mr. Earman	
Q	You are Mrs.Wilma Dewey, a daughter of Mrs.Lucy E.Henton?	
A	Yes.	
Q	Did you witness your mother's signature to this note?	
4	Yes sir, after she had signed it.	
Q	Do you know for what amount the note was to be filled out?	
A	\$125.00.	
Q	Do you recall the date of the note?	
A	No sir, I do not, somewhere the last of March, just before	
we were	fixing to move.	
Q	When did you move?	
A	We moved the first of April. I was packing up when he	
came into the room, with the note, to me.		
Q	Were you and your mother present at the time that you wit-	
nessed your mother's signature?		
A	He came out in the kitchen to Mother, with it, and she	
signed i	t, and he brought it in to me, and told me he wanted me to	
eign it;	and I said, "What for?" and he said, "To witness your	
mother's	signature, of course," and told me I was the dumbest thing.	



Q After he had gotten this note, did you say anything about it later?

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A Yes, on several occasions. I asked him one time if he had heard anything about it, and he said the people at the bank up there wanted a financial statement, and I asked him a number of times if he had heard from them.

Q Do you know anything about why your mother wanted to sign this note? Were you present when the matter was discussed by your mother?

A She was talking at the breakfast table one morning; said she wanted some money to buy these horses, and Mr. Yager offered to loan her the money; he said, "I will just let you have it. I will be here for a while. I am staying here with your daughter."

Witness dismissed.

Mr.Earman: Commonwealth rests, Your Honor, please. Mr.Earman: Your Honor, please, I would like to ask Mr. Fawley just one question.

Mr. Charles R. Fawley, another witness introduced on the same behalf, being first duly sworn, testified. --Direct examination by Mr. Earman ---You are Mr. Charles R. Fawley, Sheriff of Rockingham County? Q. Yes sir. A A capias for the arrest of the accused was placed in your Q hands, was it not? A Yes sir. Where was he apprehended? 0 He was apprehended in Pennsylvania. I have some telegrams. A Altoona, Pennsylvania. and he was brought back to this State by extradition? Q He was, by Mr. Cooper, a deputy sheriff. A Mr. Hanmer: He came back voluntarily, did he not? Witness: He agreed to come back, but I sent Mr. Cooper up

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After he bad gotten this note, did you say anything aloust

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The for an everyal occurrence I and a main the second and the back optrates anythman modul it, and he wold the popula of the bank opthere wented a financial statement, and I ached him a manher of times if he had heard from them.

2 Do you know anything about my your nother wanted to sign this note? Here you present when the matter was discussed by your nother?

A She was talking at the breakfast table one morning; said and wanted, some money to kay these horses; and Hr.Toger affored to leas her, the money; be eath, "I will just let you have it. I will be here for for a withe. I as staying here at th your daughter."

Ministrian: Community rests, Tour Honer, piones. Mr.Harman: Tour Honor, plance, I would like to sak Mr. Saulay Just one question.

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Mr.Charles R. Fawley; another witness introduced on the sense behalf, being first duly sworn, testified. ---Mroot examination by Mr. Bernam.---Q You are Mr.Charles R. Masky, Sheriff of Rockingham County? A Tos siz. Q : acquise for the errest of the accured was placed in your

s, vou it mot? & You sir. There was an expression?

ant, famigelrants. 204 es and trondit book to this state to erandition? No was, by Br.Googer, a deputy shoriff.

after him.

Witness dismissed.

Mr. T.S. Yager, the defendant, introduced in his own behalf, being first duly sworn, testified.

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--Direct examination by Mr. Walker ---

Q. State your name to the stenographer. A T.S.Yager. You are the defendant in this case? A Yes sir. Q How old are you? A Thirty-five. Q Where were you raised? A In Culpeper County, Virginia. Q 0 Where do you live now? A In Altoona, Pennsylvania. When did you go to Altoona, Pennsylvania? 0 I don't remember. Possibly two months ago, a little over. A I am not psoitive. I think I have some papers that I could check on and possibly give you the exact date. In other words, you were there when this warrant was served 0 on you? A In Altoona, Pennsylvania. Your wife lived in Altoona, Pennsylvania, and that is the 0 reason you were up there at that time? A Yes sir. Then you are a married man? A Yes sir. Q

Q You say you are thirty-five years old? A Yes sire

Q You are a war veteran? A Yes sir.

Q What service did you see?

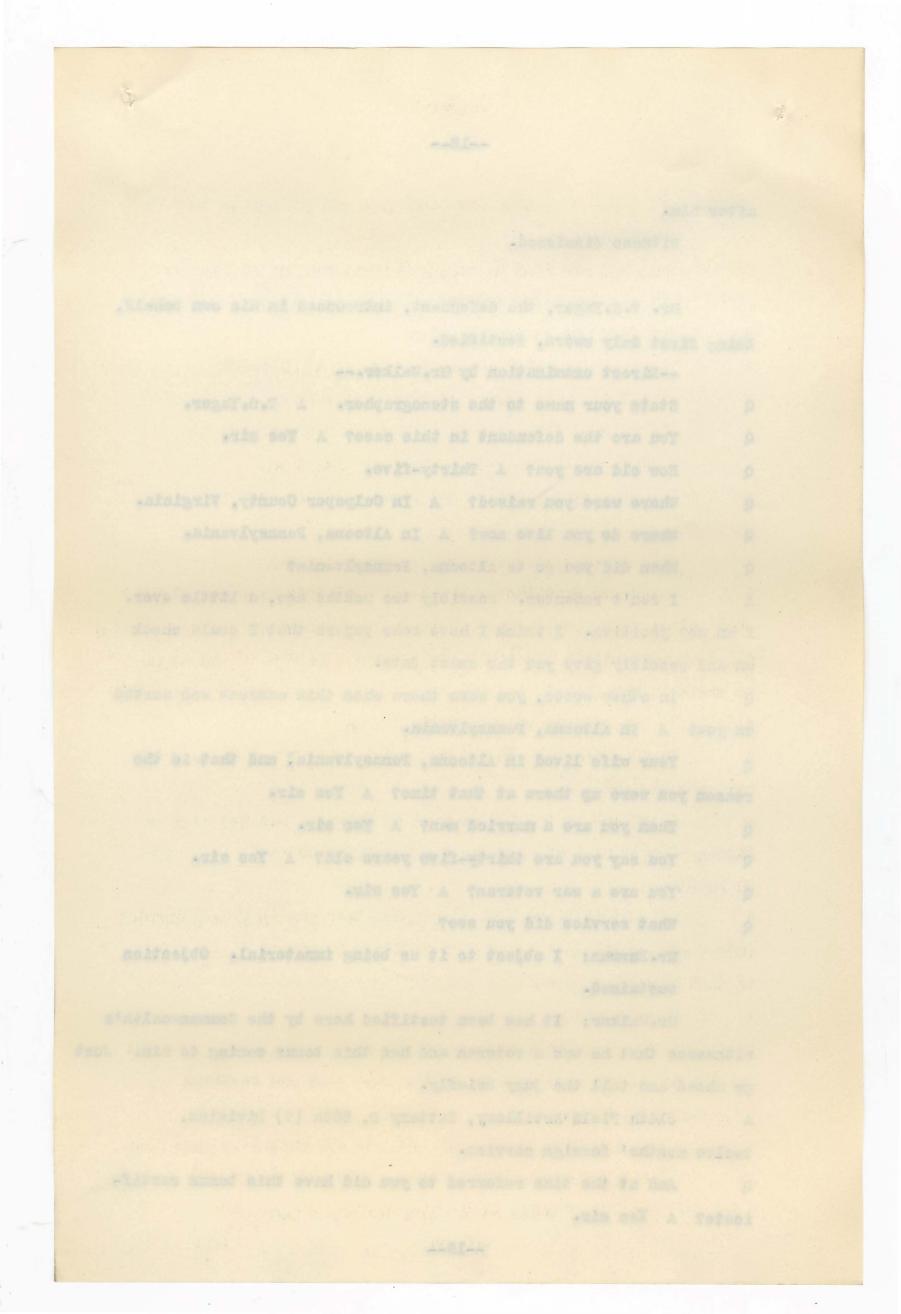
Mr. Exrman: I object to it as being immaterial. Objection sustained.

Mr.Walker: It has been testified here by the Commonwealth's witnesses that he was a veteran and had this bonus coming to him. Just go ahead and tell the jury briefly.

A 314th Field Artillery, Battery D, 80th (?) Division, twelve months' foreign service.

Q And at the time referred to you did have this bonus certificate? A Yes sir.

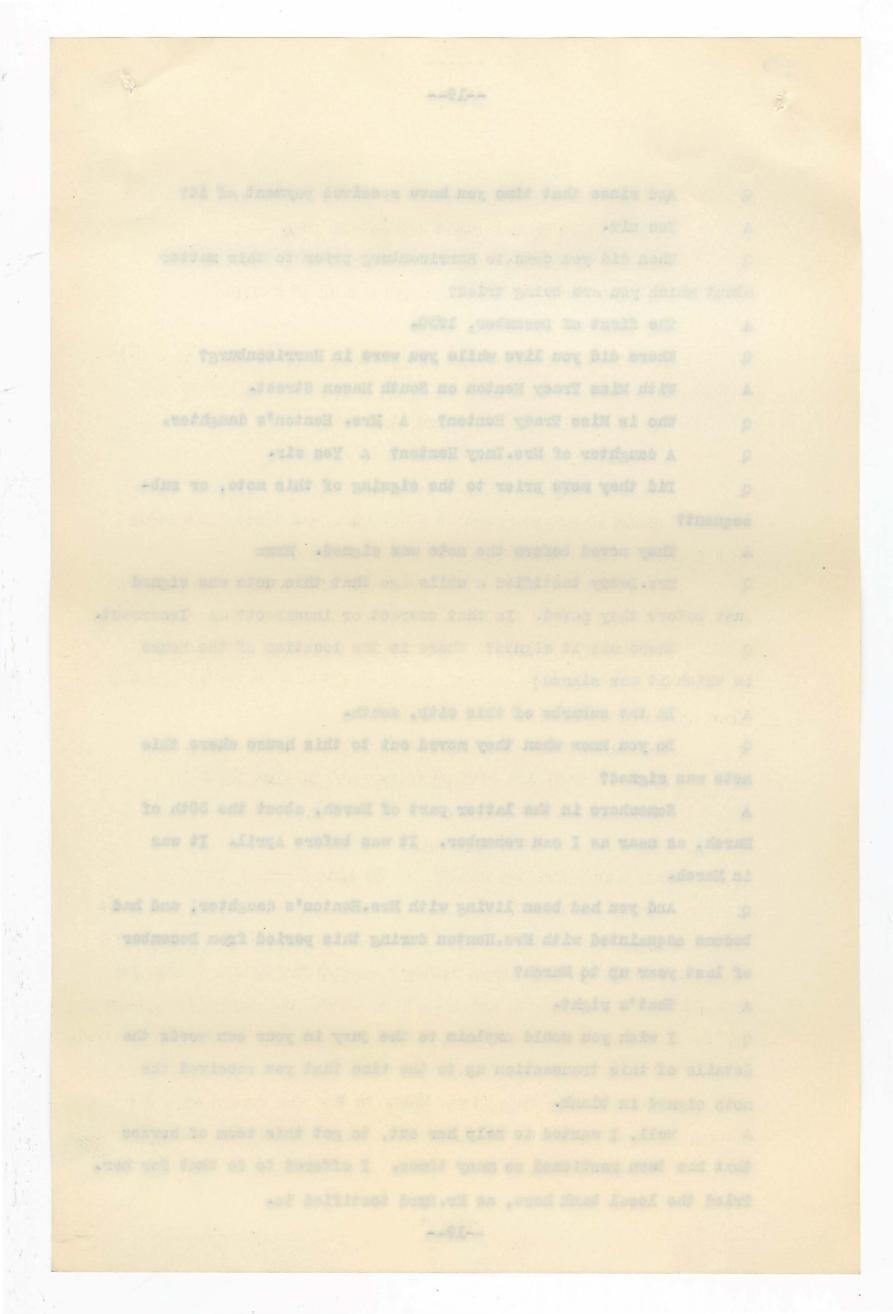
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And since that time you have received payment of it? Q Yes sir. A When did you come to Harrisonburg prior to this matter Q. about which you are being tried? The first of December, 1930. A Where did you live while you were in Harrisonburg? 0 With Miss Tracy Henton on South Mason Street. A Who is Miss Tracy Henton? A Mrs. Henton's daughter. 0 A daughter of Mrs. Lucy Henton? A Yes sir. Q Did they move prior to the signing of this note, or sub-0 sequent? They moved before the note was signed. Mrsx A Mrs. Dewey testified a while ago that this note was signed 0 just before they moved. Is that correct or incorrect? A Incorrect. Where was it signed? Where is the location of the house 0 in which it was signed? In the suburbs of this city, south. A Do you know when they moved out to this house where this Q note was signed? Somewhere in the latter part of March, about the 30th of March, as near as I can remember. It was before April. It was in March. And you had been living with Mrs. Henton's daughter, and had 0 become acquainted with Mrs.Henton during this period from December of last year up to March? That's right. A I wish you would explain to the jury in your own words the 0 details of this transaction up to the time that you received the note signed in blank. Well, I wanted to help her out, to get this team of horses A that has been mentioned so many times. I offered to do that for her.

--19--

Tried the local bank here, as Mr. Burd testified to.



I asked you for the transaction prior to that. Q I don't know that I quite understand you. A Explain to the jury why she gave you this note signed? Q To secure money for her to buy a team of horses. A Any discussion before that? 0 It had been discussed several times, oh, I would say a week A before the note was signed. Had you offered to loan her this money? 0 I was going to use the note as collateral. A Mrs.Henton, as I understand you, understood from you that 0 you were going to use her note as collateral and borrow the money on her note. Is that correct? A That's right. After she had signed this note and delivered it to you, you 0 did go to the bank with it here in Herrisonburg? A Yes sir. And how much money did you try to borrow? Q If I remember correctly, \$200.00; \$175.00 or \$200.00, using A that note as collateral. That was your proposition to Mr. Byrd? A Yes sir. Q What was this two hundred dollars to be used for? Q To buy a team of horses. A For whom? A Mrs. Henton. Q You didn't get the money? A No sir. 0 What did you do next? A I thought the best thing to do was 0 to buy a light duty truck. That is the only means I had of raising this money for her. The bank wouldn't accept the note. I thought possibly I could do that, and sell this truck, and apply the balance on of the note and still have the two hundred dollars, or whatever it was. to buy the team of horses with. That was your intention, then, to buy the truck, sell the 0 truck, take up the note, and have enough left to buy the team of horses Yes sir. A

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After she as a function but are not bolked and at a far you, you are to you, you

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that was your proposition to Hr. Myrdf A Tas siz.

What was this two hundred dollars to be word for?

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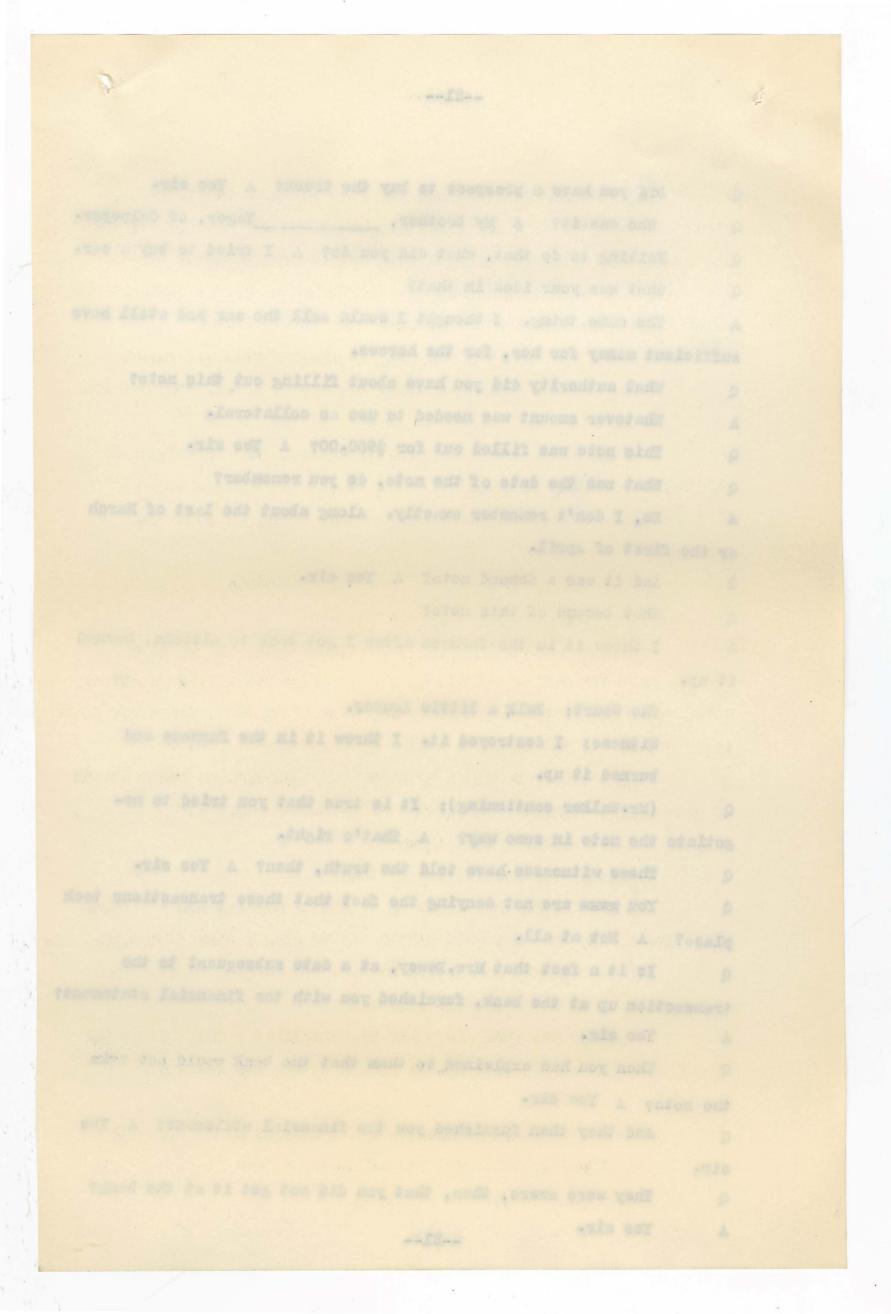
For High? A Mrs. Hentons.

Tou didn's get the noney? A No sir-

which did you do maxer A. I whough and heat which to be use to buy a light duty truck. Must is the only means I had of relating this momey for here. We bank wouldn't accept the note. I thenght perfibly I could be dust, and soll this truck, and apply the balance of at the note and still have the bas bankred collers, or whiteour it us

 Sons von pere insension, short, so der sue breek, soll sta part, take up the pere, and have snorth faits so der star star of hereog for size. -------

Q	Did you have a prospect to buy the truck? A Yes sir.
Q	Who was it? A My brother,Yager, of Culpeper.
Q	Failing to do that, what did you do? A I tried to buy a car.
Q	What was your idea in that?
A	The same thing. I thought I could sell the car and still have
suffici	ent money for her, for the horses.
Q	What authority did you have about filling out this note?
A	Whatever amount was needed to use as collateral.
Q	This note was filled out for \$950.00? A Yes sir.
Q	What was the date of the note, do you remember?
A	No, I don't remember exactly. Along about the last of March
or the	first of April.
Q	And it was a demand note? A Yes sire
Q	What became of this note?
A	I threw it in the furnace after I got back to Altoona, burned
it up.	
	The Court: Talk a little louder.
	Witness: I destroyed it. I threw it in the furnace and
	burned it up.
Q	(Mr.Walker continuing): It is true that you tried to ne-
gotiate	the note in some way? A That's right.
Q	These witnesses have told the truth, then? A Yes sir.
Q	You want are not denying the fact that these transactions took
place?	A Not at all.
Q	Is it a fact that Mrs. Dewey, at a date subsequent to the
transad	stion up at the bank, furnished you with the financial statement?
A	Yes sir.
Q	Then you had explained to them that the bank would not take
the not	te? A Yes sir.
Q.	And they then furnished you the financial statement? A Yes
sire	
Q	They were aware, then, that you did not get it at the bank?
A	Yes sir.



Q She was correct in saying you did come back to get the statement? A Yes sir; she erred in the statement. She showed the Government loan, but she did not show the second mortgage.

Q Had Mrs.Henton purchased the horses prior to the execution of this note, or were they to be purchased in the future?

A I don't know whether she has, or whether she has not. Q Do you know that she had not, prior to the time she gave the note? A No.

Q Was the conversation brought up any more with reference to who would pick out the horses?

A Yes sir, she said she would let Mr. Palmer pick out the horses.

Q Who is he? A I think he is a cattle dealer.

Q Does he live on her farm? A No sir.

She didn't want you to pick out the horses? A No sire
 Then the sum of \$125.00 as the price of the horses is not
 correct, is it? There has been is bound to be an error there somewhere.

isn't there? A Yes sir.

Q When you were notified by arrest or otherwise in Pennsylvania of this charge against you, did you volunteer to come back?

A I volunteered to come back.

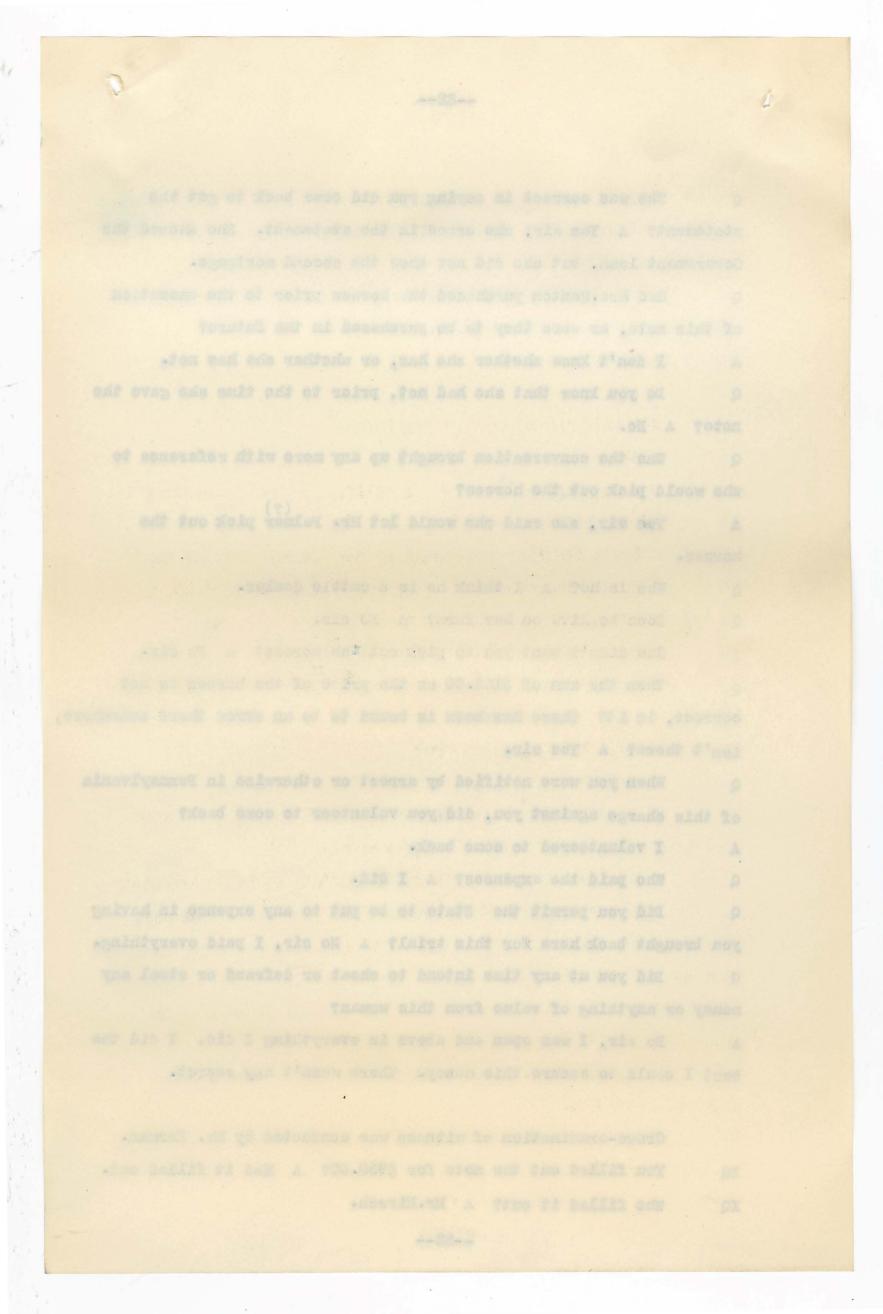
Q Who paid the expenses? A I did.

Q Did you permit the State to be put to any expense in having
 you brought back here for this trial? A No sir, I paid everything.
 Q Did you at any time intend to cheat or defraud or steal any

money or anything of value from this woman?

A No sir, I was open and above in everything I did. I did the best I could to secure this money. There wasn't any secret.

Cross-examination of witness was conducted by Mr. Earman. XQ You filled out the note for \$950.00? A Had it filled out. XQ Who filled it out? A Mr. Hirsch.



What Hirsch? A Arthur Hirsch. NQ You had Arthur Hirsch fill out the note for \$950.00? XQ Yes sir. A At that time you had a draft down a t the bank on you for TO two hundred dollars? A No sir. How much was it? XQ I didn't have a draft at all at that time. A When did the draft come in, before or afterwards? XQ. Afterwards. A How much was the draft? A I don't remember exactly. XQ About how much? XQ I don't remember the amount of the draft. I think the A amount of the draft, as near as I can tell you, was \$285.00, I am not positive. Between two and three hundred dollars. Did you try to sell this note to Mr.Hirsch? XQ Told him what I wanted to use it for, to buy a team of A horses. He sold horses, didn't he? XQ He sold horses, but he wouldn't take the note. A It wouldn't take that much to buy the horses, would it? IQ. I was going to use it as collateral. A TO How did you reach the amount of \$950.00 as being necessary? I thought I was doing right to fill it out for something around one thousand dollars to use it as collateral. I intended to give my own personal note. Then why did you want to use the note in payment of an xo. automobile? I thought I was doing the right thing. I know I could A sell an automobile. You told this man you were going to get it for your wife? XQ Don't you remember that you told Mr. Tutwiler that you wanted an automobile for your wife, -- an Essex?

1 You wire I den't rendeline the second of the fraction I think the a set find beeness works and and another . at 201200 for me I was going to due it as collarboral.

A I think Mr. Tutwiler is mistaken if he testified that way. XQ He is mistaken? A Yes sir.

XQ Didn't you tell Mr. Frank C. Hoover that you wanted a truck for your brother, that your brother had some lumber that he wanted to haul?

A I told him a truck. I don't recall telling anything about lumber.

XQ Mr.Hoover is mistaken, too, is he, if he says that you told him about a truck for your brother to haul lumber?

A Yes sir, I would say he was.

xQ Didn't you tell Mr.J.O.Stickley that you wanted a truck for your brother?

A I was going to sell the truck to my brother. She was going to buy the horses. I was going to turn the money over to her. Mr. Palmer was going to get the horses, the money was going to be turned over to Mrs.Henton.

xQ Did you stay there after that?

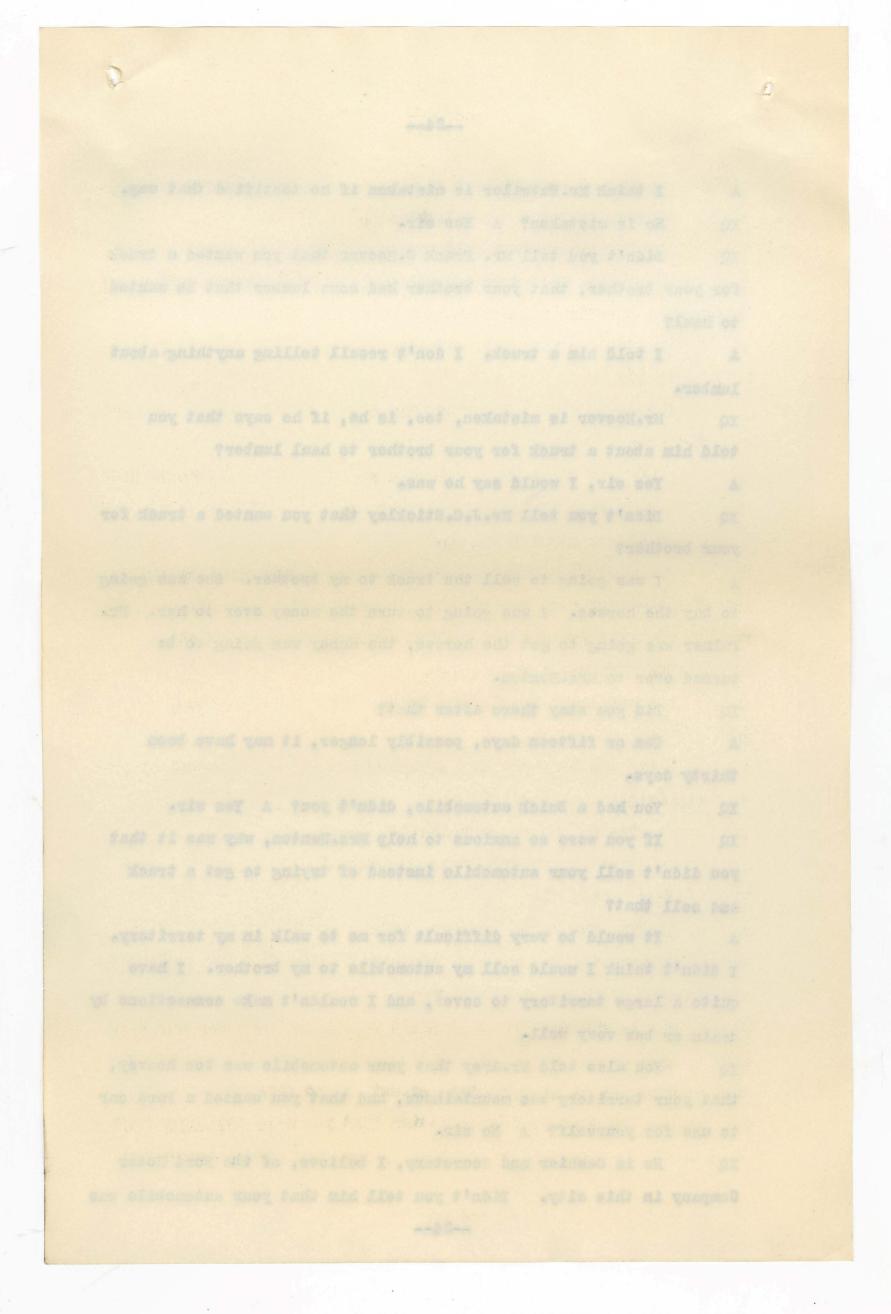
A Ten or fifteen days, possibly longer, it may have been thirty days.

XQ You had a Buick automobile, didn't you? A Yes sir. XQ If you were so anxious to help Mrs.Henton, why was it that you didn't sell your automobile instead of trying to get a truck and sell that?

A It would be very difficult for me to walk in my territory. I didn't think I would sell my automobile to my brother. I have quite a large territory to cover, and I couldn't make connections by train or bus very well.

XQ You also told Mr.Arey that your automobile was too heavey, that your territory was mountainous, and that you wanted a Ford car to use for yourself? A No sir.

XQ He is Cashier and Secretary, I believe, of the Ford Motor Company in this city. Didn't you tell him that your automobile was



too heavy and that you wanted a lighter car for use in your territory?

No sir. I never use a light car. A Why did you destroy this note? XQ Worthless, wasn't of any value. I didn't like to tell Mrs. A Henton that I couldn't negotiate any money for her. It wouldn't have been embarrassing to her to mail it back to XQ her, would it? I didn't want to embarrass her by telling her that I couldn't A negotiate 1t. Don't you think she has been a whole lot more disturbed than XQ she would have been if you had returned the note? No sir, I don't think so. A XO. You went so far as to have the title to her property examined before you ever had the note, didn't you? A No sir. Who paid for the examination of that title? A I did. XQ How much was it? A \$2.50. XQ And you paid that for the benefit of Mrs. Henton, too, did DX. vou? Well, the bank wouldn't accept the note, and I wanted to see A what was wrong. Mhy did you go to Pennsylvania? IQ

A My business required me in Pennsylvania.

xq What business?

A I am in the truck business, salesman.

XQ Are you working in Pennsylvania? A Yes sir. Main office in Pennsylvania, Ardmore, Pennsylvania.

man

XQ Who is F.S. Thomas? A I don't recall any name nor organization by that name.

xQ Were you in an automobile wreck? A No sir.

XQ Did you wire Miss Tracy Henton that you were seriously hurt in an automobile preck? On April 18th, you didn't send her that

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message? A No sir.

XQ were you in York, Pennsylvania, on the 18th of April? A I passed through York when I left Pennsylvania, didn't stop in York. Passed through York in the formnoon.

> Mr.Hammer: What date? Witness: I think it was before the 18th, however. I am not positive. The 17th, if I remember correctly.

XQ (Mr.Earman continuing): Didn't you wire Miss Henton from York, Pennsylvania, at eight a.m. on April 18,1931, "Mr.Yager in accident. Hurt very bad.", and sign genraname the name F.S.Thomas?

A No sire

about it? A No sir, nothing whatever.

NQ What was the price of two horses, two farming horses, about that time? How much was Mrs. Henton to pay for these horses?

A Wasn't any amount set. There wasn't any definite amount set: the note was signed in blank.

XQ Who was present when you destroyed this note?

XQ In whose furnace? A Mrs. R.S.Klose.

XQ When was it destroyed? A When I arrived in Pennsylvania, I don't remember the date. Possibly the 20th, around the 20th. XQ About April 20? In whose furnace?

A Mrs. R.S.Klose, 2013 Seventh Avenue, Altoona, Pennsylvania. XQ Was Klose present? A No sir.

XQ You and your wife went down in the basement and put this note in the furnace?

XQ And you received this note, you say, for the purpose of putting it up as collateral security, in order for Mrs.Henton to buy a team of horses, and, when you found the note wasn't negotiable, you destroyed it?

A Destroyed it when I come back to Pennsylvania, yes sir.

Witness dismissed.

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(3)

Recoss for lunch.

Mrs.Henton recalled to the stand, -- re-direct examination by Mr.Earman.

Q Mrs.Henton, the accused, Yager, in this case, says that his understanding with you was that he was to fill out this note for any amount that was necessary to use as collateral and to turn the money over to you so that you could buy horses?

A That was an entire mistake. I never said anything of the kind. I told him I wanted \$125,00; that was what he promised to let me have. I thought if the horses cost a little more or a little less I could make arrangements.

Q You did buy two horses, I believe?

Objection by Mr. Walker,

A Yes sir.

A

Q He said that he was here for about a week or ten days after this note was signed by you and turned over to you, and that he was about your daughter's home while you were there during that period.

After I signed the note?

Mr. Barman: Yos.

A No sin, I don't remember that he was there, after that, at least, he never said anything to me about the note, if he was there after that, I don't remember. I was sick at the time, and I don't just remember. I don't think he was there. He came and said he was going to get me the money, he was going to Pennsylvania,

Witness dismissed.

Mr. Barman: That is all the evidence.

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nerisation recelled to the stand, -- re-stract exactly the

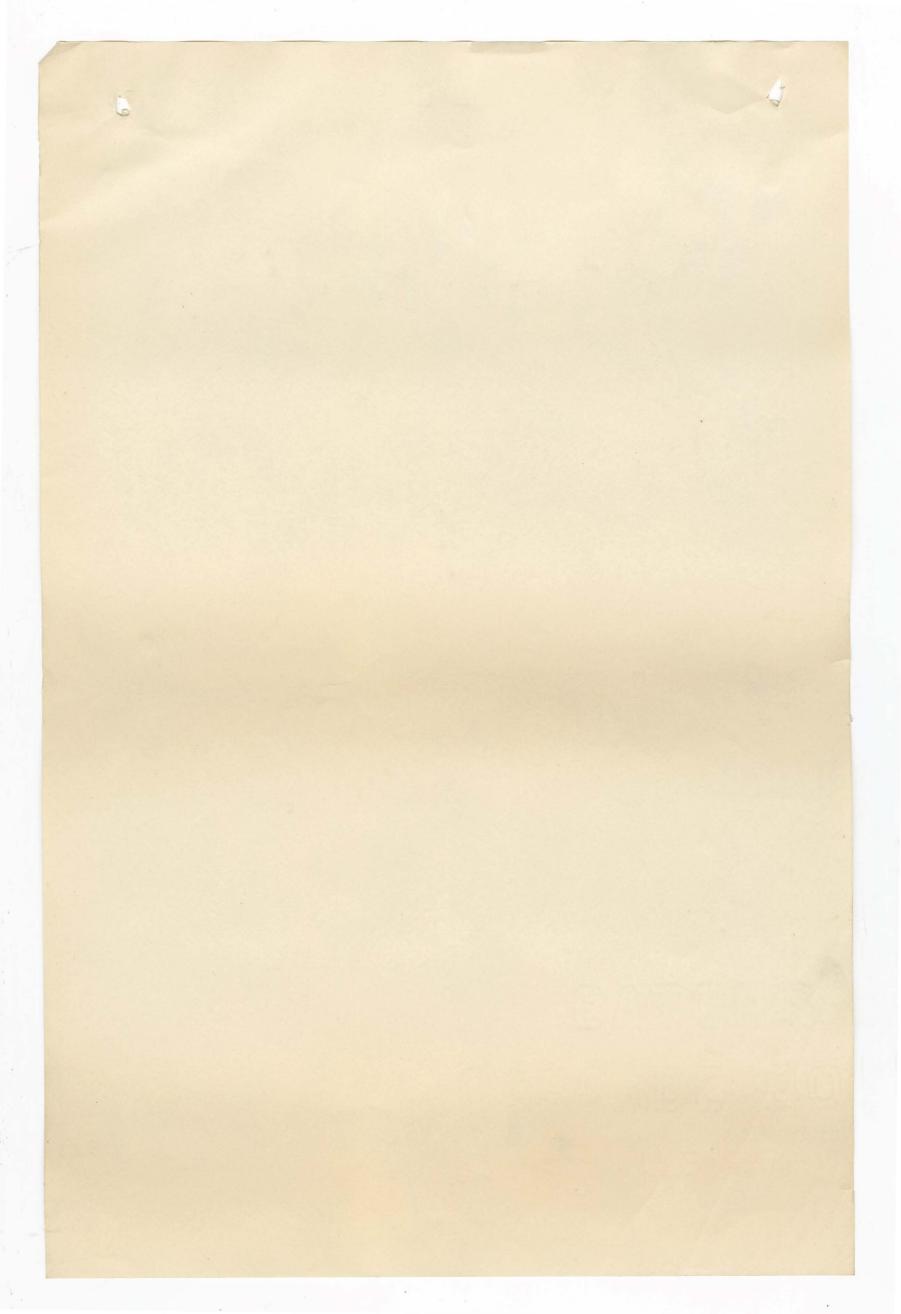
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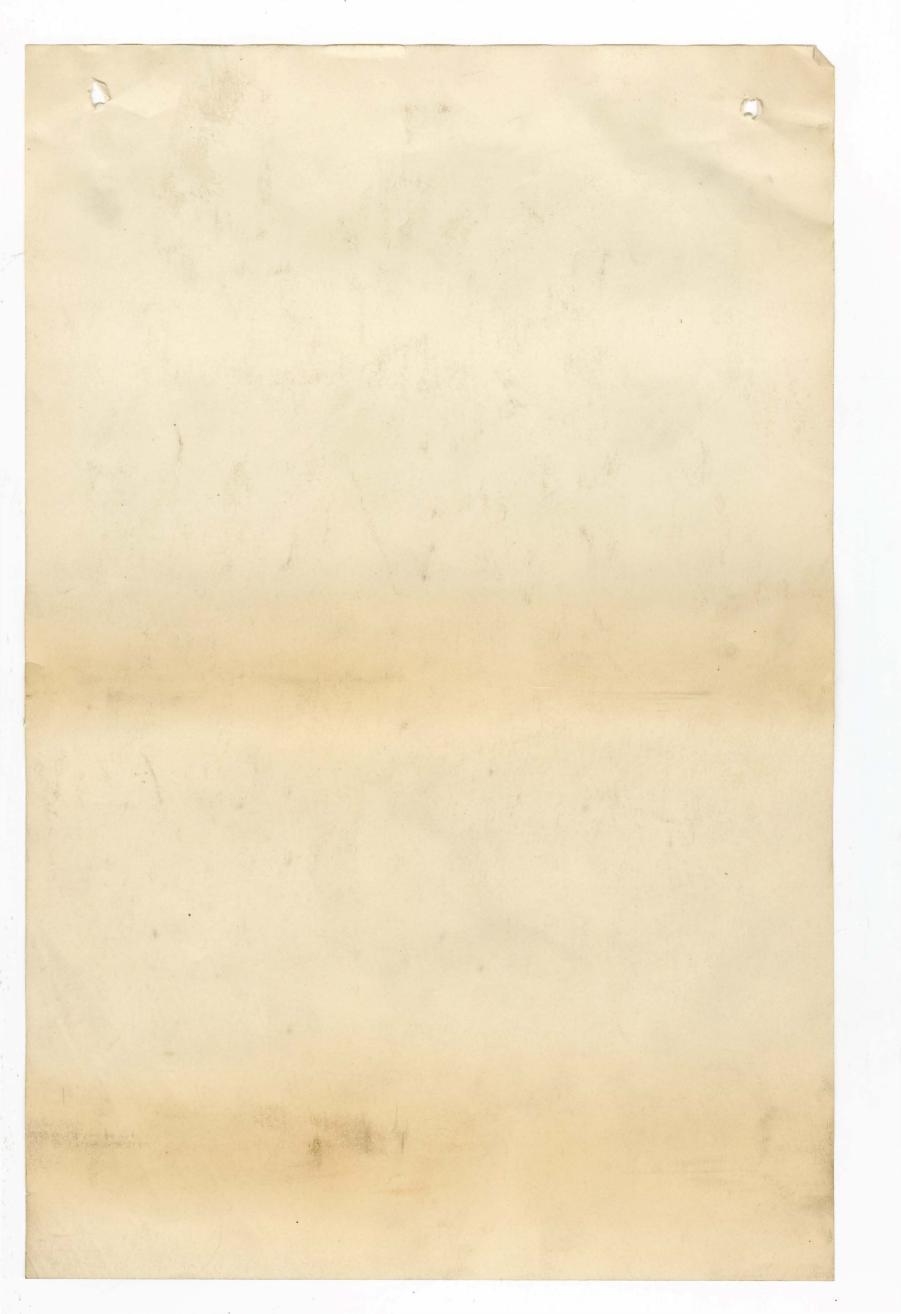
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Index to testimony taken in the Circuit Court of Rockingham County, Virginia, July 13,1931,

in the case of Commonwealth vs. T.S.Yager.

Testimony of		
Mrs.Lucy E.Henton,	Pages	13; 27;
Mr.William H.Byrd,	•• 11	37;
Mr.Frank C.Hoover,	•• #	7-11;
Mr.J.O.Stickley,	•• 11	11-12;
Mr. E.R.Lincoln,	•• п	12-13;
Mr. C.K. Switzer,	•• "	13-14;
Mr. B.H.Arey,	•• 11	14-15;
Mr. R.E.Tutwiler,	•• 17	15-16;
Mrs. Wilma Dewey,	•• #	16-17;
Mr. Charles R. Fawley,	•• 11	17-18;
Mr. T.S.Yager,	· · · II	18-26;
Mrs. Henton re-called,	• Page	27.

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Index to testimony taken in the Girault Court of Rockingham County, Virginia, July 13,1931, in the case of Counterlin Va. 7.8. Pager.

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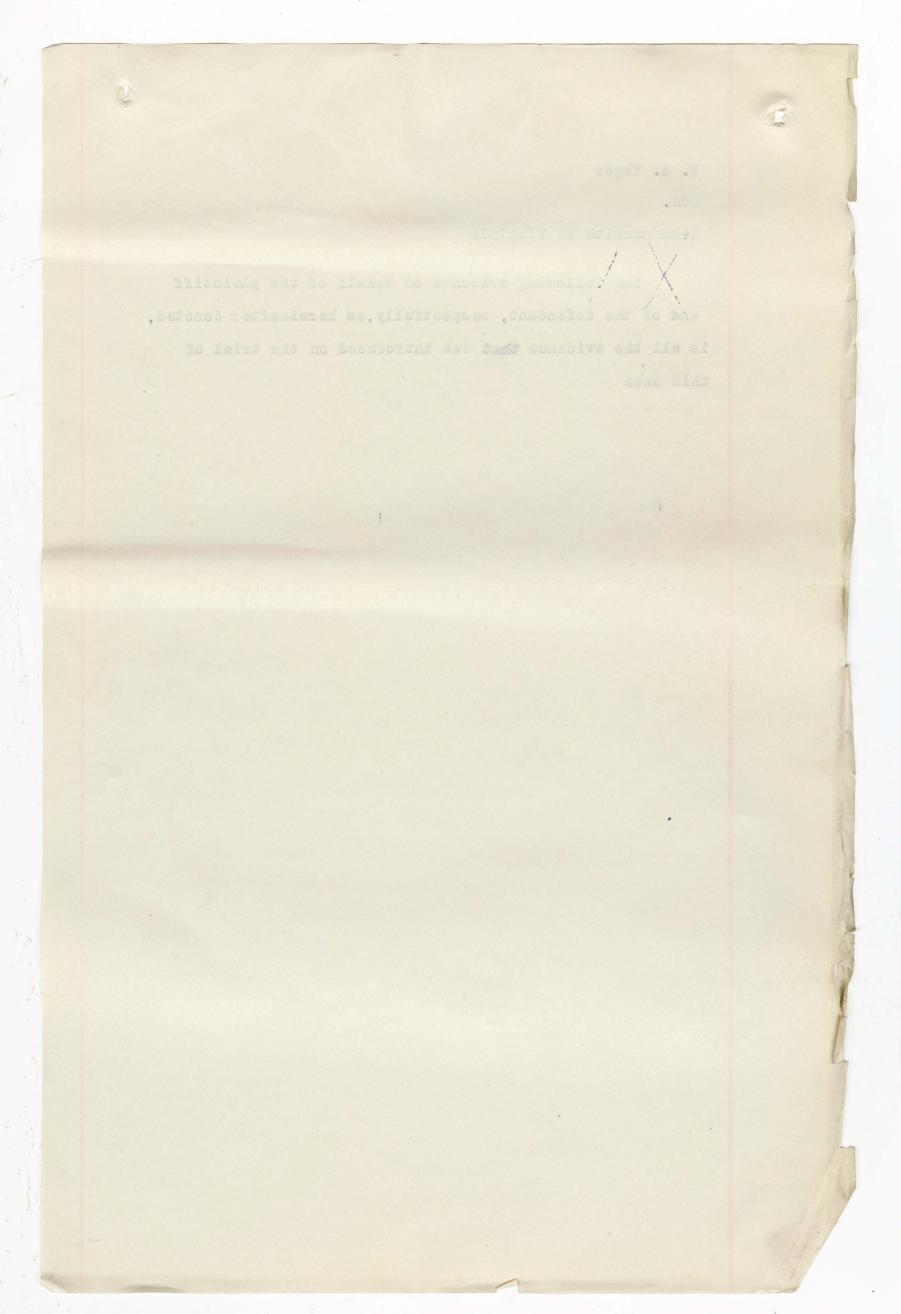
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T. S. Yager Ads. Commonwealth of Virginia

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The following evidence on behalf of the plaintiff and of the defendent, respectfully, as hereinafter denoted, is all the evidence that was introduced on the trial of this case



Commonwealth vs. T. S. Mager.

Transcript of testimony taken in above styled case in the Circuit Court of Rockingham County, Virginia, on Monday, July 13,1931.

> Present, Mr. D.W. Earman, representing the Commonwealth, Mr. Chas. A. Hammer, representing the defendant.

Before the mailing of the witnesses was taken, Mr.Hammer asked the Court to require the Commonwealth's Attorney to elect which of the charges he would try the defendant upon, as there were two separate offences named. The Commonwealth's Attorney stated that the defendant would be tried on both counts and indictments, if the Court pleased. This being allowed by the Court, the defendant, by counsel, excepted to the action of the Court.

Mrs.Lucy E.Henton, being first duly sworn, examined by Mr.Earman, Commonwealth's Attorney, testified.

Q You are Mrs.Lucy E.Henton? A Yes sir.

Q How old are you?

A Between seventy-five and eighty. I don't know exactly.

Q You live right beyond Keezdetown, I believe, about two or three miles north of Keezletown?

A Yes sir, about two miles, or a mile and a half from Keezletown.

Q You are a widow lady? A Yes sir.

Q And you own a farm in that community? A Yes sir.

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*DWOT that no must a read to that A Yes sir. You sir.

-eizes mort the bus eile a re , selle out trou feezle-

I believe, shout two

are Hrs. Lucy 2. Houton? A Yes sir.

. Dommonwealth s'atlasmoon, tastification.

Hea. Daoy R. Heaton, being first duly sword, examined by

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and indictments, if the Court Pleased. thore were two separate offences named. defendant, by counsel, ercepted takes, Mr. Hann

JALY 13, 1931. Freent, Mr. W. W. Marman, representing the Commonwealth,

Circuit Court of Roomingham County, Wirginia, on Monday,

L. S. Isher. AB.

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Q I believe you are running this farm yourself, or have been trying to, for the last few years?

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A	Yes sir, for the last three or four years.
Q	Do you know this man Yager?
A	I know him from what I saw of him at my daughter's.
Q	Your daughter lived in Harrisonburg? A Yes sir.
Q	And he boarded at your daughter's? A Yes sir.
Q	Did you sign a note and turn it over to him?

Yes sir, he heard me speak about wanting some horses. He A frequently said something about getting the horses himself. T had another man looking at some horses, and he was a farmer, and I thought he would know more about the horses than Mr. Yager did. He got the horses for me, and I hdd to have \$125.00. Mr. Yager came into the kitchen one morning, and showed my daughter a telegram that he had got from Pennsylvania, and he said he would have nine hundred dollars deposited in his bank in Pennsylvania by the 6th of April. And I asked him then if he would loan me \$125.00, and he said he would. He offere d in the first place to loan me \$125.00; told my daughter to show me the telegram that he had received. He came down then one morning in a big flurry. Had his hat and overcoat on, said I should sign the note, and he would get the money for me in a few days; that he was going to Pennsylvania the next morning at five o'clock; would be back that night; that he would have the money for me; we should leave the house open for him.

Q Do you know on what bank it was drawn?

A On his Pennsylvania Bank.

Q And he was to fill it out for how much?

A For \$125.00. I didn't feel able to borrow any more than that at that time; in fact, I thought I would not need any more than that.

Q Did you think you could get the horses for that? Did he ever bring you the \$125.00 back? A No sir.

--2--

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an See

Q	Did he ever return the note? A No sir.
Q	What became of it?
A	His wife 'phoned down that if we would release Mr. Yager
	Mr.Hammer: I object.
Q	Did he stay here, or go away?
A	Went away. Never saw him any more after that. Then he sent
us a sp	ecial delivery letter. I reckon I can sepak of that.
Q	Who sent you a special delivery?
A	Mr.Yager, I think.
	Mr.Hammer: I object.
	The Court: Written by Mrs.Yager?
	Witness: Written by Mrs.Yager, and had her name
	signed to it.
Q	You never say him after that? A No sir.
	Mr.Earman: That is all; you can take the witness.
	Witness dismissed.

Mr.William H.Byrd, another witness on the same behalf, being first duly sworn, examined by Mr.Earman, testified.

Q You are Mr.Wm.H.Byrd, Cashier of The First National Bank in this city? A Yes sir.

Q Do you know the accused here, Mr.T.S.Yager?

A I met him on one occasion, yes sir.

Q Did he offer a note at your bank for the purpose of having it discounted?

A He offered a note as collateral for a loan.

Q Just state to the jury the circumstances in connection with his offering that note.

The Court: It is assumed that it was signed by T.S. Yager.

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Mr. Yager, I think.

The Court: Written by Mrs. Yeger?

Witness: Written by Mrs. Yagor, and had her name signed to it.

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Q Just state to the jury the circumstances in connection with his offering that note.

The Court: It is assumed that it was signed by 7.8.

. Yegsy

Witness: Yes sir.

Q Whose note was it?

Q.

A The note is signed by Lucy E.Henton, for \$950.00.

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Q Do you recall when that was?

A I don't recall definitely, but I do recall that it was within 48 hours from the time the note was dated.

Did he say how he obtained this note? Objection by Mr.Hammer; overruled.

A I questioned Mr.Yager as to how he had secured the note, and he told me that he had loaned Mrs. Henton that amount of money. I asked why he should have made her such a loan within the time that he needed the money himself. He answered by saying that he was expecting a check from the Veterans' Bureau for fifty per cent. of the amount of his adjusted compensation certificate which had apparently been delayed. His application for the two hundred dollars was not for the benefit of Mrs. Henton, he stating that he had turned over the \$950.00 to Mrs.Henton to meet obligations that she wanted to take care of. He wanted to borrow the money to take up a draft that was held by our bank, with the title to an automobile attached to it, and had been held for some days. The bank in Pennsylvania, through whom the draft was forwarded to us, had traced the item several times, wanting to know why it was not taken up. And that is what he asked the two hundred dollars for.

Q Did you have this note in your actual possession, Mr. Byrd?

A Yes sir, Mr.Yager left it with me, I should judge, between two-thirty and three o'clock one afternoon, and came back the next morning to get the answer as to whether he could get the money.

- Q Any doubt in your mind as to the amount of the note?
- A I didn't question the amount at all.
- Q It was for \$950.00? A It was for \$950.00.

Q Did he say anything about wanting the money for the horses

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Mitnese: Yos sir. Whose note was it? The note is signed by Lucy 3.Heaten, for \$950.00. Do you recall when that was? I don't recall definitely, but I do recall that it was

within 48 hours from the time the note was dated.

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I didn't question the amount at all.

It was for \$950.00? A It was for \$950.00.

Did he say anything about wanting the money for the horses

for Mrs.Henton?

A Didn't refer to it at all. He wanted the money to take up this draft.

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Q Do you remember what bank it was drawn on?

A It was on a Pennsylvania form note, but I don't remember what bank.

Cross-examination by Mr.Walker.

XQ What was the date of the note?

A I don't remember the exact date, but it was within 48 hours of the time it was presented to me. I remember that, because of thinking that it was strange that he should make a loan for that amount and within that short a period offer the note for collateral.

XQ What month was it in?

A My recollection, sir, is that the note was dated the 30th or 31st of March, and that it was presented a day or two after that, but I could not be positive about that.

XQ Who was it made payable to?

A Made payable to T.S. Yager.

XQ That is the defendant here? A Yes sir.

Mr.Hammer: Do you remember how long after date it was due? Witness: No sir, I do not.

XQ Mr.Walker continuing; And it was approximately 48 hours after the date?

A Within forty-eight hours. My impression at the present time is that it was within twenty-four hours, but I could not be positive about that.

XQ Is it your impression that it was handed to you on the first day of April?

A Either the 31st of March or the first of April.

XQ You wont undertake to say?

A I don't know which day it was. I believe with the calendar of those two months I could tell you. (After looking at a calendar):

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A I don't know which day it was. I believe with the calendar of those two months I could tell you. (After looking at a calendar): No. I can't tell from that. I don't know, sir.

XQ You say you submitted this note to the Board of Directors? A To a discount committee. Their regular time of meeting is Friday afternoon, but they often meet at other times.

Mr.Hammer: You have a discount committee that acts at other dates?

Witness: Other dates, yes sir.

XQ Mr.Walker continuing: You just can't say whether it was the 1st of April or the 31st of March?

A No sir; wouldn't attempt to say.

XQ When he explained to you how he came into possession of this note, you did question his explanation? A Yes sir.

XQ Did he undertake to change his explanation?

A He stuck to it. He had an answer right on the bat, that he was expecting this money from the Veterans' Bureau. At that time, the loans were ______ at fifty per cent. of their face value, and were being paid on that basis, although very few of the checks had come through at that time.

XQ You didn't say anything to Mrs.Henton about this at the time, did you? A No sir, I did not.

XQ Do you remember how long this note was made payable after date? A I do not.

XQ Do you remember whether it was a demand note?

A No sir, I don't remember that.

XQ Did he hand you any other papers at the same time he handed you the note? A No sir.

XQ Didn't hand you a letter from Mr.Hammer? A No sir.

XQ He didn't even assign the collateral form note?

A He offered this as collateral, and, if agreeable to us to accept, he would come in the next day and sign the collateral. XQ Do you know whether he had endorsed the collateral note, in person, the note that he offered in collateral? A I don't know. No. I can't tell from that. I don't know, sir.

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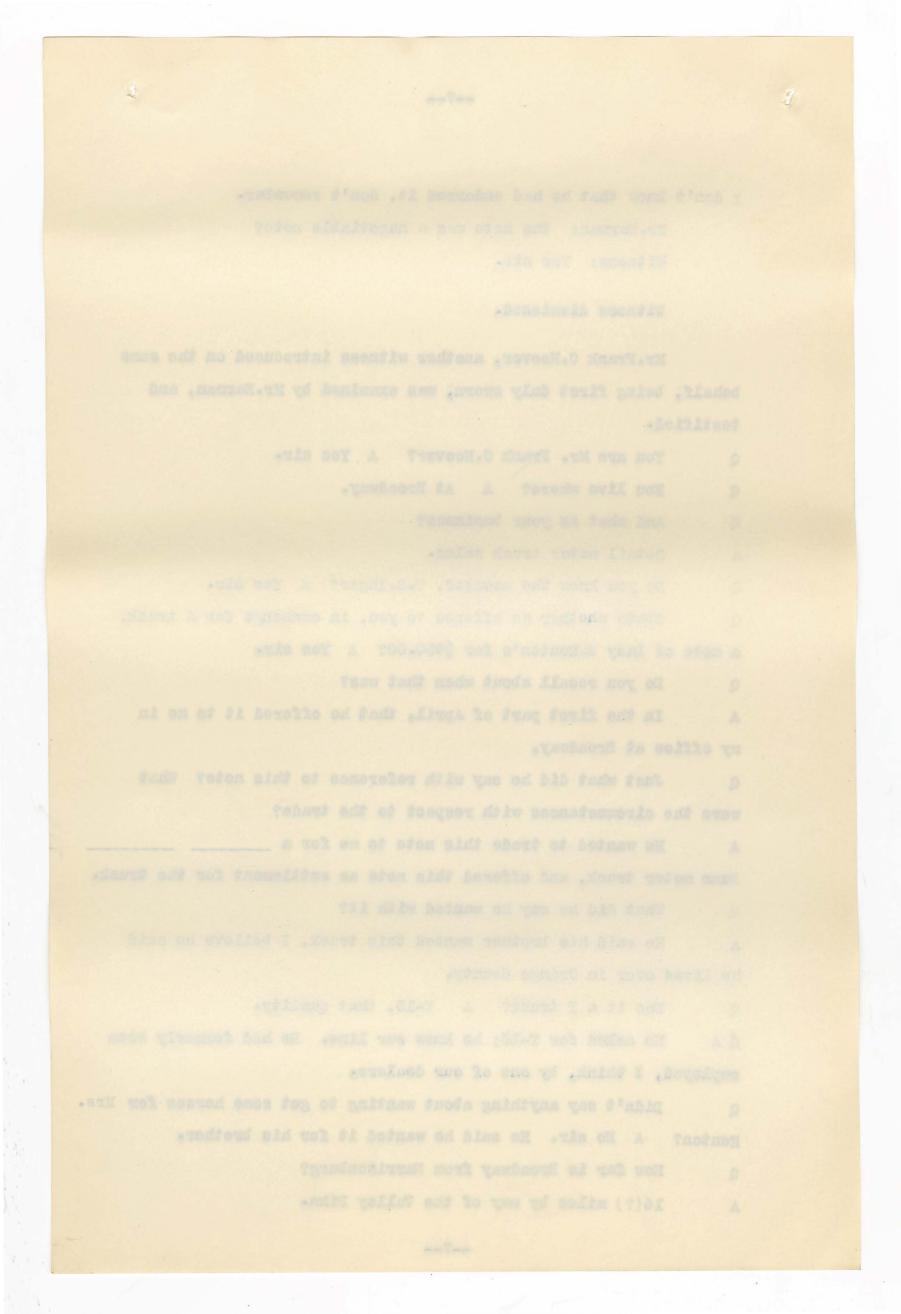
A He offered this as collateral, and, if agreeable to us to accept, he would come in the next day and sign the collateral. IQ Do you know whether he had endorsed the collateral note, in person, the note that he offered in collateral? A I don't know. I don't know that he had endorsed it, don't remember. Mr.Earman: The note was a negotiable note? Witness: Yes sir.

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Witness dismissed.

Mr.Frank C.Hoover, another witness introduced on the same behalf, being first duly sworn, was examined by Mr.Earman, and testified.

You are Mr. Frank C. Hoover? A Yes sir. Q You live where? A At Broadway. Q And what is your business? 0 Retail motor truck sales. A Do you know the accused, T.S. Yager? A Yes sir. Q State whether he offered to you, in exchange for a truck, Q a note of Incy E. Henton's for \$950.00? A Yes sir. Do you recall about when that was? 0 In the first part of April, that he offered it to me in A my office at Broadway. Just what did he say with reference to this note? What Q were the circumstances with respect to the trade? He wanted to trade this note to me for a Dunn motor truck, and offered this note as settlement for the truck. What did he say he wanted with it? 0 He said his brother wanted this truck, I believe he said A he lived over in Orange County. Was it a T truck? A T-15, that quality. 0 He asked for T-15; he knew our line. He had formerly been AA employed, I think, by one of our dealers. pidn't say anything about wanting to get some horses for Mrs. 0 Henton? A No sir. He said he wanted it for his brother. How far is Broadway from Harrisonburg? Q 16(?) miles by way of the Valley Pike. A



Cross-examination of witness by Mr. Walker.

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XQ You knew that this man sold trucks, himself? A Yes sir. XQ What price truck was he selling at that time?

A Higher prices than ours; some of the models were considerably higher.

XQ You weren't surprised then, were you, that he wanted to buy a higher priced model for his brother?

A Very much surprised. I asked him why he didn't furnish his brother one of his own trucks.

XQ What did your trucks sell for?

A Somewhere around nine hundred dollars. Mr.Hammer: Good demand for ahigh-priced truck? Objection by Mr.Earman.

XQ Mr.Walker continuing: Did you think it was strange that he should be in the market for a higher priced truck for his brother?

A I knew that he had some lower priced trucks than three or four thousand dollars.

XQ Didn't you know, as a matter of fact, that \$3,400.00 is the lowest priced truck those people make?

A No sir, I did not.

XQ Well, if that is true, then you are sadly mistaken? Then your suspicions were ill-founded? A Yes sir.

XQ Have you ever looked these prices on this truck up, in the Commercial Law Journal, etc.?

A I think have at times, yes sir. I looked them over in our July issue.

XQ Have you ever seen them quoted at lower prices than \$3,400.00? A I couldn't say.

XQ In other words, you don't know? A No sir. I was pretty sure he had a car cheaper than \$3,400.00, and I think so now. I couldn't say that positively. We look more closely to those we are

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in serious competition with.

XQ He wanted to buy a truck for his brother? A Yes sir.

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XQ And he ascertained the price of it, and asked you if you would take this note? A Yes sir.

XQ Did you notify Mrs.Henton? A No sir. Mrs.Henton's daughter called me later. She called me some time about the time this came up, - Mrs.Henton's daughter. I have never met the lady. Have never met any of them.

XQ There was nothing that arose that caused you to get in touch with them? A No sir.

XQ All right, why didn't you take this note then?

A I didn't want it.

XQ Why didn't you want it? That is what I am trying to find out?

A I didn't think it was a good note. I looked on it with some suspicion.

XQ If the note had been in part payment of the truck, instead of full payment, you would have taken it, wouldn't you?

A That depends on the note. I try to be just as careful as I can about those things.

XQ If it had been offered in part payment, you would have taken it?

A Not this note, no sir.

XQ Why then, did you state in your preliminary hearing? "I do take notes. I didn't want to take a note for the full amount. If it had been in part payment, I suppose I would have taken it."

A If I had known the parties and all the circumstances, I probably would have.

XQ Did you make this statement? A I probably did. If I had known all the circumstances, I probably **have** would have been willing. XQ You didn't make that statement before, did you?

A I probably did not.

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Mr.Earman: What price truck did he want to get? Witness: In the neighborhood of nine hundred dollars. Mr.Earman: Do you recall what time of day he was there? Witness: Saturday afternoon. He called up and made an engagement with me.

Mr.Earman: Did he have a letter from Mr.Hammer? Objection by Mr. Walker; Objection overruled; exception.

Mr.Earman: I want to know from this witness whether a letter from Mr.Hammer was showed him then, stating the value of the Henton property and what liens were on it.

Witness: Yes.

A further cross-examination of witness was conducted by Mr.Hammer.

XQ Is the copy I am handing you a copy of the letter that he showed you?

A To the best of my knowledge, that is a copy.

XQ Just read that, please sir.

A (Reading):

"March 25, 1931.

Mr. T. S. Yager, Harrisonburg, Virginia,

My dear Sir:

An examination of the record touching the real E. estate owned by Lucy, Henton shows that the property is mortgaged for Twenty seven hundred dollars to The Federal Farm Loan Bank. This mortgage was placed upon the property in 1922 and she has therefore paid about eight years in interest, totaling \$1404.00, which is apportioned to the principal and the interest in accordance with the Federal Farm Loan Act.

There is also placed upon the property a second lien thereon, a deed of trust to Ward Swank, Trustee, securing Mr.Barman: What price truck fid he want to got? Witness: In the neighborhood of nine hundred dollars. Mr.Barman: Do you recall what time of day he was there? Witness: Saturday afternoon. He called up and made an engagement with me.

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There is also placed upon the property a pectad lien thereon, a deed of trust to Ward Swank, Trustee, securing unto Mr. Bradley a note of \$875.00.

The farm is located to the northeast of Keezeltown and contains 264 acres. This was purchased by Mrs.Henton or by Mr.Bradley for Mrs.Henton at a price of \$1750.00 over and above the lien upon the property in favor of the Farm Loan at the time the sale was made, the purchaser assuming the payment of the lien on the farm to the Federal Farm Loan Bank and Mrs.Hinton assuming this payment when the property was transferred to her.

> Very truly yours, CHAS. A. HAMMER "

Witness dismissed.

Mr.J.O.Stickley, another witness introduced on the same behalf, being first duly sworn, examined by Mr. Earman, testified.

Q	You are Mr. J. O. Stickley? A Yes sir.
Q	Mr.Stickley, what is your business?
A	The farming implement business and trucks.
Q	Farming implements and trucks? A Yes sir.
Q	You do business here in the City of Harrisonburg? A Yes sir.
Q	Do you know Yager, the accused?
A	I met him at the time that you will probably refer to later.
I knew	of him prior to that, but I didn't meet him until he come
to our	place of business about that date.
to our Q	place of business about that date. You know Mrs.Lucy E.Henton, do you not? A Yes.
Q	You know Mrs.Lucy E.Henton, do you not? A Yes.
ର ବ	You know Mrs.Lucy E.Henton, do you not? A Yes. Did he want to exachange you her note for \$950.00 for a
Q Q truck?	You know Mrs.Lucy E.Henton, do you not? A Yes. Did he want to exachange you her note for \$950.00 for a A Yes sir.
Q Q truck? Q	You know Mrs.Lucy E.Henton, do you not? A Yes. Did he want to exachange you her note for \$950.00 for a A Yes sir. Did you see the note? A Yes sir.

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Witness diamissed.

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Q Did you make a copy of it?

A I started to make a copy of it. When Mr.Yager presented the note, I told him I would make some inquiry as to the security, and started to make a copy of it. And he said, "Just take the note." And I didn't finish the copy then, so, in taking the note, I told him I would take the note if he would go with me, which he did, and an hour or two later I had a report on the note as to the security value of it.

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Q What kind of truck did he want?

A He wanted a light truck.

Q Did he say what for?

A I think he said that his brother or some of his family had some lumber to market, at least he had a customer for a truck in a class that he didn't have.

Cross-examination of witness was conducted by Mr.Hammer. XQ As a matter of fact, when you got the note, you received the report later on from Mr. Swank, your attorney, and, on the strength of his report, you declined to make the deal?

A Yes sir.

XQ You said you started to make the memorandum of the note when he said, "Take the note." Then did both you and he go down to Mr.Swank's together?

A Yes sir, he said, "Take the note," so I didn't complete the copy.

XQ Did you leave the note with Mr.Swank, -- anyway, you all went away, and Mr.Swank later made the report? A Yes sir.

Witness dismissed.

Mr.E.R.Lincoln, another witness introduced on the same behalf, being first duly sworn, testified.

-- Direct examination was conducted by Mr. Earman ---

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Witness dismissed.

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-- Direct examinations was gooducted by Mr. Barman.

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Q You are Mr.E.R.Lincoln? A Yes sir.

Q Until quite recently, you were identified with the Kavanaugh Garage in this city? A Yes sir.

Q Do you know the accused? A Just met the gentleman. Q State whether or not he wanted to exchange a note to you of Mrs.Lucy E.Henton's for a Plymouth automobile?

A He came down to the garage and wanted to buy an automobile. He liked the Plymouth, and he wanted to know how cheap I would sell him one, and in turn he offered me in payment for the car a note of \$950.00. He said it was Mrs.Lucy E.Henton's.

Q Did you make the exchange? A No sir.

Q What was the selling price of that car at that time, do you remember? A \$710.00. He wanted cash for the difference. Q Did he say what he wanted with the car? A That wasn't discussed.

Q You didn't get that far? A No sir.

Mr.Hammer: If he had gotten the cash, he would have gotten about the price of two horses, wouldn't he?

Witness dismissed.

Mr.C.K.Switzer, another witness introduced on the same behalf, being first duly sworn, testified.

-- Direct examination was conducted by Mr. Earman .--

Q You are Mr.C.K.Switzer, and are doing business, I believe, at the Kavanaugh Garage? A Yes sir.

Q Did the accused, T.S.Yager, offer you a note of Mrs.Henton's in exchange for an automobile? A Yes sir.

Q Were you and Mr.Lincoln both present?

I was present one time, and Mr.Lincoln at the other time.
 I think I saw him in the afternoon, and Mr.Lincoln in the morning.
 Q He came to see you in the afternoon, and the next day went

to see Mr. Lincoln? A Yes sir.

Q What did you tell him?

A Identically the same thing that Mr. Lincoln did. I think it

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Witnoss dismissed.

Mr.C.M.Switzer, another witness introduced on the same behalf, being first duly sworn, testified.

-- Direct examination was conducted by Mr. Earman ---

Q You are Mr. C.F. Switzer, and are doing business, I believe, at the Exvanauch Carage? A Yes sir.

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was a matter of co-incidence that he happened to see me one time and Mr.Lincoln the other.

Witness dismissed.

Mr.B.H.Arey, another witness introduced on the same behalf, being first duly sworn, testified.

--Direct examination was conducted by Mr. Earman .--

Q You are Mr.B.H.Arey, and you work for the Ford automobile people here in the City of Harrisonburg? A Yes sir.

Q In what capacity?

A Acting as Secretary and Treasurer.

Q Do you know the accused, T.S.Yager?

A I met him on one occasion, yes sir.

Q Did he, or not, want to exchange with you, for an automobile, a note of Mrs.Lucy E.Henton? A Yes sir.

Q Do you remember the amount of the note?

A Something o ver nine hundred dollars. I don't remember the exact amount.

Q What kind of automobile did he want?

A He wanted to buy a Ford standard coupe.

Q What did they sell for at that time? A \$582.00.

Did he say what he wanted with the car?

A He said he was traveling across mountain roads, and the car that he had was too heavy for him.

Q He had mountain roads to travel?

A That is what he said, yes sir.

Q You recall when this note was payable? A No sir, I do not.

Q Did you see the note? A I saw the note, yes sir.

Q Do you recall when that was, Mr.Arey?

A I don't know the date. It was some time in early spring.

Cross-examination of witness was conducted by Mr. Walker.

What kind of car did he have, when he came out there?

XQ

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man 1 Tara " and Hr. Lincoln the other. Witness dismissed. Mr. R. H. Aroy, another witness introduced on the same behalf, being first duly sworn, testified. --. Marmination was conducted by Mr. Barman. --You are Mr. B.H. Arey, and you work for the Ford automobile ris set A Tyrudnosirish to vity of Harrisonburg? A Yes sir. Acting as Socretary and Pressurer. I met bim on one coession, yes sir. bid he, or not, want to exchange with you, for an auto-. The sol A finder H. Henton? A Yes sir. Something o ver nine hundred dollars. I don't remanner the exact amount. He wanted to buy a Ford standard coupe.

What did they sell for at that time? A \$562.00.

Did he say what he wanted with the same car

. Ho said he was traveling across mountain roads, and the

He had mountain roads to travel?

That is what in said, yes sir.

You recall when this note was payable? A Ho sir, I do not.

Ild you see the note? A I saw the note, yes sir.

Do you recall when that was, Mr.Aroy?

I don't know the date. It was some time in early spring.

Oross-examination of witness was conducted by Mr.Walker.

--15---He told me he had a Buick. A You didn't see it? A No sir. XQ You don't know whether he had any, at all, or not? A No sir. XQ. XQ. That is the only time you ever saw him? Did you read the note? No sir, he held it open in his hand, and I took the name A down. What was the amount? XQ Something over nine hundred dollars. A You read the note, then? XQ A I suppose I did. What was the date of it? A I don't remember. XQ. XQ. Was it payable on demand, or was it payable thirty days after date? I don't remember that. A What bank was it drawn on? XQ. On a Pennsylvania bank, but I don't remember that. A In other words, it didn't make much impression on you, one XQ way or the other? A The way that he wanted the transaction, it did not. Did he offer to trade his other car in? XQ No sir, he said he wanted to buy a car straight out. He A asked me how much I would take off for a straight sale. Did he ask you if you would give him the balance in cash? XQ Yes sir. A XQ He seemed to think the note was perfectly good? A Yes sir. He wasn't trying to sell it at a discount? A No sire XQ Witness dismissed. Mr. R.E. Tutwiler, another witness introduced on the same behalf, being first duly sworn, testified.

--Direct examination was conducted by Mr. Earman .--

You are Mr.Rylin (?) E.Tutwiler? And you are connected with

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3 He told me he had a Buidt. The off A fit see findlb soy You don't know whether he had any, at all, or not? A No sir. No sir; he hold it open in his hand, and I took the name anwob Something over nine hundred dollars. You read the note, then? I suppose I did. . redmemor find I A Thi to stab out any take Was it payable on demand, or was it payable thirty days I don't remember that. On a Fenneylvania bank, but I don't remember that. In other words, it didn't make much impression on you, one The way that he wanted the transaction, it did not. No sir, he said he wanted to buy a car straight out. anise me how much I would take off for a straight sale. Yos sir. He cound to think the note was perfectly good? A Yes sir. He waen't trying to sell it at a discount? A . No sir. Witness digmigaod. Mr. R.E.Tutwiler, another witness introduced on the same beiliteot , nows ylub teril galed , linded. --. namination was conducted by Mr. Marman ----You are Mr.Rylin (?) S. Witwiller? And you are connected with - Alam

the Tutwiler Motor Company in the City of Harrisonburg? A Yes sir.

Q Did he offer you a note of Lucy E. Henton's for \$950.00, in payment of an automobile? A Yes sir. He offered me a note, something over nine hundred dollars, I don't remember the amount.

Q What kind of automobile? A Essex sedan.
Q How much did it sell for, at that time? A \$865.00.
Q What did he say he wanted with the automobile?
A Wanted it for his wife.

Witness dismissed.

Mrs.Wilma Dewey, another witness introduced on the same behalf, being first duly sworn, testified.

-- Direct examination by Mr. Earman .--

Q You are Mrs.Wilma Dewey, a daughter of Mrs.Lucy E.Henton? A Yes.

Q Did you witness your mother's signature to this note?

A Yes sir, after she had signed it.

Q Do you know for what amount the note was to be filled out? A \$125.00.

Q Do you recall the date of the note?

A No sir, I do not, somewhere the last of March, just before we were fixing to move.

Q When did you move?

A We moved the first of April. I was packing up when he came into the room, with the note, to me.

Q Were you and your mother present at the time that you witnessed your mother's signature?

A He came out in the kitchen to Mother, with it, and she signed it, and he brought it in to me, and told me he wanted me to sign it, and I said, "What for?" and he said, "To witness your mother's signature, of course," and told me I was the dumbest thing.

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the Tutwiller Motor Company in the City of Harrisonburg? A Yea

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Witness dismissed.

Mrs. Wilms Dawey, another witness introduced on the same ocheli, being first duly sworn, testified. ...bireet examination by Mr. Barman... Q Too are Brs. Wilms Lowey, a daughter of Mrs. Lucy B. Henton? Q Did you witness your mother's signature to this note? A Yes sir, after she had signed it.

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Q Were you and your mother present at the time that you witnessed your mother's signature?

A He came out in the kitchen to Mother, with it, and she signed it, and he brought it in to me, and told me he wanted me to sign it, and I said, "What for?" and he said, "To witness your mother's signature, of course," and told me I was the dumbest thing. Q After he had gotten this note, did you say anything about it later?

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A Yes, on several occasions. I asked him one time if he had heard anything about it, and he said the people at the bank up there wanted a financial statement, and I asked him a number of times if he had heard from them.

Q Do you know anything about why your mother wanted to sign this note? Were you present when the matter was discussed by your mother?

A She was talking at the breakfast table one morning; said she wanted some money to buy these horses, and Mr.Yager offered to loan her the money; he said, "I will just let you have it. I will be here for a while. I am staying here with your daughter."

Witness dismissed.

Mr.Earman: Commonwealth rests, Your Honor, please. Mr.Earman: Your Honor, please, I would like to ask Mr. Fawley just one question.

Mr.Charles R. Fawley, another witness introduced on the same behalf, being first duly sworn, testified.

--Direct examination by Mr. Earman ---

Q You are Mr. Charles R. Fawley, Sheriff of Rockingham County? A Yes sir.

Q A capias for the arrest of the accused was placed in your hands, was it not? A Yes sir.

Q Where was he apprehended?

A He was apprehended in Pennsylvania. I have some telegrams. Altoona, Pennsylvania.

Q And he was brought back to this State by extradition?

A He was, by Mr.Cooper, a deputy sheriff.

Mr.Hammer: He came back voluntarily, did he not?

Witness: He agreed to come back, but I sent Mr. Cooper up

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After he had gotten this note, did you say anything about t later?

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Witness: He agreed to come back, but I sent Mr. Googer up

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after him.

Witness dismissed.

Mr. T.S.Yager, the defendant, introduced in his own behalf, being first duly sworn, testified.

--Direct examination by Mr. Walker .--

Q	State your name to the stenographer. A T.S.Yager.	
Q	You are the defendant in this case? A Yes sir.	
Q	How old are you? A Thirty-five.	
Q	Where were you raised? A In Culpeper County, Virginia.	
Q	Where do you live now? A In Altoona, Pennsylvania.	
Q	When did you go to Altoona, Pennsylvania?	
A	I don't remember. Possibly two months ago, a little over.	
I am not	t psoitive. I think I have some papers that I could check	
on and 1	possibly give you the exact date.	
Q	In other words, you were there when this warrant was served	
on you?	A In Altoona, Pennsylvania.	
Q	Your wife lived in Altoona, Pennsylvania, and that is the	
reason you were up there at that time? A Yes sir.		
Q	Then you are a married man? A Yes sir.	
Q	You say you are thirty-five years old? A Yes sir.	
Q	You are a war veteran? A Yes sir.	
Q	What service did you see?	
	Mr.Ezrman: I object to it as being immaterial. Objection	
	sustained.	
	Mr.Walker: It has been testified here by the Commonwealth's	
witnesses that he was a veteran and had this bonus coming to him. Jus		
go ahead and tell the jury briefly.		

A 314th Field Artillery, Battery D, 80th (?) Division, twelve months' foreign service.

Q And at the time referred to you did have this bonus certificate? A Yes sir.

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affer hima Witness diamissed. Mr. T.B. Tarer, the defendent, introduced in his own behalf, being first duly sworn, testified. --- Direct examination by Mr. Walker .--State your name to the stenographer. A T.S. Vager. You are the defendant in this case? A Yes sir. How old are you? A Thirty-five. Where do you live now? A In Altoons, Pannaylvania. I am not peoitive. I think I have some gapers that I could check on and possibly give you the exact date. In other words, you were there when this warrant was served on you? A In Alteons, Fennsylvania. Your wife lived in Altoons, Pennsylvania, and that is the ris sey a femit tad ts ered us erew soy nesser. Then you are a married man? A Yes sir. You say you are thirty-five years old? A Yos sir. You are a war veteran? A Yes sir. Mr. Exrman: I object to it as being immaterial. Objection sustained. .vitaind your out flat has beede on Slath Field Artillery, Battery D. 80th (?) Division, twelve months' foreign service. .Tis set A Yess air.

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And since that time you have received payment of it? Q Yes sir. A When did you come to Harrisonburg prior to this matter Q. about which you are being tried? The first of December, 1930. A Where did you live while you were in Harrisonburg? Q With Miss Tracy Henton on South Mason Street. A Who is Miss Tracy Henton? A Mrs. Henton's daughter. Q. A daughter of Mrs. Lucy Henton? A Yes sir. 0 Did they move prior to the signing of this note, or sub-Q sequent? They moved before the note was signed. Mrsx A Mrs. Dewey testified a while ago that this note was signed Q just before they moved. Is that correct or incorrect? A Incorrect. Where was it signed? Where is the location of the house Q in which it was signed? In the suburbs of this city, south. A Do you know when they moved out to this house where this 0 note was signed? Somewhere in the latter part of March, about the 30th of A March, as near as I can remember. It was before April. It was in March. And you had been living with Mrs. Henton's daughter, and had 0 become acquainted with Mrs.Henton during this period from December of last year up to March? That's right. A I wish you would explain to the jury in your own words the Q details of this transaction up to the time that you received the note signed in blank.

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A Well, I wanted to help her out, to get this team of horses that has been mentioned so many times. I offered to do that for her. Tried the local bank here, as Mr.Byrd testified to.

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And since that time you have received payment of it?

i When did you come to MarrisonDurg prior to this matter

The first of December, 1980.

Where did you live while you were in HarrisonDurg?

. With Miss Tracy Henton on South Mason Street.

Who is Miss Tracy Henton? A Mrs. Henton's daughter.

A daughter of Mrs. Incy Henton? A Yes sir.

Q Did they move prior to the signing of this note, or sub-

They moved before the note was signed. MARX

Q Mrs. Dowey testified a while ago that this note was signed just before they moved. Is that correct or incorrect? A Incorrect.

which it was signed?

In the suburbs of this dity, south.

Q Do you know when they moved out to this house where this note was signed?

A Somewhere in the latter part of March, about the 50th of March, as near as I can remember. It was before April. It was in March.

Q And you had been living with Mrs.Henton's daughter, and had become acquainted with Mrs.Henton during this period from December of last year up to March?

Hat's right.

q I wish you would explain to the jury in your own words the details of this transaction up to the time that you received the note signed in blank.

A Well, I wanted to help her out, to get this team of horses that has been mentioned so many times. I offered to do that for her. Tried the local bank here, as Mr. Burd testified to.

I asked you for the transaction prior to that. Q I don't know that I quite understand you. A Explain to the jury why she gave you this note signed? Q To secure money for her to buy a team of horses. A Any discussion before that? 0 It had been discussed several times, oh, I would say a week A before the note was signed. Had you offered to loan her this money? Q I was going to use the note as collateral. A Mrs.Henton, as I understand you, understood from you that Q. you were going to use her note as collateral and borrow the money on her note. Is that correct? A That's right. After she had signed this note and delivered it to you, you Q did go to the bank with it here in Harrisonburg? A Yes sir. And how much money did you try to borrow? Q If I remember correctly, \$200.00; \$175.00 or \$200.00, using that note as collateral. That was your proposition to Mr. Byrd? A Yes sir. Q What was this two hundred dollars to be used for? Q. A To buy a team of horses. For whom? A Mrs. Henton. 0 You didn't get the money? A No sir. 0 What did you do next? A I thought the best thing to do was Q. to buy a light duty truck. That is the only means I had of raising this money for her. The bank wouldn't accept the note. I thought possibly I could do that, and sell this truck, and apply the balance on of the note and still have the two hundred dollars, or whatever it was, to buy the team of horses with. That was your intention, then, to buy the truck, sell the Q truck, take up the note, and have enough left to buy the team of horses? Yes sir. A

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I called you for the transaction prior to that. .uov Dustereins etting I jaid word t'nob I to secure money for her to buy a team of horses. It had been discussed several times, oh, I would say a week before the note was signed. . Is a going to use the note as collateral. Mra.Hanton. as I understand you, understood from you that on her note. Is that correct? A That's right. did no to the bank with it here in Harvisonburg? A Yes sir. If I remember servectly, \$200.00; \$178.00 or \$200.00, using that note as collateral. That was your proposition to Mr. Byrd? A Yes sir. To buy a team of horses. For whom? A Mrs. Henton. You didn't get the money? A No sir. to buy a light duty truck. That is the only means I had of relains to buy the team of horses with. That was your intention, then, to buy the truck, soil the truck, take up the note, and have enough left to buy the team of horses?

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Did you have a prospect to buy the truck? A Yes sir. Q Who was it? A My brother, _____Yager, of Culpeper. Q Failing to do that, what did you do? A I tried to buy a car. Q. What was your idea in that? Q The same thing. I thought I could sell the car and still have sufficient money for her, for the horses. What authority did you have about filling out this note? Q Whatever amount was needed to use as collateral. A This note was filled out for \$950.00? A Yes sir. 0 What was the date of the note, do you remember? 0 No, I don't remember exactly. Along about the last of March A or the first of April. And it was a demand note? A Yes sir. 0 What became of this note? 0 I threw it in the furnace after I got back to Altoona, burned A it up. The Court: Talk a little louder. Witness: I destroyed it. I threw it in the furnace and burned it up. (Mr.Walker continuing): It is true that you tried to ne-Q. gotiate the note in some way? A That's right. These witnesses have told the truth, then? A Yes sir. Q You waxa are not denying the fact that these transactions took Q. place? A Not at all. Is it a fact that Mrs. Dewey, at a date subsequent to the 0 transaction up at the bank, furnished you with the financial statement? Yes sir. A Q Then you had explained to them that the bank would not take the note? A Yes sir. And they then furnished you the financial statement? A Yes Q sir. They were aware, then, that you did not get it at the bank? Q A Yes sir. --21--

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Ser. Mid you have a prospect to buy the truck? A Yes sir. Who was it? A My brother, _____Yager, of Culpeper. Failing to do that, what did you do? A I tried to buy a car. aufficient money for her, for the horses. Whatever amount was needed to use as collateral. This note was filled out for \$950.00? A Yes sir. What was the date of the note, do you remember? No. I don't remember exactly. Along about the last of March or the first of April. And it was a demand note? A Yes sir. . TI 110. Witness: I destroyed it. I threw it in the furnace and burned it up. (Mr. Walker continuing): It is true that you tried to negotiate the note in some way? A That's right. These witnesses have told the truth, then? A Yes sir. You want are not denying the fast that these transactions took A Not at all. Is it a fact that Mrs. Dewey, at a date subsequent to the Yes sir. Then you had explained to them that the bank would not take the note? A Yes sir. They were aware, then, that you did not get it at the bank? . Tis ser

Q She was correct in saying you did come back to get the statement? A Yes sir; she erred in the statement. She showed the Government loan, but she did not show the second mortgage.

Q Had Mrs.Henton purchased the horses prior to the execution of this note, or were they to be purchased in the future?

A I don't know whether she has, or whether she has not. Q Do you know that she had not, prior to the time she gave the note? A No.

Q Was the conversation brought up any more with reference to who would pick out the horses?

A Yes sir, she said she would let Mr. Palmer pick out the horses.

Q Who is he? A I think he is a cattle dealer.

Q Does he live on her farm? A No sir.

She didn't want you to pick out the horses? A No sir.
Q Then the sum of \$125.00 as the price of the horses is not
correct, is it? There hassback is bound to be an error there somewhere,
isn't there? A Yes sir.

Q When you were notified by arrest or otherwise in Pennsylvania of this charge against you, did you volunteer to come back?

A I volunteered to come back.

Q Who paid the expenses? A I did.

Q Did you permit the State to be put to any expense in having you brought back here for this trial? A No sir, I paid everything.

Q Did you at any time intend to cheat or defraud or steal any money or anything of value from this woman?

A No sir, I was open and above in everything I did. I did the best I could to secure this money. There wasn't any secret.

Cross-examination of witness was conducted by Mr. Earman. XQ You filled out the note for \$950.00? A Had it filled out. XQ Who filled it out? A Mr.Hirsch.

Q She was correct in saying you did come back to get the statement? A Yes air; she erred in the statement. She showed the Coverment loan, but she did not show the second mortgage.

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XQ What Hirsch? A Arthur Hirsch. You had Arthur Hirsch fill out the note for \$950.00? XQ A Yes sir. At that time you had a draft down a t the bank on you for XQ two hundred dollars? A No sir. How much was it? XQ I didn't have a draft at all at that time. A When did the draft come in, before or afterwards? XQ Afterwards. A How much was the draft? A I don't remember exactly. XQ About how much? XQ I don't remember the amount of the draft. I think the A amount of the draft, as near as I can tell you, was \$285.00, I am not positive. Between two and three hundred dollars. Did you try to sell this note to Mr.Hirsch? XQ Told him what I wanted to use it for, to buy a team of A horses. He sold horses, didn't he? XQ. He sold horses, but he wouldn't take the note. A It wouldn't take that much to buy the horses, would it? XQ I was going to use it as collateral. A How did you reach the amount of \$950.00 as being necessary? XQ I thought I was doing right to fill it out for something A around one thousand dollars to use it as collateral. I intended to give my own personal note. Then why did you want to use the note in payment of an XQ. automobile? I thought I was doing the right thing. I knew I could A sell an automobile. You told this man you were going to get it for your wife? XQ Don't you remember that you told Mr.Tutwiler that you wanted an automobile for your wife, -- an Essex?

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ou remember that you told Mr. Tutwiller that you wanted an	
ile for Marwife, an Basen?	

A I think Mr. Tutwiler is mistaken if he testified that way. XQ He is mistaken? A Yes sir.

XQ Didn't you tell Mr. Frank C.Hoover that you wanted a truck for your brother, that your brother had some lumber that he wanted to haul?

A I told him a truck. I don't recall telling anything about lumber.

XQ Mr.Hoover is mistaken, too, is he, if he says that you told him about a truck for your brother to haul lumber?

A Yes sir, I would say he was.

XQ Didn't you tell Mr.J.O.Stickley that you wanted a truck for your brother?

A I was going to sell the truck to my brother. She was going to buy the horses. I was going to turn the money over to her. Mr. Palmer was going to get the horses, the money was going to be turned over to Mrs.Henton.

XQ Did you stay there after that?

A Ten or fifteen days, possibly longer, it may have been thirty days.

XQ You had a Buick automobile, didn't you? A Yes sir. XQ If you were so anxious to help Mrs.Henton, why was it that you didn't sell your automobile instead of trying to get a truck and sell that?

A It would be very difficult for me to walk in my territory. I didn't think I would sell my automobile to my brother. I have quite a large territory to cover, and I couldn't make connections by train or bus very well.

XQ You also told Mr.Arey that your automobile was too heavey, that your territory was mountainous, and that you wanted a Ford car to use for yourself? A No sir.

XQ He is Cashier and Secretary, I believe, of the Ford Motor Company in this city. Didn't you tell him that your automobile was

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IQ He is Cashier and Secretary, I believe, of the Ford Motor Company in this city. Didn't you tell him that your automobile was

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too heavy and that you wanted a lighter car for use in your territory?

A No sir. I never use a light car.

XQ Why did you destroy this note?

A Worthless, wasn't of any value. I didn't like to tell Mrs. Henton that I couldn't negotiate any money for her.

XQ It wouldn't have been embarrassing to her to mail it back to her, would it?

A I didn't want to embarrass her by telling her that I couldn't negotiate it.

XQ Don't you think she has been a whole lot more disturbed than she would have been if you had returned the note?

A No sir, I don't think so.

XQ You went so far as to have the title to her property examined before you ever had the note, didn't you? A No sir.

XQ Who paid for the examination of that title? A I did. XQ How much was it? A \$2.50.

XQ And you paid that for the benefit of Mrs.Henton, too, did you?

A Well, the bank wouldn't accept the note, and I wanted to see what was wrong.

XQ Why did you go to Pennsylvania?

A My business required me in Pennsylvania.

XQ What business?

A I am in the truck business, salesman.

XQ Are you working in Pennsylvania? A Yes sir. Main office in Pennsylvania, Ardmore, Pennsylvania.

man

XQ Who is F.S.Thomas? A I don't recall any name nor organization by that name.

XQ Were you in an automobile wreck? A No sir.

XQ Did you wire Miss Tracy Henton that you were seriously hurt in an automobile preck? On April 18th, you didn't send her that

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No sir. I never uso a light cer.

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Worthless, wasn't of any value. I didn't like to tell Mrs. Henton that I couldn't negotiate any money for her. ner, would it? negotiate it. Don't you think she has been a whole lot more disturbed than No sir. I don't think so. You went so far as to have the title to her property examined before you ever had the note, didn't you? A No sir. Who paid for the examination of that title? A I did. How much was 1tf A \$8.50. And you paid that for the benefit of Mrs.Henton, too, did Well, the bank wouldn't accept the note, and I wanted to see what was wrong. My business required me in Pennsylvania. I am in the truck business, salesman. Are you working in Pennsylvania? A Yes sir. Main office in Pennsylvania. Ardmore, Fennsylvania. Who is f.S. Thomas? A I don't recall any many nor organiza-.onen tedt vo noit Were you in an automobile wrech? A No sir. in an automobile wreak? On April 18th, you didn't send her that

message? A No sir.

XQ Were you in York, Pennsylvania, on the 18th of April? A I passed through York when I left Pennsylvania, didn't stop in York. Passed through York in the forencon.

Mr.Hammer: What date?

Witness: I think it was before the 18th, however. I am not positive. The 17th, if I remember correctly.

XQ (Mr.Earman continuing): Didn't you wire Miss Henton from York, Pennsylvania, at eight a.m. on April 18,1931,"Mr.Yager in accident. Hurt very bad.", and sign yawryname the name F.S.Thomas? A No sir.

XQ If such a message was received by her, then, you knew nothing about it? A No sir, nothing whatever.

XQ What was the price of two horses, two farming horses, about that time? How much was Mrs.Henton to pay for these horses?

A Wasn't any amount set. There wasn't any definite amount set; the note was signed in blank.

XQ Who was present when you destroyed this note?

XQ In whose furnace? A Mrs. R.S.Klose.

XQ When was it destroyed? A When I arrived in Pennsylvania, I don't remember the date. Possibly the 20th, around the 20th.

XQ About April 20? In whose furnace?

AMrs. R.S.Klose, 2013 Seventh Avenue, Altoona, Pennsylvania.XQWas Klose present?A No sir.

XQ You and your wife went down in the basement and put this note in the furnace?

XQ And you received this note, you say, for the purpose of putting it up as collateral security, in order for Mrs.Henton to buy a team of horses, and, when you found the note wasn't negotiable, you destroyed it?

A Destroyed it when I come back to Pennsylvania, yes sir.

Witness dismissed.

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Witness dismissed.

Recess for lunch.

Mrs.Henton recalled to the stand, -- re-direct examination by Mr.Earman.

Q Mrs.Henton, the accused, Yager, in this case, says that his understanding with you was that he was to fill out this note for any amount that was necessary to use as collateral and to turn the money over to you so that you could buy horses?

A That was an entire mistake. I never said anything of the kind. I told him I wanted \$125.00; that was what he promised to let me have. I thought if the horses cost a little more or a little less I could make arrangements.

Q You did buy two horses, I believe?

Objection by Mr. Walker.

A Yes sir.

Q He said that he was here for about a week or ten days after this note was signed by you and turned over to you, and that he was about your daughter's home while you were there during that period.

A After I signed the note?

Mr. Earman: Yes.

A No sir, I don't remember that he was there, after that; at least, he never said anything to me about the note; if he was there after that, I don't remember. I was sick at the time, and I don't just remember. I don't think he was there. He came and said he was going to get me the money, he was going to Pennsylvania.

Witness dismissed.

Mr. Earman: That is all the evidence.

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Mr. Sarman: That is all the evidence.

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