

Record No. 5274

In the Supreme Court of Appeals of Virginia at Richmond

ROBERT R. EASON, ET AL.

v.

CAMILLUS F. EASON, ET AL.

FROM THE CIRCUIT COURT OF NORFOLK COUNTY

RULE 5:12—BRIEFS.

§5. NUMBER OF COPIES. Twenty-five copies of each brief shall be filed with the clerk of this Court and three copies shall be mailed or delivered by counsel to each other counsel as defined in Rule 1:13 on or before the day on which the brief is filed.

§6. SIZE AND TYPE. Briefs shall be nine inches in length and six inches in width, so as to conform in dimensions to the printed record, and shall be printed in type not less in size, as to height and width, than the type in which the record is printed. The record number of the case and the names and addresses of counsel submitting the brief shall be printed on the front cover.

HOWARD G. TURNER, Clerk.

Court opens at 9:30 a. m. — Adjourns at 1:00 p. m.

IN THE

Supreme Court of Appeals of Virginia

AT RICHMOND.

Record No. 5274

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Wednesday the 23rd day of November, 1960.

ROBERT R. EASON, ET AL.,

Appellants,

against

CAMILLUS F. EASON, ET AL.,

Appellees.

From the Circuit Court of Norfolk County

Upon the petition of Robert R. Eason, Samuel W. Eason, Jr., and LaSalle Eason an appeal and supersedeas is awarded them from a decree entered by the Circuit Court of Norfolk County on the 2nd day of June, 1960, in a certain proceeding then therein depending styled, In the Matter of Appeal from the Probate of the Will of Mary Frances Eason, Deceased; upon the petitioners, or some one for them, entering into bond with sufficient security before the clerk of the said circuit court in the penalty of five hundred dollars, with condition as the law directs.

RECORD

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I.

The Court instructs the jury that every person over the age of twenty-one years of age of sound mind, is entitled under the law to make a will and to dispose of her property as she pleases and to discriminate against or among her next of kin as she may choose.

Granted 6-2-60.

E. L. O., Judge

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INSTRUCTION NO. I-A.

The Court instructs the jury that the issue before the jury is whether or not the paper writing, dated October 26, 1959, introduced in evidence in this case, is the last will and testament of Mary Frances Eason. Upon the trial of this issue, all of the parties to this suit, other than Robert R. Eason, Samuel W. Eason and LaSalle Eason, will take the affirmative, occupying the position of proponents, and the said Robert R. Eason, Samuel W. Eason and LaSalle Eason will take the negative, occupying the position of contestants.

Granted 6-2-60.

E. L. O., Judge.

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II.

The Court instructs the jury that you are the judges of the the credibility of the witnesses and you alone are to determine from the whole of the testimony of such witnesses, their demeanor on the stand, of their means of knowledge, and from their interest or lack of interest in the result of the case, the reasonableness and consistency of their testimony, their apparent candor and fairness, their apparent intelligence or lack of intelligence, the relationship of the witnesses to the parties, if any, and from all other surrounding circumstances appearing in the trial, determine which witnesses are more worthy of belief and what is the relative weight of any such testimony, and to give credit accordingly.

Granted 6-2-60.

E. L. O., Judge.

page 19 } INSTRUCTION NO. II-A.

The Court instructs the jury that no person of unsound mind at the time the will is signed shall be capable of making a will.

Granted 6-2-60.

E. L. O., Judge.

page 20 } INSTRUCTION III-B.

The Court instructs the jury that if the jury believe that the attesting witnesses to the paper writing in question had no previous acquaintance with the decedent, were not selected by her, and nothing was said or done by her at the time to indicate her then mental condition, then their testimony as to the decedent's mental capacity at the date of the execution of the will should not be given any more weight than any lay witness who was not an attesting witness.

Refused 6-2-60.

E. L. O., Judge.

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page 21 } III.

The Court instructs the jury that while the burden of proof is upon the executors of Mary F. Eason, to show testamentary capacity on the part of the testatrix, Mary F. Eason, on the 26th day of October, 1959, to the satisfaction of the jury, you are further instructed that there is a presumption in favor of Mary F. Eason's sanity and capacity, which said presumption should be considered by the jury in determining the question of competency.

Granted 6-2-60.

E. L. O., Judge.

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INSTRUCTION NO. III-A.

The Court further instructs the jury that the issue involved in this contest is whether the decedent, Mary Frances Eason, possessed sufficient mental capacity to make a will on the 26th day of October, 1959, at the time the paper writing offered in evidence in this case was executed, and the jury are now told that the test of testamentary capacity is that the testatrix must have had sufficient mind and intelligence at the time the paper writing was executed to understand:

First. The nature of the business in which she was engaged.

Second. To recollect the property she was attempting to dispose of, to know and understand her relation to her blood kin or to others who might have claims upon her, and to determine the objects of her bounty, and the manner in which she wishes to dispose of her estate with sense and judgment.

And if the jury believe that the decedent did not, at the time the alleged will was executed, possess mental capacity to know and understand these things, then they must find against the will.

Granted 6-2-60.

E. L. O., Judge.

page 23 }

IV.

The Court instructs the jury that it is not necessary that the testatrix, Mary F. Eason, possess the highest qualities of mind in order to make a legal will, nor that she should have the same strength of mind which she formerly may have had; the mind may be in some degree impaired; the memory may be enfeebled, the understanding may be weak, and the testatrix may be wanting in capacity to transact many of the ordinary affairs of life, but it is sufficient if she possess mind enough to understand the nature of the business on which she is engaged in making her will, has a recollection of the property she desires to dispose of thereby, knows and recalls the objects of her bounty, and the names in which she wishes to dispose of her estate with sense and judgment, then the testatrix had sufficient testamentary capacity to execute the will in question.

Granted 6-2-60.

E. L. O., Judge.

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INSTRUCTION NO. IV-A.

The Court instructs the jury that former declarations of the testatrix as to the disposition of her property may be considered by the jury to show her feelings and affections towards the natural objects of her bounty, and in connection with other evidence, if any, may be considered by the jury to show her mental condition as reflecting upon testamentary capacity.

Granted 6-2-60.

E. L. O., Judge.

page 25 }

V.

The Court instructs the jury that the evidence of physicians, especially those who attended the testatrix, Mary F. Eason, and were with her considerably during her last illness, is entitled to great weight and is especially so in the case of the physician attending the testatrix through her last illness when the will was executed.

Granted 6-2-60.

E. L. O., Judge.

page 26 }

VI.

The Court instructs the jury that old age is not of itself sufficient evidence of incapacity to make a will.

Granted 6-2-60.

E. L. O., Judge.

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INSTRUCTION NO. V-A.

The Court further instructs the jury that in determining whether or not the paper writing in question is the true last will and testament of the decedent, Mary Frances Eason, the jury has the right to consider the nature and character of the will, and if they find from the evidence that it is contrary to natural justice, they should take that fact into consideration, along with the other facts and circumstances in the case and the testimony of the witnesses, in determining the question of capacity.

Granted 6-2-60.

E. L. O., Judge.

page 28 }

VII.

The Court instructs the jury that the testimony of witnesses present at the execution of the will is entitled to peculiar weight on the question of testamentary capacity and that this is especially true of witnesses attesting the will.

Granted 6-2-60.

E. L. O., Judge.

page 29 }

VIII.

The court instructs the jury that there is not any evidence in this case of undue influence and in reaching your conclusion as to the validity of the will you are to eliminate the question of undue influence and to consider only the issue of testamentary capacity of the testatrix, Mary F. Eason, at the time she executed the will dated October 26, 1959.

Granted 6-2-60.

E. L. O., Judge.

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INSTRUCTION NO. VIII-A.

The court further instructs the jury that direct proof is not necessary to overthrow a will, but any facts and circumstances are sufficient as evidence that will satisfy the jury of the incapacity of the testatrix to make testamentary disposition of her property at the time of the execution of her will.

Granted 6-2-60.

E. L. O., Judge.

page 31 }

IX-A.

The Court instructs the jury that if they believe from the evidence that the will in question was made by the testatrix upon delusions held by her without any basis in fact then they shall find in favor of the Contestants and against the will.

Granted 6-2-60.

E. L. O., Judge.

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XI.

The court instructs the jury that the testimony of Stanley G. Bryan the attorney who prepared the testatrix's, Mary F. Eason, will is entitled to great weight bearing on the competency of the testatrix at the time the will was executed.

Granted 6-2-60.

E. L. O., Judge.

page 33 }

X.

The Court instructs the jury that to constitute a delusion sufficient to invalidate a will, the subject matter of said delusion must have had no foundation in fact. An insane delusion must be a belief which is not founded upon evidence and if there is any evidence, however slight or inconclusive which might have a tendency to create said belief, such belief is not a delusion.

The essential consideration is whether the testatrix had before her any facts on which her belief might have been founded irrespective of the actual evidential force of such facts. It matters not that other persons would not necessarily agree with her or that her judgment was harsh, unjust and insupportable.

Granted 6-2-60.

E. L. O., Judge.

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XI.

The Court instructs the jury that the fact the testatrix may have been eccentric or that she was high tempered, used abusive language or that at times the testatrix was the victim of hallucinations, or even insane delusions, or she thought that others were plotting against her, is not sufficient to establish lack of testamentary capacity unless you believe the will was a product of the hallucinations or delusions, and if you believe that the testatrix at the time the will was executed had sufficient mind and memory to know her business she was engaged in, the property she was disposing of thereby, and objects of her bounty, then the testatrix had sufficient testamentary capacity to execute the will in question.

Refused as offered 6-2-60.

E. L. O., Judge.

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XII.

The Court instructs the jury that even if you believe the testatrix may have had periods in which she was of unsound mind or deranged, and if you further believe at the time the will was executed the testatrix had a lucid interval in which she had testamentary capacity as defined in other instructions, then you should find for the will.

Granted 6-2-60.

E. L. O., Judge.

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page 37 } In the Circuit Court of Norfolk County, on the
2nd day of June, 1960.

* * * *

This day came again the parties, in person and by counsel, and after having fully heard the evidence, the proponents, by counsel, again moved the Court to strike the evidence of the contestants as being contrary to the law and the evidence, which motion the Court overruled, to which action of the Court the proponents, by counsel, duly excepted, and after having heard the argument of counsel, the Jury retired to their room to consult of a verdict, and after some time returned into Court having found the following verdict: "We the Jury find that the paper writing offered in evidence dated October 26, 1959 is the true last will and testament of Mary Frances Eason, deceased, Wade E. Long, Foreman."

Thereupon the contestants, by counsel, moved the Court to set aside the verdict of the Jury as being contrary to the law and the evidence, which motion the Court overruled, to which action of the Court the contestants, by counsel, duly excepted.

Thereupon the contestants, by counsel, moved the Court for a sixty (60) day stay of execution which motion the Court granted.

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NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR.

Samuel W. Eason, Jr. and Robert R. Eason and James L. Eason hereby give notice of their appeal to the Supreme Court of Appeals of Virginia from a final decree entered in this cause on the 2nd day of June, 1960; and duly file this, their appeal, together with the following assignments of error:

1. The court erred in refusing to admit in evidence before the jury the testimony of Robert C. Barclay, III, relating to the chain of title to the property involved known as the

“Cornick Farm” in Norfolk County, for the reasons stated on pages 341, 342, and 343 of the Reporter’s Transcript.

2. The court erred in refusing to admit in evidence before the jury the testimony of J. McBryde Webb, attorney, of conversations and transactions he had with Mary Frances Eason, the testatrix, (excepting those had in the presence of the contestants or others), continuing over a long period of years prior to her death through August 5, 1958, and the said Webb’s opinion concerning her mental competency. Said transactions conversations and opinion were excluded on the ground that they came within the attorney-client privilege. Contestants claim that they were not within the attorney-client privilege because no claim against page 43 } the estate was involved; the issues being between the next of kin and the devisees over title to the property of which the said Mary Frances Eason died seized and possessed.

3. The court erred in refusing to allow the said J. McBryde Webb for the purpose of refreshing his memory, to read from a long memorandum made by him of the transactions and conversations he had with the said Mary Frances Eason.

4. The court erred in refusing to admit in evidence before the jury the testimony of Thomas H. Willcox, Jr., attorney, of conversations and transactions he had with Mary Frances Eason, the testatrix, (excepting those had in the presence of the contestants or others), continuing over a long period of time down to about the middle of the year 1958, and the said Willcox’s opinion concerning her mental competency. Said transactions, conversations and opinion were excluded on the ground that they came within the attorney-client privilege. Contestants claim that they were not within the attorney-client privilege because no claim against the estate was involved; the issues being between the next of kin and the devisees over title to the property of which the said Mary Frances Eason died seized and possessed.

5. The court erred in granting Intruction No. P-7 at the instance of the proponents concerning the peculiar weight to be given to the witnesses present at the execution of the will, upon the ground that the evidence of those witnesses themselves was not sufficient to justify such instruction.

6. The court erred in granting Instruction No. 5 at the instance of the proponents upon the ground that the page 44 } instruction singled out a part of the evidence saying that such parts should be given great weight.

7. The court erred in refusing to the contestants Instruction 3-B upon the ground that the evidence of the attesting witnesses was such that this instruction was necessary in connection with the instruction given at the instance of the proponents on the same subject in order to enable the jury to fairly appraise this particular testimony.

8. The court erred in overruling the motion of the contestants to set aside the verdict of the jury.

GIVEN under our hands this 28 day of July, 1960.

SAMUEL W. EASON, JR.
ROBERT R. EASON, and
JAMES L. EASON,

By GEO. E. ALLEN
(Allen, Allen, Allen and Allen)
4020 West Broad Street
Richmond 30, Virginia

By A. A. BANGEL
Law Buiding
Portsmouth, Virginia

Counsel for contestants

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Filed in the clerk's office the 29 day of July, 1960.

TESTE:

MAJOR M. HILLARD, Clerk
By OSSIE E. EMERY, D.C.

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Vol. 1. JAMES WHITE,
page 6 } called as a witness on behalf of the proponents, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Garrett:

Q. Will you please state your name?

A. James White.

Q. How old are you?

A. I am thirty-one.

Q. What is your occupation?

A. Dairy farmer.

Q. Where is your farm located?

A. A half mile north of Mrs. Eason's.

Q. And that is out on Route 168?

A. Yes, sir.

Q. Several miles before you get to Hickory?

A. About two miles before you get to Hickory.

Q. How long have you lived out in that area?

A. About twenty years.

Q. You are not related by blood or marriage to anybody in this controversy, are you?

A. No, sir.

Q. Mr. White, I hand you a paper and ask you if you can identify your signature on that paper?

Vol I. A. Yes, sir.

page 7 } Q. Did you sign that paper?

A. Yes, sir.

Q. Up here where the name Mary Frances Eason appears, who signed that?

A. Miss Mary Frances Eason.

Q. Who else signed it besides you?

A. My brother and Miss Roberts.

Q. Where was this paper signed?

A. In Miss Eason's house, upstairs in the bedroom.

Q. The date is October 26th. Is that the time you were there?

A. Yes, sir.

Q. Did she sign this will in your presence?

A. Yes, sir.

Q. Were the other parties who signed all present at the time she signed it?

A. Yes, sir.

James White.

Q. And were you all present at the time each of you signed it?

A. Yes, sir.

Q. How did you come to be called as a witness, if you know, to this will?

A. Well, Mr. Bryan was drawing the will up—

Q. Who came to you and asked you to witness the Vol. I. will?

page 8 } A. Mr. Bryan.

Q. The gentleman sitting here (indicating)?

A. Yes, sir.

Q. Did you and your brother both go there at the same time?

A. Yes, sir.

Q. Had you known Miss Eason before that?

A. Yes, sir.

Q. Had you ever talked with her before that?

A. Yes, sir.

Mr. Bangel: Dr. Taylor has just come in the room, just arrived.

The Clerk: He has just arrived. I will send him out.

By Mr. Garrett:

Q. Over what period of years before that had you *know* and spoken to Miss Eason?

A. I met her the first year and a half I came to the country.

Q. About how many years before her death had you known and spoken to her?

A. About eighteen years.

Q. On the evening when you went to sign this Vol. I. will for her did she have any conversation with page 9 } you or make any statement while you were in the room?

A. When I went in she inquired about my mother's and father's health, and spoke to me and my brother both.

Q. Did she sign this will without any assistance from anybody?

A. That is correct.

Q. Did she tell you what she was doing at the time.

A. She stated that she wanted to leave her money and property where it did the most good, to the poor and needy.

Q. How long were you in the room during that time?

A. About five minutes.

James White.

Q. You stated you were there with your brother and Miss Eason, and who was then Miss Roberts now Mrs. Bryan?

A. Yes, sir.

Q. Anybody else?

A. Mr. Ahlgren.

Q. Who is he?

A. He worked for Miss Eason on the farm, worked as the handyman.

Q. Mr. White, in your conversation with her that you had was there anything any different from any other conversation, the way she talked, in any previous times you have known her over the years before?

Vol. I. A. No, sir.
page 10 }

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By Mr. Garrett:

Q. Mr. White, you signed this will and witnessed her signature, and you stated here, to your knowledge, she was of sound mind. Will you tell the Court and jury, from your conversation and observation whether or not that was true?

A. Yes, sir, that was true.

Mr. Garrett: I would like to offer that will as an exhibit if your Honor please.

The Court: It is marked as "Proponents' Exhibit 1."

By Mr. Garrett:

Q. Just one more question: You have no interest of any kind in the outcome of this case, have you?

A. No, sir.

Q. You are not a beneficiary, your only relation being that of a neighbor?

Vol. I. A. That is right.
page 11 }

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CROSS EXAMINATION.

By Mr. Allen:

Q. Mr. White, I understood you to say you were there about five minutes?

A. Yes, sir.

James White.

Q. Is that right?

A. Yes, sir.

Q. And your signature is the middle one on this will?

A. Yes, sir.

Q. When was the last time that you saw Miss Eason before this occasion?

A. To carry on a conversation with her?

Q. Yes.

A. The only time I can remember, about the time I came out to the farm in 1952.

Q. So, then, you had not had any business transaction with her nor any conversation with her from 1952 until Vol. I. October 26th, 1959, when you went there to witness page 12 } this will?

A. That is correct.

Q. How close did you live to her?

A. About a half mile.

Q. Whom did you say requested you to come there?

A. Mr. Bryan.

Q. Did he write you or come over there?

A. He came over personally.

Q. That day?

A. That night.

Q. Was it at night the will was signed?

A. Yes, sir.

Q. What time at night?

A. Between eight and eight-thirty.

Q. When you got there and you got into the room to sign this will as a witness who was in there?

A. Miss Roberts, Mr. Bryan, Mr. Ahlgren, my brother, and myself.

Q. Did you have any way of knowing how long they had been there?

A. No, sir.

Q. Did you engage Miss Eason in a conversation or ask her to do anything or say anything for the purpose

Vol. I of finding out her mental condition?

page 13 } A. Her mental condition?

Q. Ask her any questions in order to find out how she was, yes?

A. Asked her how she was when we entered and she said she felt mighty sick.

Q. Is that all you asked her?

A. That is all I remember.

James White.

Q. And she said she was mighty sick. Was she in bed?

A. Yes, sir.

Q. Propped up or lying down?

A. Propped up with two or three pillows behind her.

Q. Could you tell whether she was having difficulty getting her breath?

A. I don't recall she had any difficulty.

Q. Do you recall how many days after that she died? You were there on Monday?

A. I believe it was on Thursday.

Q. You were there on Monday and she died on Thursday?

A. Yes, sir.

Q. You were there Monday night?

A. Yes.

Q. Do you know what time she died Thursday?

Vol. I. A. I believe, the way I understood, she was
page 14 } found in bed dead the next morning.

Q. You mean Thursday morning?

A. That is the way I remember it.

Q. Did you go over there between Monday night and Thursday morning?

A. No, sir.

Q. Did anybody from your place during that time go over there?

A. No, sir.

Q. Who was there to wait on her and look after her?

A. Mr. Ahlgren was the only person at home at the time.

Q. No nurse?

A. Not that I saw any.

Q. While there you heard nothing about whether she was eating anything, or not?

A. No, sir.

Q. Did anyone state anything about her eating?

A. I don't recall.

Q. Did she say anything about not being able to eat?

A. No, sir.

Q. How did she look?

A. She looked pale.

Q. Did you look her straight in the eye?

Vol. I. A. Yes, sir.

page 15 } Q. How did her eyes look?

A. I cannot tell, her eyes were closed.

Q. But you say she looked pale?

A. She was sick.

Q. Did she look weak?

James White.

A. I don't know how weak she was, lying in bed. She did not have any trouble doing what she wanted to do.

Q. Was she groaning?

A. No, sir.

Q. Did she show any signs of suffering from any pain?

A. Sir?

Q. Did she show any signs of being in pain, suffering any pain?

A. She looked sick. How sick, I don't know.

Q. Was Robert Ahglren there the whole time you were there?

A. Yes, sir.

Q. Now, was Miss Roberts there the whole time you were there?

A. Yes, sir.

Q. Now Mrs. Bryan?

A. Yes, sir.

Q. Joel E. White, Jr., was he there the whole time you were there?

Vol. I. page 16 } A. Yes, sir.

Q. Were all three of you present at the same time this will was signed?

A. Yes, sir.

Q. Neither one of you walked out and came back?

A. No, sir.

Q. Now, you signed the certificate saying "The above signature of the Testatrix was made and the foregoing will was acknowledged to be her last will and testament by said Testatrix, in the presence of us, three competent and disinterested witnesses, present at the time, and we the said witnesses do hereby subscribe the said will on the date last above written, in the presence of said Testatrix and in the presence of each other, and at the request of the said Testatrix," and then you add a last clause, "who was then of sound mind and over the age of twenty-one."

Do you mean to tell the Court and jury that having not seen her since 1952—

Mr. Garrett: He did not say he had not seen her.

By Mr. Allen:

Q. (Continuing) Not having engaged in any conversation and had no transactions with her and saw her only five minutes on that date, do you mean to tell the Court and jury you are in a position to say whether she was of sound mind?

Vol. I. page 17 }

James White.

A. She appeared to me to be, judging over the years I have known her, I did not see any change.

Q. You had not seen her since 1952 to engage in conversation with her?

A. Correct.

Q. And you go there for five minutes, and speak to her, ask her how she is and she says she is sick and looks pale, and you think those few minutes you saw enough of her to give an opinion that she was of sound mind?

A. I could not say otherwise.

Q. In other words, you saw nothing to show she was of unsound mind, therefore, you say she was of sound mind? Is that your reason?

A. Yes, sir.

Q. Who asked you to sign this certificate saying she was of sound mind?

A. Who asked me?

Q. Yes.

A. Mr. Bryan came to my house and said Miss Eason requested I be a witness.

Q. This will comprises one, two, three, four typewritten pages, three and a half actually constituting the will, and the clause that you signed as a witness constituting Vol. I. the last half of the last page. Did you hear the page 18 } will read to her?

A. No, sir.

Q. In your presence was she asked anything concerning the contents of the will after reading to her and then asking her to explain if she understood it?

A. No, sir.

Mr. Allen: That is all.

RE-DIRECT EXAMINATION.

By Mr. Garrett:

Q. Did Miss Eason drive her own car?

A. Yes, sir.

Q. As far as you can recollect, prior to her death how recent had you seen her drive?

A. It would be purely an estimate.

Q. Estimate the best you can when you last saw her driving her car?

A. I would say three weeks.

Q. Mr. Allen asked you if you had talked with her and you said you had not. Had you seen her during that time?

Joel Edgar White, Jr.

A. Yes, sir, she passed by the house on the way to town and I waved to her two or three times a week.

Mr. Garrett: That is all.

Vol. I

page 19 }

JOEL EDGAR WHITE, JR.,

called as a witness on behalf of the proponents, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Garrett:

Q. Will you please tell the Court and jury your name?

A. Joel Edgar White, sir.

Q. You are Joel E. White, Jr.?

A. That is correct.

Q. Where do you live?

A. I live at Hickory.

Q. And you are the brother of James White who has just testified, are you not?

A. That is right.

Q. You all operate a dairy farm there at Hickory, do you not?

A. That is right.

Q. And you live in the section where Miss Mary Frances Eason lived?

A. A half mile from her, approximately.

Q. How many years had you known her?

A. Since we moved in that section, eighteen

Vol. I. years ago.

page 20 }

Q. Were you requested to witness a will on October 26th, 1959?

A. Yes, sir.

Q. Who requested you?

A. Mr. Bryan.

Q. Look at this paper and see if that is your signature there, if your signature is on there (handing paper to witness)?

A. Yes, sir, that is my signature.

Q. Tell us whose signature that is (indicating)?

A. Mary Frances Eason's.

Q. Were you present when Miss Mary Frances Eason executed that will?

Joel Edgar White, Jr.

A. Yes, sir.

Q. Were all the witnesses present at the same time?

A. Yes, sir.

Q. Did she sign that will in the presence of all of you?

A. Yes, sir.

Q. You all signed it in each others' presence and hers?

A. We did.

Q. Did you have any conversation with Miss Eason at the time she executed this will?

Vol. I. A. We were introduced by Mr. Bryan, and she
page 21 } asked as to my mother's health, small talk, conversation.

Q. Did you observe anything in her demeanor that would make anyone believe she did not know what she was doing?

A. I could not say I did. She recognized me and asked as to my mother's health and how I was.

Q. Did she say or do anything which would tend to show she did not know what she was doing?

A. No, sir.

Q. Was any statement made by her to show she knew what she was signing?

A. She said it was her will.

Q. After you signed this paper did you stay very long?

A. No, sir, left almost immediately after we signed it.

Q. When is the last time you had seen Miss Eason before the 26th of October?

A. At least a year.

Q. About a year?

A. About a year.

Q. Prior to that time had you seen her at any time?

A. I would occasionally see her going by, she would be passing by.

Vol. I. Q. Did you have any conversation with her then?
page 22 } A. No, sir, just waved.

Q. Are you related by blood or marriage, or have any claim on this estate?

A. No, sir.

Q. Do you have any interest of any kind in the outcome of this case whatever?

A. No, sir.

Mr. Garrett: You may inquire.

Joel Edgar White, Jr.

CROSS EXAMINATION.

By Mr. Bangel:

Q. Mr. White, I take it, then, that on the Monday preceding the Thursday of her death Mr. Bryan called on you to witness a will?

A. That is right.

Q. Where were you when he saw you?

A. At home.

Q. Was anyone with him?

A. No, sir.

Q. About what time was that?

A. I would say about eight-thirty.

Q. Was Mr. Bryan riding or walking at the time?

A. He was riding. I would say his wife or
Vol. I. finance was with him at the time.

page 23 } Q. In other words, the signatures on this paper
writing purporting to be will of Miss Mary
Frances Eason, were yours and your brothers, and the young
lady he was going with at the time?

A. Yes.

Q. So, she and he came to your home and asked you and your brother to go with them to witness a will?

A. That is correct.

Q. When you arrived at the home of Miss Eason did anyone meet you there?

A. Mr. Ahlgren was there.

Q. Was he up or downstairs?

A. I think he met us on the porch.

Q. And from there where were you taken?

A. To Miss Eason's bedroom.

Q. Was she at that time sick in bed?

A. She was in bed, yes, sir.

Q. Who was in the room?

A. Mr. Ahlgren, my brother, Mr. Bryan, and his fiance.

Q. I think you said the only conversation which passed between you and Miss Eason was she asked you about your mother's health?

A. Yes, sir.

Vol. I. Q. You had to be introduced to her by Mr.
page 24 } Bryan? Were you not introduced to her?

A. Yes, sir.

Q. Did you hear the paper writing read to Miss Eason?

A. No, sir.

Joel Edgar White, Jr.

Q. Was any part of that will read to her and was she asked if she understood it?

A. Not while I was there.

Q. She affixed her signature and then you were asked by Mr. Bryan to witness the will?

A. That is correct.

Q. I understood you to say it had been a year before that that you had seen Miss Eason last?

A. I would say so.

Q. And at that time you merely waved to her?

A. Yes, sir.

Q. Did you engage in any conversation with her in the last three years.

A. Honestly, I cannot say I did.

Q. Three years before her death?

A. That is right.

Q. The only thing, you had seen her in the car and you had waved and she waved back?

A. Yes, sir.

Vol. I. Q. Then, I take it that your conversation was
page 25 } probably a minute, when you went and stayed
three three or four or five minutes and left?

A. Yes, sir.

Q. Who took you from there to your home?

A. Mr. Bryan.

Q. Do you know what Mr. Bryan did with that paper writing you signed after it was signed?

A. No, sir.

Q. Did he leave it with Miss Eason?

A. I don't know.

Q. Did you see what happened to it?

A. No, sir.

Q. You live a short distance from Miss Eason's?

A. That is right.

Q. Did you ever visit her?

A. No, sir.

Q. Did she ever visit you?

A. No, sir.

Q. Did you know that you were signing your name to a paper writing which expressed an opinion as to her mental condition?

A. I was told it was a will.

Q. And you were told that by Mr. Bryan?

Joel Edgar White, Jr.

A. Yes, sir.

Vol. I. Q. Did Mr. Bryan tell you he wanted you to
page 26 } pass upon her capacity to make a will?

A. No, sir.

Q. Therefore, you did not engage in conversation with a
view to ascertaining her mental condition?

A. No, sir.

Q. Did you know you were signing a paper writing at the
request of Mr. *Ryan* which said she was of sound mind?

A. I knew it was a will.

Q. That is all you knew?

A. That is all I knew.

Q. Did you say anything to Mr. Bryan about, "Don't you
think she should know what is in this will?"

A. No, sir.

Q. Did he say he had read it to her?

A. He did not tell me that.

Q. Did anyone tell you it had been read to Miss Eason?

A. No, sir.

Mr. Bangel: That is all.

RE-DIRECT EXAMINATION.

By Mr. Garrett:

Q. Mr. White, did Miss Eason, to your observation at the
time that you were requested to sign that will, did
Vol. I. she appear to be competent to sign and know what
page 27 } she was signing?

Mr. Bangel: He is to testify to what he knows.

The Court: I overrule the objection.

By Mr. Garrett:

Q. Answer that, please.

A. I would say since she recognized me and asked as to
my mother's health, she was able to know what she was doing.

Q. Did anybody help her hold the pen when she signed?

A. No, sir?

Q. Miss Eason was a school teacher, was she not?

A. I believe she was.

Q. And this signature on here was put on there by her?

A. Yes, sir.

Q. You just simply went over there as an accommodation,
as a neighbor, to witness a will?

Dr. William H. Romm.

A. As a favor.

Q. What conversation they had and how many days before, was not your business?

A. No, sir.

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RE-CROSS EXAMINATION.

By Mr. Bangel:

Q. Mr. White, you did not recognize it was any of your business to determine whether or not she was mentally capable of making a will, you did not think it was your business?

A. No, sir, I did not.

Q. You were doing it at the request of Mr. Bryan?

A. Yes, sir.

The Court: Is there any objection to the doctors testifying out of order?

Mr. Allen: No, sir.

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DR. WILLIAM H. ROMM,

called as a witness on behalf of the proponents, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Garrett:

Q. Will you please give the Court and jury your name?

A. Dr. William H. Romm.

Q. Doctor, where do you practice?

A. In Currituck County, North Carolina.

Q. Your office is in Moyock, a short distance over the Virginia line?

A. Yes, sir.

Q. What education have you had preparatory for your medical training and practice?

A. Graduate from V.M.I. in 1943, and from there attended medical school at the University of Virginia, and further trained at DePaul Hospital in Norfolk.

Q. You were a resident of Norfolk originally?

A. Yes, sir.

Q. You are a general practitioner?

A. Yes, sir.

Dr. William H. Romm.

Q. I will ask you if you ever had occasion to treat
Vol. I. Miss Mary Frances Eason at Hickory, Virginia?
page 30 } A. Yes, sir.

Q. When were you first called there?

A. I was called to see her in her last illness, October 3rd, 1959.

Q. From October 3rd, 1959, when did your treatment begin and when did it end?

A. With her death October 29th.

Q. How many times did you see her from October 3rd to October 29th?

A. I saw her practically every day. I would say an estimate of about twenty times.

Q. Between October 3rd, 1959?

A. Yes, sir.

Q. Dr. Romm, what was her illness?

A. When I was called to see her she was having mild congestion, heart failure.

Q. Do you remember who called you to come to see her?

A. An attendant, Turner White. I believe he was an attendant on the place.

Q. On the occasions that you treated her on those visits did you have an opportunity, in addition to her physical condition, to know what her mental condition was?

A. Yes, sir.

Vol. I. Q. Tell his Honor and the jury what your observations were in regard to her alertness and
page 31 } mental condition?

A. In all the time I saw her she was mentally alert, at all the times I noticed she was mentally alert when I saw her.

Q. Were you with her the day she died?

A. Yes, sir.

Q. October 29th. Were you there on the 26th of October, Monday before she died?

A. I have a list of my visits I brought.

Q. Will you consult that, please?

A. Yes, I was there October 26th.

Q. If you have the dates, read in the record the other dates you were there?

A. October 3rd, October 4th, the 6th, the 8th, 9th, 11th, 12th, 14th, 16th, 18th, 19th, 20th, 22nd, 23rd, 24th, 25th, 27th, 28th, and I was with her when she died on the 29th.

By the Court:

Q. Were you there at the time she died?

Dr. William H. Romm.

A. Yes, sir. I was with her when she died.

By Mr. Garrett:

Q. At any time that you were with her on those occasions you have mentioned did she give any evidence of being mentally unbalanced or of not knowing what she was doing or understanding her affairs?

Vol. I. was doing or understanding her affairs?
page 32 } A. No, sir.

Q. Did she carry on conversations with you at the times of your visits?

A. Yes, sir, extensive conversations.

Q. Would you refresh yourself as to one particular conversation about a definition she had with you shortly before her death, can you bring that to your mind?

A. Yes, sir. I think that was the day she died. We were sitting in the room and I was giving her an infusion. We were talking about one's background, and she was talking about character and reputation. She asked me what was the difference, I believe. She had asked me the question, and I hesitated for awhile and Miss Eason was getting an infusion, and she said, "That is easy, character is what a person is and reputation is what people think they are."

Q. Was the quality of the conversations you had with her over the period you treated her of like quality?

A. She was a very intelligent woman, and you could talk very intelligently with her.

Q. Did she appear to be well read?

A. She appeared to be very well read, yes, sir.

Q. Did you find out from her when was the on-set of her final illness, the time of it?

A. When I was called to see her she had been taken that day with shortness of breath. Now, as far as I know, that was the first time she had had shortness of breath. She had consulted other doctors. She had been to see Dr. Martin. He was away at the time and she could not see him. The first time I was called she had shortness of breath, that was her apparent or present complaint.

Q. Did the sickness she had in any way interfere with her mental faculties?

A. No, sir.

Q. It has been suggested here in the opening statement of attorneys on the other side that she was afflicted with paranoia. Was there any such evidence of that, according to your mind?

Dr. William H. Romm.

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

Q. At any time during the time you were treating her was any statement made by her with reference to getting her affairs straightened out?

A. Yes, sir.

Q. Tell us briefly what that was?

A. I would say about the second or third time I saw her she mentioned she knew she was an old lady and that she wanted to get all of her affairs straightened out before she died.

Q. Do you know whether or not she later executed a will?

Vol. I. A. I understand she did.

page 34 } Q. Did she make any mention of that?

A. Several times she talked about a will. As a matter of fact, she told me if she knew all of her affairs were in order she could die happy. She mentioned she had a will. I never saw the will. She told me different things that were in it, things she particularly wanted me to know. One, she had a servant who had been with her forty or fifty years and she was interested in seeing that person was to get something when she died. She mentioned something about another provision for another attendant she had.

Q. You never saw the will or you were not present when it was executed?

A. No, sir.

Q. To your knowledge and observation of her the 26th of October, 1959, was there anything about her that would have prevented her from making a will and knowing the contents of the will, the beneficiaries of the will, or what property she had?

A. No, sir.

Q. Dr. Romm, did Miss Eason ever discuss having nephews with you?

A. Yes, sir.

Q. Tell the Court and Jury what she said about that, if you recall?

Vol. I. A. Yes, sir. She told me that she had been
page 35 } threatened with a suit, as I recall, for slander by
the wife of her brother, and she mentioned she
had gone to her nephews for help.

Q. Who are the nephews?

A. Two doctors. I never met the Doctors Eason. She mentioned she had talked to them about it and they had told her if she would put the property in their names nothing could

Dr. William H. Romm.

happen if she were sued. She mentioned afterwards she had to sue them from selling timber, that she had to go in Court to get the property back. Essentially that was what she told me about it.

Q. I will ask you if she made any prediction of what would happen in connection with her will?

A. Yes.

Q. What?

A. She told me about three times I was there, "Doctor, you have gotten into a mess. When I die this will will be contested, there will be an attempt made to break it. I wanted it as strong as I could get it."

Q. Did you have any other doctor in there at any time, in consultation with you?

A. Yes.

Q. Who?

A. Dr. Everett Sawyer.

Vol. I. Q. Where is he from?

page 36 } A. From Elizabeth City.

Q. North Carolina?

A. Yes.

Q. How many times did he see her in consultation with you?

A. One time.

Q. Any internal medication made?

A. No, sir, other than what I have mentioned.

Mr. Garrett: You may inquire.

CROSS EXAMINATION.

By Mr. Allen:

Q. Are you a general practitioner, Doctor?

A. Yes, sir, a general practitioner.

Q. Just a general practitioner?

A. Yes, sir.

Q. When did you begin to practice medicine?

A. I began in Currituck County about nine years ago.

Q. How long have you been engaged in the general practice of medicine?

A. Nine years.

Q. Now, you never knew this old lady until October 3rd is that right?

Vol. I. A. No, sir, I knew her before.

page 37 } Q. When were you first called to see her?

A. In the last illness?

Dr. William H. Romm.

Q. When did you first know her?

A. I first saw her, treated her July 24th, 1951.

Q. Where was she when you treated her then?

A. In my office.

Q. Where was your office then?

A. In Moyock.

Q. Did she come to see you frequently from 1951 to 1959?

A. No, sir.

Q. Did you see her down there any more?

A. As I recall, she came in with her sister. I don't recall treating her other than that one time.

Q. And that was in 1951?

A. Yes, sir.

Q. Did your next treatment of her begin October 3rd, 1959?

A. Yes, sir.

Q. And during that period of time between those two dates, you did not treat her at all?

A. That is right.

Q. Did you have any business transaction or any conversation with her during that period?

Vol. I. A. No, sir, except when she brought her sister
page 38 } to the office. I don't know that to be a fact. I have
not looked that up in my records.

Q. You saw her practically every day between October 3rd, 1959, up to the time she died, and you were present when she died?

A. Yes, sir.

Q. Did you take her blood pressure October 6th, 1959?

A. I am sure I did.

Q. Tell us what it was?

A. I cannot recall.

Q. I think you looked at some notes awhile ago?

A. Yes, sir.

Q. Do you have those notes?

A. I have notes, yes.

Q. Can you look at those and see what her blood pressure was?

A. No, sir.

Q. Do you have that anywhere?

A. Not with me.

Q. At your office?

A. No, sir.

Q. When you see a person has heart trouble, the first thing you do is to take their blood pressure, isn't it?

Dr. William H. Romm.

A. That is correct.

Vol. I. Q. And by that you determine the status of
page 39 } the heart trouble?

A. No, sir.

Q. You do take the blood pressure?

A. As a rule.

Q. If it rises up to a certain point that interferes with a person's mentality, doesn't it?

A. Not necessarily.

Q. How high does blood pressure have to get before a person stops attending to business?

A. I know people running their business with blood pressure as high as 230.

Q. I am asking you how high does blood pressure *have* to get before people are incapacitated for attending to business?

A. That question cannot be answered.

Q. Don't you know for a fact if it is as high as 210 people are incapacitated to attend to business?

A. I cannot agree with that statement.

Q. You did not take hers?

A. I am sure her blood pressure never reached that.

Q. You never took her blood pressure, did you?

A. I did. I have no records of it.

Q. Did you take it every time you went there?

Vol. I. A. Yes, sir.

page 40 } Q. Now, you have stated you saw nothing about
her to indicate that she was a paranoiac? Can you give us a definition of that term? You would know, I am sure.

A. A paranoiac person suffers with delusions of persecution.

Q. A litigation type person, one to litigate, regardless of the merits of the litigation?

A. I will not agree with that, no, sir, I don't agree with that statement.

* * * * *

Q. Will you state your definition of paranoia?

Vol. I. A. Paranoia is a condition where a person suffers from delusions of persecution. Usually associated with this are feelings of a grandiose nature.
page 41 }

Q. Is that the complete definition?

A. That is my definition, sir.

Q. What are the symptoms of it?

Dr. William H. Romm.

A. Of paranoia?

Q. Yes.

A. A person who is a paranoiac would feel everyone is against him, and at sometimes would have feelings of a superior or grandiose nature. I saw none of these symptoms at the time I treated her.

Q. And your statement is a definite statement of paranoia is of not litigating, one who has a tendency to litigate?

A. That was your statement.

Q. I am asking you; is it your statement that is not one of the symptoms?

A. Not in my experience.

Q. Did you talk with Miss Eason for the purpose of trying to find out whether she had any delusions of any kind?

A. No, sir, not specifically for that. There was never an occasion to do it.

Q. Did you try to find out whether she communicated with spirits in any way?

Vol. I. A. No, sir, I never had reason to do that.

page 42 } Q. You know how you get at that in dealing with a person of that kind. You don't ask them directly.

A. In the number of times I saw her that would have come out spontaneously, if it was present.

Q. Don't you ask about the father and mother, in cases of this kind, when they died?

A. That was never our problem in this case.

Q. You never asked about her father and mother or dead sister?

A. Yes, we talked about them.

Q. Did you ask her about them?

A. She brought them in the conversation a number of times.

Q. She did. Did you ask the names of the members of her family?

A. No, sir.

Q. Did you ask her about her relationship with the different members of her family?

A. No, sir.

Q. And the approximate age of them?

A. No, sir.

Q. Did you find out while going there that she was carrying a pistol around claiming people were after her?

A. She kept a pistol under her pillow.

Vol. I. Q. Did you ask her why she kept one there?

page 43 } A. I did not. She told me why.

Q. What did she tell you?

Dr. William H. Romm.

A. Because she was an old woman, and if she had to defend herself, if anything happened, she could defend herself. She said she always had one.

Q. Did she tell you about a lot of men coming around the house at night after her?

A. No, sir.

Q. Did she tell you anything about people trying to run her off the road in automobiles?

A. No, sir.

Q. As a matter of fact, you did not talk to her on any subject that was designed to bring out anything indicative of paranoia? You were there for that purpose?

A. I was there for treating this heart condition she had, and in the number of visits I saw her, somewhere around twenty, any of this would have been brought out.

Q. If you asked her the proper questions?

A. I was there along enough that this would have been brought out whether questions were asked, or not.

Q. You are not a psychiatrist?

A. No, sir. There was not a psychiatric problem.

Q. You still say it was not a psychiatric problem?

A. That is correct.

Q. You did not find any eccentricities about her
Vol. I. at all?

page 44 } A. None that I can specifically say.

Q. Did you talk to her about any ungrateful relatives, did she talk to you on that subject?

A. Yes, sir.

Q. What did she say about them, did she say who they were?

A. She told me mostly with her nephews, it was.

Q. Drs. Robert and Sam Eason?

A. Yes, sir.

Q. Did she tell you they took money from her and would not give it back to her, and took property from her?

A. She mentioned about the property. I don't recall any money being mentioned.

Q. What did she say to you about Lasalle, what did she say about how he treated her?

A. She mentioned to me she was helping take care of Lasalle, furnishing him money so he could live. I believe she said he was living in Florida. She mentioned Lasalle's wife had threatened her with suit for slander.

Q. Did you inquire to find out whether that had any factual basis?

A. No, sir, I did not.

Dr. William H. Romm.

Q. In treating this old lady did you inquire from neighbors there anything about her condition, so you could deal with her better?

Vol. I. }
page 45 } A. This was a medical problem. It was pretty obvious what her trouble was. I dealt with the servant, the attendant, those who were around.

Q. Did she have any persecution complex in relation to her nephews, the two doctors?

A. Not to my knowledge.

Q. The only thing she mentioned about that you said she said they sued her?

A. Repeat that question, please?

Q. I thought you said she said they sued her and she had to sue them?

Mr. Garrett: We sued the nephews. You know that, you were there.

* * * *

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page 46 }

* * * *

By Mr. Allen:

Q. In order to put it the way, which way he said it took place—will you answer again that question?

A. Ask the question again, please?

Q. Did she tell you that she sued the Easons or the Easons sued her? Her brother?

A. Could I make the statement as to what she told me?

Q. Yes.

A. She told me that she was threatened with a lawsuit for slander by the wife of her brother, and she told me that her nephews told her to put the property in their names, and if she was sued they could not get

Vol. I. }
page 47 } anything.

When it was over they were to give the property back to her. She told me after she had done that they proceeded to sell the timber on the land, and she had to go to Court to get the property back.

Q. Did you inquire into the factual basis for that?

A. No, sir, I did not.

* * * *

DR. EVERETT SAWYER,
called as a witness on behalf of the proponents, having been
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Garrett:

Q. Please state your name.

A. L. E. Sawyer.

Vol. I. Q. I don't believe you and I have ever met?

page 48 } A. No, sir.

Q. Where do you practice?

A. At Elizabeth City, North Carolina.

Q. How long have you been practicing there?

A. Since 1946.

Q. Do you specialize in any field of medicine?

A. Yes, sir.

Q. What?

A. Internal medicine.

Q. What school did you attend?

A. I attended Duke University, Medical School.

Q. At the request of Dr. Romm did you have occasion to
visit the home of Miss Mary Frances Eason for an examina-
tion of her?

A. Yes, sir.

Q. Do you recall the date of that visit?

A. Yes, sir.

Q. What was that date?

A. October 28th of last year.

Q. Approximately how long were you there in the home
during the examination of her?

A. I would say one and a half hours or two hours.

Q. What was the result of your examination as to her
condition, as you recall it?

Vol. I. A. I felt at the end of the examination that she
page 49 } had a major problem, that was a heart disease, a
cardio vascular disease, and also she was some-
what dehydrated. She had an abdominal disturbance, which
question I raised with Dr. Romm. It was some disturbance of
the lower bowel, which we call diverticulosis.

Q. During the period of time you were there did you have
occasion to talk with her and observe her during that time?

A. Yes, sir.

• • • • •

Q. Let's put it this way: From your observation of her

Dr. Everett Sawyer.

and your conversation with her, will you tell the Court and jury what your opinion was as to her mental condition at that time?

A. I saw or recognized nothing that was abnormal from a mental standpoint of view.

Q. Did she talk to you intelligently?

A. Yes, sir.

Vol. I. Q. Did she do anything which would indicate
page 50 } she did not know what she was doing, anything of
that sort?

A. No, sir.

* * * * *

Q. After the 28th you never saw her, you never saw her except that one occasion?

A. That is right.

Q. Some question has been raised here about blood pressure. Did you take that?

A. Yes.

Q. What was it?

A. One twenty over eighty.

Mr. Garrett: You may inquire.

CROSS EXAMINATION.

By Mr. Bangel:

Q. Doctor, what was the purpose of taking the
Vol. I. blood pressure?

page 51 } A. To complete the examination. It was a part
always a part of my physical examination.

Q. Does that follow a determination that that patient is suffering with a disease?

A. I don't understand your question.

Q. You ascertained she had that disease?

A. Yes, sir.

Q. And you say that disease was of a cardio vascular nature?

A. Yes, sir.

Q. She also had other parts of her anatomy that was giving her troubles?

A. I thought so.

Q. Was she in much pain?

A. She complained of some discomfort in her abdomen.

Dr. Everett Sawyer.

Q. What did you prescribe for her?

A. I prescribed therapy.

Q. What is meant by that?

A. For her condition supplied adequate fluid, and antibiotics, and for the heart, medication.

Q. Was there a nurse there?

A. No, sir.

Q. Did you see a nurse there?

A. No, sir.

Vol. I. Q. Was there a lady in attendance?
page 52 } A. I did not see any.

Q. You have described a condition other than her heart?

A. Yes.

Q. Was that in the lower part of her body?

A. The abdomen.

Q. Was her condition such as to confine her to her bed?

A. She was in bed at the time.

Q. Was her condition such that she was of necessity confined to bed?

A. I believe so, yes.

Q. When she had to answer a call of nature, who took care of her for that?

A. That I do not know.

Q. Knowing her condition to be that severe, acute, did you order her sent to the hospital?

A. No, sir.

Q. That was the proper place for her to go, was it not?

A. I did not think so.

Q. Who would look after her?

A. I do not know.

Q. She was in no condition to look after herself, Vol. I. was she?

page 53 } A. Not alone, no.

Q. When a patient is found to be in such condition they cannot take care of themselves, especially a lady, and there is not a lady within the house, don't you usually say, especially one who has a large and substantial estate, "Your place is in the hospital."

A. Not necessarily so.

Q. Why not, Doctor?

A. Well, there was a person there, but how much this person knew about nursing, I do not know, other than there was another person there, a white male, that I saw. I understood

Dr. Everett Sawyer.

from conversation with Dr. Romm, that I believe his nurse did come at designated times to administer to and see patients under his care, and under his direction.

Q. That nurse would come over occasionally to see her and administer drugs, is that right?

A. That was my understanding.

Q. She would come from Moyock, North Carolina, and stay a short time and then return; that was, his nurse?

A. That was his nurse. How long she stayed, I don't know.

Q. You knew she had a substantial estate.

A. No, sir.

Q. Did you inquire into it?

A. No, sir.

Vol. I Q. Did you see a lady in the house?

page 54 } A. No, sir.

Q. Did you inquire as to whether there were any ladies living there?

A. We asked her if there was anyone there, anyone living with her and she said no, except—I forget what she called him, but a servant or handyman.

Q. There was a man servant working for her and he was the one looking after her?

A. That is all I know, all I saw.

Q. Being in the condition that you describe wouldn't you necessarily ask a patient, "Can you afford to go to the hospital?"

A. Not as a consultant.

Q. Do you mean you did not ascertain from the examination of her she was a proper patient for hospitalization?

A. I did not say that.

Q. Did you make such determination?

A. Yes, sir.

Q. Was she a proper person to be confined to the hospital for treatment?

A. I did not think so.

Q. If a patient is alone in a house, except a man servant, and she has a disease as you have described this lady had, she was unable to answer a call of nature, you

Vol 1. say that? You knew that?

page 55 } A. No.

* * * * *

Dr. Everett Sawyer.

By Mr. Bangel:

Q. Was the only reason you did not send her to the hospital was you thought she would die shortly?

A. Such never occurred to me.

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page 56 }

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Q. Was she eating?

A. Not when I saw her.

Q. Did you ascertain whether she had eaten for several days or weeks?

A. She told me she had taken some food, occasionally, liquids.

Q. Did she tell you that the reason she did not want to go to the hospital, was because they would kill her?

A. The hospital never entered into it.

Q. You did not discuss that with her at all?

A. No, sir.

Q. Do you know what paranoia is?

A. Yes.

Q. Your answer is yes?

A. Yes, sir.

Q. Did she discuss with you the fact that she had been threatened by gangs?

A. No, sir.

Vol. I. Q. Did she tell you that she had had seventeen
page 57 } men attack her, and they were under the house and
she had killed fourteen and three of them got
away?

A. No, sir.

Q. You did not go into that with her?

A. No, sir.

Q. So, you really don't know whether she was a paranoiac, or not?

A. There was no indication to me, and the history I obtained from her showed no paranoiac tendencies.

Q. Is it not true a paranoiac can discuss certain subjects, and then you get on certain other subjects and that will indicate whether they are?

Dr. Harry B. Taylor, Jr.

A. I am not a psychiatrist.

Q. So you cannot answer the question?

A. No, sir.

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Vol I.
page 58 }

DR. HARRY B. TAYLOR, JR.,
called as a witness on behalf of the proponents, having been
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Garrett:

Q. Will you please tell the Court and jury your name?

A. Dr. Harry B. Taylor, Jr.

Q. Where do you practice, Doctor?

A. 5210 Colley Avenue.

Q. And you are a general practitioner, are you not?

A. That is correct.

Q. Where did you receive your medical training and pre-medical training?

A. Both at the University of Virginia and at Charlottesville.

Q. When did you commence your practice?

A. I left my internship in 1949 and entered the Navy and commenced private practice in 1953.

Q. Did you have occasion or occasions to see or examine Miss Mary Frances Eason of Hickory?

A. I did.

Q. Could you tell the Court and jury what date or dates that occurred?

A. May I refer to my notes?

Vol. I.
page 59 } The Court: Yes.

A. I saw her in the office on Colley Avenue on the 25th of September, 1959, and the 2nd of October, 1959.

By Mr. Garrett:

Q. Do you know how she got to your office, Doctor, whether she drove or somebody drove her?

Dr. Harry B. Taylor, Jr.

A. She came by car. Now, whether she drove herself or somebody else drove her, I don't know.

Q. Did you examine her for her physical condition?

A. Yes.

Q. Approximately how long was she in your presence on those two occasions, would you say?

A. Well, I would estimate the first time she was in I was actually with her for about forty-five minutes. On the last time, for about twenty minutes.

Q. Doctor, on those occasions, do you either in your examination of her or such history as you received from her, have any information or observation that she lacked any mental capacity?

A. No. If I understand you correctly, I did not feel she was mentally deranged.

Q. Was she coherent in her discussions with you?

A. Yes.

Q. About how old was she?

Vol. I. A. Eighty-two, or thereabouts.
page 60 }

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By Mr. Garrett:

Q. What physical examination did you employ in the examination of Miss Eason?

A. I listened to her heart, her lungs, bladder, abdomen, and took her blood pressure.

Mr. Garrett: That is all.

CROSS EXAMINATION.

By Mr. Bangel:

Vol. I. Q. You have testified first as to her physical
page 61 } condition?

A. Yes.

Q. Was it bad?

A. No, I don't believe so, in terms of her age.

Q. Where did you get her age from?

A. We asked routine questions, what their birth date is.

Q. And she gave her age as eighty-two?

A. She gave her birth date to be August 26th, 1887.

Dr. Harry B. Taylor, Jr.

Q. Now, Doctor, you said you found nothing indicating she was mentally disturbed?

A. Deranged.

Q. Well, a person can be a paranoiac without being deranged, could they?

A. I don't know whether I am qualified to answer that.

Q. Your best opinion, if you would give us, I was trying to find out to what extent you could help us.

A. If you want my opinion, I think a paranoiac can in many respects appear to be normal, but if examined will show a type of derangement, yes.

Q. Let's assume that Miss Eason for several years prior to the time you saw her carried a pistol in her handbag, saying she was being watched and being attacked,
Vol. I. and she had employed at least two detectives who
page 62 } said they went there to the house to watch for
prowlers she said were around in the shrubbery to the grounds.

Mr. Garrett: There is no evidence to support that, and, secondly, the Doctor says he is not a psychiatrist and it calls for hypothetical facts which are not in evidence.

* * * * *

By The Court:

Vol. I. Q. Do you consider yourself a psychiatrist?
page 63 } A. No, sir.

Q. Do you consider yourself a sufficient mental expert to answer a hypothetical question such as has been put?

A. I would prefer to disqualify myself. I think normally, if those persons come to me in the practice of my profession, before actually doing anything in a treatment sense, of a positive nature, that type patient would be referred to a psychiatrist for final opinion.

By Mr. Bangel:

Q. You would try to arrive at a conclusion as to whether the nature of the patient's malady was paranoia?

A. That would not, to me, conclusively indicate paranoia—still, I do not feel I am qualified to answer that question.

The Court: I will sustain the objection.

Dr. Harry B. Taylor, Jr.

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page 65 }

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By Mr. Bangel:

Q. What was her blood pressure?

A. One hundred fifty over seventy-two.

Q. And that was on the—

A. The 25th of September.

Q. 1959?

A. That is right.

Q. You did not see her between the dates of September 25th and October 2nd, 1959, when she came to see you?

A. Yes, I did.

Q. How many times?

A. Twice.

Q. What was her blood pressure the second time?

A. One hundred twenty over sixty-two.

By The Court:

Q. Is that high or low?

A. Perfectly normal?

Vol. I. Q. The first or second time?

page 66 } A. Both times.

By Mr. Bangel:

Q. Was she having any heart trouble?

A. She was not complaining, any symptom I interpreted as heart trouble.

Q. Did you examine her for that condition?

A. Yes, sir.

Q. And you found nothing abnormal?

A. I felt she did have some heart trouble.

Q. When was the second time you saw her?

A. The 2nd of October, approximately a week later.

Q. You are a general practitioner?

A. That is correct.

Q. Did you see her more than twice?

A. No, sir.

Q. Do you know why she did not come back to see you after October 2nd?

Mrs. Lela Hodges.

A. No, sir.

Q. Did you ever receive a call to visit her at home?

A. At one time I think I visited her house, or the house she lived in, while I was practicing in Great Bridge, some years previous.

Q. Did you receive a call from October 2nd, 1959, Vol. I. to the time of her death, to come to her home?
page 67 }

A. As far as I recall, no.

Q. Do you know of any reason why she should have left you?

A. Yes, sir.

RE-DIRECT EXAMINATION.

By Mr. Garrett:

Q. You were examining her because she could not get another physician?

A. I understand Dr. Martin was out of town at the time.

Q. You don't customarily make calls down in Hickory from Norfolk.

No, sir.

Mr. Garrett: The Proponents rest at this point.

* * * * *

Vol. I.
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MRS. LELA HODGES,
called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Bangel:

Q. State your name, please?

A. Mrs. Lela Hodges.

Q. Mrs. Hodges, you are the wife of J. A. Hodges the Sherriff of Norfolk County, are you?

A. Yes, sir.

Q. And you and your husband live where?

A. Now?

Q. Yes.

Mrs. Lela Hodges.

A. 2330 Cedar Road, Great Bridge.

Q. How long have you lived at that present address?

A. Four weeks Saturday.

Q. Prior to that where were you living?

A. At Hickory.

Q. How long had you lived at Hickory?

A. All my life. You want to know how many years?

Q. You look younger than what you are.

A. I am fifty-eight.

Q. Now, Mrs. Hodges, how far did you live from Miss Mary Frances Eason?

Vol. I. A. About two and a half miles, maybe.

page 69 } Q. How long have you known her?

A. All my life.

Q. Now, had she ever come to your home?

A. Oh, yes.

Q. Have you ever viseted her in her home?

A. Yes, sir.

Q. Now, did she have occasion to come there at night and complain about prowlers under her home?

A. She did on several occasions, yes, sir.

Q. During what period of time that you knew her did she make these complaints?

A. The last few years of her life.

Q. Tell us some of the things she complained about, please.

A. These same complaints, about prowlers, people trying to run her away from her home. One particular night she said there were seventeen men trying to run her away, and she had killed fourteen, but three had gotten away. That was the worst night she had.

Q. Did she carry a pistol?

A. She did that night.

Q. Did she tell you whether she had employed a detective to watch her home for her?

A. She said she was going to.

Vol. I. Q. Did she kill any fourteen people and three
page 70 } get away?

A. We never heard anything about it.

Q. You have been knowing her for how many years?

A. All my life.

Q. How often did you see her?

A. Well, sometimes I would see her every day. Occasionally I would go a week and not see her. I would say I would average every week.

Mrs. Lela Hodges.

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My Mr. Bangel:

Q. Mrs. Hodges, how many times did you talk to Miss Eason in the last two years of her life?

A. I would not know.

Q. Many times?

A. Oh, yes.

Q. Where did you talk to her?

A. She would come in the store, drive up, and I would go out and talk to her.

Vol. I. would go out and talk to her.
page 71 } Q. Did she ever complain about her brother La-

salle Eason or the nephews?

A. She never complained about them until just before she died, because she loved them, always told me that all her life—"her boys," she was anxious to see them educated and doing well.

Q. Did she *profest* attachment to them?

Mr. Garrett: Stop leading the witness. I have not said anything so far.

By Mr. Bangel:

Q. Will you, in your own way, tell the Court and jury things you know about Miss Eason and about things she said.

A. Miss Mary was a good friend of ours, and the last few years she did not seem herself. She had expressed herself to me on many occasions that she wanted the boys to have what she had left when she died, she was leaving it to them. I never heard anything about anything different until sometime before she died, other than she was leaving them what she had in her will.

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By Mr. Bangel:

Q. Mrs. Hodges, there is a paper writing purporting to be the will of Miss Mary Frances Eason, dated October 26th, 1959: When did you see her last prior to that date?

Mrs. Lela Hodges.

A. Well, I would say five weeks, maybe, before that date. She was terribly upset.

Q. What was her mental condition then?

A. Terribly upset. When I saw her she was not herself at all.

Q. Would she understand the nature of business in connection with making a will?

A. No, sir.

Vol. I. Q. You have no interest in this case?

page 73 } A. No, sir

Q. You were subpoenaed here?

A. Yes, sir.

Q. Now, when you last saw Miss Eason was she, in your opinion, of sufficient mind and intelligence—

A. No, sir, I could not say so, not to my understanding she was not.

Q. How long had you known her?

A. All my life.

Q. Did she visit in your home?

A. Oh, yes.

Q. And you visited in her home?

A. Yes, sir.

Q. How frequently did she come to the store?

A. Sometimes every day and sometimes once a week, and sometimes not for two weeks or three weeks. She would always stop and talk to me during the time.

Q. When did the change in Miss Eason take place from good to bad?

A. Well, I had noticed it a few years, maybe two or three, or longer. I don't know. I just don't know.

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CROSS EXAMINATION.

By Mr. Garrett:

Q. Mrs. Hodges, Miss Eason was a very old resident of Norfolk County, was she not?

A. Yes, sir, eighty some years.

Mrs. Lela Hodges.

Q. She taught school in Norfolk County for many years, did she not?

A. Yes, sir.

Q. She was a woman of some property and intelligence?

A. In her younger days, yes, sir.

Q. When did she stop being that?

A. Until a few years ago, I noticed it.

Vol. I Q. How many years ago was that?

page 75 } A. I would say two or three, maybe four years ago she began not being so well.

Q. Would that go back to the time she had this litigation with her nephews about her property?

A. I think so.

Q. She told you those boys took that property and would not give it back to her?

A. No, sir.

Q. She never mentioned it?

A. No, sir, not until a year before she died.

Q. Do you mean all the time she was in litigation with those nephews about her property she never mentioned she was suing them to get back her property?

A. No, sir. She told me the trouble about the property, but she did not mention about the boys, but I knew.

Q. You knew suit involving \$70,000.00 in timber against the nephews was pending?

A. I knew about it.

Q. Wouldn't you expect something of that kind would make a person a little different?

Mr. Allen: I don't think that is proper.

A. I did not see it any more after that than I did before.

Vol. I

page 76 } By Mr. Garrett:

Q. So, she had the same capacity from that time on?

A. Before the lawsuit about the timber she was just as much changed as after that lawsuit.

Q. When was that?

A. I guess—I don't know—a few years, I guess.

Q. It is rather important to the people involved in this suit, and you expressed that opinion. Could you state what year?

Mrs. Lela Hodges.

A. Maybe 1955 or 1956.

Q. 1955 or 1956?

A. 1955, I will say.

Q. She lived off the main road?

A. Yes, sir.

Q. She was a rather brave person?

A. She must have been. I would not know that.

Q. You talked to her about every week?

A. I think she was brave.

Q. An elderly lady eighty-three years old, living on a back road by herself with the exception of the hired hand?

A. That is true.

Q. You don't think it unusual she would have a gun for protection?

Vol. I A. To carry it around with her?

page 77 } Q. Did your husband, the Sheriff, take it away from her?

A. No, he did not.

Q. If you thought that was wrong, going around and carrying a gun, why did you not tell Mr. Hodges to get it and take it away from her?

A. That was somebody else's business, not mine.

Q. It might have been your family, this woman with this weapon might shoot. Would you be interested in that.

A. I was interested in her, yes.

Q. Now, this statement she was supposed to have killed fourteen people, tell us when was that made?

A. At four o'clock in the morning, I can tell you that.

Q. What year, do you know?

A. No, sir.

Q. Two or three or four years ago?

A. Probably three years ago.

Q. Mrs. Hodges, is it not true that there is a road which leads up into her property off the main highway?

A. That is true.

Q. And it is not unusual for people to drive on private roads?

A. I think so.

Vol. I Q. Was she not complaining about people prowling around her place?

page 78 } A. She said under her house.

Q. Did anybody go there to see?

A. No. I asked her to let me go home with her and she would not let me or would not stay.

Mrs. Lela Hodges.

Q. You don't know what the provocation was?

A. No, sir.

Q. Did she ever joke?

A. No, sir, never in my life.

Q. She was dead serious about everything she said?

A. Well, yes, sir.

Q. You said something about her educating these boys, the doctors?

A. I did not say now about the boys, but in her younger days.

Q. You are relating a conversation back twenty-five or thirty years ago?

A. I don't know how long ago. She was always interested in the boys until a few years ago.

Q. Do you know why her interest waned?

A. No, sir.

Q. You do not know what they did?

A. No, because they have always been nice to her so far as I know.

Q. You don't know anything about the suit, the Vol. I litigation?

page 79 } A. I did not know that was necessary.

Q. You don't know anything about how nice they were to her?

A. Not about the suit.

Q. They live away, one in New Jersey and one in Buena Vista, Virginia?

A. That is true.

Q. And they came here infrequently?

A. Yes, sir.

Q. Were you in the home when they came to visit her?

A. No, sir.

Q. Was there ever any friction any time between Miss Eason and the Sheriff about having someone check her place on prowlers?

A. If so, I don't know about it.

Q. You don't know about that?

A. No, sir.

Q. Mrs. Hodges, up until a short time ago, when you moved out of Great Bridge, you operated a store?

A. Yes, sir.

Q. Did Miss Eason buy from you?

A. Yes, sir.

Q. Did she ever give you checks?

Elizabeth Cotsimopoulos.

- A. No, sir.
- Vol. I Q. Always paid cash?
- page 80 } A. Yes, sir.
- Q. She knew what she had?
- A. She got money mixed up.
- Q. What do you mean?
- A. Too much sometimes, and not enough sometimes, in change.
- Q. A very small amount?
- A. Yes, sir.
- Q. She drove her car until nearly a year before her death?
- A. I think so. The last time I saw the car out she was driving it.
- Q. Did she wear glasses?
- A. I don't know.
- Q. Do you recall seeing her wear glasses?
- A. I saw her all my life. I believe she did.
- Q. You believe she did?
- A. I don't know. I will answer it that way.

Mr. Garrett: That is all.

Vol. I
page 81 } MRS. ELIZABETH COTSIMOPOULOS,
 called as a witness on behalf of the contestants,
having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Allen:

- Q. Please state your name.
- A. Mrs. Elizabeth Cotsimopoulos.
- Q. Will you spell your last name, so that I may get the pronunciation?
- A. C-o-t-s-i-m-o-p-o-u-l-o-s.
- Q. Thank you. Did you know Miss Mary Frances Eason?
- A. Oh, yes, I knew her.
- Q. How long did you know her?
- A. I imagine I knew her when she was teaching school, about thirty some years.
- Q. How close did you live to her?
- A. Well, at one time we lived—let's see, about five or six miles from her.

Elizabeth Cotsimopoulos.

Q. How close did you live to her at the time she died?

A. I left from Highland Park to Great Bridge. I imagine about ten or twelve miles.

Vol. I Q. Over the years how often did you see her?
page 82 }

A. For the past ten years I have been with a book company, and often with my work down at Great Bridge and Hickory, when I am working in there, I would go by to see her.

Q. How often would you see her?

A. Sometimes once a week, and sometimes once a month.

Q. For how long a period did that continue?

A. Well, from 1946, I was working there, in there. I was traveling on this side. I was working Suffolk before, and that is how I became acquainted with her.

Q. About how often did you see her during the last ten years of her life?

A. It would vary. Sometimes every week and sometimes once a month and sometimes a little longer. I would keep in contact with her.

Q. During the course of a year how many times would you see her?

A. More than a dozen times, about fifteen times.

Q. How would that apply to the years?

A. Since 1946.

Q. Did you visit her in her home?

A. Oh, yes.

Q. How long would you stay?

Vol. I A. A little while. She was not the type you
page 83 }

Q. Would she visit you in your home?

A. Oh, yes, she came to see us.

Q. Did you ever go with her anywhere in the car?

A. She went with me to Kitty Hawk. I took her there one time.

Q. How long did she stay with you down there?

A. All day.

Q. When was that?

A. That was in 1946.

Q. Did you go down there any more with her?

A. Yes, she went one time with me and did not want to stay long.

Q. How many times did she stay in your cottage?

A. Twice.

Elizabeth Cotsimopoulos.

Q. During the visits to her over the years did you engage her in any conversation?

A. Yes. I was right close with her. Miss Mary been knowing the family many years. One time I saw her she told me she had deeded the property to her nephews, to Robert and Sam, that was where it should be, and that it was saving her, too.

Q. Did you and she talk about different subjects?

A. Well, mostly there was right much talk about Vol. I her family business, like that. She did not con-
page 84 } verse with me on other subjects. Later on I first noticed, one time at Dr. Harrington's office I saw her car parked, and Albert was out front. I asked him how she was and he said she was not well. I knew Albert did not have a driver's license, and, if she was sick, I would go in and see how sick she was. I went in and she said, "What are you doing in here? Who are you following around, what are you following me for?" I told her, "I am not following you. I saw your car parked and stopped to see if you were sick. If you are I can drive." She said, "I can drive," and she hesitated, and I said, "You know who I am?" I said, "I am Bessie," and she said, "Oh, yes."

Q. When was that?

A. Two and a half years ago.

Q. Did you notice any change in her over the years?

A. Oh, yes.

Q. About when did that change start?

A. About three years ago. When she began telling me different things, about saying people were trying to push her off the road. Then she said to me, "I know my life is in danger, somebody is trying to kill me."

Q. When was it she talked that way, about?

A. Two or three years ago. And then she said somebody was trying to shoot her under the house. Let's
Vol. I see what else—She said Sam and Robert's wives
page 85 } stole her linens and carried them home with them.

The next time she said, no, they did not steal them, but she despised those women and they were never invited on her property. She said Albert stole a tea tray, and the next time she said he did not do it, that Lasalle's wife did that and carried it down to her friend's. She said, in fact, she did not have a sheet on her bed.

Elizabeth Cotsimopoulos.

By the Court:

Q. Who is Lasalle?

A. Her brother. Things like that.

By Mr. Allen:

Q. I cannot lead you by asking you if she told you this and that, but if you think of anything else she told you, you can state it.

A. When I was up there the last time it was on the Monday before she died, Monday afternoon before she died I was up there. I had been up to Hickory and also to Saint Brides to help something with one of my representatives, and on my way back I said, "I will stop by and see Miss Mary." That is the time Albert came out and carried me in the house and said she was sick. I went up to see her and I told her, "You should be in the hospital," and she said, "No, they will kill me there." She really meant it the way she said Vol. I it. I said, "Is there anything I can do?" They had page 86 } a colored woman there and folks coming and going.

She began to tell me, "Two of my brothers came to see me." She said, "He always comes, Isaac always comes when I need him." He had died sometime ago. She said Camillus was there, too. She said she had left Albert \$10,000.00, that he justly deserved it. She said also she had given everything else to Sam and Robert, and that they were going to take care of Lasalle for her. And then she said something about Isaac, said he had fights.

Q. And he was dead long ago?

A. Yes, sir. She said, "I know he is dead, I know it. You know, my sister comes to see me, too."

Q. What was her sister's name?

A. Sarah.

Q. Was she living?

A. She was dead, too. She said Sarah came, too. I said, "Albert, don't you think the doctor should come to see her?" and he said the doctor had been there.

Q. That was how many days before she died?

A. Monday before she died on Thursdays, I believe. She said a little prayer for all wrong she had done, in justice, that she wished the Lord would forgive her for unseen sins.

Q. Can you remember anything else?

Vol. I A. She said to me in the course of talk that, "If page 87 } I had left that will to the institution, they would not have the heart to break it, for the orphans and churches.

Elizabeth Cotsimopoulos.

Q. She said she had left it to whom?

A. Sam and Robert, and they were going to take care of Lasalle, and by doing that that old woman would not get anything.

Q. Who was she referring to?

A. Lasalle's wife.

Q. What was her name?

A. I don't know. She always referred to her as old woman to me.

Q. Well, from the conversation you had with her and your observation that day, taking into consideration also what you learned in the several months, about a year prior, what would you have to say as to her competency to make a will that day?

A. I don't think she was capable of doing it, in talking to her that day, talking about the dead. In fact, she went to sleep while talking to me.

Q. While you were talking to her?

A. Yes.

Q. Do you know anything about what food she was eating during the last days of her life?

A. Albert said she did not want—

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Q. You did not hear anything from her herself about that?

A. No, sir.

Q. How did she look that Monday?

A. She looked like she was very tired and weak.

Q. What was her color, whether pale or good?

A. She was pale.

Q. Was there any nurse with her?

A. Nobody but Albert.

Q. Do you know whether there was any nurse with her during the last days of her life?

A. I did not inquire. All I asked, could I help and they said they had a colored woman there and people coming in.

Q. Have you any interest in this case at all?

A. No, sir, none whatever.

Mr. Allen: You may inquire.

Elizabeth Cotsimopoulos.

CROSS EXAMINATION.

By Mr. Garrett:

Vol. I Q. Were you trying to sell her books?
page 89 } A. No, sir.

Q. You said you were selling books?

A. I said I sold books around that vicinity.

Q. What time did you go there on the 26th. What time
were you there?

A. Sometime in the afternoon, I just don't remember ex-
actly.

Q. Search your memory and tell us about what time?

A. I just cannot tell you.

Q. Would you give us approximately?

A. I don't know.

Q. You cannot give us any idea what time?

A. I don't know what time.

Q. Did you immediately rush out and call the doctor because
she was in such a bad condition?

A. No, sir.

Q. Here was a woman, partially incoherent, in bed, would
drop off *the* sleep while talking, and you never called a doctor?

A. No, sir.

* * * * *

Vol. I By Mr. Garrett:

page 90 } Q. You were present, from your testimony, when
 she was showing that condition, the least anybody
could do would have been to call some doctor to please some
and see her?

A. He told me there had been a doctor there that morning.

Q. You were there after the doctor's visit, and you saw
this condition and you did not do that?

A. No, sir.

Q. Did you stay there when she was sleeping?

A. I left.

Q. What time was that?

A. After she went to sleep—the line I am in,—

Q. I don't care about that. I just want to ask you how
long was that visit?

A. Very short.

Q. How long is very short?

A. I imagine about twenty minutes.

Elizabeth Cotsimopoulos.

Q. Of course, Albert is dead, he cannot be here?

A. I understand so.

Q. You saw no one except Miss Mary when she said all these things?

A. Yes, she has said them before.

Q. Did she ever tell you the trouble she had with
Vol. I her nephews?

page 91 } A. Yes, she related it once while she was talking.

Q. Did she tell you they had gotten a deed for her property and would not give it back to her?

A. It came about in a way, from that—

Q. Just answer that question, please.

By Mr. Garrett:

Q. Did Miss Mary ever tell you Sam and Robert Eason had gotten a deed to her property and they were supposed to give it back to her and when she asked for it back they would not give it to her?

A. She never told me any words like that.

Q. Did she tell you in substance like that?

A. She told me she had deeded it to them, it was inherited property, and it was their inheritance, sooner or
Vol. I later they would get it, and she had given it to
page 92 } them before and in that way saving their inheritance tax.

Q. The question I asked you was did she tell you they had gotten a deed from her and when she asked them they would not give her property back to her.

A. Sometime later, she was very beside herself and she talked one thing and another.

Q. Did she tell you she asked her nephews to convey that property back to her and they refused?

A. She never told me they refused. She said she asked them.

Q. Did she tell you she brought suit for \$57,000.00 worth of timber they cut off her property?

A. Yes, she told me that, and at that time she told me she was sorry she had done it, because she was mistaken.

* * * * *

By Mr. Garrett:

Q. Did she drive a car up to the time she died?

Elizabeth Cotsimopoulos.

A. I did not see her for a month before she died,
Vol. I up until that Monday before she died, up until that
page 93 } time, I did not see her for a whole month. I blew
the horn and nobody answered.

Q. Miss Mary was a woman of strong temperament and personality?

A. Yes, sir.

Q. And had firm likes and dislikes?

A. Towards the last she had more dislikes.

Q. She disliked the treatment she was getting from those nephews?

A. Sometimes yes, and sometimes no.

Q. You were talking about some thing taken, did she tell you one had taken a fountain pen belonging to her brother?

A. No, sir. So often she told me she loved the boys and hated their women, wives, because they did not include her when they went on their vacations.

Q. You saw her on the 26th of October for twenty minutes, and you never saw her the preceding thirty days?

A. No, sir.

Q. Did you see her after that?

A. The Monday—after Monday I did not see her again.

Q. Did you go back to see her?

A. No, sir.

Q. Were you so upset on the 26th when you saw
Vol. I her in this shape you did not go back?

page 94 } A. It did not last long.

Q. Did that bother you?

A. I am a business woman, and I just cannot leave my business.

Q. I thought you traveled that territory very much?

A. I do, and also instruct classes.

Q. But you would not go to the trouble to see a dear old friend—

A. I did.

Q. You had not been there for thirty days before the 26th of October?

A. I had been there, but nobody answered my call, and you don't walk in Miss Mary's yard. She had talked about that, if she saw a stranger doing that she was liable to shoot.

Q. She was a brave woman living there by herself?

A. She was.

Q. With nobody but this old fellow to help her?

A. She had—he said other friends were coming and going.

Elizabeth Cotsimopoulos.

Q. Did she ever shoot at you?

A. She never shot at me.

Vol. I Q. Did she ever shoot at anybody with you?

page 95 } A. Not at anybody with me.

Q. Did you ever see her shoot at anybody?

A. No, sir. She would threaten me.

Q. Who?

A. Me.

Q. When?

A. Any time in the yard.

Q. You tell this Court and jury, a woman who had a gun and was threatening to shoot you, you would go down to see her?

A. She told me if I walked in the yard, and she might not see who I was, she was liable to shoot me.

Q. Was that because of people prowling?

A. I was in my car?

Q. She told you that?

A. I would look.

Q. Her only protection was that gun?

A. Yes, sir.

Q. She never shot at you?

A. Not at me, at somebody else, I understand.

Q. Were you there?

A. No. I heard about it. I took chances going there.

Q. You look like you are scared.

Vol. I A. I never would go in that yard without tooting
page 96 } my horn.

Q. This stuff about saying her brother was there, did she tell you she dreamed about them, both of them?

A. No, sir. She told me he was there absolutely, Isaac, and he would always come when she needed him.

Q. You just testified she told you she knew they were dead, did you not.

A. Yes, sir.

Q. And then she went to sleep?

A. After a few minutes we talked, and then she went to sleep.

Q. Evidently it was not a very interesting conversation?

A. She fell asleep. When I went there she began to tell of those things and then dozed off.

Q. You have not told all the conversations you had with her just over a period of a year. You had some sensible conversations with her?

J. T. Branch

A. Back in 1946.

Q. Do you mean since 1946?

A. Off and on, yes, sir.

Q. Was this occasion you went by before lunch or after lunch?

A. I did not eat anything. I had not had my lunch.

Vol. I. Q. Customarily you would eat around what time?
page 97 }

A. I don't start to work until about eleven.

Q. You still have not answered my question?

A. I did not stop to eat lunch.

By The Court:

Q. You did not eat any lunch that day?

A. No, sir.

Mr. Garrett: I have nothing further.

J. T. BRANCH,

called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Bangel:

Q. State your name, please.

A. J. T. Branch.

Q. What is your occupation?

A. Detective.

Vol. I Q. Please give us the title under which you oper-
page 98 } ate.

A. Branch's National Detectives.

Q. How long have you been in business?

A. Forty-nine years.

Q. Where is your place of business located?

A. In Norfolk, Virginia, the Royster Building.

Q. Mr. Branch, prior to your becoming a private detective agency, what was your occupation?

A. I was raised up in it with my father.

Q. Now, Mr. Branch, did you know Miss Frances Eason, Mary Frances Eason?

A. Yes, sir.

Q. When did you first become acquainted with her?

A. In 1955.

J. T. Branch

Q. How did you happen to meet her?

A. She employed me to send somebody out to her house at night. She claimed people were riding by and shooting into the house.

Q. Did you send someone there?

A. Yes, sir.

Q. Did you personally go there?

A. I did not go out there at night.

Q. Did you during the day?

A. Yes, I went out during the day.

Q. Were there any prowlers when you went?

Vol. I A. No, sir.

page 99 }

Mr. Garrett: He can only testify to what he knows.

The Court: He has testified he was there in the day time and not at night.

By Mr. Bangel:

Q. What statement, if any, did Miss Eason make in connection with her estate and the like?

A. She told me she had given her property to her two nephews who were doctors. She said she had given all of her property to them. After that, a couple of days afterwards, she said she was afraid of different people trying to take her property from her. I reminded her she had told me she had given her property to her nephews, and she got mad about that.

Q. State whether or not she had a pistol, to your knowledge?

A. Not to my knowledge.

Q. What statement, if any, did she make to you concerning Ahlgren?

A. What?

Q. Ahlgren?

The Court: The man who was employed there.

Vol. I A. She told me he had been there about thirty
page 100 } years, and she went out to get money to pay me
 and said she had it in a secret place she had built,
and when she went to get it she found him looking over her
shoulder and he had never known before where she kept her
money.

J. T. Branch

By Mr. Bangel:

Q. Did she make any statement about watching the home with a gun of any kind to you?

A. She told me she shot two or three times at people across the road over behind the hedge. She also told me someone shot at the house and she had the bullet. I asked her to take me and show me where the bullet came through the house. She never did show it to me or the bullet.

Q. When was the last time you saw her?

A. The last time I saw her was in a Colonial Store right after that.

Q. Tell us what year was that?

A. 1955.

Q. Mr. Branch, did Miss Eason ever draw a gun on you and order you to open your door?

A. No, sir. No one else ever drew a gun on me.

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* * * * *

By Mr. Bangel:

Q. When she told you that she shot at people, did you investigate that phase of it?

A. As best I could out there. I told her if she shot at them, shot a gun, she might have hit somebody.

Q. Did you find anybody shot?

A. No, sir.

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CROSS EXAMINATION.

By Mr. Garrett:

Q. Miss Eason was a very elderly lady, was she not?

A. That is right.

Q. And she lived back down in the woods off the main highway some distance?

A. Yes, sir.

Q. And it is dark down that road?

A. It was not too dark, a highway runs by the house.

Q. Are there street lights down at her house?

G. L. Spencer.

A. No, sir.

Q. It is pretty dark at night in those woods?

A. I guess it is right dark.

Q. She told you she had prowlers around her house and employed you to help investigate that for her?

A. What she said, people were trying to run her away to get her property.

Q. Did she tell you she *believe* Sam Eason was one?

A. She told me Dr. Mann was trying to get her property.

Q. Were you paid for your services?

A. I was.

Q. You accepted that from her?

A. Yes.

Vol. I Q. How long did you work out there?

page 103 } A. About a week.

Q. Did anybody come down that road those nights?

A. I was not there at night.

Q. You don't know what went on there at night?

A. Only what the person I had down there reported to me.

* * * * *

G. L. SPENCER,

called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Bangel:

Q. Please state your name.

A. G. L. Spencer.

Vol. I Q. Where do you live?

page 104 } A. At Hickory, Virginia.

Q. How long have you lived there?

A. About forty years.

Q. What is your occupation?

A. I operate a service station.

Q. Do you mind giving us the name of that?

A. Spencer's Esso Station.

Q. How long have you been engaged in that business?

A. Well, nearly thirty-two years, except a little over two years I left and came back.

Q. Did you know Miss Mary Frances Eason?

G. L. Spencer.

A. Yes, sir.

Q. How long did you know her?

A. About forty years.

Q. Did you have occasion to speak to her from time to time?

A. Yes, sir, she bought gas from me.

Q. How often did she come by?

A. Sometimes every week and sometimes every other day.

Q. Tell us, if you will, whether you ever had any difficulty with her, and, if so, what it was.

A. No, sir, I could not say—I would not know exactly how to explain that. Miss Mary sometimes was not

Vol. I as nice as at other times.

page 105 } Q. In what ways?

A. She could talk mighty ugly.

Q. When did that take place, the early part of your acquaintance?

A. No, sir, just in the last year or so, two years.

Q. When you say she talked rather ugly, you mean in the last year or two?

A. She would speak about the boys, the doctors, her two nephews. Miss Mary must have been a friend of mine, because she came back to see me. She could get mad and leave, but would come back the next day.

Q. Was there any reason for her getting angry with you?

A. No, sir, other than I took up for the boys. She called them boys.

Q. Prior to a few years ago what was her attitude towards those boys?

A. Well, I don't know. I guess maybe along about the time of the timber deal coming up, sold, and that is when she got a little peeved with them, after that.

Q. Prior to that time what was her attitude?

A. Right good.

Q. Did she talk to you about it?

A. She called them boys. She talked nice about them.

Vol. I
page 106 } Q. When did she start talking bad about them?

A. About the time of the timber deal coming up.

Q. Did she ever, after that, express different views or were they the same continuously?

A. Well, it seemed like nearly every time I would see her she would mention something.

Q. Did she change any before she died?

G. L. Spencer.

A. I don't think so. I think she got worse.

* * * *

By Mr. Bangel:

Q. It got worse?

A. It seems it did.

By the Court:

Q. Suppose you explain what you mean by it got worse.

A. It seemed like she talked a little more ugly later on. I guess I was scared of her; I did not see it, but I heard she carried a gun.

Q. Don't tell that.

Vol. I A. I was really scared of her. I liked her. She
page 107 } was old. I wanted her respect and wanted her
 as a customer. She never asked for credit but
 one time, and she paid it the next day.

By Mr. Bangel:

Q. With regard to the fear you expressed of her, was that the latter part of her life?

A. Yes, sir.

Q. How many years prior to her death did you entertain that fear?

A. I would say a year or longer.

Q. Mr. Spencer, how many times would you say you spoke to her over the years, had conversations with her.

A. I believe an average of a couple of times a week.

Q. Was that equally true just before her death, the last year she lived?

A. I don't know how to answer that.

Q. Did that continue up to the time she was confined to her bed in her last illness?

A. I think so, yes, sir.

Q. Do you mind telling us what the nature of those conversations were and how they were brought about?

A. I don't know; she would start off talking about the boys, the two doctors, and would talk mean towards them, and I would say, "You don't want to do like that. The boys need you as a mother, they don't have a mother." I said, "They need you as a mother and you need them as sons. You should be getting

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page 108 }

G. L. Spencer.

along together." Man, she would get rough with me then, talk rough. To tell you the truth I was scared of her.

Q. Was that attitude of hers only when you discussed the boys, or anything else?

A. Well, it seems—I don't know about anything else, I can't remember anything else. That was about the only thing that popped up. She bought her gas and paid for it. Never but one time she didn't and she said she would pay me the next day and she did.

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By Mr. Bangel:

Q. When was the last time you saw her?

A. I could not say exactly, three or four weeks

Vol. I before she died.

page 111 } Q. As to that time, are you able to express or
form an opinion as to whether or not she had
sufficient mind and intelligence to know the natural objects
of her bounty, who they would be?

A. (No response).

By The Court:

Q. Did she know who her kin folks were?

A. I would have to say I think so.

Q. Did she know what property she had?

A. I don't know about that.

Q. I don't mean the details; but if she knew she had that farm out there?

A. Yes, sir.

Q. Did she know what she wanted to do with that property?

A. She did tell me several times within the last two years she loved nobody and did not anybody care about her, and she wished she could have all her money in a capsule and she could swallow it just before she died.

Mrs. Edna Jennings.

CROSS EXAMINATION.

By Mr. Garrett:

Q. She expressed dissatisfaction and disgust at
Vol. I the way some of her relatives had been treating
page 112 } her when you talked with her?

A. That is what she said.

Q. You stated you saw her the last three or four weeks
before she died?

A. About that. I don't know exact.

Q. Don't you know that was when she was in bed, October
3rd to the 29th? You did not go to her home?

A. No, sir.

Q. It must have been prior to that?

A. Just before she was taken sick. I don't know how many
days or weeks.

Mr. Garrett: That is all.

MRS. EDNA JENNINGS,
called as a witness on behalf of the contestants, having been
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

Vol. I By Mr. Allen:

page 113 } Q. State your name please?

A. Mrs. Edna Jennings.

Q. Where do you live?

A. At Hickory.

Q. Did you know Miss Mary Frances Eason?

A. Yes, I did.

Q. How close did you live to her home?

A. Well, it was over a mile.

Q. About a mile?

A. More than a mile.

Q. How long had you known her?

A. Forty years.

Q. Did you associate with her much during all of those
years.

A. In a business way.

Q. When was the last time you saw her?

A. I saw her last about the first of October, last year.

Q. 1959

Mrs. Edna Jennings.

A. Yes, sir.

Q. How often did you see her—I know you cannot tell exactly—during 1959?

A. Sometimes once a week and sometimes more than that.

Q. How often did you see her, roughly, during
Vol. I the year before that?
page 114 } A. About the same.

Q. Would you go to her home and she come to yours?

A. I did not go to her home, and she did not come to my home. I am Postmistress and she came to the office occasionally.

Q. She came to the post office?

A. Yes, sir.

Q. How often?

A. Occasionally, when she needed to.

Q. Did you engage in conversation with her?

A. Sometimes she would, if she had time, or it was during lunch hour.

Q. Did you on most of the occasions have conversations with her?

A. It depended upon the occasion. Sometimes she would want stamps and sometimes a money order, and sometimes she would stand and talk a few minutes.

Q. Where would the conversation take place, in the lobby?

A. Sometimes, and sometimes standing at the window.

Q. What would she talk about?

A. Whatever happened to be on her mind.

Q. Can you mention any subject she talked about?

A. Not offhand.

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* * * * *

By Mr. Allen:

Q. Do you recall any of the substance of any of the conversations you had with her?

A. What time?

Q. Any time during 1959.

A. No, I cannot recall anything she said especially in 1959, of any particular interest.

Q. You talked to her the last time when?

A. The last time I saw her was in church.

Mrs. Edna Jennings.

Q. When was that?

A. October, 1959.

Q. Did you have any conversation with her then?

A. No, I did not get to talk to her.

Q. During the year previous to 1959 do you remember any conversation you had with her?

A. Occasionally.

Q. Do you remember what you talked about at all?

A. Well, sometimes she would mention her brother was away, something like that.

Vol. I Q. What was the name of her brother?

page 116 } A. Lasalle.

Q. Did you have any transactions with her at the post office other than just buying stamps?

A. Yes, she bought stamps, money orders. I did not have any other business, no legal business.

Q. No other business with her at all?

A. No.

Q. Were you and Miss Eason friends?

A. In a way. Just acquaintances.

Q. At what period of time were you friends?

A. Well, from the time I have known her.

Q. Did your relationship change any?

A. Not particularly.

Q. It lasted up to the last?

A. Yes, sir, because just a casual friendship.

Q. Did you notice any change in her appearance, physical or mental condition over the years.

A. What do you mean by change?

Q. Any change that you noticed, mental, physical or otherwise?

A. Now, just ask me what you want to know, because I see people once in a while and they might look one way and the next time their dress and appearance might be different.

Q. I want to know something about her mental condition, if you will, and something about her physical condition, also.

Vol. I A. Miss Mary was sick sometimes, and I was never there at her home while she was sick. As far as her mental condition, the transactions I had in the post office were all right. I did not have anything to complain about that, so far as her mental condition. I am not a doctor. You will have to ask me something you will have to tell me about.

J. Paul Eason.

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J. PAUL EASON,
called as a witness on behalf of the contestants, having been
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Allen:

Q. Mr. Eason, will you state your name, please?

A. J. Paul Eason.

Q. How old are you?

A. 49.

Q. Where do you live?

A. Hickory.

Q. What is your occupation?

Vol. I A. Farmer.

page 119 } Q. How far is that from the home of the late
 Mrs. Mary Eason?

A. Approximately three miles.

Q. Did you know her?

A. Been knowing her all of my life.

Q. That is some 35 or 40 years?

A. Went to school with her in the grammar grades.

Q. When did you last see her?

A. On Saturday that she died the following Thursday.

Q. Where did you see her?

A. In her bedroom.

Q. Was she sick?

A. Evidently she was. I heard she was, and she was in
bed.

Q. Did she get up while you were there?

A. No.

Q. How was she lying in bed?

A. With the cover pulled up to her throat.

Q. Was she pale or what color did she have?

A. I hadn't seen her for some time and she had changed
considerably since I last saw her.

Q. For better or worse?

A. Worse.

J. Paul Eason.

Q. How long did you stay there?

Vol. I A. I didn't stay long. Albert Ahlgren told
page 120 } me I could go in for a few minutes. I went in
 and asked her if there was anything I could do for
her.

Q. What did she say?

A. She said no, that there was nothing she wanted me to
do for her.

Q. When was the last time you saw her before that?

A. I don't recall exactly.

Q. Approximately, to talk to her?

A. Some time in July or August she came to my home and
wanted to sell me some of her property.

She said she had decided to sell it and wanted me to come
down and make an offer on it.

Q. How long did you talk to her on that occasion?

A. At that time not very long. She said she wanted me
to come to her home and make an offer on the property.

Q. Did you go?

A. I did.

Q. Did you buy it?

A. No.

Q. Why?

A. Because I made an offer and she said she would let
me know. She said later she had decided she was going to let
me have it.

Q. Did she ever let you have it?

Vol. I A. No. That was approximately 30 or 40 days
page 121 } before she died.

Q. How many times did you see her during the
year she died?

A. A number of times.

Q. Did you talk to her?

A. Yes.

Q. Where did you see her, in your home, at her house,
on the road, or where?

A. I would run up with her occasionally at the store or on
the road. She would stop by my driveway and chat.

Q. When you were there on the last occasion did you learn
whether she had been eating or not?

A. I heard she had not.

Q. Could you tell whether she was falling off?

A. Yes.

Q. Did she eat anything while you were there?

A. No.

J. Paul Eason.

Q. When you saw her that day, could you tell whether she was a weakling?

A. Definitely she was.

Q. Do you know how old she was?

Q. No, because my uncle that was grown up with her said she was approximately a certain age.

Vol. I Q. You went to school with her years ago?

page 122 } A. Yes.

 Q. How old were you when you started to school?

A. About six years old, I guess.

Q. Did you start school with her when you were young?

A. Started in the first grade.

Q. Was she a grown woman then?

A. Yes.

Q. About how old would you say she was then?

A. I don't know exactly.

Mr. Garrett: Can't we establish her age?

The Court. Yes.

Mr. Allen: We will probably do it better with someone else.

By Mr. Allen:

Q. You say you saw her many times during 1959?

A. Yes.

Q. Did you see her much in 1958?

A. I don't remember how many times, but probably a half dozen or a dozen times I would see her and talk with her.

Q. From your conversations with her and your observation of her the last time you saw her, what have you

Vol I to say as to her competence to enter into important
page 123 } transactions disposing of her valuable estate?

Mr. Bohannon: The foundation hasn't been laid.

The Court: I overrule the objection.

(The last question was read as follows):

"Q. From your conversations with her and your observations of her the last time you saw her, what have you to say as to her competence to enter into important transactions disposing of her valuable estate?"

Mr. Allen: I don't think the question as read is quite as full as I asked it. I meant to cover a period of several years.

J. Paul Eason.

By The Court:

Q. Without that addition, over the last few years and up to the last time you saw her, what would you say as to her competence to enter into transactions involving her estate.

A. Unable to transact her business, I would say.

Mr. Allen: Take the witness.

CROSS EXAMINATION.

Vol. I By Mr. Garrett:

page 124 } Q. Were you willing and able to buy the property?

A. Yes, and no, because I figured she was not capable of transacting business.

Q. Didn't you say you couldn't get together on the price?

A. I made her an offer.

Q. She didn't accept it?

A. She did. I dropped it as I figured she was not capable of doing it.

Q. Why did you go through the mechanics of making any offer if you were convinced she could not transact business for years?

A. For years?

Q. That is what the lawyer just asked you.

A. I didn't go any further with it.

Q. Why did you go that far?

A. She came to me to try to sell it to me, and others.

Q. Let's talk about you. Was she capable of knowing what estate she had, what property she had?

A. I don't think she was.

Q. Did she talk about any particular real estate, tract of land?

A. Yes.

Vol. I Q. What tract of land?

page 125 } A. The home proper.

Q. Did you know how many acres there were?

A. No.

Q. You made an offer not knowing how many acres there were?

A. I had seen the deed.

Q. Did she know who her kin folks were?

A. I guess she did.

Q. You went to the point of making an offer for real estate thinking she was not capable of selling it to you?

J. Paul Eason.

A. I figured if she gave me a deed for it there would probably be some come back to it.

Q. I thought you said you went to her place?

A. She asked me to come there.

Q. Why did you pursue it any further? During the years did you want to buy the property?

A. Yes, and she offered to sell it to me.

Q. You were perfectly willing to deal with her?

A. No, not knowing if I went ahead with the transaction there would be something—somebody would come after me.

Q. You thought her nephews would come after you?

A. No, I didn't know anything about that.

Q. You didn't know the nephews?

Vol. I A. Yes, and her brother.

page 126 } Q. Did you report to them that she tried to sell you the property?

A. No, because it was just about 30 or 40 days before she died.

Q. Did you report it to anybody who could protect her interest?

A. No.

Q. You say this was 30 or 40 days before her death?

A. That is the time she came to my home and wanted to sell it.

Q. On Saturday before her death, what time did you go there?

A. Some time in the afternoon.

Q. What time?

A. I would say probably in the middle of the afternoon.

Q. Three or four o'clock?

A. Some time in the afternoon.

Q. Was Dr. Sawyer there?

A. No.

Q. Was anybody else there?

A. Albert Ahlgren was there.

Q. Was anybody else?

A. Mrs. Sifford was there. She came out on the porch and left.

Vol. I
page 127 } Q. You went in and talked to her and asked her if there was anything she wanted you to do and she told you no, and she was sick?

A. She was sick. She was in bed, yes.

Q. And being treated by a doctor?

A. I didn't see no doctor.

Bruce Eason.

Q. You asked her if there was anything you could do and she said no?

A. I asked her, yes.

Q. And you left?

A. I asked her and she said no. I saw that she had had a lot of company previous, and Albert Ahlgren told me not to go in and stay but a few minutes.

By Mr. Allen:

Q. Do you have any interest in this case whatsoever?

A. Not a bit in the world.

By Mr. Garrett:

Q. You lean toward the two doctors?

A. No.

Q. Do you know them?

A. Sure.

Q. Pretty well, don't you?

Vol. I A. Not Mr. Sam so much. Later on he moved
page 128 } away before I knew anything about it.

Q. Are you related to Sam or Robert?

A. Second cousins.

Q. Second cousins?

A. Yes.

Mr. Fine: Mr. Garrett, that is all.

And further this deponent saith not.

BRUCE EASON,

called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Allen:

Q. State your name, please?

Vol. I A. Bruce Eason.

page 129 } Q. How old are you, Mr. Eason?

A. 48.

Q. Where do you live?

A. Hickory.

Q. How far from the home of Mrs. Mary F. Eason?

Q. Approximately two and a half miles, I would say.

Q. Do you know her?

Bruce Eason.

A. Yes.

Q. Hoy long had you known her before she died?

A. I have been knowing her ever since I can remember.

Q. Did you see her often?

A. Well, I would say maybe eight or ten times a year at least.

Q. Over the past several years?

A. Yes, sir.

Q. Did you talk to her on these occasions?

A. Yes, I talked with her.

Q. When did you last see her?

A. I last saw her—I don't remember the date, but it was Wednesday before she died the following week.

Q. That would be a little over a week before she died?

A. Yes, sir.

Q. What time of day did you see her?

Vol. I A. I would say around five in the afternoon.

page 130 } Q. Where did you see her?

A. At her home.

Q. Who was there?

A. Albert Ahlgren.

Q. Anybody else there?

A. No.

Q. Where was she?

A. In bed.

Q. How did she look?

A. She didn't look good. She had a sick cap on her head.

Q. Was she pale or otherwise?

A. Yes, she was pale.

Q. Was she thin or full in the face?

A. She was thin in the face, probably not as full as it had been.

Q. Did she eat anything while you were there?

A. No.

Q. What did *you* say to you on that visit?

A. She said several things to me.

Q. Tell us everything that you can remember she said.

A. I think probably one of the first things she told me was to ask my father to come to see her. She said he had been there just previous to that.

Vol. I Q. What is his name?

page 131 } A. R. B. Eason, Sr. She said that Dr. Romm would not let him in to see her. I told her I would.

Bruce Eason.

She told me that Dr. Robert Eason and Samuel Eason had been in the house when she was away and had taken all of the silver and linens that belonged to her. She told me that somebody had been in the house and stole a shirt that belonged to Mr. Leslie Eason, and she told me just previous to that she saw the shirt on one of the neighbors.

Q. Did she say who it was?

A. She said a son-in-law of Mr. Beasley, Squires.

Q. Do you know them?

A. Yes, both. She said Mr. Squires' son-in-law.

Q. Do you know whether they are honorable men, or not?

Mr. Garrett: I object to that.

The Court: I sustain the objection.

By Mr. Allen:

Q. Can you think of anything else she said?

A. Yes, she also said that Dr. Robert Eason and Dr. Samuel Eason, the boys she called them, were more than her sons, and that Dr. Eason was—that she didn't give him birth, but she raised him from a baby and he was more than her son.

Vol. I Q. What was her attitude towards the boys?
page 132 } A. She said she never wanted to see them
 again as long as she lived.

Q. Did she say why?

A. She didn't say why.

Q. How long did you stay there?

A. I stayed there, I would say, approximately an hour, and maybe fifteen minutes. I was gone from home approximately an hour and a half.

Q. How many times would you say you had seen her during the last several years until the last occasion?

A. I would say at her home probably four times a year and at other times I would see her at the filling station or at the store.

Q. Did you engage her in conversation most of those times?

A. Yes, we talked a few times and I would see her out but wouldn't talk, wouldn't have time to talk much. Every time I visited in her home I would.

Q. Did you ever have any business transactions with her?

A. No.

Q. Did you ever talk to her about business transactions?

Bruce Eason.

A. No.

Vol. I Q. What would the conversations generally be
page 133 } about in a general way in the last few times you
 saw her?

A. The conversations were mostly pertaining to her feeling
that somebody was taking something away from her. She
was doing the talking and I was doing the listening.

* * * * *

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* * * * *

By Mr. Allen:

Q. In view of your knowledge of her over the years and
your conversation with her, including your last visit, what
have you to say as to her mental status and alertness?

* * * * *

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page 137 }

* * * * *

A. In my opinion, she was not, talking the way she talked.
I am not a doctor, but my opinion is it would be definitely no.

By The Court:

Q. No what?

A. That she was not competent.

Mr. Allen: That is all.

CROSS EXAMINATION.

By Mr. Garrett:

Q. Mr. Allen asked you about over the years. How many
years did you cover in that opinion?

A. I was covering the last few years.

Q. Sir?

A. I would say the last two years.

Bruce Eason.

Q. The last two years?

Vol. I

A. I would say so.

page 138 }

Q. You never engaged in business transactions with her?

A. No.

Q. You don't know how alert she was as to maintaining her property?

A. No.

Q. You never bought any of the stuff that she raised on the property?

A. No.

Q. Did she operate the farm?

A. To my knowledge, Albert Ahlgren was farming on it.

Q. You know very little about her business transactions?

A. Yes.

Q. And yet you try to express an opinion on whether she could handle business transactions.

Do you know whether she engaged in buying or selling anything?

A. I am sure she did.

Q. Did you know she sold timber?

A. Yes, I know it was cut off and sawed.

Q. Did you know she had her bank account and paid her bills by checks?

A. No.

Vol. I

Q. Did you know she went to the post office and got money orders and sent them out?

page 139 }

A. No.

Q. Did you know she was active physically up until about the 2nd day of October when she was driving her own car around and going to Norfolk?

A. Yes.

Q. She was a pretty vigorous woman for her age, was she not?

A. I would say yes.

Q. You know she accumulated some money on the farm?

A. Evidently someone did.

Q. Did you know anybody else that did except her?

A. No.

Q. You know nothing about her business transactions or how she handled her transactions?

A. Not personally.

Q. When you went in to see her it was Wednesday before she died the following week?

Bruce Eason.

A. Yes.

Q. And then she told you the boys had taken some things from her?

A. Yes.

Q. Do you know whether they had, or not?

A. No.

Vol. I Q. She told you at that time that she didn't
page 140 } feel kindly toward them, did she not?

A. That is true.

Q. You know it was a matter of common knowledge around there that she had had trouble with them about timber?

Mr. Bangel: I object to that.

By Mr. Garrett:

Q. Did you know that there was trouble between them with reference to timber cut off the property?

A. Yes.

Q. She told you she didn't want to have anything further to do with them?

A. She did, and she also told me—

* * * * *

Vol. I

page 141 } A. She also told me that she felt like the boys
were her own sons because she raised them. She
also said that Dr. Sam—

By Mr. Garrett:

Q. I didn't hear you say anything about the timber.

A. No.

Q. Until I asked you?

A. You asked me about the relationship.

Q. Are you very close to Sam and Robert?

A. I don't say I could be too friendly. It is very seldom I ever see them.

Q. But you were very friendly with them?

A. I don't know anybody I don't feel friendly towards.

Q. You feel friendly toward everybody?

A. Yes. There are some variations.

Q. You are not related to Sam and Robert?

A. Yes.

Q. What is the relationship?

A. Their father and my father were cousins, first cousins.

Elva Eason.

Q. They are your second cousins?

A. No. I would probably be a second cousin to their father, would I not?

Vol. I A. No. I would probably be a second cousin to
page 142 } Q. Mr. Eason, in this conversation you had in
 the home of Miss Mary, she said she didn't want
to see them as long as she lived?

A. That is true.

Q. There is no doubt about that?

A. No doubt about that she said she felt like they were her sons.

* * * * *

By Mr. Garrett:

Q. Do you have some feeling about this matter?

A. None whatsoever. I'm not interested one way or the other.

Mr. Garrett: That is all. Thank you.

By Mr. Bohannon:

Q. Mr. Eason, you are related to J. Paul Eason, are you not?

A. Yes.

Q. You and Paul Eason have the same relationship to Miss Mary?

Vol. I A. That is true.

page 143 } Q. And to the two doctors?

A. That is true.

* * * * *

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ELVA EASON,

called as a witness on behalf of the contestants,
having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Allen:

Q. Will you let us have your name?

A. Elva Eason.

Q. How old are you?

A. 45.

Elva Eason.

Q. Where do you live?

A. Hickory.

Q. How long have you been living there?

A. All of my life.

Q. How far do you live from the home of the late Miss Mary Eason?

A. About three and a half miles.

Q. Did you know her?

A. Yes, because I have lived there all of my life.

Q. Did you see her often during the past several years?

A. I saw her every month passing by.

Vol. I Q. Did you have occasion to talk to her?

page 149 } A. I stopped in once in a while and talked to her.

Q. Did you go to see her in her home?

A. Not very much.

Q. How many times did you go there in recent years?

A. Once a year.

Q. How long did you stay?

A. About thirty minutes.

Q. Did you talk to her?

A. Some.

Q. Did she talk to you?

A. Some.

Q. When did you see her last?

A. About two months before she died.

Q. Can you tell us some of the things she said?

A. I don't remember right now.

Q. You don't remember anything she said?

A. She just carried on a general conversation.

Q. About what?

Mr. Garrett: He is cross examining him now.

Mr. Bohannon: He said he didn't remember.

The Court: If he can refresh his recollection,

Vol. I I think he may do it. If he can't, he can't testify.
page 150 }

By Mr. Allen:

Q. Can you put on your thinking cap and tell us any of the subjects she talked about?

A. Not right now.

Q. You can't remember any right now?

A. No.

R. O. Eason.

* * * *

By Mr. Allen:

Q. How long was it that you saw her the last time before her death?

A. About two months.

* * * *

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R. O. EASON,
called as a witness on behalf of the contestants,
having been first duly sworn, was examined and testified as
follows:

DIRECT EXAMINATION.

By Mr. Allen:

Q. Will you state your name, please?

A. Raymond O. Eason.

Q. Your initials are R. O. Eason?

A. That is right.

Q. Where do you live?

A. Hickory, Virginia.

Q. How close to the home of Miss Mary Eason?

A. Probably about a mile.

Q. How long did you know her?

A. All of my life.

Q. Did you see her often?

A. I did in passing, not to have conversation or say anything other than speaking to her in passing.

Q. Did you visit her at all?

A. Occasionally, but very seldom.

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page 153 }

Q. How often?
A. I saw her and talked to her probably twice
in the past two or three years she lived to have
conversations.

Q. What relation was she to you?

A. I guess second cousin. She and my father were first cousins.

Q. Do you recall the subjects of those conversations or any statements she made during the conversations?

A. To the best of my recollection, the two conversations I had with her during that time were about selling the home.

Mrs. C. W. Mitchell.

Q. Were you interested in buying it?

A. Yes.

Q. Did you try to buy it from her?

A. No, I never made any offer whatsoever.

Q. Would you mind telling us why you didn't buy it?

A. Because I thought it was too high for me to handle the finances.

Q. Was she talking about selling you all of it or part of it?

A. What they call the home place three or four hundred acres.

Q. Do you remember anything else she said?

A. Nothing, not right now, except the general conversation was about the property.

Vol. I Q. In what connection about the property?

page 154 } A. She wanted to sell it. At one time she offered to give it to me.

By the Court:

Q. You didn't have any trouble in dealing with her on that, did you?

A. I didn't go into it, not the particulars, but let it drop at that.

* * * * *

MRS. C. W. MITCHELL,

called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

Vol. I By Mr. Allen:

page 155 } Q. Mrs. Mitchell, will you state your name, please?

A. Mrs. C. W. Mitchell.

Q. Will you state your age, please?

A. Eighty-three.

Q. Your age?

Mr. Garrett: She said 83.

A. Eighty-three.

Mrs. C. W. Mitchell.

By Mr. Allen:

Q. Your residence?

A. Hickory.

Q. How long have you been living there?

A. I was born there.

Q. Did you know Miss Mary Frances Eason?

A. Yes, I knew her, and in about the last three years she had been coming to see me quite often.

Q. Where did you live during the last three years?

A. My good husband was with the Richmond Cedar Works for 25 years, and he was with the Roper Lumber Company twenty-some years, and that is where I was.

Q. What relation were you to Miss Eason?

A. Sister's children, first cousins.

Q. Did you visit in her home?

A. Yes, occasionally.

Vol. I Q. About how often did you see her during the page 156 } last several years, two or three years?

A. Well, let's see. She has been—in the last two years or about the last year she came up and wanted me to go riding with her.

Q. Came up where?

A. To my home.

Q. Where?

A. At Hickory, or Good Hope. We went riding around the country and when we got back she said, "You know, this has been wonderful. I never went with anyone else, and we are going to do this again."

We did, and we went out four or five times and had lunch.

Q. During what period of time did you go out four or five times?

A. Up until she died.

Q. During the last year or several years?

A. Yes, until the last week or so before she was in bed.

Q. When did you see her last?

A. The day she died, the morning she died that afternoon.

Q. That was what day of the week?

A. On Thursday.

Vol. I Q. Did you see her on Monday of that week?

page 157 } A. No, I don't think I did, but I saw her the day before the day she died. She sent for me to come.

I went there to see her and couldn't get in.

Q. You went there—

Mrs. C. W. Mitchell.

A. Maybe that was Monday I went there, and Albert, the man who was living there, said she was in bed sick, and I didn't know she was sick, and I said, "May I go in to see her?"

He said, "I will find out," and he went up and came back and said, "No, she don't feel like talking to you today."

Q. You didn't see her that day?

A. No. Mrs. Sifford, a friend of Mary's, was very nice to her, and she called me and said Mary wanted me to come the next morning.

That was Wednesday—Tuesday, I believe. Anyway, I went that morning she sent for me and said, "Mary, do you want to tell me something; what do you want to tell me?"

She said, "Albert is going to have plenty of money, more than he can spend as long as he lives," and I was scared to death she was going to ask me to take it, if anything happened to her. I didn't answer. He was sitting there all smiles. I said, "What is it you wanted to tell me?" She held her fingers up and she said, "I am going up yonder and I want to tell you goodbye. Maybe we can be together and go out again."

I said, "We will go out again anyway." Albert Vol. I speaks up and says, "Don't you talk too much, page 158 } you talked too much yesterday. You had too much company here yesterday and you were much worse when the doctor come and your heart was much worse."

I looked at Albert and he looked at me like he could come at me. I said, "Why didn't you excuse yourself and tell the people they could not talk to her any longer?" I said, "How many were there?" She said, "I don't think you would know them if I told you."

I said, "What were they talking about?" and she said, "They wanted me to sign a paper." I said, "For what, what had you done?" She said, "You know what it is all about. You know them boys had hired a man to run me off the road and claimed they were going to give him \$20,000.00, and the other day I told you about that."

She said, "They had a paper and they were going to get that man but didn't want to be in it, and wanted me to sign a paper that I had got them to do it, to sign a paper releasing them from being killed."

I said, "Oh, pshaw!" and left. She sent word to me to come back the next morning. She said, "Make it early."

Q. That was Thursday?

Mrs. C. W. Mitchell.

A. Thursday morning. I went up and she was lying on her right side and her head was kind of resting down with little pillows back of it. I said, "Let me straighten the pillows out. Your head will be more comfortable." She said, "No, I will be all right."

There was an iced tea glass with a yellow liquid in it. I said, "You must be getting better now, taking medicine," and she said, "They don't give me anything but glucose," and I looked around and saw a bunch of flowers on the dresser. I walked across and said, "Who is your boy friend who has been bringing you flowers?" She smiled and raised up on her elbow and reached over and took the glass and drank several swallows and lay back down.

I went over to look at the flowers and I saw, I think it was, a doctor's pad with writing on it what to give her. She said, "Don't you bother nothing over there." I said, "I am not going to bother anything, Mary." She said, "Go get your coat and leave now." I said, "All right." When I went behind the bed she was grunting and I said, "Do you hurt anywhere?" She said, "Yes, my stomach. When they run me off the road it hurt worse than anybody will know." I said, "You will be all right."

* * * * *

Vol. I
page 160 } By Mr. Allen:

Q. Did she name anybody who ran her off the road?

A. No. She told me I would know the man that had employed them to run her off the road and kill her if she told me the name. I said, "I don't want to know his name. I don't think anybody in our vicinity would do a thing like that."

Q. Did she tell you who ran her off the road?

A. No.

Q. When was the last time that you had any conversation with her before this last occasion in the bedroom on the day of her death?

A. Well, when we would go out for a ride we would talk on our way. Her mind was this way and that way. I recall one afternoon when she told me about this man being employed by the boys to run her off the road, and it was right amusing

Mrs. C. W. Mitchell.

to me. She said he was going to run her over there in the ditch then if he "hadn't seen you." I changed the subject right away. I said, "Somebody is digging a ditch over there "

Q. Did you go off with her on any other occasions, to the beach or any place in North Carolina?

A. As far as I ever went with Mary Eason in the car was in Norfolk at the shopping center and over on the Vol. I highway to Howard Johnson's Restaurant twice, page 161 } and Sunset Manor once.

Q. Do you recall any other visits in her home during the early part of 1959?

A. No. I went there—sometimes I would go there and she would not turn me in. I recall I went there one afternoon and I thought she was in Florida as she had not shown up around to see me, and I stopped by and I found out she was sick.

One afternoon I stopped in there and there was a little boy cutting grass and I said, "Is Miss Mary home?" He said, "Yes, around on the front yard." I went around and she was sitting on the steps in front of the house. She invited me in the reception hall. I had not been in there since her brother, Dr. Eason, was carried out a corpse. She would never get me any further than his office.

She told me, "You know what I saw in front of this place yesterday? It was a surveyor surveying the land off." She said she walked out there and asked him what he was doing surveying the property. She said he said, "I never had any idea I was back here, but only over there."

She said, "Who do you think it was? It is a man who runs a beer place on the highway. He owns about two acres. When they straightened the road this man bought two acres and built a little sandwich and bar stand."

Vol. I She said she asked him why didn't he employ somebody to survey the land and said he laughed page 162 } and said, "I wanted to find out for curiosity how many acres was in here."

Q. During the various conversations you had with her, did you learn what her attitude was toward the doctors, Dr. Robert Eason and Dr. Sam Eason?

A. She called them hoodlums. Somebody had poisoned her mind against them.

Mr. Garrett: I object to that.

The Court: Objection sustained. Strike that from the record, the last part of her answer.

Mrs. C. W. Mitchell.

By Mr. Allen:

Q. What did she say about them?

A. She thought they wanted to kill her and that is why they bought her a Ford car so she would wreck it and kill herself.

Q. Who bought her the car?

A. Dr. Eason.

Q. And she told you that?

A. Yes.

Q. What else did she say about the car?

A. When she started it it went up in the air. It was a little car but had a lot of power, and when she put the brake on she like to threw me through the windshield. I said, Vol. I "You have got to get used to it." She looked page 163 } cute and said, "This damned thing will kill you." She said, "Every car you see on the highway will kill you."

I said, "There are more Ford cars than any other kind." She told me that they got this car to run her off the road and kill her. She said, "That's why they got this car, to run me off the road and kill me."

Q. What else did she talk about, or can you recall anything else she talked about?

A. She was a peculiar person. She was very pleasant and fond of you and then in the next second she wasn't. It was just her mind. It was like scrambled eggs. She was pathetic.

Q. Now, Mrs. Mitchell, from your observation of Miss Mary over the past several years and your conversations with her, and your trips with her, what have you to say with reference to her state of mind?

A. Well, the way I figured Mary's mind was that she would get these funny things on her mind and couldn't think of anything else. At times she would go along all right, and then she would go right back. Mrs. Sifford was one of the nicest persons to her in her last illness. She said, "I never let anybody sit with me in church. I always sit by myself." She said, "Old Lady Sifford used to come down and talk to me, but she never comes to see me now."

Vol I She said "You know what she was looking for?" page 164 } I said, "No." She said, "She wanted me to sell my old home to Raymond Eason." She said, "Do you think he has money to buy it," and I said, "No."

* * * * *

Mrs. C. W. Mitchell.

CROSS EXAMINATION.

By Mr. Garrett:

Q. Miss Mary had something of a sense of humor about an automobile, I take it?

Vol. I A. She was just fretting with what they brought
page 165 } out and why they did it.

Q. She didn't tell you what they got from her when they brought the car down, did she?

A. No. She told me about lending the boys money.

Q. How much?

A. Maybe \$14,000.00, something like that, and all such silly stuff as that, and it was in one ear and out the other.

Q. You didn't think she had \$14,000.00, did you?

A. In a way she talked about the way she saved her money.

Q. You said she was not accustomed to the car and she said the car would kill her?

A. Yes. She said, "This damned thing will kill you one day."

Q. Why did you enjoy riding with her after that?

A. I knew if she got reckless or didn't know what she was doing that I knew enough to get out.

Q. You were going ahead and let her drive and if she got in difficulty you were going to get out?

A. She was always a very slow driver and kept to her right and obeyed all signs. I will give her that.

Q. You don't have to give it to her because it is a fact, isn't it?

Vol. I A. Yes.

page 166 } Q. Miss Mary was pretty well conversant with
 what she owned?

A. I think so.

Q. She knew who her relatives were, did she?

A. I think so.

Q. I believe you said you were there Wednesday before she died?

A. Yes.

Q. She then realized she was in her last illness, did she not?

A. She didn't say anything about dying, but raised her fingers and said, "I am going to tell you goodbye. I'm going up yonder."

Q. That is a pretty good indication that she knew she was on her death bed?

Mrs. C. W. Mitchell.

A. Yes.

Q. She enjoyed going out with you?

A. Yes.

Q. And you enjoyed going out with her?

A. I thought if I could make her happy so she could enjoy herself a few minutes or an hour that I was glad to give up my time.

Q. You never had any accidents with her?

A. No, but I felt uncomfortable. Do you ever feel like that?

Vol. I Q. I reckon so.

page 166 } A. I thought if I could make her happy I was glad to give her some of my time.

Q. Don't you know she was out frequently driving the car other than coming to see you?

A. Hearsay don't go.

Q. Don't tell us hearsay.

A. I don't know. I have never seen her out, other than they told me she would go out.

Q. You don't want to give us hearsay, do you?

A. No.

Q. You went in to see her Wednesday before she died, and you said Albert looked like he was going to come at you. He was an old man?

A. Yes.

Q. He worked there?

A. He had been there 45 years.

Q. What was he going to come at you for?

A. Because he didn't want her to tell me how much money she was leaving him, or to ask me to take any of it.

Q. She never asked you to take any money?

A. I, myself, no.

Q. Did you think he looked mad at you, like he was coming at you?

A. I think he looked mad. She said, "Albert will have plenty of money, enough to last him a life-
Vol I page 168 } time." I didn't want her to offer me any.

Q. You went there the morning she died?

A. Yes.

Q. She was in fairly bad shape at that time?

A. I don't think she was any worse off than she was the day before. She talked all right to me. She wouldn't let me fix the pillows for her and she reached up and took some of that fluid and drank it.

Mrs. C. W. Mitchell.

Q. Miss Mary was a very independent woman, was she not?

A. I think so.

Q. She wanted to do things she wanted to do, and to have her way?

A. She was going to have her way regardless.

Q. You say she said there was a surveyor down there on the land. Miss Mary was very alert about her property down there, was she not?

A. I couldn't tell you about that part of it. I know she looked after the farm and did it for long years.

Q. At any rate, she told you that when she saw somebody down there on the property who looked like he was surveying, she went down there and checked to see what business he had in doing it?

A. Yes.

Vol. I Q. She told you the property they were survey-
page 169 } ing belonged to a man named Keys?

A. I don't know who he was. When they were straightening the road out, Dr. Eason wanted her to sell it to this man.

Q. Dr. Eason never owned the place?

A. That belonged to his mother.

Q. In these conversations you had with Miss Mary, you would generally talk about things of mutual interest to you, wouldn't you?

A. Well, no, not business.

Q. I don't mean business, but things that were of interest to you all, and generally speaking, about his people?

A. Sometimes you wouldn't be allowed to talk to her. She done all the talking.

Q. Did you ever talk about anything that was mutually pleasant between you?

A. I let her do the talking. We never had any cross examination. She would tell me cars would park around there and she would go to Sheriff Hodges and get him to get an officer to run the cars away and he wouldn't send a soul.

Q. She lived off the road, off the main road?

A. There is two roads, one this way and one this way (indicating).

Q. She is some distance off Route 168?

Vol. I A. Yes.

page 170 } Q. Were you ever at her house at night?

A. No.

P. G. Parker.

Q. You don't know whether people drove up there and parked, or not?

A. No. I was never there at night in my life.

Mr. Garrett: I think that is all. Thank you.

By Mr. Bohannon:

Q. Would you mind answering a few questions?

A. No.

Q. Would you mind telling us a little more about the relationship between Miss Mary and Mrs. Stifford?

A. That is all I know. She came there one Sunday and told me that when she went to church, "I sit on a bench by myself. Nobody ever sits with me, and this woman will always, Mrs. Sifford, plank herself in a seat with me."

She said a few days after that when she came to see me that Mrs. Sifford wanted her to sell the old homestead to Raymond Eason. She said he married her daughter.

Q. That was her son-in-law?

A. Yes. She said, "Do you think Raymond Eason has got the money to buy that place?" I said, "I don't know what Raymond Eason has."

Vol. I Q. She expressed some displeasure of Mrs.
page 171 } Sifford because she tried to get her to sell the
 farm to her son-in-law?

A. She just got that in her mind.

Q. You know Raymond Eason, don't you?

A. I think I ought to.

Q. And she was displeased with Sheriff Hodges, you say?

A. Yes.

Q. And Mrs. Hodges was here and testified?

A. Yes.

Q. Mrs. Sifford is here to testify?

A. Yes.

Q. Have you been talking about the case?

A. No. I spoke to Mrs. Hodges yesterday.

Q. Mrs. Sifford is out here waiting to testify?

A. Yes. She was here this morning.

Mr. Bohannon: That is all.

P. G. PARKER,

called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

P. G. Parker.

Vol. I

page 172 } DIRECT EXAMINATION.

By Mr. Bangel:

Q. State your name, please.

A. P. G. Parker.

Q. Where do you live?

A. Hickory.

Q. How long have you lived at Hickory?

A. All of my life.

Q. Did you know Miss Mary Frances Eason?

A. Yes.

Q. How long did you know her?

A. She taught me in the fifth grade.

Q. When was the last time you saw her?

A. I guess some time ago, maybe three or four years ago.

Q. What happened on that occasion?

A. She was out in the yard and I stopped and spoke to her. I didn't get out of the truck, and she reached in her apron and took out a small automatic and fired twice in the yard.

Vol. I Q. Was there any reason for her to shoot?

page 173 } A. No, sir.

Mr. Bangel: The witness is with you.

CROSS EXAMINATION.

By Mr. Garrett:

Q. You had not seen her in how long before that?

A. I would see her maybe once a year around the store.

Q. Where was she at the time, on her property?

A. Yes.

Q. Did you come on her property?

A. No.

Q. Did you say anything to her?

A. Just spoke.

Q. How far was she from you?

A. There was just a fence between us.

Q. Did she say anything afterwards?

A. No. I left.

Q. Did she shoot at you?

A. No.

S. E. Charlton.

Vol. I Q. Did she shoot in the ground or air?
page 174 } A. In the air.
 Q. Do you know the occasion for her shooting
 in the ground, whether she was shooting for any
particular reason, or whether she was trying to frighten you,
do you know?

A. No.

Q. You have no idea for her doing it?

A. She had no reason for it.

Q. She was on her property?

A. Yes.

Q. And she didn't try to shoot you?

A. No.

Q. How far away were you from her?

A. As far as from here to you.

Q. Did you ask her for any explanation?

A. No.

Q. That was how long ago?

A. Three or four years ago.

Q. When did you see her prior to that?

A. I didn't see her very often, maybe once a year, before.

Q. If she had wanted to shoot you, there would have been
no trouble in her doing it?

A. No.

Q. You don't know whether there were any animals around
there that she was shooting at?

A. No.

Vol. I

page 175 } By Mr. Bangel:

Q. Was this in the daytime or nighttime?

A. In the daytime.

Mr. Bangel: That's all.

S. E. CHARLTON,

called as a witness on behalf of the contestants, having been
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Bangel:

Q. State your name, please, sir?

A. S. E. Charlton.

Q. Where do you live, Mr. Charlton?

S. E. Charlton.

A. Hickory, Virginia.

Q. How long have you lived there?

A. All of my life.

Vol. I Q. What is your age?

page 176 } A. Sixty.

Q. How far do you live from Miss Mary Frances Eason's home?

A. A couple of miles.

Q. Did you see her frequently?

A. Fairly frequently, yes.

Q. Did you talk to her?

A. Yes.

Q. What was the nature of some of your conversations with her?

A. She wanted to sell me the place and then finally wanted to give me the place. That was about the most important part.

Q. Did you buy the place?

A. No.

Q. Did you take the place when she offered to give it to you?

A. No.

Q. Had you talked to her before on many occasions?

A. Yes.

Q. The last time you talked to her, what was her mental condition?

A. Very confused.

Mr. Bangel: The witness is with you.

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page 177 }

CROSS EXAMINATION.

By Mr. Garrett:

Q. When is the last time you talked to Miss Mary?

A. Probably a month before she died.

Q. I have a check here for \$85.00, dated December 4, 1957, payable to S. E. Charlton, on a bulldozer account?

A. Yes.

Q. You were doing business with her?

A. Yes.

Q. You got that check and deposited it to your account?

A. Yes.

S. E. Charlton.

Mr. Garrett: I would like to introduce that.

The Court: Proponent's Exhibit 2, I believe.

By Mr. Garrett:

Q. You were interested in buying timber off her property?

Vol. I A. Interested?

page 178 } Q. Yes.

 A. I don't know.

Q. May I refresh your memory and ask you if you came to my office with her?

A. Yes.

Q. Why did you do that?

A. Because she asked me to.

Q. Did Miss Mary operate her farm?

A. As far as I know.

Q. You ought to know. You lived near her.

A. That was not my business.

Q. Maybe it is not your business, but you had an opportunity to see?

A. I didn't question her about it.

Q. You knew she was a pretty good trader in business?

A. Up to five years before she died.

Q. You say up until 1955?

A. Yes.

Q. Would you say she was not in 1955?

A. I doubt it.

Q. Why were you having such transactions with her when you thought she was not capable of attending to business?

A. Because it would have made her unhappy if

Vol. I I didn't. What I did didn't benefit me.

page 179 } Q. You did it for the money because you got \$85.00?

A. I do a lot of things for money but not for what it is worth, just to please people.

Q. Personally you engaged in a business transaction with her?

A. Because she wanted to.

Q. I assume she wanted to or she wouldn't have done it. What is the date of the check?

A. December 4th, 1957.

Q. Did you want to buy the place?

A. No.

Q. Did you name any price?

S. E. Charlton.

A. No.

Q. Mr. Charlton, you know Dr. Sam and Dr. Robert Eason, do you not?

A. Yes.

Q. You know them pretty well?

A. Yes.

Q. Are you testifying they were not treated right under this will?

A. You ask me do I feel they were not treated right?

Q. Yes. Do you hold that opinion?

A. I don't think she was capable.

* * * * *

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* * * * *

By Mr. Garrett:

Q. I am asking you if you hold the opinion that the boys were not treated right by being left out of the will?

A. That is right.

Mr. Garrett: That is all.

RE-DIRECT EXAMINATION.

By Mr. Bangel:

Vol. I Q. Why do you have that opinion?

page 181 } A. Because she was confused and mixed up.

Q. Do you have any interest in this case?

A. No.

Q. You were subpoenaed here?

A. Yes.

Mr. Bangel: That is all.

RE-CROSS EXAMINATION.

By Mr. Garrett:

Q. How do you know she was confused and mixed up when she executed this will?

A. From her actions previous to that.

Robert Richardson Eason.

Q. Were you there when she executed it?

A. No.

Q. When was it executed?

A. At her death.

Q. You mean she did it the day she died?

A. I don't know.

Q. Were you told that?

A. I can't say what I was told.

Q. How soon did you see her before she died?

Vol. I A. Probably 30 days.

page 182 } Q. Did you visit her home during her sickness?

A. No.

Q. You were anxious to please her over the bulldozer, and why didn't you go to see her?

A. That was in 1957 and she died in 1959.

Q. Did you know she was sick?

A. I didn't know she was sick enough to die.

Q. You were close to her and didn't know she was lying home in bed?

A. No.

Q. Mr. Charlton, don't you recall Miss Mary permitting you to look after her affairs in August when she got sick or down?

A. Perhaps.

Q. Perhaps? Do you recall that you all came to the office and we had a discussion and a power of attorney was drawn for you to do it?

A. No.

Q. You don't recall that?

A. No.

* * * * *

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* * * * *

ROBERT RICHARDSON EASON,
called as a witness on behalf of the contestants, having been
first duly sworn, was examined and testified as follows:

Robert Richardson Eason.

DIRECT EXAMINATION.

By Mr. Allen:

Q. Will you state your name, please?

A. Robert Eason.

Q. Is that your full name?

A. Robert Richardson Eason.

Q. Where do you live?

A. Buena Vista, Virginia.

Q. How long have you lived there?

A. Twenty-four years.

Vol. I Q. What is your profession?

page 184 } A. Physician, general practice.

Q. How long have you been engaged in the general practice of medicine?

A. Ever since I went to the University, and Buena Vista the first time.

Q. What training did you have before you entered the medical profession?

A. Graduate of Randolph-Macon College.

Q. With what degree?

A. A.B.

Q. What medical schools did you attend?

A. Medical College of Virginia in Richmond.

Q. Did you graduate there?

A. Yes.

Q. What training did you have after you left there?

A. Interned at the Medical College of Virginia, at the hospital.

Q. How long?

A. One year.

Q. Then you went to Buena Vista?

A. Yes.

Q. Where were you born or reared and educated?

A. Norfolk.

Q. Norfolk County or the City?

Vol. I A. Norfolk County.

page 185 } Q. Who was your father?

A. Isaac W. Eason.

Q. What relation was your father to Miss Mary Eason?

A. Sister and brother.

Q. She was your aunt?

Robert Richardson Eason.

A. Yes.

Q. How long did you know your aunt?

A. I have been knowing Aunt Mary a long time. Way back in my high school days and since I was a child, and I went out and Aunt Mary cared for me. That was back in 1924 and 1925 when I was in Hickory High School.

Q. What high school did you attend?

A. Hickory High School.

Q. Did you stay at your Aunt Mary's house when you attended school?

A. Yes.

Q. About how many days would you be in the home?

A. Every day except in the summertime when I had a job.

Q. Did you stay there when you went to college?

A. Yes. I worked one year in Norfolk before I went to college.

Q. Where did you stay during your vacations in the summer?

Vol. I A. I stayed at Virginia Beach and would come
page 186 } out to see Aunt Mary once or twice during the
 summer.

Q. After you commenced to practice medicine, did you still visit her; if so, how often?

A. I would say each summer when we took vacations from college we would come down and spend the night with her, just on a friendly visit.

Q. How long had your Aunt Sarah died before Miss Mary died?

A. Aunt Sarah died, I believe, if my memory serves me correctly—I would say along in 1953 or 1952.

Q. When she died did you continue your visits just as before?

A. Yes.

Q. After your Aunt Sarah died, how often would you visit your Aunt Mary up until she died, from the date your Aunt Sarah died?

A. From then until Miss Mary died I visited her each summer until Uncle Lasalle married. She would call us very often to come over every month or six weeks to see her, which would place it in 1954 or 1955.

Q. Who do you mean when you say "by us?"

A. Cousin Sam and myself.

Q. How about your wife, did she come with you?

Robert Richardson Eason.

A. No.

Vol. I
page 187 } Q. Did your wife come down and visit with her?

A. Only on vacations.

Q. Was your wife working, too?

A. No.

Q. Do you have any children?

A. Two adopted children, yes.

Q. Did your Aunt Mary know them?

A. Yes. One is five and one is eight. We took them to see her.

Q. Over the years, we will say the last two or three or four or five years, what was the attitude of Miss Mary generally with reference to the property as to what she was going to do with it?

A. She said she wanted Sam and myself to have it.

Q. Who is Sam?

A. Dr. Sam Eason, my cousin. She kept saying that time and time again.

Q. Did she ever sign any papers about that, Doctor?

A. Yes, sir.

Q. I hand you what purports to be a deed dated the 14th day of September, 1953, conveying this property to you and Sam, and will ask you—

Mr. Bangel: Here is a copy of it, Mr. Garrett.

Vol. I

page 188 } By Mr. Allen:

Q. I will ask you how you came to get hold of that deed.

A. This deed was mailed to me after the deed that was made in Mr. Webb's office in 1955.

This deed is dated 1953 and I knew nothing about it until it was mailed to me.

Q. Keep that a second and I will ask you some more about it in a minute. I hand you a deed dated the 26th of May, 1955, between Miss Mary F. Eason and Dr. Samuel W. Eason, Jr., and Dr. Robert S. Eason, conveying all of the real estate we have been talking about.

This is one, I believe, that reserves a life right to her.

Look at the paper I have just handed you and tell the Court and jury whether that is a deed leaving that farm to you and Sam on May 2nd, 1955?

A. Yes, in Mr. Webb's office.

Q. Will you turn to the first deed?

Robert Richardson Eason.

A. Yes.

Q. There is attached to the deed what purports to be a photostatic copy of the envelope the deed came in?

A. Yes.

Q. Read the postmark.

Vol. I A. May 10, 1959.

page 189 } Q. Did that deed come in that envelope?

 A. You want to know whether this is the deed that came in that envelope?

A. Yes.

A. Yes. It is dated September, 1953.

Q. You didn't get that deed until—did you know anything about that deed before you received it in that envelope?

A. No, I didn't.

Q. Look on the back of that deed and see in whose office that was written?

A. Douglas and Diggs, Attorneys, Bank Street, Norfolk, Virginia.

Mr. Garrett: What deed are you talking about?

Mr. Allen: 1953.

By Mr. Allen:

Q. My question now is which of these deeds did you receive first, the one dated in 1953 or the one dated in 1955?

A. The one that is dated in 1955 is made in Mr. Webb's office.

Q. In Mr. Webb's office?

A. Yes.

Vol. I Q. That is the deed that reserves a life estate?
page 190 } A. Yes.

 Q. The other deed which was received in the envelope was received how long after you received that deed?

A. Eight days.

Q. I ask you to read the 1953 deed to the jury.

A. The whole deed?

Q. Yes, word for word. That deed was received after the other deed?

A. Yes.

Mr. Garrett: It seems to me it is taking up undue time to read the whole deed. It can be introduced.

Mr. Allen: Can we stipulate what it is?

Robert Richardson Eason.

Mr. Garrett: It speaks for itself apparently.

Mr. Allen: Let him read it then.

The Court: Can't you agree it conveys this property?

Mr. Allen: Let me look at it, and I think we can make a correct statement about it. You may follow me, Mr. Garrett.

It is dated the 14th of September, 1953, from Mary F. Eason, unmarried, to Dr. Robert Eason and Dr. Samuel Eason, and it states a consideration of page 191 } \$10.00 and other valuable consideration, and goes on and describes the property as 470 acres, more or less, with a more minute description, and makes some other reference to the description, and winds up with the usual covenants of title, carrying a fee simple title to the property without any reservation. We offer that deed and the envelope in which it came.

Hand me the other one.

Mr. Bohannon: If I may interrupt, are there any stamps, revenue stamps, on it?

Mr. Allen: No. It was never recorded.

The Court: The deed and the envelope will be marked Contestant's Exhibit 1.

Mr. Allen: The deed of May 2nd, 1955, is from Miss Mary F. Eason to the two doctors, the same consideration, \$10.00 and other valuable considerations, and that deed conveys all of the farm, tools, equipment, livestock and other personal property, and the same real estate described by the deed just referred to.

Vol. I That deed reserves to Miss Mary Eason a life right in the property for use thereof which is now page 192 } enjoyed by the grantor until her death, "and thereafter all reservations and life rights shall cease and determine," and it has the usual covenants of title.

The deed was admitted to record in the Circuit Court of Norfolk County on May 2nd, 1955.

Mr. Bohannon: What is the amount of the stamps?

Mr. Allen: The stamps on the deed amounted to \$11.00. We offer that deed in evidence, may it please your Honor.

The Court: Contestant's Exhibit 2.

By Mr. Allen:

Q. Following this deed did she make to you any other deed concerning the timber on the property?

A. Yes. We went to Mr. Willcox's office—

Robert Richardson Eason.

Q. Who?

A. Dr. Sam and myself.

Q. Did Miss Mary go?

A. There was some discussion about the timber.

Q. Was Miss Mary present?

A. Yes, sir. There was a discussion about the timber having some bugs in it, and Mr. Nichols suggested that we ought to have it cut.

Vol. I Q. Was there any deed drawn there concerning
page 193 } the timber?

A. Yes, a quick deed was drawn to sell the timber because we could not sell the timber with her having a life interest in the property, was the way I understood it.

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By Mr. Allen:

Q. I now hand you a certified copy of a deed dated March 1st, 1956, from Miss Mary F. Eason to Dr. S. W. Eason, Jr., and Dr. Robert R. Eason, reciting the conveyance of 470 acres of land subject to a reservation of a life estate, timber, etc., as having been conveyed in consideration of \$1.00 and other valuable considerations, her right, title and interest to standing timber located on the land
Vol. I conveyed, which was recorded in Deed Book 1205
page 195 } at Page 277 on May 2ne, 1955.

I will ask you to tell us where that deed was drawn and signed.

A. It was made in Mr. Willcox's office.

Q. By Mr. Thomas H. Willcox, Jr. or Thomas H. Willcox, Sr.?

A. Thomas, Jr.

Q. Was Miss Mary present?

A. Yes, sir.

Q. How did it come about that she made you all of these deeds?

A. She often wrote us letters that she wanted the two boys, Sam and myself, to have the timber and—

Robert Richardson Eason.

* * * * *

By The Court:

Q. Had you completed your answer?

Vol. I A. No, sir. I was going to say the reason we
page 196 } went into Mr. Wilcox's office was to see if there
 } was some way to convey the timber in such
 } manner that the taxes would not be so great on it.

Q. Did Mr. Wilcox do any work at that time about the tax program?

A. Yes.

Q. Was Miss Mary Eason present?

A. Yes, sir.

Q. Was all of that agreeable to her?

A. Yes, sir.

Mr. Allen: Mr. Garrett, may I offer this and withdraw it?

Mr. Garrett: Yes. We offer the deed of March 1st, 1956 in evidence, may it please your Honor.

The Court: Contestant's Exhibit 3.

By Mr. Allen:

Q. Now, Doctor, in addition to the deeds referred to, did Miss Mary Eason send you any other documents in connection with her efforts to give you this property, a will or anything?

A. I recall a will in Mr. Willcox's office in 1955.

Vol. I Q. I hand you what purports to be a will of
page 197 } Miss Mary Eason, dated the 24th of October,
 } 1955, with a cover on it of Mr. J. McBride Webb's
 } with Mr. Webb's name on it, and ask you if that
 } will was sent to you; if so, by whom?

A. I don't remember getting this through the mail, Mr. Allen, no, sir.

Q. Did you ever have it in your possession?

A. No, sir, not that I recall.

Q. Did you know about it?

A. No, sir, not that I recall.

Q. Is that her handwriting?

A. Yes.

Q. Who are the witnesses to that will?

A. J. McBride Webb, V. C. Randall, and Evelyn W. Tatem.

Q. Hand it back to me again, please.

Robert Richardson Eason.

(The witness hands paper to counsel).

Mr. Allen: May I state now what this conveys?

Mr. Garrett: I don't think he can identify it except by the signature.

Mr. Allen: This is a will made by Miss Mary F. Eason and signed by her on October 24th, 1955, duly witnessed, having certain provisions about debts, and then she gives her personal property, divided equally, to Mabel Vol. I N. Eason and Ruth D. Eason, "all my household page 198 } furniture, furnishings, appliances and equipment," etc. * * * such divisions to be made between them in a manner agreeable to both parties.

"I am making no provisions for my brother, J. Lasalle Eason by way of gift in this will, as I have provided many comforts for him in the past and he is receiving a War Veteran Pension.

"All the rest in residue of my estate, both real, personal and/or mixed, of every kind and nature that I now or may hereafter own or be entitled to or have an interest in, I GIVE, DEVISE and BEQUEATH unto my said two nephews, Dr. Samuel W. Eason and Dr. Robert R. Eason, to be theirs absolutely and in fee simple."

I am reading enough to identify it. The will will be introduced in evidence.

It provides that Dr. Robert R. Eason will be the exact executor and does not require any surety.

We offer that in evidence, may it please your Honor.

The Court: Contestant's Exhibit 4.

Mr. Garrett: Did you state the date?

Mr. Allen: October 24th, 1955.

Vol. I

page 199 } By Mr. Allen:

Q. Doctor, over the years did Miss Mary Eason write you any letters?

A. Over the years, yes, sir, very frequently.

* * * * *

By Mr. Allen:

Q. Doctor, I hand you a letter dated September 12th, received September 12th, 1952, beginning, "Dear Robert," and signed, "Aunt Mary," which is postmarked September 12th, 1952, and ask you if you received that letter; if so, read it.

Robert Richardson Eason.

A. 1952, September 12th—

Q. Read it aloud.

(The letter was read as follows):

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“Sept. 12, 1952

“Dear Robert.

“I have just received your letter. I did not think I had any more tears left, but it was Isaac over again. I am trying to get a cripple woman to live with me. I think she will as she is all alone. I have known her for years. Very fine character.

“After a while perhaps Lasalle and myself will drive up and spend the night. I have a man on the farm new car good driver and he will drive us. Perhaps it will do both of us good. I love you very much Robert. I know you are good because your Dad and Mom were good people. Take good care of yourself and do not work so hard. Your house will be waiting for you always.

“Love to Mabel & (Little One)

“Lovingly,

“Aunt Mary.”

Mr. Allen: We offer that, if your Honor please.

Mr. Garrett: Is it contemplated that all of these letters are going to be read? It looks like it will be hours reading.

Mr. Allen: We want them all read.

Vol. I Mr. Garrett: Are you going back to 1952?

page 201 } The Court: Are you offering each one as a separate exhibit?

Mr. Allen: I guess we will have to. We might put them all together, those addressed to Dr. Robert Eason and those addressed to Dr. Samuel Eason and put them in separate envelopes and mark the envelopes as exhibits.

By Mr. Allen:

Q. I hand you a letter dated December 30th, 1952, written to you and signed “Aunt Mary,” and ask you to identify that and if you can, read it.

Robert Richardson Eason.

(The letter was read by the witness as follows):

“Dec. 30th, 1952

“Dear Robert & Mabel,

“The Xmas box came and it was just what I wanted. Thank you both so much. I love you both with all my heart.

“I am spending this Holiday as pleasantly as I could expect. I can imagine a happier one, but sorrow and sadness must come to us all. I send you the greetings that come from the sincerest love, and that your New Year may open beautifully and by the direction of the Great Master of all may it continue and end with such success as will contribute to His glory as well as your happiness.

Vol. I

page 202 } “With love,

“Aunt Mary.”

By Mr. Allen:

Q. I hand you copy of the letter dated November 23, 1953, addressed, “Dear Robert,” and signed, “Aunt Mary.” If you received that I will ask you to read it.

(The letter was read by the witness as follows):

“Dear Robert,

“LaSalle is the Gen. Hospital doing O. K. I would have written before but had to see about him. When I drive to Norfolk the next day I have to rest.

“LaSalle wants to come out but I told him to stay until he was well enough. His Dr. John Hill would not leave DeVine. I just know he is a baptist—I hope all are well with you & Mabel.

“Sam goes in the hospital Dec. 1 for the big operation. I hope no one will see my writing I know they will say was she ever a school teacher?

“Love to Mabel and Elizabeth I will write you a decent letter in a few day.

“Lovingly,

“Aunt Mary.”

Robert Richardson Eason.

Vol. I

page 203 } By Mr. Allen:

Q. I hand you another letter, dated March 8, 1954, addressed "Dear Robert and Mabel," signed, "Love to all three, Lovingly, Aunt Mary," and ask you to identify it and read it.

(The letter was read by the witness as follows):

"March 8, 1954.

"Dear Robert & Mabel

"Just think this is Sunday Mach 8-54. How times fly. You both will find the passing years, so short will say, Well, I feel so stiff & old.

"I am about the same much better aches at times all gone. Thanks so much to you Robert. God bless you.

"Love to all three

"Lovingly

"Aunt Mary."

By Mr. Allen:

Q. I now hand you a letter dated May 20th, 1954, addressed, "Dear Mabel and Robert," and signed, "Lovingly, Aunt Mary." and ask you to identify it and read it.

(The letter was read by the witness as follows):

"May 20, 54

Vol I "Dear Mabel & Robert

page 204 } "I have written you both thanking you for this medicine & candy I mailed them in the box. I am so sorry you did not get my letter I thank you both.

"I am so glad you are both well. With much love to all three

* * * * *

By Mr. Allen:

Vol. I Q. I hand you a letter bearing date of Sunday,
page 205 } with an envelope, post dated August 10th, 1954,
"Dear Robert," "Love to Mabel and Elizabeth,
Old Aunt Mary," and ask you to identify that and read it.

Robert Richardson Eason.

(The letter was read by the witness as follows):

“Sunday

“Dear Robert

“So glad to hear from you, and don’t think for a moment I would be angry with a baby.

“I have been sick with my stomach better now. I am going to close the house and going to West Coast until June or July 55. I leave June 10th. Will write later & give full details.

“Love to Mabel & Elizabeth

“Old Aunt Mary”

By Mr. Allen:

Q. I hand you a letter dated August 22, 1954, addressed “Dear Robert,” and signed “Aunt Mary,” which is attached to another letter of August 22nd, 1954, “Dear Mabel,” and signed, “Aunt Mary,” and ask you to identify this and read it to the jury.

(The letter was read by the witness as follows):

Vol. I
page 206 }

“Aug. 22 54

“Dear Robert,

“I have been real sick just could not make it. My kidneys have been giving me so much trouble Do not function at all. Dr. Mann is in Gen. Hospital for the heart.

“I want you to take it easy and not work & go like you do. Thank you Robert, for asking me to spend some time with you & Mabel. I certainly thank you both I guess I will stay in the old home & go like the others. Try & remember all the little things I have told you, about farm & woods.

“With lots of love,

“Aunt Mary”

By Mr. Allen:

Q. I now hand you a letter dated October 10th, 1954, addressed, “Dear Robert,” and signed, “Love, Aunt Mary,” and ask you to identify it and read it.

Robert Richardson Eason.

(The letter was read by the witness as follows):

“Oct. 10th, 1954

“Dear Robert,

“I have been trying to write to you for the past weeks, but I have been real sick. Sam came down last Sat. returned Sun. Sam does not look well, he looks ten years older than he did one year ago. Robert, a great change has taken place in Sam every way. Wesley is only studying law for a short while. I can not say more I think of you & your “Dad” so much & how I loved him. Take care & do not work so hard. Give my love to Mabel & Elizabeth.

“Love,

“AUNT MARY

By Mr. Allen:

Q. I now hand you a letter written on legal cap paper, dated November 25, 1954, addressed, “Dear Robert & Mabel,” and signed, “Lovingly, Aunt Mary,” and ask you to identify that and read it, please.

(The letter was read by the witness as follows):

“Nov. 25,-54

“Dear Robert & Mabel,

“It is a beautiful day this Thanksgiving. I am thinking of the other ones, in days gone by. I have so much to thank our Master for. I am all alone only my dog. I was very sick about two weeks ago, but I am doing very well now. LaSalle is going to move to Norfolk I understand. Sold all his chickens, rabbits and now is trying to sell his car. Thank of it for the last 35 yrs. lived in his home had his little garden and married this old 70 yr. old thing for some one Vol. I to take care of. Robert think after he came page 208 } out of the hospital I put one thousand dollars for him in his name in the Southern Bank of Norfolk the week after he married it was drawn out. L—told his wife at my death he would have his home & fifteen thousand. I have torn that will up and written another, he gets the place he lives at now only as long as he lives and no money. His

Robert Richardson Eason.

income now is one hundred and three per month. I am going to tell you one thing the poorer he is the longer he will live. Do not send him any money if he should ask. This woman has been married three times I am so sorry I ever carried him to the hospital. LaSalle does not even know her name Robert, he is positively crazy, some old thing he met when at the General Hospital. We have always done everything for him. This is a time he is going to stand alone.

"Take care of yourself and do not work so hard it does not pay in the end. I will write when I can I do not go out very much, and strange to say. I am not lonely any more. You and Mabel have been so nice to me in asking me to share your home. I loved your father so much, my best beloved brother.

"With lots of love to you Mabel & Elizabeth.

"Lovingly

"AUNT MARY."

By Mr. Allen:

Vol. I Q. I hand you a letter dated December 5, 1954,
page 209 } addressed "Dear Robert & Mabel," and signed,
 " Lovingly, Aunt Mary," and ask you to identify
that and read it.

(The letter was read by the witness as follows):

"Dec. 5, 1954

"Dear Robert & Mabel,

"How times goes just a few days ago. I am so I can go around just a little. I am so very feeble. If I call you I want you to come & put papers on record. Well, LaSalle has hurt me so I think it must not be so. LaSalle is going to move to Norfolk so I hear. She has been married twice & lived with another a while Sold all his chickens, rabbits & now has his car for sale. She has been here to get rooms. I did not see her and sent word to her I had no rooms for rent. I needed all my rooms. She knows I am sick & my papers or will is what she wants. I would not stand a chance. She is after bigger game than LaSalle LaSalle told her what he would get when I died. He only has the house where he now lives, then goes back to you & Sam. I am asking you for all gone on not to give her one penny. L—has not been in to

Robert Richardson Eason.

see me since the day he left to marry. Sorry to write you such a sordid letter. Do not let anyone in the house after I am gone. With lots of love to all three

“Lovingly,

“AUNT MARY

Vol. 1

page 210 } “All papers, deed will certificate to in a locked drawer in Dr. room.

“If by chance something should happen to my will Albert has a copy word for word.”

By Mr. Allen:

Q. I hand you a letter dated December 22, 1954, addressed to, “Dear Robert,” and signed, “Aunt Mary,” and ask you to identify that and read it.

(The letter was read by the witness as follows):

“Dear Robert,

“The medicine came yesterday, and I was so glad to get it. I understand LaSalle is not so well. The same trouble again. I sent for him to day & told him I would take him and do as I did before.

“Thank you so much for the medicine & tell Mabel she has taken a big place in my heart. Take care of yourself Robert, and Mabel also What would one do without the other. Love to the three.

“AUNT MARY.”

By Mr. Allen:

Q. I now hand you a letter dated January 2nd, Vol. I 1955, addressed to, “Dear Robert,” signed, “Lov-
page 211 } ingly, Aunt Mary,” and ask you to identify that and read it.

(The letter was read by the witness as follows):

“Jan. 2, 1955

“Dear Robert,

“I wrote and thanked you & Mabel for the fruit & medicine

Robert Richardson Eason.

but some how these days I forget, so again I thank you. I am about the same very tired these days. Give my best love to Mabel & Elizabeth. I love you all so much.

“Lovingly,

“AUNT MARY”

By Mr. Allen:

Q. I now hand you another letter which is dated February 20, 1955, addressed, “Dear Robert & Mabel,” and signed, “Aunt Mary,” and ask you to identify that and read it, please.

(The letter was read by the witness as follows):

“Feb. 20, 1955

“Dear Robert & Mabel,

“I am about the same old aches & pain new ones extra measure. I don’t have much to tell you. L—is hard to control made a big mistake, not one thing you can do about it without his help. Robert I want you to take care Vol. I of yourself & not work so hard Let Dr. C. life page 212 } be a lesson I love you Robert & do not want you to work so hard. If you do not I am coming to stay a while with you & make you put on you dress suit (remember) God bless my Robert & Mabel. Love to the baby

“AUNT MARY”

By Mr. Allen:

Q. I hand you another letter, dated March, 1955, addressed to “Dear Mabel,” and signed, “Lots of love, Aunt Mary,” and ask you to identify that and read it.

(The letter was read by the witness as follows):

“Mar. 1955

“Dear Mabel,

“I have been intending to answer your nice letter, but all the week I have had the grunts so, I could not even write. I am glad you & Elizabeth are well. I need not say to you watch Robert, do not let him work so hard. I know you. I

Robert Richardson Eason.

love you & Robert so much all of my love for those that are gone. I believe you both have it. Look out for yourself. and try to keep well. Thank what they would do without you.

“Lots of love,

“AUNT MARY”

Vol. I

page 213 } By Mr. Allen:

Q. I now hand you a letter dated March 13, 1955, addressed, “Dear Robert,” and signed, “Aunt Mary,” and ask you to identify it and read it, please.

(The letter was read by the witness as follows):

“March 13,-55

“Dear Robert,

“I am so glad everyone is well. I am about the same. Your medicine has done me so much good. I have been very feeble this winter. What LaSalle has done has made me ten years older. I am sorry for him. Robert, she is a first class crook, takes his money, and he even has to come to me for his eats. If I go first look after him the best you can. La-Salle had money in the bank, she drew it out & then put it in her name. Love to Mabel & Elizabeth.

“AUNT MARY.”

By Mr. Allen:

Q. I now hand you a letter dated March 20th, 1955, addressed, “Dear Robert,” and signed, “Lovingly, Aunt Mary,” and will ask you to identify that and read it to the jury.

(The letter was read by the witness as follows):

Vol. I

page 214 }

“March 20th 1955

“Dear Robert

“I am quite sure you did not understand my letter. I mean this if I go first LaSalle will be far better cared for than with the woman he thinks is his wife Robert, L—did not even know her name, and she is so mean to him. I gave him

Robert Richardson Eason.

money & put it in the Va. Bank Norfolk. Married 2 da. taken out & put in her name same thing Merchant Planters Sout. Norfolk, La—had some nice chickens sold them money in her pockets. Every check he gets she takes over. La—still eats with me. I had to buy shoes ets for him not one penny from his checks \$109. every month. L—has had to sleep on mattress & cover with his bed, every thing that belongs to a bed is gone Robert, I want her off my farm. I am afraid of her. Asked Albert, where did I keep my will & important papers La—woman does not cook for him or anything. I do like I have always done. I even now buy his clothes & shoes, as soon as his check comes, she takes over I hope you see my point Helpless every way, body, mind.

“I have spent such an unhappy winter -54-55. Give my love to Mabel & Elizabeth. I love you all very much.

“Lovingly,

“AUNT MARY

“You said you were sending me some medicine. I will thank you now You & Mabel have always been so kind to me.”

Vol. I

page 215 } By Mr. Allen:

Q. I now hand you a letter dated March 28th, which doesn't say what year, but attached to it is an envelope, April 2, 1955, and ask you if you can identify that and read it?

(The letter was read by the witness as follows):

“March 28th

“Dear Robert,

“I am going to write you a short note. I have been real sick this past two weeks neuralgia of the face and head. Dr. Herrington has given me pills, but no good.

“I have fixed the papers so you will understand them. It sounds hard, but LaSalle & his wife make them stay where they are. The old (slop jar) he has married wants to take over every thing. I gave him money when Dr. died put it in Va. Bank she has drawn it out, and put it back in her name, also Merchant & Planters Bank South Norfolk (She) is as low

Robert Richardson Eason.

as a woman could get I am trusting you with this. Not to go in the house where my Mother lived, and not in Dr's house—not in our burying ground. It sounds hard Robert, she been married 5 times noted character. I am afraid of her told me if I broke up her marriage she would sue me for *fifth* thousand. I have been to the house once, told me to leave her house & land. Put your deed on record at once. I have asked several lawyers they say deed is as good as gold. The lot in Brambleton. I have paid taxes Vol. I page 216 } clear up for yr. 1955. All houses on farm are insured. I want you to keep the Negro tenants I have they are good men. Listen to me, a white one is no good if he has he would have a home of his own. This man Turner White will not let any one molest anything if anything should happen get my lawyer Tom Wilcox in Bank of Commerce. If you are asked how much you paid for the land, tell them you had rather not say. If too much is said, that is your business I hope you had a happy year, an always try to do the right thing. I can not understand why L—married such a woman and one like he did not only ruined his name, bit I have been made to feel very badly. I am sorry I ever carried him to the hospital death would have been much kinder to him. Love to Mabel & Elizabeth.

“Lovingly,

“AUNT MARY.”

By Mr. Allen:

Q. What is the date of that letter?

A. March 28th, 1955.

The Court: The letter isn't dated that. The postmark is dated March 11th.

By Mr. Allen:

Q. The letter refers to a deed and says something about putting it on record?

Vol. I page 217 } A. Yes.

Q. Is that the deed you referred to a moment ago which was mailed to you but not received until 1955?

A. Yes.

Q. What was the date of the letter in which you received that deed?

Robert Richardson Eason.

A. I imagine I received the deed May 20th. There have been so many letters, and this letter is March 28th, shows the date here. I don't know why the conflict there.

Q. Do you know of any other deed she could have had reference to?

A. It could have been, yes, as there were so many. I presume she started the letter March 28th and didn't get the letter mailed until after that, is my opinion.

Mr. Garrett: I object to his opinion.

The Court: Objection sustained.

By Mr. Allen:

Q. I hand you a letter dated April 13, 1955, addressed to, "Dear Robert & Mabel," signed, "Aunt Mary," which has a note attached which says, "Give my love to Mabel and Elizabeth, Love, Aunt Mary," and ask you to identify this and read it, please.

(The letter was read by the witness as follows):

Vol. I
page 218 }

"April 13-55

"Dear Robert & Mabel,

"The box of candy came yesterday and it was kind of you both to think of me. Glad all are well. I have had a very bad winter with the old aches Sunday in bed had to have the Dr. Only one has eased the pain and that is yours.

"I have tried to fix every thing so you will not have any trouble. It is a large place, so many are trying to get it. This is true a man from Norfolk tried to buy it Sat. offered three hundred thousand timber & all I told him it was not mine sold to two Eason men. Keep your land money is not very much now. My time is out. I will not be here only a short time. I hope you understand every thing. The year 55 has been such a sad one. The woman up the way. I am afraid of her. L—does not even come to see me. Pass the Dr. car at gate never stop to ask or say one word because I would not take her in.

"I think the Good One who watches over us will bring things as they should be. You know He never makes a mistake.

Robert Richardson Eason.

"I think of you all so much.

"Give my love to Mabel & Elizabeth

"Love

"AUNT MARY"

(The following note was attached to above letter):

Vol. I

page 219 } "Dear Mabel,

"I went to our old home the other day. I have the linen table clothes & c. You will find in the room next to Dr's in drawers of furniture & closet. The room is locked key Albert will give you. Pictures of Eason's that are gone take & burn Dr's the same.

"If anything happens to me I think you understand, but I hope to see you again. This is just a caution.

"Lovingly,

"AUNT MARY."

By Mr. Garrett:

Q. Start back and read that again. She is talking about the deity.

A. "I think the Good One who watches over us will bring things as they should be. You know He never makes a mistake."

By Mr. Allen:

Q. Did you read the slip on the back of it?

(The slip was read).

Q. Now I hand you letter dated May 16, 1955 signed, "Lovingly, Aunt Mary," and ask you to identify that and read it, please.

Vol. I

page 220 } A. It shows at the top of the letter, "Big foot is going to take over I understand certain words, etc."

Robert Richardson Eason.

Mr. Garrett: What date are you referring to?

A. May 16th.

Mr. Garrett: Is that the next one, Mr. Allen? I thought there was one of May 6th you gave me.

Mr. Allen: What is the date of that?

The Court: May 6th.

Mr. Allen: Suppose you hand that check to me.

By Mr. Allen:

Q. Now, I hand you a letter with envelope attached to it dated May 6, 1955 addressed to Robert R. Eason and signed, "Lovingly, Mary Eason, and will ask you to identify that and return it.

(The letter was read by the witness as follows):

"Dear Robert,

"What does this mean? Did you and Sam arrange this. No, Dr. S. W. Eason Jr. lives. It is a false name. I am looking into this. I would have trusted you with my life.

"AUNT MARY

Vol. I

page 221 } "Dear Mabel.

"Thanks so much for your kind words. I love you as much as I did my old Sister Sarah.

"Lovingly,

"MARY EASON."

By Mr. Allen:

Q. I hand you a note dated May 10th, 1955, addressed, "Dear Robert," with no signature, and ask you whose handwriting is that?

A. Aunt Mary's.

Q. Will you read it, please?

(The letter was read by the witness as follows):

"May 10, 1955

"Dear Robert,

"I am sending you the deed I had written. Please keep

Robert Richardson Eason.

it shows the boundaries. This deed I had written is correct two lawyers has told me since it was good to put on record after death (Rom Wilcox) National Bank of Commerce.

"I am only trying to look out for you. Please believe me. I loved your Father so much. The man came & will put 3 coats of paint on house & fix everything & paint all outbuildings yrd. for \$870.00. Paint and everything somewhere \$1500—"

page 222 } By Mr. Allen:

Q. Did she send you the deed referred to there?

A. The only deed she ever sent me was the Douglas & Diggs deed.

Q. Which you received?

A. In the mail, yes. I never did put this on the record.

Q. You never recorded it?

A. No.

Q. I hand you a letter dated May 16th, 1955, addressed, "Dear Robert," and signed, "Lovingly Aunt Mary," and ask you to identify that and read it.

(The letter was read by the witness as follows):

"May 16, 55

"Big foot is to take over I understand certain words, etc.

"Dear Robert,

"I can only answer your question "I do not know" I do not understand any of it. When you went after the stamps two went out of the room. I did not know anything about why. I am so surprised I could not sleep. That one would do such a thing. You keep my deed no one can upset that deed. I thought perhaps you would take woods for your part. Do not do such a thing the wood is worth only about 1/4 of farm.

Land is going higher & higher. Do not take a
Vol. I back stand for big foot. I did not even know I was
page 223 } going to have a certain guest. You both were to
be my executors one as much as the other in my

will. My deed was correct three good lawyers have told me so I am going to stay in my home with the old negro & dog.

"I have such a short time I am going to do the correct things by you two boys—only one thing your deed from Charles St. (sister) I am going to attend to this now. Paint-

Robert Richardson Eason.

ing house 3 times, rebuild yd. paint all out buildings paint every thing attend to windows. His work \$870—the cost paint, everything furnished, for about \$1,400.00.

“I think I would let every thing alone. I will do a little work fix broken fences tin on barn. My time is so short. I have worked so hard, and my few remaining days in my own home I will spend without being taken over. Certain things I understand now. I hope you will burn this letter. No one will write or can do very much when you are trying to write in bed.

“Give my love to Mabel & Elizabeth. God bless Isaac boy and always try to do the right by every one.

“Lovingly

“AUNT MARY.

“\$1400—For every thing. Things will be much cheaper I am sure.”

By Mr. Allen:

Q. I now hand you a letter dated May 30th, Vol. I 1955, addressed, “Dear Robert,” and signed, page 224 } “Aunt Mary,” and ask you to identify that and read it.

(The letter was read by the witness as follows):

“May 30th (1955)

“Dear Robert,

“Sam phoned me yesterday that he would be down in a few days. I could not understand what he said I am sick and the negro woman is on her vacation I am not able to do for any one. I know what he means. The house is mine these few shorts days.

“This is all I have to say at present You two men should have the place. I am glad it is so. When you ever get a lawyer get one who knows his business. Love to Mabel & Elizabeth.

“AUNT MARY.

“The old woman was not quite so crazy. I can sell my timber any time.”

Robert Richardson Eason.

By Mr. Allen:

Q. I now hand you a letter dated June 3, 1955, addressed to "Dear Robert," and signed, "Lovingly, Aunt Mary," and ask you to identify that and read it.

(The letter was read by the witness as follows):

"June 3—55

Vol. I "Dear Robert,
page 225 } "I hope all are well with you. I have been sick
these past two days.

"I want you to know that things are fixed so no trouble. You all will have I mean to say I am glad the papers are O. K. Give my love to Ruth & Elizabeth Take care of yourself.

"Lovingly

"AUNT MARY

"Please don't be worried with me."

By Mr. Allen:

Q. I now hand you a letter dated June 19, 1955, addressed, "Dear Robert," and signed, "Lovingly, Aunt Mary," and ask you to identify that and read it, please.

(The letter was read by the witness as follows):

"June 19th 55

"Dear Robert,

"I wanted to write last week but just was not feeling well at all. Take care of your health, when that is gone not one thing can you do about it. Everything is about the same as when you left. Robert, the lot I was telling you about the deed will soon be sent on to you. I will have it recorded in Norfolk City. Diggs the same one will do the work. I am

so glad everything is fixed alright, after I have
Vol. I thought of it. I am very glad I am having the
page 226 } shorting of breath now so much. Robert, I have
given everything to you & Sam, but one thing.
The little money I have made of my own. I want to give to
the Hermitage in Richmond for old people. I know what it is

Robert Richardson Eason.

to be old, sick and alone. I just want to give my own little that I have saved. So the farm, woods etc. will be you two boys. In looking over my old letters to day I am sending you one that you "Dad" wrote me a long time ago. With lots of love to you Mabel Elizabeth.

"Lovingly,

"AUNT MARY"

By Mr. Allen:

Q. I now hand you a memorandum dated July, 1955, addressed, "To Whom it may concern," signed, "Mary F. Eason," with seal attached, and will ask you to identify that and read it.

(The letter was read by the witness as follows):

"July 1955

"To Whom it may concern—

"I have sold to Dr. Robert Eason and Dr. Sam Eason my farm & timber. I have received from them Thirty thousand dollars \$30,000 in pay. I have placed this money in the National Citizens Bank of Elizabeth City of Elizabeth City N. C. This money was placed some time
Vol. I beth City N. C. page 227 } in May 1955 National City Bank E. City N. C.

MARY F. EASON" Seal

By Mr. Allen:

Q. Right there may I ask you did she place that money in the bank as stated there?

A. No, sir.

Q. I now hand you—

Mr. Bohannon: Did it have an envelope?

Mr. Allen: No.

Mr. Bohannon: And no address.

By Mr. Allen:

Q. How did you get hold of that?

A. I was down at her house and she was worried about

Robert Richardson Eason.

the tax situation with the farm and that is how this letter came up, came to be written.

Q. I now hand you a letter which is undated, addressed, "Dear Robert," and signed, "Love, Aunt Mary," which is attached to an envelope post dated September 12, 1955, and will ask you to identify that and read it, please.

Mr. Garrett: There is another one that comes in front of that, August 27th. You seem to skip some.

Vol. I Mr. Allen: That is right, August 27th. Bring page 228 } that back.

By Mr. Allen:

Q. I now hand you a letter on note paper, undated, and attached is an envelope that is post dated August 27th, 1955, addressed to, "Dear Robert," and ask you to identify that and read it.

(The letter was read by the witness as follows):

"Dear Robert,

"Please send me some of those pills you gave me before.

"I am having lots of trouble with L—old woman. She is trying to bring suit. What I do with other things you will be the only person that will know. I am sick Robert. Take care of yourself & Mabel and baby.

"Love

"AUNT MARY."

The Witness: The envelope is dated August 27th, 1955, but there is no date on the inside.

By Mr. Allen:

Q. I hand you a letter written on legal cap
Vol. I paper, undated, to which is attached an envelope
page 229 } postmarked September 12th, addressed to "Dear
 Robert," and ask you to identify that and read
it.

(The letter was read by the witness as follows):

"Dear Robert,

"Your letter has just been received. The medicine is O. K.

Robert Richardson Eason.

I was just taken for a ride (Branch) in one of the most common men I have ever met Bill Peebles and Charlie Warren wanted to frighten me out of my home, so they could have it. Branch charged me \$90.00 for coming out when you were home I had already paid them \$400.00 for two days work when I saw him with Peebles & Warren I knew what a scoundrel he was, and I told him so in his kind of language. The old lawyer is a good man. The man across the road could not stand it any longer, came across soon one morning & told me it was a plot to get me away (Branch) think of this tried to make me say you boys had never paid any thing for it. I will not tell you my reply. When it was known that the lumber was for sale I had to drive them out. Take your time three men with estimates have been I will send mine when they are out. Listen this is the serious part. LaSalle told that thing he married I had one hundred thousand dollars in the house. I got that from him LaS (Branch) told me to give them 15 or 20 thousand and they would let me

Vol. I alone. I told Branch I would not give 5 cent he
 page 230 } was old & so was I we had lived longer than lots
 of people. Pop his whip I told the lawyer I could
 put the law on him for sending me to such a snake. I have
 seen two men looking over the field. More to this than you
 think Just a set of N. C. crooks. Thinks an old woman
 they could just do as they please. I am not going to run any
 where until every thing is settled I may take a trip then.

"Bouden is a good man Branch is the one to watch, never told me one things he had found out. Do not have anything to do with him. Listen Bill Peebles wanted the property the one who sell Ford cars, and (Branch Charlie Warren) were the ones to run me out. I am very well & L—also. When timber sold check in your name 1/2 and Sam's the same I love my brother's boys so much.

"Love to Mabel & Elizabeth

"AUNT MARY."

By Mr. Allen:

Q. I now hand you a letter addressed, "Dear Robert," written on legal cap paper, signed, "Lovingly, Mary F. Eason," to which is attached an envelope post dated October 10, 1955, and will ask you to identify that and read it.

Robert Richardson Eason.

(The letter was read by the witness as follows):

Vol. I

page 231 } "Dear Robert,

"The very first thing I want to tell you how sorry I am that I wrote you the postal. I understand things better now. Sam wrote & told me that Dr. Mann had written him a letter saying his wife did not mean to hurt me, but she had gotten in the hands of crooks. Listen, Robert soon after you & Sam went home Dr. Mann's wife came to see me. Listen, Mann's wife asked me in my own home "Did I feel well enough in mind to run this house" A smaller one would suit me better. A few more unkind things she said about my age etc. Then she told me you & Sam went to Dr. Ma's home. Why Robert? To tell him to look after me I was part crazy?

"Then again Leila Hodges told me the second time Did I not think I would be better off in some other place. I have Sam's letter. If you all had wanted me to get out. Told me so. The public think I am crazy and you two have caused it.

"I gave you two my farm and glad it was so no one else could get it. Branch is one of the most common man I have ever heard of I paid him about \$600. and he never did or find one thing for L—Branch tried to get me to say you all made me sign under durance. Then I knew what he was and told him so. He and the Warren gang have tried to run me out. Wanted it for Bill Peeples. L—is free of his old woman I have lived alone, long after Ma was gone. Why

Vol. I try to ruin me entirely? I knew it in a minute.
page 232 } Why Mann's wife was asking about my health & age old Leila Hodges the same.

"It started from you two. Why did you go to see Mann? Leila Hodges? I have never been so hurt, even more so than Sister death. I could not help L—for marry the old woman & Branch is one of her men. Do not say one word, all he wants is a suit. I can not take any checks they would be taken from me. I am telling you the truth no crazy stuff. We are dealing with a different set of people leader (B) Ask Sam I am sorry of my curt postal. Forgive, remember my side Love to Mabel and Elizabeth.

"Lovingly

"MARY F. EASON.

"Come to see me when you can."

Robert Richardson Eason.

By Mr. Allen:

Q. I now hand you another letter, dated October 12th, 1955, addressed to, "Dear Mabel," and signed, "Lovingly, Aunt Mary."

By the way, I will ask you is Mabel your wife?

A. Yes, sir.

Q. I will ask you to identify that letter and read it.

(The letter was read by the witness as follows):

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page 233 }

"Oct. 12 55

"Dear Mabel,

"I have read your letter over and over. I think I know it by heart. Thank you so much for the beautiful tribute to my Bro. Isaac. It seems so long long ago since he left. I know Robert is a fine person. I think he possess all the fine qualities of both parents. If I have said or done one wrong thing Please forgive. These are very trying days for me.

"Love to all

"Lovingly,

"AUNT MARY."

By Mr. Allen:

Q. I now hand you a letter addressed to the First Citizens National Bank of Elizabeth City, North Carolina, signed, "Mary F. Eason," dated the 24th of October, 1955, and will ask you to identify that and read it.

(The letter was read by the witness as follows):

"The First & Citizen

National Bank

Elizabeth City—N. C.

"The lock box 432. Contents belong to Dr. R. E. Eason & Dr. S. W. Eason. Money paid for Cornick Farm. & timber. The cornick Farm was bought sometime Vol. I in May checks later was placed in The First & page 234 } Citizen National of Elizabeth City N. C.

"MARY F. EASON" Seal

Robert Richardson Eason.

By Mr. Allen :

Q. Was there any money placed there, to your knowledge?

A. No, sir.

Q. Pursuant to that letter?

A. No.

Q. Was there any basis in fact for that letter?

A. No.

Q. I hand you a letter addressed to, "Dear Robert," signed, "Lots of Love, Aunt Mary," with a little notation in the upper right-hand corner and ask you to identify that letter, if you can, and read it.

A. Yes, sir.

(The letter was read by the witness as follows):

"Nov. 55

"Dear Robert,

"I want you & Sam to know I love you more than life.

Vol. I "I went to Norfolk yesterday and talked with Wilcox. If
page 235 } you had put my deed on record as I wanted you
 to do All would have benn O. K. timber and every-
 thing would have been included.

"I gave my copy of my will to Wilcox he made some corrections and had three lawyers to sign it I left it with Wilcox in his safe Robert, I am going to give your little girl \$30,000 of timber money I say only this to you to save your money she has been my charge. You and Mabel talk it over then I can give \$3,000 to as many people as I wish. Think of some one you can trust and they will return it to you—Dunnington was here & told me. They were going to show I was craxy L—& wife were in it. Listen I told Webb you both had worked hard & you both always helped me. His reply "Let them pay tax then have plenty of money." Now you and Sam get your heads together & lets beat them. The lot a man wants to buy it I am going to sell, put the money in Mabel's name. I can give away for charity any amount I want after that 30,000 exempt. I hope you can read this Robert. I can not write for Albert's mouth. After this is over I am going to take a little trip to Ga. I am trying to help all I can Mr. Dunnington told me I was correct L—and his wife with others Keep the paper I gave you.

"Lots of love,

"AUNT MARY."

Robert Richardson Eason.

By Mr. Allen:

Vol. I
page 236 } Q. I now hand you a letter dated December, 1955, addressed, "Dear Robert," and ask you to identify that and read it."

"Dec. 1955

"Dear Robert,

"I am not going to sell the timber or make any bargain. I am going to leave that with you & Sam. The bugs do not eat in winter I think I would be sick the 1st of Dec. You and Sam must get more than what they offer. One must be sick & the other can not act unless both are present.

"I am about the same. L—does not look so well. Lots of love to M & E.

* * * *

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* * * *

ROBERT RICHARDSON EASON,
a witness herein, having been previously sworn and examined in part, resumes the stand for further examination and testified as follows:

DIRECT EXAMINATION.

By Mr. Allen:

Q. Doctor, I now hand you a letter dated December 15, 1955, addressed, "Dear Robert," and signed, "Love to all, Aunt Mary," and ask you to identify that and read it, please.

(The letter was read by the witness as follows):

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page 239 }

"Dec. 15, 1955

"Dear Robert,

"Your letter came to day. I do believe you love me a little. It is now two o'clock and can not sleep. My heart is making such a noise. I am writing this to you as God is my

Robert Richardson Eason.

Judge. The last place we went to the night before Sam left. You know your Dad gave Sister & myself a certain thing for Xmas. You know I told you I was going to give them to you. This man came to see Sister several times before she died. Must have learned from her about them For two yrs. has asked for them I have put him off saying I could not find them. When he came Sunday before you & Sam came When he asked the tone & voice I knew where I stood. I had no friend to say one word to. One word I knew what it meant for me. I went to his office yesterday. He told me. I gave everything away. I did not reply. I want you & Sam to know. I have not given away one single thing from Dr. home. I told LaSalle to go over the entire old home house and take anything he wanted. L took chairs, rugs books lots of linen. The piano I gave to his L—church for the little ones I gave in L's name. A few other things to some of my mother's people. Your father's things are like he left them. My old bed I used was not much & I gave to old Sally her bedstead had a block under so it could stand You will find all of the pretty things in the big drawers in dining room from both Vol. I rooms. To keep them from being broken, plaster page 240 } was falling so. I see lots of cars at the negro place. Don't forget to have your acers put on your deed. It is very important. The next time get the other papers. May you three have a happy Xmas. Always do the right thing Robert, it pays when you come to the end of the road.

* * * * *

ROBERT RICHARDSON EASON,

a witness herein, having been previously sworn and examined,
was recalled for further examination and testified as follows:

* * * * *

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* * * * *

By Mr. Allen:

Q. I hand you a letter dated January 22, 1956, addressed to, "Dear Robert and Mabel," and signed, "Lovingly, Aunt

Robert Richardson Eason.

Mary," to which an envelope is attached postmarked January 23, 1956, and will ask you to identify that and read it.

(The letter was read by the witness as follows):

"Jan. 22, 1956

"Dear Robert & Mabel,

"The very first thing. I am going to tell you I love you more than you will ever know. Never doubt me in any way. So many strange things I see, but do not understand. I was told you had sold your land. That is O. K. with me. The farm is a hard place and if you want to, I have not one word to say, only makes a big project to some big firm not this place around here. You would never get your money. The same old ones are trying to get me. No let up. The timber

I have no news. Sam was down Thurs. Jan. 1st.
Vol. I Spent one night. How I missed you. Take care
page 242 } of yourselves all three. With lots of love to the
three.

"Lovingly,

"AUNT MARY"

By Mr. Allen:

Q. I now hand you a letter dated January 30th, 1956, addressed, "Dear Mabel," and signed, "Lovingly, Aunt Mary," and ask if you will identify that and read it, please.

The Court: Couldn't we shorten the identification a little bit?

Mr. Allen: Yes, sir.

(The letter was read by the witness as follows):

"Jan. 30th, 1956

"Dear Mabel,

"I have written to you and Robert the past two weeks three times. I want you and Robert to know I love you both more than you will ever know. You have taken the place of sister Sarah and Robert his father. I am not o well, but try and keep up. I wish you & R—would take a nice long vacation

Robert Richardson Eason.

I think both need it. Same was down for one night last week.

“Nichols is still in the timber I never saw so many buyers
in my life. It shall not be sold without Robert.
Vol. I I have no current news to tell you. Take care and
page 243 } love to all three.

“Lovingly

“AUNT MARY.”

By Mr. Allen:

Q. I hand you a note, undated, attached to an envelope postmarked February 4, and ask you to identify it and read it.

A. This is a note and was meant to be with some other letter because they are too short.

By the Court:

Q. Will you read it?

A. Dr. Lea had it.

Mr. Garrett: You are talking about just a part of it, are you?

(The letter was read by the witness as follows):

“I mean it would look like Dr. C. had it. Work paint windows fixed all combined near fifteen hundred. This man was with Dr. near 20 yrs. Good man lives not so far from us I will have a contract drawn up so that he will not forget anything. That is always best. Love to Mabel & Elizabeth I have been real sick since you left.

“Lovingly

“AUNT MARY.”

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* * * * *

By Mr. Allen:

Q. Now I hand you a letter dated February 18, 1956. Will you read that?

Robert Richardson Eason.

(The letter was read by the witness as follows):

“Feb. 18, 1956

“Dear Robert & Mabel,

“I was so glad to get your letter & know all was well. Robert I know you are worring about something. Come one and tell me Don't you ever think I would not help you Vol. I in any way in this world. Leave the sick & babies page 245 } come on down take a few days off.

“The timber has not been sold. I will see that you get your share & mine to Mabel if it can be worked out. I need some one to help me to think I cannot go any where in my car unless 10 or 15 take after me & try to break me down. Remember Robert I love you. Mabels letter told me things were not O. K. I love & would do as much for you as your Mother.

“Love to all,

“AUNT MARY”

By Mr. Allen:

Q. I now hand you a letter dated March 12th, 1956. Will you read that?

(The letter was read by the witness as follows):

“March 12, 1956.

“Dear Robert,

“I have just received your letter. I am glad to know all are well. I hope when you come down again everything will be looking like it did when the Dr. was with us. I think the outbuildings & fence all white like the house will be pretty. I do not bother with the timber. That is your pain. Try and keep well. Take a rest you need one. Do not work so hard.

“I am well only a bad cought & cold. Give my love to Mabel and tell her to write. I enjoy her letter so much.

Vo. I “Love to all
page 246 } “Lovingly,

“AUNT MARY.”

Robert Richardson Eason.

By Mr. Allen:

Q. I hand you a letter dated March 17th, 1956. Will you read that letter?

(The letter was read by the witness as follows):

“March 17, 1956

“Dear Mabel,

“I am going to write you a few facts, which I can prove & will. Last summer when I wrote Robert & Sam to come down as LaSalle’s wife was giving some trouble I gave them the farm which I intending they should have, as LaSalle & myself were getting old and could not work as we used to do. Then we had trouble about the woods. I thought they were going to do honest. They took the wood going to get cash and gave me their own notes which was the income tax, I only asked for money to paint the house I have already spent most of my money in having the house scraped & new gutters outside buildings fence etc. repaired. They have not only taken my life’s work, but they want me to get out of my home, so they can rent the house for a club-house. I was looking over

Vol. I canceled checks, and about them I found where
page 247 } poor old Sister paid out lots of money for his education, and I even paid his father’s coffin bill.

I would not write this but I received a letter from him saying he was sending a man to look over the farm & woods. This man had a fine Dr. Brother in Richmond was a good friend of his. I have his letter in a lock box in Norfolk, to show I am telling the truth. Sam even wrote one and sent one like it was written from the asylum. Well if I am crazy then I could not sell farm or lumber. I have shown these letters to one of the best lawyers in Norfolk. Not Webb or his lawyer which he said all were working for him. I never want to see or hear from him again. What we two old woman have done for that first class scoundrel & then to try and push her out of her home & all of her little cash to railroad her to such a place Let him try & prove I was crazy, then I had no power to sign my property to him. I don’t care about the money, but they should do such a low thing. I loved my Bro. Isaac his son shall never enter my doors again or on my farm. I have shown his letter to Bankers, Lawyers & more than one person that has never paid one nickle for taxes in-

Robert Richardson Eason.

surance, any upkeep is not worthy of his father's name. He will reap what he has sown. I love you very much Mable.

"Love,

"MARY EASON.

"Please give the inclosed paper to that common man Robert Eason. If he comes he will be taken care of by the law. I have a cousin a policeman in Norfolk."

Vol I

page 248 } (The following note was attached to preceding
letter of March 17th):

"To Robert Eason

"This is to notify you to keep off my farm.

"MARY F. EASON.

"March 17, 1956."

By Mr. Allen:

Q. I hand you a post card and ask you to read it.

(The post card was read by the witness as follows):

"Please send me my Esso checks No. You took from me.

"MARY EASON."

By Mr. Allen:

Q. Did you ever have any Esso checks from her?

A. Esso checks?

Q. Yes.

A. I don't know what Esso checks are.

Q. I hand you another post card. Will you read that?

(The post card was read by the witness as follows):

Vol. I "I don't think your letters have been lost. We
page 249 } have a very fine Post Master I am sorry you did
not get my letters asking for my No. to Travelers
Checks. I did not ask for money. I am sorry

Robert Richardson Eason.

you have had to spend so much money on my timber, as I gave you over 8000 money from Seaboard Bank E. City I will not be here Sa. April 28th to see you sell my timber.

“MARY F. EASON.”

By Mr. Allen:

Q. Did she give you all the money in the bank that the post card refers to?

A. In the Seaboard Bank.

Q. Did she give you any money in North Carolina?

A. Yes.

Q. Tell us about that.

A. She put my deposit in the savings account in the First & Citizens National Bank, Elizabeth City, North Carolina.

Q. How much money?

A. \$8,100.00.

Q. Did you know anything about her putting that there?

A. No, sir.

Q. Did you ask her to do it?

A. No, sir.

Q. When was the first you heard of it?

A. When I received the savings books for it.

By the Court:

Vol. I Q. When was that?

page 250 } A. I would say that was in 1955 or 1956, 1956, I think. They have some evidence there giving the exact date on it.

* * * * *

The Witness: “This is to notify you to keep off my farm. Mary F. Eason, March 17, 1956.”

Vol. I

page 251 } By Mr. Allen:

Q. What is the date of that?

A. March 17, 1956.

Q. I hand you one dated April 12th, 1956. Will you please read that?

Robert Richardson Eason.

(The letter was read by the witness as follows):

“April 12, 1956.

“Robert,

“I want to reply to one of your questions. I have never said any wrong word about your Mother. First place I loved your father. I have been asked about her of late. I have said this. Your mother had kidney trouble a specialist was with her, the only one of that kind and he practiced there. I have written to you for my Travelers No. Why not send them. I have nearly used them up on the house, two were taken from me. When you came to Hickory. I will not be at home. Please make your headquarters in Norfolk. I am sick & can not see you. Please keep off my property, as long as it belongs to me. I wish you not any harm and will not hurt you.

“MARY F. EASON.”

By Mr. Allen:

Q. What about these Travelers numbers?

Vol. I A. She is talking about numbers of \$6,000.00
page 252 } worth of Travelers checks she had in her pos-
 session.

Q. Did you have the numbers?

A. I took the numbers to the bank for fear she would lose a number of the numbers. I didn't take the checks.

Q. You didn't take the checks?

A. No, sir.

Q. Did you return the numbers to her?

A. Yes.

Q. I now hand you another letter, dated April 21, 1956, addressed to, “Dear Robert,” and ask you to read it.

(The letter was read by the witness as follows):

“April 21, 1956

“Dear Robert,

“I have written to you so many times and you have not answered. I hope you are not angry. I have done the best I could you know I gave you the farm, because you said L—wife would get it then I gave you nearly nine thousand dol-

Robert Richardson Eason.

lars from the Seaboard Bank E. City said L—wife would get it. Then you said the tax man would get all the money if I did not give timber to you, and I would go to the asylum. I did not want to go to the asylum Would you? I have asked for my numbers to travelers check I know you have over-looked them. I hope all are well. I have written Vol. I to you for some medicine like you gave sister page 253 } before she died. I know you did not get it. I am sorry I will not be able to see you next week when you sell my timber. I will not be home as I am going to take a trip once in 50 years.

“Love to all,

“Lovingly,

“M. F. EASON”

By Mr. Allen:

Q. I hand you another letter with no date, but postmarked May 3, 1956, addressed to, “Robert,” and ask you to read that.

(The letter was read by the witness as follows):

“Robert,

“I am not going to write to you any more. So far as your name you have disgraced it.

“Trying to send an old Aunt to the asylum for a few dollars. It has all come out in the open. Your so called friends have told the entire story. Why don’t you tell your wife I am going to sue you for fifty thousand dollars, and to be tried where you live. A man like you should not have papers for some one else’s child to raise. Send me my papers you & Sam for my farm, I will not say one word. Get in touch with lawyer (Garrett James) Portsmouth James Garrett will start in a few days. You have disgraced your father’s name. Do not use Eason. It has been highly thought of Vol. I before you & Sam came down here. Tell your wife page 254 } the entire truth. What you have tried to do to your father’s old sister. The story will not be so pretty as you think. We did not inherit anything Sister, Dr. & Myself bought & paid for it with our own hard work.

Robert Richardson Eason.

Your case will be taken to your own home place. This I am given you one more chance. All of my land.

“Mary F. Eason

“James N. Garrett

“Portsmouth

“Virginia

“We all know the deed I gave you has been changed.

By Mr. Allen:

Q. I now hand you a letter which is sworn to under date of the 12th day of May, 1956, signed by Miss Mary F. Eason and ask you to read that.

(The letter was read by the witness as follows):

“Robert,

“When LaSalle had some difficulty with his wife, I called you and Sam in. You both said to let you all take over until the fuss was over so I did. Sam and you both said you would give me back my home & farm again. I want my land and home back. Give me my home & land. You and Sam have never given me one penny. You both told me to fix gutters fences, outbuildings and you would pay. I had to use all of my traveler's checks. I asked you both for some money to pay the men. You have taken my home and everything from me I paid out over two thousand dollars in work. I have paid the taxes upkeep of farms over a period of nearly 50 years. You have never or your father one penny. Then try & drive me out of my home I have every letter both of you have written me. They are in the lawyers hands. What you and Sam have done is one of the most shameful things. I think a man like you should not have the control of some one else's child. You send me my deed or I intend to tell the jury in a public court. If you kill me my suit will go on just the same, land to be sold timber also. Only this if LaSalle is living at home & trust fund for him. The will you had written & said not to give him anything I had to sign. The copy the lawyers has it I am not going to wait any longer than 3 days. Then, I start suit for my farm & timber. You both promised me you would. Why don't you

Robert Richardson Eason.

tell your wife the truth. What you have done. Let her write to our minister Rev. Wm. Shelby Gardner. Hickory, Va. what you both have tried to do to an old woman take her home I will not say anything else.

“Mary F. Eason

“Subscribed and sworn to before me this 12th day of May, 1956.

“John D. Norfleet, Notary Public

“My commission expires 8/3/56.”

“I gave you and Sam nearly ten thousand apiece. That did not suit. What do you care how I spend my money. I have worked for it. You have never even Vol. I page 256 } spent one penny at my home for anything. When we even went out for a little dinner I had to pay & you keep the change. You need not to pay the work men this is my house. I just thought what a living skunk you are & wanted to show you what you are.

“Mary F. Eason

“LaSalle has gone, I don't run so fast. Give my deeds & home as you promised.

“Subscribed to me this 12th day of May, 1956.

“John D. Norfleet Notary Public

“My commission expires 8/3/56.”

Mr. Garrett: That is not what it says. You didn't read it right.

A. “Subscribed and sworn to before me this 12th day of May, 1956. John D. Norfleet, Notary Public.”

* * * * *

By Mr. Allen:

Q. Now I hand you a letter dated May 17th, 1956. Please read that.

Robert Richardson Eason.

“May 17th, 1956

“Dear Robert

“Please stop this fuss about a few dollars. Do Vol. I you want to disgrace your father’s name, anymore page 257 } than has been done. The income tax you have to pay. Let go where it should go to the Gen. Hospital as a memorial fund to the heart in name of Dr. C. F. E. and I. W. Eason I can make out. For God sake think of your Father one of the finest men I think ever lived. Did you know the report was out you & Sam were trying to prove I was insane. I will never take money from the sick & helpless. I take this stand and with the Good one’s help I can make out. I shall not write you any more. I am sick and forgive for not opening your letters. Please think of the ones that has gone on before. This I say again. I have never said one word about your Mother I hope all the blessings of God’s gift will be yours.

“I want to tell you this I was in Webb’s office two or three days ago. I saw where he had looked up one C. L. Eason’s name where I had given some chairs to. Do you know this is the woman’s name is Eason also, her grandfather Josiah Eason is the man that took your Grandfather Eason and raised my father was a little orphan boy and his uncle raised him. I was only paying a small debt that we both owe for my father & your Great grandfather, such a small low thing to try & do. I do not say you did it, but it is true in Webb’s office. Don’t ruin the name of Eason for a few dollars we can get those very easily. The name will take a new generation to make. LaSalle is gone I am glad he likes his new home.

“I do not believe you two boys are doing this. Vol. I Why I wrote for the travelers check No. Robert I page 258 } was taken for a ride and know who took them. I gave the No. to the Bank to trace. You did not have one thing to do with it. The entire thing is not worth your good name. You know my time is very short. You & others will be the one to suffer. I am going to try and get me a little home, not far from the old home. Take care of yourself.

“Love to others in the home Mabel & little Elizabeth I hope you can read this. I am not so good today.

“Lovingly,

“Mary F. Eason”

Robert Richardson Eason.

By Mr. Allen:

Q. I hand you a letter dated—strike that. I now hand you a small card, attached to an envelope, no date, postmarked June 11th, 1956. Please read that.

(The letter was read by the witness as follows):

“To live in hearts we leave behind is not to die.”

“Aunt Mary.”

By Mr. Allen:

Q. I hand you a letter dated June 16, 1956. Please read that.

(The letter was read by the witness as follows):

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“June 16th, 1956

“Dear Mabel,

“I saw in the paper of your Father’s death. You have my sympathy, and love. You still have so many of your loved ones and are not alone.

“I love you very much,

“MARY F. EASON”

By Mr. Allen:

Q. I hand you a letter dated July 4th, 1956. Please read it.

(The letter was read by the witness as follows):

“July 4th, 1956

“Dear Robert,

“I love you very much. The little boy with beautiful curls of long ago.

“MARY F. EASON”

By Mr. Allen:

Q. I hand you a letter dated July 18, 1956. Please read that.

Robert Richardson Eason.

(The letter was read by the witness as follows) :

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page 260 }

“July 18, 1956

“Dear Mabel,

“Thank you for your kind words, and in event of sickness you would come & help me and care for the clothes etc.

“I have such pitiful few things, and no relative to give anything so I will leave that to fate. I know you miss your Father, the dearest thing on earth to you, but in the future you will be glad he is wafe, and will not know the sufferings of his dear ones. Bro. Isaac is safe, heart at rest. He loved his sisters & son so much. Isaac was placed in our home Aug. 1—Dec. 21—left us. He looked & dressed every Sunday to see the one he loved so much, but never came, until a few hours before death after all this he came. Isaac has missed so much disgrace to his own name. I am glad he is not here. His sister Mary the only one left has received such treatment from his only son. It would break his heart.

“Money does not mean very much even now, but in the long run when you trust the ones you love, I often wonder about Isaac kind, good generous to a fault, to know his only son, would try & buy over to frighten his sister Spread a report she was crazy, going around with a pistol trying to take her drivers permit from her. Writing her a letter saying the phone was busy, and then take his car drive all around her house with a buyer for her wood & not say one word to her & she has worked for more than 40 long years

Vol. I & paid taxes without any help.

page 261 } Isaac never paid one penny on paying the debt when Father died. We did not even own the knives & forks were sold. The children paid it took long years of hard work for the three Dr. Sister & myself as the Court House will show. Isaac was a fine man my best beloved brother, but somehow he never had much money, as the cancel checks are now where Sister paid his son's College bills even Miss Louis Richardson the milk bill of \$180.—as her cancelled check will show and his own flesh & blood to do such a thing. Again I wish you could see our old Home saw mill in the yard where I raised my turkeys a saw dust pile larger than a house, lots of small houses on wheels, one to cook in large trailer to sleep in horse stables in the road. Road machine to make roads the entire outfit for sawing timber in the yd. damaged the place at least \$10,000 several

Robert Richardson Eason.

men have said so. You can see why I am glad he is not here to see what his son has done to his Sister Mary. The last one all alone, no one to say a kind word trusted his son, gave him every thing when she was in distress & asked him what to do. He promised to give my property back to me after LaSalle and his wife settled their difficulty instead he has kept it I have asked him to much for it. So you see why we are glad the ones gone on are not distressed over what the living ones are doing. So Mabel you will understand what I mean. Thank you for your kind offer to an old tired woman.

MARY EASON''

Vol. I

page 262 } "LaSalle is gone, left Easter will not return any
more to his old home. I am so glad the others are
gone and are not homesick."

By Mr. Allen:

Q. I now hand you a letter, undated, but postmarked on the back October 17, 1956. Please read that.

(The letter was read by the witness as follows):

"Dear Robert,

"Mabel wrote and told me all about your birthday. My wish is this 'May your last day on earth be your birthday in Heaven.' I have never forgotten Mabel's kind words the only ones I have received in this long miserable time. I hope your little boy will be of great comfort to fine people I love. I wish you could push in Grandpa's name, because he will take his father's name & place in every thing I have, with Dad Robert as his executor to guide and keep right.

"Grandma, Lizzie R. Eason she has never said one unkind word, the same person said some very mean & uncommon things about Dad R. Eason in connection with his son in Lexington I will not say any more only this, I am old not what they said Who cares? Give my love to the children & Mabel. Lots of love to you. All come to see me, it has been such a long time since I have seen a loved face.

"Lovingly,

"AUNT MARY''

Robert Richardson Eason.

Vol. I

page 263 } By Mr. Allen:

Q. I now hand you a letter dated October 28th, 1956. Please read that.

(The letter was read by the witness as follows):

October 28th, 1956

“Dear Robert,

“I thank you and Mabel for your nice kind letters. The very first thing I am going to tell you is this. I did not call Sam’s wife what he said I did. That is like what he told me about you and Mabel He said this. You had never asked his son to your home I then told him what you had told me about the supper & the little college girl I have not been talking to any one. The people you & Sam went to have told it. Both of you went to Dr. Herrington Mann (Frut Banker) (Griffin Banker) in Elizabeth City. Do you know I have not one penny in the Building & Loan any where in the City. What little there is I am going to give to LaSalle My school check is \$70.00 per month I give LaSalle \$50.00 out of that for room rent, he gets his meals around in R—did you know Sam took me to the Banks and had his name placed on my books? Rev. Gardener told me Friday Albert would have to be sent to Williamsburg. You know when you and Sam brought him to Dr.’s Home you both brought him a case of beer I have never given him any money beer has been brought to the home in the night. What have you two done? God help you. What have you

Vol. I two done? to your own father’s Sister & Bro?
page 264 } Two old people who have never harmed you. I was always good to you gave you the pretty things of Dr. I wanted you all to have them. If you had been in need of anything I had I would have given you the last piece of bread and you know it. I asked for just a little piece of land mine I had worked & paid for with hard work & was told do not build on that land go some where else. Your lawyer that took an oath before God he never wrote that will for you all You know he did. I just happened to have them in a lock box. I offered to go to the Old Home and you take the good I knew my time was short. Even now if we three were standing in a row if one had to die I would say take me. I love you Robert, and will never do you any harm

Robert Richardson Eason.

I had to write to you and say mean things Webb was the man that told on you all. Others since then have come forward and told the world. Not me. What would your Mother & Father say? Lizzie always told you when you were with us at school 'Now do as Aunt Mary told you' I loved your Mother. Also, Lizzie was always kind gentle and so unfortunate to be sick so much. I am glad she is in so much better place than here. We would not have her back to suffer and have no more heart hurts. I am not so well and soon I will be going along also. Take care of yourself, and I hope things will turn out well for you. Take a word of warning from old Aunt Mary. Let A. Nichols alone if you owe him anything, pay it. I want you to tell me more of your little

Vol. I boy's background.

page 265 } "I do not go anywhere now the cars try to take me off the road most negroes, common whites.

Little Trixie died the other day. The Vet. said she was *poisoned*. What a low thing to do just—just to worry an old woman. If you are a party to this Stop. They are still trying to take me off the road. This time it is negroes. I am going to give the ones that are doing it one more week. Then I am going to the State police. I have been to Norfolk and all day a police would follow me, thought I was selling dope. If you don't believe me write to C. F. Eason of the Police Department Norfolk, Va. or get his address in the phone book. They would watch me, thought I was a pick pocket. I took LaSalle to Fla. to get him out of both of your way so he would not be beat up any more. Dr. H—had to sew his head up, took 4 stiches. What have you two done to us. Ask yourself?

"I heard Sister say to Isaac after Dr's death I bet Sister gives this home to Sam. Your father said this in reply 'I know my Bug' I have tried to do the right thing by both, regardless of my thoughts. You know Sam never came to Mother's funeral after all the long years of doing so much for him.

"I hope you can read this do not take out every other sheet of paper, and then date it as the one was offered in Court room. If I have said anything wrong (Forgive) Just an old hurt heart.

Vol. I

page 266 }

"Love to the loved ones, at home.

"AUNT MARY"

Robert Richardson Eason.

"I shall never write to Sam's home any more. If I can help you any write me wherever I may be if living."

By Mr. Allen:

Q. I hand you an envelope for which I had no letter. You may read that over since there is something on the back of it.

I would like to ask you if that is in Miss Eason's handwriting. It is postmarked on the back May 12, 1956.

* * * * *

By Mr. Allen:

Q. Read what is written on the back and tell me if it is in Miss Mary's handwriting.

Vol. I A. Yes.

page 267 } Q. I hand you a letter dated November 1st, 1956, addressed to, "Dr. Robert Eason," and ask you to read it.

(The letter was read by the witness as follows):

Nov. 1, 1956

"Dr. Robert Eason

"Box 267

"Buena Vista, Va.

"Dear Robert,

"I received your letter on October 21st, 1956 in which you said you would do anything for me that you could.

"I am glad that you are willing to oblige me. I am therefore asking you to, out of the kindness of you heart, if you will not give me a deed for your one half interest in my home place.

"In doing this may God bless you.

Love to all,

"AUNT MARY"

By Mr. Allen:

Q. I hand you a letter dated November 18th, 1956. Please read that.

Robert Richardson Eason.

(The letter was read by the witness as follows) :

Vol. I
page 268 }

“Nov. 18th, 1956

“Dear Robert,

“I am sending you two old Xmas cards Bro Isaac sent to his brother Camillus. The last card to my mind represents your Father's life in his last two or three years. So much like his old Sister Mary.

“If the time ever comes I can do any thing for you I will. My time is so short. The timber money I will not spend one penny, if I can help. It will go to R.M.C. in my Father's name his son's & grandson's. I will close by saying the Past is closed and we know not what the future may bring.

“Lovingly,

“AUNT MARY”

* * * * *

By Mr. Allen:

Q. I hand you a letter dated November 18, 1956, and ask you to read it, please.

(The letter was read by the witness as follows) :

Vol. I
page 269 }

“Nov. 18th, 1956

“Dear Mabel,

“I love you very much. The past we leave behind us. The future we do not know.

“Lovingly,

AUNT MARY”

“The sower sows in tears and rain
“The reaper, reaps in joy and gladness.”

By Mr. Allen:

Q I hand you a letter dated November 11th, 1956, with

Robert Richardson Eason.

some notes attached to it, enclosing a newspaper clipping. Please read that.

(The letter was read by the witness as follows):

Nov. 11th 1956

“Dear Mabel,

“Glad to hear from you & all was well with you. I wish I had money to give you, but I have not. I am surprised at you I always loved and thought so much of Sam & Robert have my money, nearly all I had. Why not ask Banks, Building & Loan. The traditions of the Easons is this, Not to lie steal, work hard, save what you can. The clippings from the Norfolk Pilot will show you what I mean A poor man very poorly dressed & has worked for what he Vol. I has. His *siter* Mary Lou Eason is the one I gave page 270 } some chairs to. Her Great grandfather raised my father. My Father’s dad died when he was a little boy & his uncle raised him. What a small debt, I paid my old great uncle Josiah Eason of South Mills, N. C. been gone so long but his great children still lives. These are Eason’s My dear Bro. Issac his son two old maids held on for 50 yrs. on more. My Bro. Sam two old maids held on for his son. These are Eason’s Mary & Sarah Eason.

“In regards to the two you have, as I understand Elizabeth Richardson Robert W.—are not Eason’s unless it is the boy. Then I say with all my heart Robert is a fine man and you are the best wife a man could have. Your letter hurt me very much, as you know I gave all I had to them with the understanding it was to be returned. May all the good things be yours, as I am old poor and helpless and have not anything to give.

“Love to Robert

“AUNT MARY”

(Attached to above letter was newspaper clipping and bill from W. C. Mangrum, Fentress, Va., dated Feb. 18, 1956 which reads as follows):

“Furnish labor & material to replace gutter where needed and clean & paint balance gutter on said residence—\$242.00.”

Robert Richardson Eason.

* * * * *

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page 271 }

* * * * *

By Mr. Allen:

Q. I hand you a letter dated January 17, 1957, which purports to be a letter you wrote her promising to give the property to her after Lasalle's affairs were settled, and ask you if that is a copy of the letter you wrote her?

A. Yes.

Q. Please read that.

(The letter was read by the witness as follows):

"1-17-57

"Dear Aunt Mary,

"Please believe me Aunt Mary, I did not make such a promise to deed the farm back to you after Uncle LaSalle's affairs were settled. In fact, they are not settled, according to his lawyer several months ago he was still married to her.

"It would have been sorta strange to deed the farm back without the stipulation that it would come to us
Vol. I at your death after you said so many times you
page 272 } wanted Sam & me to have it. I just don't understand what change has come over you Aunt Mary. You stated in your letter you wanted to see me & I jumped in my car that very day & drove all the way to Norfolk after working here all Sat. morning & half the afternoon. I have thought you had forgiven me for any wrong that you thought I had made. I am sorry my thoughts & statements that day were taken in the wrong way.

"You said in your letter you would meet me alone & that certain people were influencing you against me. I wish that I had a little influence over you, your brother's own son or am I. I have never wished for anything but the farm, for I spent many happy days with you there. I just can't let anyone influence you to make us give it back without that stipulation. I just can't, for they might influence you to do

Robert Richardson Eason.

something else about it, besides leaving it to us. I am deeply sorry.

“Come to see us.

“Love, Robert”

By Mr. Allen:

Q. I hand you a letter dated January 3, 1957. Will you please read that?

(The letter was read by the witness as follows:

“Jan 3, 1957

“Dear Robert,

Vol. I “The year of 1956 is gone, and is past worries
page 273 } & misunderstandings also. I want you to come to
 see me and let us talk over the trouble we have
had. I think others are rejoiceing at our misunderstanding
more than you know. You know your Mother told you, years
ago to do as I told you.

“I am not going to say or do one thing to hurt your for
both parents sake.

“I do not have any phone but you can drop me a postal
I sent your present back, and letter. I thought it was just
to worry me like Mabel did about asking for money to
educate the babies you have taken.

“Poor LaSalle no one will have to worry about. He fell
out on the St. in St. P. carried to the Hospital and was
unconsience for a long time. Remained in Hospital for some
time.

“I was sent for, and had to take the trip. L—is better now
when it comes warm, then he is going to be with me.

“Your friend Dr. Mann had to take his wife away to a
private sanatorium. Old Sally has had a stroke. This is about
all the news I know to tell you. I can meet you in Norfolk
as I am alone, and have no one to help me, but I would do
the best I could, so do as your Mother told you years ago,
‘Obey me.’

“This is for your sake. Come on like a man, and others
will think more you. I shall never hurt you in any way. Not

Robert Richardson Eason.

Vol. I because you are Isaac's son, but also Lizzie's.
page 274 } "Give my love to Mabel & the Children, and
 } God bless you.

"Lovingly,

"AUNT MARY

"Do not listen to trouble makers any more. Come to me, I think we can fight it out just between us. The year 1957 I am not going to fuss with any one. Come on to see me like a man. Tell Mabel to write I will not send any more letters back. I have listened to others, but no more (Keep your own counsel)"

By Mr. Allen:

Q. I hand you a letter dated January 12th, 1957 and hand you another letter dated January 14th, 1957. Please read those.

(The letter was read by the witness as follows):

"Jan. 12, 1957

"Dear Robert,

"Jan. 7, 1957 I gave you one more opportunity to correct your mistake. You made in your promise to me to return my home to me, after the fuss was over concerning my brother LaSalle's wife.

"I do not expect to harm you in any way, but it is best for you to remain as we were in the past year.

"It is only a man of courage, and a broad-mind one that will correct his wrongs. May God bless you.

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page 275 }

Respectfully,

MARY F. EASON."

"Jan. 14, 1957

"Dear Mabel,

"Albert asked me to write and thank you and Robert for

Robert Richardson Eason.

the nice present you both sent him. I hope you and Robert are well, and every thing is well with you.

“Regards to you both.

“Respectfully,

“ALBERT AHLGREN
“per MARY EASON”

By Mr. Allen:

Q. I hand you a letter dated January 20th, 1957. Please read that.

(The letter was read by the witness as follows):

Jan. 20th, 1957

“Dear Mabel,

“I do not understand your letter of Jan. 15, 1957. Where you said “You hope I will bled in the sweater which Robert sent me. I have never stole or taken anything from any one.

“A person who steals and another who keeps the goods is also a thief.

“MARY F. EASON”

Vol. I

page 276 } By Mr. Allen:

Q. I hand you a letter dated January 30th, 1957, and hand you another letter dated February 14th, 1957. Please read those.

(The letters were read by the witness as follows):

“Jan. 30th 57

Dear Mabel, Robert

“I was just reading about the big rain, near you. Big Stone Gap is not so far from you is it? Remember my home is always open to you Mabel & children to come when you can. If there is anything I can do to help let me know. Eason’s fight amoung themselves, but at the first time we need each other, we fight together.

Robert Richardson Eason.

"I don't think we know how much we love one another until we see trouble. With lots of love to Mabel & children.

"Lovingly,

AUNT MARY

"This is written with the pencil you gave me."

"Feb. 14th '57

"I have taken a carbon copy of my letters to you

"Dear Robert,

"I have tried in every way to make you see how wrong you have been in keeping my home as you have
Vol. I done, after promising you would return it to me,
page 277 } after LaSalle had settled with his wife. You remember how you were always sending books to me how to make my will I have one book, also the paper in your own handwriting what pages to look on. If you do not send me my deed for my home, I am going to publish the facts in every paper in the State of Va. I have your wife's letters asking for 15 or 20 thousand dollars also the one she wrote and said she hoped I would bled in the sweater you sent for Xmas. I have not used or done anything with it. I am returning it. You said you had given me my home back. I knew it was a lie. I am giving you ten days, no longer. Send me my papers.

"MARY EASON

"Feb. 28th, 1957

"I have written to you in every way to try & show you the moral side of the way you have treated me taking my home, and also ten thousand dollars from me after telling me you would return my home when I wanted it. My letters have been both good & bad to you. In regards to Mabel writing the word bled instead of like I refer you to lawyer Garrett. I am sending back to you the letter. You both are outside of the Eason family.

"MARY EASON"

Robert Richardson Eason.

By Mr. Allen:

Vol. I Q. I hand you a letter dated March 8th, 1957,
page 278 } and another letter dated March 10, 1957, and ask
 you to read those.

(The letters were read by the witness as follows):

“March 8th, 1957

“Dear Robert,

“I have been intending to write and tell you about your health.

“The sunday you came down to see me and carried me into that beer joint of course you did not know what it was. I never saw you look so sick. You know you looked so much like your Mother, she died when she was only 54 yrs. old. You had the same fat face and tone of voice she had before she died. Take care of yourself—Sam came down to see Tues March 8, 1957. and I never saw him look so badly, his face looked like it would bleed any time, it was so red, and awful looking, What is wrong with him?

‘I am as well as can be expected of an old woman.

“Take care of yourself you did not seem like you used to be. I think it must have been due to your health.

“As ever,

MARY EASON”

March 10, 1957

“Dear Mrs. Eason,

Vol. I “I was surprised at your letter of March 7th,
page 279 } 1957.

“You stated in your letter to me for me to stop my ‘bickering’ You also stated you had been nice and kind to me, Robert took ten thousand dollars in money from me, and then took my farm promising that he would give it back when LaSalle and his wife’s fuss was over. Robert Eason has never paid one penny to help buy pay taxes insurance or anything Sister and myself not only paid for Robert Eason education at Hickory, also we paid for his College at R. M. C. then again when he was studing for medicine in Richmond,

Robert Richardson Eason.

Va. Sister and myself also did lots for our brother Isaac. You well know when Robert's father was brought to our home, how we cared for him. Isaac broke his hip in July. You & Robert brought him to our house the first of Aug. 1945. Robert Eason did not come to see his father until a few hrs. before he died Aug. Sept. Oct. Nov. Dec. 21, 1945 Isaac died. What a son? & daughter in law? Robert did not even pay his father's coffin bill or flowers.

"I have written the facts concerning why my farm & money was taken from me. It will be placed on record in Norfolk County courts with my will. It is written and placed in a lock box. One copy with a lawyer also. I am not a liar or a thief. You said in your letter bled concerning the swetar. You also asked for 15 or 20 thousand dollars to educate two children you had taken, when you are not the mother. Leave me alone. You are outside the Eason family. God will not forsake the old are helpless, and Robert Eason will never profit by taking his father's own sister's home from her.

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page 280 }

"Respectfully,

"MARY F. EASON

"Leave me alone, you both are outside the Eason's family."

By Mr. Allen:

Q. I find here what appears to be a copy of letter written by Sam to Miss Mary and what appears to be the original of another letter written to Miss Mary which is torn for some reason.

See if you can put them together and read them.

A. This is a copy of Sam's letter that Aunt Mary sent me.

Q. Read them. Try to put them together so you can read them.

(The letters were read by the witness as follows):

4/12/57

"Dear Aunt Mary,

"I wrote to Robert about your acquiring the lot to build

Robert Richardson Eason.

on He refuses your request. There is nothing more I can do about it.

“Best wishes

“SAM”

Vol. I

page 281 } “Dear Aunt Mary

“One item in your last letter the \$900 item was void the states for marking the timber. The agent was a but the state of Va. got the money. This money had nothing to do with the sale.

“As I said you when I saw you, I would be glad to help you meet the income tax proposition all is not lost, but you should let me help you.

“No more news at present.

“SAM”

The Witness: This is Sam’s letter addressed to Aunt Mary.

By Mr. Allen:

Q. Did she send them to you?

A. Yes, sir.

Q. I now hand you two pages apparently in Miss Mary’s handwriting with no salutation and no conclusion, the envelope being postmarked April 27th, 1957. Some of these seem to be written by her and some by someone else.

Can you look at these and tell us whose handwriting the first part of it is in and then the other part?

A. I will do the best I can. I think it is all her handwriting at different times with a different pen.

Q. Will you read those?

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page 282 } (The letter was read by the witness as follows):

“You will find this on court records. You have a big Dr. to fight now.

“Those were the exact words that was written to me about my own You took ten thousand dollars in money lots of others things also, you brought your own father that could not even walk, sick from Aug. until Dec 21, never came to see him

Robert Richardson Eason.

When he was in hospital or at my home only saw him just before he died did not pay any bills or any thing Now you have taken my home from me, after promising to give it back. Never paid one cent tax, insurance or anything Then you say you both did what was for my best. You low common man I say this about both Robert Eason & Sam Eason You will never come to anything God is not going to let you.

“MARY EASON

“You will never get one penny of mine, but perhaps you will try & steal it.

“You low thief.

“Lived in my home eat College bills paid

“You thief

“Then this was said in the presence of two other persons.

“When you go out of a door with a dog and step in the manure of that dog, then you are like the dog” I asked for

only 1 acre of my own land and was told by a
Vol. I common thief we did what we ought to have done.
page 283 } You thief Show this to your lawyer skunk”

By Mr. Garrett:

Q. Is there a notation on there?

A. Yes.

Q. Will you read the notations?

A. All right (reading).

By Mr. Allen:

Q. I hand you a letter dated May 8th, 1957, which is not signed, and will ask you whose handwriting that letter is written in, and read it.

A. I am sure it is Miss Mary Eason's handwriting.

(The letter was read by the witness as follows):

“May 8th 1957

“I pray for you every night asking God to show you how wrong you are in not giving me back my home as you promised to do. You not only took my money ten thousand, but then you took my home. God forgive you, it will not do you or those at your home You both will die a pauper. To take from your father's sister who has worked fifty years, and you have not given a dime.

Robert Richardson Eason.

Vol. I “One of your old teachers were here, the other
page 284 } day said he could not believe you were so low,
 } unbelievable

 “P. M. At both homes will soon know the truth
They can look for Court Records

“Also Rev.”

By Mr. Allen:

Q. I hand you a letter dated May 12th, 1957. Will you read that?

(The letter was read by the witness as follows):

“May 12th, 1957

“To Robert Eason

“Buena Vista, Va.

“To day is Mother’s Day. I was good to your Mother and Dad

“For the sake of the dead. Please give me my home back, as you promised.

“You took ten thousand dollars and now you & yours have taken my home. I pray every night to God asking him to make you see how wrong you are, not to give me back my home.

“Every letter I send to you & Sam I put a copy in the lock box at bank.

“Please give me my home back as you promised.

“MARY F. EASON”

By Mr. Allen:

Q. I hand you a letter dated May 18, 1957.
Vol. I Will you read that?

page 285 } (The letter was read by the witness as follows):

“May 18th 1957

“Dear Robert,

“I have to make one more appeal to you For the sake of your dead Father stop. Trust me some for a change. The lawyer for me is the best crimial one almost in the State of

Robert Richardson Eason.

Va. You & Sam have not a chance Webb has evidence against me. They even have LaSalles' wife (trying to give evidence against me) Sam is crazy, he has ruined his name. I hope he will never practice in Norfolk people think so little of such a low thing to do, in order to save a few dollars try & say your own Father's sister was crazy Take the money you would give me, as income tax give as a perpetual memorial Fund Gen. Hospital to be used as a seach fund for the heart in the name of (Dr. C. F. Eason, Dr. Robert Eason, Dr. S. W. Eason, I. W. Eason, LL.D.) That Robert would live on long after you were gone, and in the hearts of others. I have not been so well, and I want to get away as soon as I can. You know Sam wrote me and told me I was living in his house. Do as I tell you. I am only here for such a short time and not only people will think so much more of you.

“Love to Mabel & E.

“AUNT MARY.”

By Mr. Allen:

Vol. I Q. I hand you two notes one dated May 19th,
page 286 } 1957, and the other dated May 20th, 1957, at-
 tached to an envelope marked on the back May 22,
1957. Will you read those?

(The letters were read by the witness as follows):

“May 19th, 1957

“I pray for you every night that God will change you and your wife's mind.

“That you will give me back my home you two have taken from me and give it back. Also my \$10,000.00 in my money you have.

“When you go to church pray that God will help you.

“MARY EASON

“May 20th, 1957

“Dr. C. F. Eason, and his sister Mary Eason over 30 yrs ago got up a petition and went to people's home asking that this Route 1 could take in the mornings mail. It has been taken from the home now.

Robert Richardson Eason.

“Mary F. Eason
Great Bridge, Va.
General Delivery”

By Mr. Allen:

Q. I hand you a letter dated June 11th, 1957—

Vol. I Mr. Bangel: Do you want some water, Doctor?
page 287 } The Witness: I would appreciate it.

(The letter was read by the witness as follows):

“The letter I am sending you is what was sent to me.

“June 11th, 1957

“Dear Robert,

“Sam wrote this letter I do not know why Your father was one of the finest person that ever lived kind to the old, and what would his old sisters ever done without him this love kind words and advice. Certainly Isaac was a AM of R.M.C. also you the Southern Ortarical Medal for his College Isaac finished with high honors from W & L. Univ. also won the Southern Medal for his College or University the second time. Isaac was an honor to his father & Mother. How proud they were of him. I think of my fine brothers every day and wish if I could only see them and just say a word or two. Robert, I want you to pull yourself together, and do the right thing by your father’s old sister, who has done so much for you. You will not loose one penny. Take the blot off his name. I will help you as I have always done tried to fix so you would be safe. Sam’s boy in all these years has never even sent me an invitation to any of his schools, he has been going to. Sam took my money to educate his boy on, but has never said one word. People’s feelings toward

Vol. I him I will not say Clear your name. Isaac was
page 288 } too fine a man to leave a son that would ruin his
 name. I am writing this to you in all respect to
both sides of the house. I can hear your Mother say now in
memory “Do as Aunt Mary tells you” I can tell you this in
all truth, you will not loose in any way.

“AUNT MARY EASON

Robert Richardson Eason.

“Why not let me know where to meet you, and let’s have a *quite* talk.”

“Sunday

“Just a few lines. Saw Wesley graduate from W & L law school and as I saw there, the same buildings, trees and scenes; only different faces were present fifty six years before when your brother Isaac Eason finished his law course.

“SAM”

“This is his exact letter word for word, one word I do not understand (scenes)”

By Mr. Allen:

Q. I hand you a letter dated July 15th, 1957. Please read that.

(The letter was read by the witness as follows):

“July 15th, 1957

“Dear Robert,

“I have been intending to answer your last Vol. I letter but have been busy doing little things page 289 } When we are old it takes so long to do our little task. You said in your letter Why you took my farm and money it was for my best. I do not understand why you should say a thing like that. I have for fifty years, paid all taxes, insurance and expenses and you or no one else has never given me one penny. Then after you tried to take my lumber money. Your wife Mable Nash wrote and wanted \$20,000 thousand dollars to educate her adopted children.

“The money in E. City Bank you have taken out long ago. Then again you told me to fix gutter repair Dr’s house you would send check. You have never given me one nickle for anything not even your Father’s sickness long before he died.

“I was in Richmond a short time ago. I met one of Isaac old schoolmates one Mr. Mullen a lawyer and his staf. They knew all about W—being expelled from R.M.C. Mr. Webb in Norfolk knew also the Wilcox’s Poor Isaac.

Robert Richardson Eason.

"I want the public to know why you took my home.

"The trial will be where you live in Buena Vista.

"I have asked you time & again to keep your promise.

"You and your wife had so many nice things from my home. What have either one of you ever given me. Do not think I love Sam any more than I love you (I do not) I would do as much for you as I would do for him. Never think I would not

"I have in the past tried to treat both the same. Ask yourself.

"What have you done to your own Father's sister Mary Eason"

Vol. I

page 290 } By Mr. Allen:

Q. I hand you a letter dated July 21st, 1957, and ask you to read it.

(The letter was read by the witness as follows):

"Sunday

"July 21st, 1957

"Dear Robert,

"I have been thinking about you to day I wish you would give me back my old home. Come on to see me and spend the night with me, and then next morning for break fast I will cook corn bread, bacon and eggs, good coffee. Then the same love for each other.

"Your father's old sister

"MARY F. EASON"

By Mr. Allen:

Q. I hand you a letter dated August 3rd, 1957, and ask you to read that.

(The letter was read by the witness as follows):

"Aug. 3rd 1957

"Dear Robert,

"You remember you told me to fix gutters repair house's

Robert Richardson Eason.

scrape house the old paint off house I own I paid
 Vol. I more than \$3,200.00 out for the work, and you
 page 291 } never said one word about paying me back. The
 two men will testify that I bought lumber & paid
 them Also the man that fixed the gutters. If you did ask
 LaSalle & Albert if I acted like crazy. We will see

“AUNT MARY

“Your father’s old sister (over)
 that you & your wife has tried to take every thing from her.”

By Mr. Allen:

Q. I hand you a letter dated August 11, 1957. Please read that.

(The letter was read by the witness as follows):

“AUG 11th 1957

“Dear Robert,

“I wrote to you about two weeks ago, and have not heard from you.

“Did you get my letters. Why not answer as you used to do? Is it because you have taken my home from me? You also tried to take my name also, asking people if I acted like I was crazy. I am glad to say the truth has come out and people know now. Why not do the right thing and you will be glad in the end. I will tell you now not one penny will you lose.

“I am sorry for you to try and take what does not belong to you, and you know it, and also your promise.
 Vol. I I still don’t think you have told Mabel the truth.
 page 292 } Remember what your Mother told you? Obey
 Aunt Mary. Lizzie was a very fine person and
 what a pity for one to suffer so much. I think Isaac Lizzie and
 W—are now together.

“Why not do the right thing and then you all come on and see old Aunt Mary and help her out, as of old. Let your manhood assert it self Robert Do not listen to any one. I think I know why. Ask Mabel if I am not correct? I shall not write you any more.

“With love to all

“AUNT MARY

Robert Richardson Eason.

“P. S.

“LaSalle is well, and remembers the time you were asking about me, also Albert, and lots of others. So lets close without a lawsuit.

“Sam wrote and said he would open law suit about timber Nothing would please me more”

By Mr. Allen:

Q. I hand you letter dated August 13, 1957. Will you read that?

(The letter was read by the witness as follows):

“Aug. 13, 1957

“Dear Robert,

“Did you put the law or have Wilcox to write
Vol. I and tell me to stop selling the rest of my trees?
page 293 } I remember you told me “You did not blame me,
cut all I could” You told me that when we met
at the Glass House.

“Love to Mabel & children

“AUNT MARY”

By Mr. Allen:

Q. I hand you a letter dated August 17, 1957. Please read it.

(The letter was read by the witness as follows):

“Aug. 17, 1957

“Dear Robert,

“In Sam’s letters it seem’s like you are the one that does not want to give me back my home as you promised. Is that true?

“You have never spent one penny in helping to support the farm in any way, taxes, insurance repair work, and you told me if I would repair the fence & houses fix gutters at the

Robert Richardson Eason.

Dr's home you would give me back my home I spent \$3,200 on gutters & repair work and can prove it. Why do you do as you are doing? You should not want anything that Sister Sarah had, when she was in Gen. Hospital for 5 months you never even sent her a flower or wrote one word to her after she sent you to school, and even paid your Mother's sister Louis Richardson your milk bill \$180.00 you drank just for one year. I have the canceled checks let alone all

Vol. I of your College expenses

page 294 } "Then again you took money traveler checks, and lots of other things from me. All your father's expenses in hospital, coffin bill, etc. You have never even cut one weed on your father's grave or had it done. Then you want & have taken my home would not give me one acre after the lawyers wrote & asked you, so I could make a home for my own sick brother If you don't give me back my home I have given it to the Gen. Hospital. then you will have to fight the trustees Two of Norfolk's best lawyers said your paper on my farm was no good. Why not let things be as they were before the fuss.

"I have called in Richmond in regards to taxes. Then again we have no crops. I am going to put a Federal Loan on my farm. I have bought an acre of land for LaSalle and Albert to have a little home, when I die. LaSalle my own brother, and Albert an old man of 65 yrs worked for 40 yrs for others, he has earned it I can not believe my brother's son Robert Eason is so low, and common as to take his father's sister home from her. I know the law suit will be tried in your home place. I intend to tell the entire story from first to last in an open court.

"I have witness where you and Sam went to different men, and asked them if I could attend to my business and at the same time I was paying all bills. Then again after you had taken farm money traveler's checks lots of things

Vol. I from home your wife wrote and asked for \$20,-
page 295 } 000 even after the law suit.

"I have the letters. You see the Good Master of all takes care of the old and helpless and what you have taken from me it will never do you or yours any good Now give me back my home and lets us be as we used to be.

"Love

"AUNT MARY

Robert Richardson Eason.

“Take this letter to the trial as you and Sam did before. I would not do what you have done for the State of Va. If you want my home so much why don’t you buy it? We had Sister and myself to take care of your father and mother, as you well know. Now you are trying to take and have done it my home also my name.”

By Mr. Allen:

Q. I hand you a letter dated August 19, 1957. Will you read that?

(The letter was read by the witness as follows):

“Come to my home for years eat and stuff and never thank for what you get, and in the end steal every thing away. What a common low man and people know it.

“Aug. 19, 1957

“Dear Robert,

“Why don’t you give me back my home as you Vol. I promised me you would after the fuss was over page 296 } between LaSalle and his wife.

“If you do not, do it, I am not only going to get my money back, but I am going to sue you and your wife for what you have done to me, and caused me to suffer, when you were asking people if I acted strange & could do any business.

“If you want my farm so much without paying one cent, and taking my money from me, why don’t you buy it? Pay like other people pay when they get any thing not just take or steal it I intend to publish every thing that has been done and call names right out. You may sneak back all you want. Everyone is going to know the facts.

“You know you are a skunk any way, when Sister died you changed her medicine and told me not to tell Dr. Herrington

“Now do the right thing You have never paid one penny for any thing, give me my home before I put my suit through, I have witness what you have said and done.

“Love,

“AUNT MARY EASON

Robert Richardson Eason.

“Your father own Sister

“It is like what Billy Graham said, when you get any thing from another dishonest it will never do you any good.

“I am going to write and ask Billy Graham what to do? Preach it from the pulpit.”

By Mr. Allen:

Q. I hand you letter dated August 28th, 1957, and will ask you to read that.

Vol. I

page 297 } (The letter was read by the witness as follows):

“Aug. 28th, 1957.

“Dear Robert,

“I was in a lawyer’s office in Norfolk yesterday. This lawyer went to W & L. University with your father, he practices law in Norfolk. This man made a remark in the presence of others about your father what he did & lots of awful things Part what he said, I knew was true some was not. Lots was said concerning W—I did not know & could not deny. We had some unkind words between us, he is an old man I respected his white hair, and told him a few things, I don’t think he will forget. Sam told me when he was down here the last time Isaac borrowed money from his Mother, and never paid it. This lawyer said Father and son are alike and other things

“For the sake of the dead, and your own father, lets stop this fuss, come on down here, lets go to the lawyer, and tell him you are not a thief or your father was not one. I only met this lawyer by accident.

“For God sake don’t let a few dollars you think you will not get ruin your name, and not to clear the dead. I promise I will give you two boys Robert Eason & Sam Eason every ft. of land I own also money etc. if you come & act like a man.

Do not let any one talk you out of doing the right thing. What would Lizzie have said if she could
Vol. I
page 298 } have heard her husband & two boys, spoken about as they were.

“Come on home, I can fix a little something for us to eat, spoon bread, eggs & coffee. Listen to me Robert, I will not

Robert Richardson Eason.

take one penny from you. Let's forget the past. I feel like it has been a dark rainy time.

"Love to all

"AUNT MARY"

By Mr. Allen:

Q. I hand you letter dated September 16, 1957, and ask you to read that.

(The letter was read by the witness as follows):

"Sept. 16, 1957

"Dear Robert,

"I wrote and told Mabel, how kind Sister & myself had always been to your family. Father died in 1905. After his death Sister and myself took care of the home as you well know. If I never see you again I want you to know this, I have always loved you, and still do.

"If I only had one loaf of bread, I would give you the largest piece. Let no one tell you different.

"Love to all,

"AUNT MARY"

Vol. I

page 299 } By Mr. Allen:

Q. I hand you letter dated September 30, 1957. Please read it.

(The letter was read by the witness as follows):

"Sept. 30, 1957

"Dear Robert,

"I was very much disappointed when you did not come the last of the month as you said you would. I even told Plum Spencer you were coming you know before you took my money and home from me, you have never been in the house. Sam

Robert Richardson Eason.

has written twice about the seed trees, what you all would do. You know your man Parrish cut them Then again I did not send any man in the wooks to mark my lumber or trees I will be glad if it is taken to court. One thing it will take 75 yrs. for any pines to grow big enough to sell. My trees that were cut were over 75 years old.

“If you had come I was going to give you Mabel’s letters, and let you see she did write (bled) Others that have seen it Gardner, Garrett, Jordan & Web. All say the same thing.

“I wanted you to come so we could be as we were before (that is all) I think God in His Own Good Time Will care for the old sick sister of your father’s If you did take her money, home and so many pretty things from her house I wrote and asked Sam for the map of the farm, as others have wanted water and and do not know the woods line. Instead of sending me the one I helped to pay for, he sent one of his own drawing. I would not be so low and common to do such a thing He must be a mighty poor man to resort to do anything like that. His father in law Denby was only a poor man His great position was only demonstrating Davis Yeast Powders What a job!

“All are about the same I went to see Dr. Martin the other day. Martin said I was in good shape. It has been raining here for the past two days. We have lots of water in the fields. LaSalle is in good health. I think he will live to be as old, as one of his first cousin 98 years old. N. B. Etheridge in South Norfolk.

“Love to Mabel & the little ones

“AUNT MARY”

By Mr. Allen:

Q. I hand you letter dated October 8th, 1957. Will you read that?

(The letter was read by the witness as follows):

“Oct. 8th, 1957

“Dear Robert,

“I received your letter yesterday and glad to know all was well with you. Meet me at the Glass House where we meet

Robert Richardson Eason.

before. It will be much easier for me. We can
Vol. I talk to ourselves. Do not say any more to Sam
page 301 } about coming I would like to talk to you alone.

After all Sam says you would not do certain things I hope the little ones you have will repay you & Mabel for your love & Kindness Not like you & Sam have done your father's Sister, as you both have done God will take care of you both in His own good time I do not think Mabel has had anything to do with it. It is important for you not to wait so long. You see the entire truth is known to everyone. Drs. Lwys Bankers & Business men in C. of Norfolk City, even in Richmond, Elizabeth City. I have been asked 100 times about it. One of Sam's friends told lots of people what his big income every day is. Then to take all from his father's sister Mary when I do not have any income only a small pension, when pay was only \$25.00 a month for school then six and seven months per yr.

"What kind of man is that I do not have any income you and Sam LaSalle got my money, what I had in the banks. I never go to the movies, and do not eat much So lets meet at the Glass House and have a quiet talk alone Give my love to Mabel, and take care of yourself.

"As ever,

"MARY F. EASON

"Do not wait too long
Take Sunday"

By Mr. Allen:

Q. I hand you letter dated October 15, 1957. Please read that.

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page 302 } (The letter was read by the witness as follows:)

"Oct. 15, 1957

"Dear Robert,

"I am glad you are coming I want to talk with you I will meet you at the Glass House Sat. Oct 19th any time you say. I will not take much of your time. Then you are not far

Robert Richardson Eason.

from Portsmouth. I have had the flue so don't bother about that. Give my love to Mabel & thank her for her kind offer.

"As ever

"MARY F. EASON

"It is important for me to talk with you, in regards to Sam"

By Mr. Allen:

Q. Now, Doctor, before I hand you other letters, I want to ask you a few questions so these letters can perhaps be better understood.

You testified this morning, I believe, that in 1955 Miss Mary Eason sent you a deed dated back in 1953 conveying all of the property in fee simple without any life rights to you and Dr. Sam?

A. Yes, sir.

Q. I believe you said the first you knew about that was when you received the deed?

Vol. I A. That is right.

page 303 } Q. On May 2nd, and the record so shows and you so testified and the deed has been introduced, showing that she conveyed to you and Dr. Sam all of that property, 470 odd acres, and would not reserve her life right?

A. Yes, sir.

* * * * *

Mr. Allen: I say the record shows that Miss Mary mailed to him a deed conveying the entire property to him and Dr. Sam dated the 14th of September, 1953.

By Mr. Allen:

Q. She didn't mail the deed to you until May, Vol. I 1955?

page 304 } A. That is right, sir.

Q. Then I state the record shows that on May 2nd, 1955, Miss Mary Eason deeded part of the same property to you again and reserved a life right to herself?

A. Yes, sir.

Robert Richardson Eason.

Q. Now, leaving out the question for the moment about the timber, did you or Dr. Sam ever, after the deed was executed on May 2nd, 1955, deeding the property to you, reserving a life right to her, did either of you ever undertake to put her out of the home or off the property or molest her in any way, shape or form in the exercise of her right to the property?

A. No, sir.

Q. The record further shows that on October 2nd, 1955, Miss Mary Eason made a will willing all of this property to you two.

Did you by virtue of that instrument undertake in any way, shape or form to molest her in the use of the property or disturb her in the home?

A. No.

* * * * *

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page 306 }

* * * * *

By Mr. Allen:

Q. The deed of March 1st, according to the record, conveyed the timber rights.

Now, did Miss Mary Eason on or about October—October 27th, 1956, file a suit against you and Mr. Sam to set aside the deed which she had made to you under date of May 2nd, 1956, conveying all of her property with a life right to her, and also to set aside the timber deed?

A. That is my understanding.

* * * * *

Mr. Allen: I have copies of them. I would like to file in evidence a certified copy of the bill of complaint
Vol. I filed against Robert R. Eason and Mr. Sam Eason.
page 307 } The Court: Exhibit #6. All the letters from
Mary Eason to Robert Eason, Exhibit #5, you
are going to put them in one envelope?

Mr. Allen: Yes, sir. I would like to file—

* * * * *

DR. MARVIN S. HERRINGTON,
called as a witness on behalf of the proponents, having been
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

Vol. I By Mr. Garrett:

page 308 } Q. Will you tell his Honor and members of the
jury your name?

A. Marvin S. Herrington.

Q. Dr. Herrington, what is your profession?

A. Practicing physician.

Q. How long have you been a practicing physician?

A. Since 1937.

Q. What city or county do you practice in?

A. Norfolk City.

Q. What was your training for the profession you followed?

A. I received my A. B. degree in 1933, and M. D. degree,
and had one year internship and resident surgeon in 1939 and
1940, and was associated with Dr. Payne from 1940 to 1943.

Q. Did you have occasion to see or examine Mrs. Mary
Frances Eason of Hickory?

A. I attended her from 1953 to July, 1959.

Q. Dr. Herrington, did you examine her at any time in
response to a request on the part of Dr. Sam or Dr. Robert
Eason?

A. I didn't examine her in response to their request, but
they came to my office one time for a statement

Vol. I concerning her.

page 309 } Q. Do you have the date of that?

A. I don't.

Q. Do you know what year it was in?

A. Not exactly because no entries were made on my records.
I was not at the office when they came and my secretary
called me and said they were anxious to see me, and I called
them at the number they left and I went to the office that
night and saw them.

Q. What was the statement they wanted to get from you?

A. They wanted a statement as to her transacting her
financial business.

Q. Did you report to them she was able to discuss financial
affairs?

A. I told them I thought she was somewhat senile but when
it came to money affairs, I thought she was able to transact
her financial affairs.

Q. That was in the presence of the doctors who are here
in the Court room?

Dr. Marvin S. Herrington.

Mr. Bohannon: That is leading.

A. I talked to Dr. Robert and Sam Eason and they both came and brought her, brought Mrs. Eason with them.

Q. During the time you observed her will you state whether or not she was of sufficient mental capacity to transact business affairs?

Vol. I A. She became agitated at various times, and
page 310 } at the time they came with her she became more
 so.

About that time her sister had died and it seemed to upset her, and she came to my office to see me many times and talked about her affairs.

One time she called me at home. She said she had not treated me fairly. I had wanted to put her sister in the hospital one time and she said she would, and then said she would not.

After surveying the home I found a cot in the dining room, and she promised to have a bedstead and mattress brought down for the sister.

I was back in there a few days later and she had a mattress on the floor and I raised a fuss over that. She said she was not having anybody and everybody come in the home, and a few days later I was called and when I arrived her sister was dead and she had gone down the road, and she said somebody had been using her line and she could not use it.

I told her if she would tell them what she wanted to use the phone for they would let her. She called me and told me she had not been exactly fair with me in her sister's illness.

One day she gave me \$20.00 and she was quite upset about it.

She said, "My sister and I gave \$10,000.00 to the orphanage for my brother." She was back in the office
Vol. I again and said she had given the money to the
page 311 } orphanage but didn't think they had gotten it.

I wrote to the trustees and was informed they had gotten the money she had given them and that seemed to satisfy her.

Q. What would be your opinion as to whether she knew what property she owned or the value of it?

A. I had no idea as to how much property she owned, never discussed the amount of the acreage with her.

Q. Don't you have anything in your records as to the dates they brought her there?

Dr. Marvin S. Herrington.

A. No. An entry would not be made because I didn't actually examine the patient.

Q. Did they give you any reason why they brought her in?

A. They told me they wanted to find out about her mental competence, and they said they had been to Elizabeth City and gotten statements from the bank about her financial affairs, and to the bank officials in Norfolk to get a statement from them as to her affairs, and they were trying to make some financial arrangement with her for the property, as I understood it.

Mr. Garrett: You may examine.

CROSS EXAMINATION.

Vol. I

page 312 } By Mr. Bangel:

Q. Now, Dr. Herrington, the time you were conferring with them regarding her mentality was some time in the year 1955, was it not?

A. I treated her from 1953 until the middle of 1959.

Q. Would that be a fair statement to make, that it was about five years ago?

A. Yes.

Q. You continued to treat her after that until some time in 1959?

A. That is right.

Q. Isn't it true that in addition to complaining to you about your not having treated her fairly in her sister's illness, and I think she died in 1959—

Mr. Garrett: She said she didn't treat the doctor fairly.

A. I wanted to put her sister in the hospital and she wouldn't consent to it, and she didn't think she had paid me sufficiently for my services.

By Mr. Bangel:

Q. She was responsible for her sister not being put in the hospital?

A. That is right.

Vol. I

Q. You said something about her coming to page 313 } your office after that and saying she had given some money to an orphanage and didn't know whether they had received it?

Dr. Marvin S. Herrington.

A. Yes.

Q. As a matter of fact, that was \$5,000.00 she gave to them and she had a receipt for it, did she not?

A. I don't know whether she had a receipt for it, or not.

Q. In the last years of her remaining years didn't she come to your office and display a pistol and was she not carrying it in her purse?

A. I heard that because I have many patients in that part of the county who said she was carrying a pistol.

Q. She showed you the pistol, did she not?

A. Yes.

Q. Where did she show it to you?

A. In my office. I asked her if she had a permit to carry it and she pulled out a piece of paper which was a receipt for it and said Sheriff Hodges gave her permission to carry it.

Q. Isn't it also true that she talked in a rambling fashion that made no sense, and she would talk rationally at times and irrationally?

A. I wouldn't say she talked irrationally.

Q. I am talking about a person who is a paranoiac, who has some fixed subject in their mind
Vol. I noiac, who has some fixed subject in their mind
page 314 } to talk about?

A. She was not a paranoiac toward me or anybody that I knew anything about personally.

Q. She was not against you. When she talked to you about matters that were senseless, did you pay any attention to it?

A. Yes, you had to.

Q. Did you try to straighten her out?

A. I tried to talk to her and reason with her as best I could

Q. Was she amenable to reasoning?

A. At times, yes.

Q. And other times during that time?

A. About 1955 and 1956 there were times you could reason with her and at other times you could not and convince her that she was wrong or right.

Q. As time went on, did she get better or worse?

A. Much better.

Q. Do you know why she didn't continue your services in 1959?

A. I have no idea. When she came to see me first she asked me to communicate with Dr. Walter Martin who had been attending her for many years and it was much more convenient for her to come to me than to him.

Dr. E. Marvin Mann.

Vol. I Q. Do you know why she left you to have some-
page 315 } body from North Carolina treat her?

A. Probably because it was much closer.

Q. Was it closer to her?

A. Yes.

Q. You had been the family physician, her family physician?

A. I treated her and her sister probably for approximately ten years.

Q. Doctor, do you recall in later years that she told you that someone had been following her?

A. It was not in later years. It was about 1955 or 1956. She thought ghosts were after her at times.

* * * * *

RE-DIRECT EXAMINATION.

* * * * *

By Mr. Garrett:

Vol. I Q. Did she identify the ghosts?

page 316 } A. Not to my knowledge.

Q. She was very much upset during that period of 1955 and 1956?

A. Yes.

Q. Do you know that that is when the controversy was going on about the property?

A. Yes.

Mr. Garrett: That's all.

DR. E. MARVIN MANN,

called as a witness on behalf of the contestants, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Bangel:

Q. State your name, please.

A. E. Marvin Mann.

Q. You are a physician, are you not, Doctor?

Vol. I A. Yes.

page 317 } Q. You are a graduate of what college?

A. Medical College of Virginia, Richmond.

Dr. E. Marvin Mann.

Q. When did you begin the practice of medicine?

A. In 1931, or July, 1932.

Q. You have been practicing approximately 28 years?

A. Yes.

Q. Where is your office located?

A. Hickory, Virginia.

Q. Doctor, did you know Miss Mary Frances Eason?

A. Yes.

Q. How long had you known her?

A. Many years.

Q. During that time did you have occasion to administer to her as her physician?

A. On one occasion.

Q. And when was that, Doctor?

A. Oh, about four years ago, or thereabouts.

Q. Did you engage her in conversation?

A. I beg your pardon?

Q. Did you talk to her?

A. Yes.

* * * * *

page 321 }

* * * * *

By Mr. Bangel:

Q. Dr. Mann, you may go ahead and recite what was said to you by her in detail.

A. Shall I go back to the very beginning?

A. Yes.

* * * * *

By Mr. Bangel:

Vol. I Q. Tell us about 1955 and thereafter.

page 322 } A. At two o'clock one afternoon, approximately three years ago, Miss Mary came to the office and there was one white patient, and a colored patient with a little baby in there, and just as she saw me she came right up to me and stopped short and said, "You have got henchmen over there because three bullets hit my car this morning and the car shows where the bullets struck it."

Dr. E. Marvin Mann.

I tried to reason with her and I said, "If you don't straighten out you are going away from here."

Q. What did you mean by that?

A. That she was going to be committed somewhere. As soon as I said that she kind of had a swelled up expression and in thirty seconds she was as quiet and calm as could be.

Q. Did you have three bullets put in her car?

A. No.

Q. What other contact did you have with her and what was said? Was anything said about her property?

A. On another occasion Miss Mary came to my house with a letter directed to her nephew, and in this letter she mentioned Sheriff Hodges and myself as being her friends. It was at the time she was trying to get her property back after having deeded it. I couldn't say positively why she was at my house, but later I found out she wanted my interpretation of it.

* * * * *

Vol. I

page 325 } By the Court:

Q. Testify to your diagnosis on that occasion.

What was it four years ago?

A. A bile upset.

Q. Two or three years ago she came to your office and told you about your henchmen?

A. Yes.

Q. If you saw her any other times, tell us about that.

A. Other times at the filling station. If she was sitting in her car I would walk up and have a little chat with her socially. Elderly people, I enjoy them.

* * * * *

By Mr. Bangel:

Q. Did you see any evidence of paranoia?

A. Yes, sir, paranoia.

* * * * *

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page 326 }

* * * * *

Dr. E. Marvin Mann.

CROSS EXAMINATION.

By Mr. Garrett:

Q. Dr. Mann, you were resentful toward Miss Mary because of the muskrat incident?

A. No.

Vol. I Q. You didn't like it?

page 327 } A. No, sir.

Q. You were neutral about it?

A. It happened one afternoon when the boy told me.

Q. I didn't ask you that. I asked you if you were perfectly neutral or did you have any feelings one way or the other?

A. No.

Q. And when the question came up about the timber, you had some feelings about that?

A. I had an option on the property and I called the man who owned it.

Q. That didn't make you feel unkindly?

A. No, I didn't feel unkindly.

Q. It was a dead center?

A. Yes.

Mr. Garrett: I think that is all.

By Mr. Bangel:

Q. Doctor, do you have any interest in this case one way or the other?

A. None whatsoever.

Q. You were summoned here?

A. Yes.

Vol. I

page 328 } By Mr. Garrett:

Q. Do you know Dr. Sam Eason?

A. I have seen him three times.

Q. Has he been to your place?

A. Yes. Three or four days after she came into the office they brought Miss Mary in to my home three or four days after that.

Q. Did you see them after that?

A. Not until, I think, about a couple of weeks ago.

Q. When was this occasion they came down there with Miss Mary to your office?

Dr. Robert Eason.

A. About three years ago.

Q. About 1957?

A. About that, yes.

Q. Was Robert with Sam at that time?

A. Yes.

Q. You said some of this happened when she was trying to get the property back. From whom?

A. Well, from the inference, Sam and Robert. That is what I took it to be.

Q. During that period she was very much upset apparently?

A. Well, she came in my home and showed me the letter, but I didn't notice anything particular upsetting

Vol. I about it.

page 329 } Q. She appeared to be normal to you?

A. Yes.

Mr. Garrett: That is all.

By Mr. Bangel:

Q. A person who has paranoia will appear normal at times?

A. Yes.

By Mr. Garrett:

Q. How much psychiatric training have you had?

A. Only my college degree, regular college degree.

Q. You are a general practitioner and never specialized in that work?

A. No.

Q. You treated her on one occasion?

A. Yes.

Q. How long did your examination take place on that occasion?

A. Approximately twenty minutes.

* * * * *

Vol. II

page 2 }

* * * * *

DR. ROBERT EASON,
recalled as a witness for further examination, having been
previously sworn, was examined and testified as follows:

Dr. Robert Eason.

DIRECT EXAMINATION (Rec).

Vol. II By Mr. Allen:

page 3 } Q. Dr. Eason, I hand you a letter undated but
attached to an envelope postmarked October 24,
1957.

A. (Reading) "Dear Robert, I reached home very tired, but safe and happy. We had settled our little fuss. I saw Mr. Lipkin not one word shall ever be used against you in any way I want you to take your father's place and advise help me, what you can. I feel that you are all I have to look to for help and advice. I have written some mean & hard things to you I wanted you to see my way. Write and let me know when you are coming so I can have you a good breakfast. I love you Robert, and you will be repaid, not only in more than you had, but your name is once again clear.

God bless you Robert,

Love to Mabel

AUNT MARY

Do not fear any lawyer, from me. That was attended to Monday morning the very first thing."

Mr. Allen: Now, if your Honor please, I think the last thing that was introduced yesterday was a copy of the bill of complaint that was filed by Miss Frances Eason against Dr. Sam Eason and Robert R. Eason in this Court.

* * * * *

Vol. II
page 4 }

* * * * *

Mr. Allen: I had introduced the bill yesterday. Now we offer the answer to the bill of complaint, if your Honor please, in the suit brought by Miss Mary Frances Eason against Dr. Samuel W. Eason and Robert R. Eason to set aside those deeds that have been previously introduced in evidence.

The Court: It will be received as Contestant Exhibit Number 7.

Dr. Robert Eason.

(Received and marked in evidence by the Court as Contestant Exhibit Number 7.)

Mr. Allen: And I know offer in evidence a petition filed by Miss Mary Frances Eason against Dr. Samuel W. Eason, and others defendants, asking that the timber be sold for \$57,000.00, and that is signed by Miss Mary Frances Eason, by Mr. James N. Garrett, and signed by Samuel W. Eason and Dr. Robert R. Eason, by Thomas H. Willcox, Jr., certified by the Clerk.

Mr. Bohannon: I did not catch your opening remark, but that is a joint petition by all three?

The Court: Contestants' Number 8.

(Received and marked in evidence by the Court as Contestants' Exhibit Number 8.)

Mr. Allen: Now, we filed a certified copy of the order that approved the sale of the timber for \$57,000.00 and directing that the money be deposited in the bank to the credit of the complainant in the cause and directing that the necessary documents be signed and so forth, and directing that the real estate broker be paid \$2,850 commissions, and that order is signed on May the 7th, 1956 and was indorsed and signed by

Thomas H. Willcox, Jr. for the Easons and James N. Garrett for Miss Mary Frances Eason.

The Court: Contestants' Exhibit Number 9.

* * * * *

Mr. Allen: Following that a compromise agreement was entered into by all of the parties, entered into and signed by all of the parties, certified copies of which we have here settling the matter. At the proper time I take it that these will be read to the jury, but for the sake of time I am just briefly stating what they are; is that all right?

Mr. Bohannon: Yes.

Mr. Allen: This compromise settles all the controversy about the land and the timber and provides that the two doctors are to deed the property back to Miss Mary Eason and she is to, in her will, leave it to them, and the decree directs that the money be disbursed, \$5,000.00 to Mr. James N. Garrett, attorney; \$5,000.00 to me as attorney for the Easons—

Dr. Robert Eason.

Mr. Bohannon: You are first.

Vol. II Mr. Allen: Sir? I don't seem—it's in the order.
page 7 } Here it is right here. \$5,000.00 to me as attorney
 for the Easons and \$5,000.00 to Mr. Garrett as attorney for Miss Mary Frances Eason, and \$2,500.00 to Mr. Thomas H. Willcox, Jr., who was attorney for Miss Mary Eason also; and that agreement is signed by Samuel W. Eason, Jr., Robert R. Eason and Mary Frances Eason and filed in the Clerk's Office, and we offer that.

Then there was entered upon that contract pleadings and order of the Court marked as Exhibit 11, dated the 19th day of October, 1958, approving the agreement and directing that the \$5,000.00 be paid to George Allen, attorney, Thomas H. Willcox, Jr., \$2,500.00, James N. Garrett, \$5,000.00, and the balance of \$41,650.00 be paid to Miss Mary Frances Eason. We offer that in evidence.

The Court: Exhibit Number 12.

* * * * *

Vol. II Mr. Allen: We also offer the timber deed conveying the timber to Tarkington Lumber Company,
page 8 } I believe, signed by Miss Mary Frances Eason, and Tarkington Lumber Company, recorded in the Clerk's Office January the 8th, 1957.

We offer that now in evidence.

The Court: Contestants' Exhibit Number 13.

(Received and marked in evidence by the Court as Contestants' Exhibit Number 13.)

Mr. Allen: Now, we offer in evidence a certified copy of a deed made the 22nd day of October, 1957 from Dr—the 27th day of October, '57, from Dr. Samuel W. Eason conveying to Miss Mary Frances Eason all of the rights which he had under that agreement by which she agreed to devise to him and to Robert this property. In other words that releases her from that obligation in the agreement and in the decree; and on the same deed by bearing the same date Dr. Robert R. Eason and his wife signed the deed releasing Miss Mary Frances Eason from her obligation to willing the property. That is about the substance of that. We file that in evidence.

The Court: 14.

Dr. Robert Eason.

Vol. II (Received and marked in evidence by the Court
page 9 } as Contestants' Exhibit Number 14.)

Mr. Bohannon: I think the documents speak for themselves; but in your recitation of the agreement and order in the settlement of this matter, I believe you stated that Mr. Willcox represented Miss Mary. Mr. Willcox represented the Doctors Eason.

Mr. Allen: Sure, that is my mistake if I said that. Did I say that?

Mr. Bohannon: I thought you did.

Mr. Allen: Well, no, I meant to say Mr. Willcox represented the doctors along with me.

Mr. Bohannon: Along with you; that's right.

Mr. Allen: And Mr. Garrett represented Miss Mary Frances Eason all the way through.

Mr. Bohannon: That's right.

Mr. Allen: Thank you.

Q. Now, in this last letter that you read there is some reference to the "business all settled." Was that before or after this deed was signed releasing her of her obligation?

A. That was afterwards, sir, this last letter I
Vol. II read. That was after she came to Buena Vista,
page 10 } and it so says in the letter that she arrived home
safe and sound.

Q. What assurance, if any, did she give you as to whether she would go ahead and sign the release?

A. She said I would gain more in the end and—

* * * * *

By Mr. Allen:

Q. Now, I hand you a letter dated October 8, 1957, and ask you to read that, please?

A. (Reading) "October 28, 1957. Dear Robert, In looking
over the paper today I saw this notice I inclose.
Vol. II I hope all are well and things are well with you and
page 11 } Mabel. We never appreciate what we have at the
time until it is gone. It is very cold here and if we
only had some of the nice warm days we did have how I would
like it. I want Mabel to come to see me when she is down my
way again. I think we all Dr. Sister and your father fell in
love with her.

Dr. Robert Eason.

“Take care of yourself. I don’t know why, but you are always in my thoughts. Robert, please be careful. Some things I would like to tell you. I am not wrong. Give my love to Mabel & the children.

“Lovingly

“AUNT MARY

“Take care of yourself

* * * * *

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page 12 }

* * * * *

By Mr. Allen:

Q. Now, I hand you a letter dated November the 5th, 1957—

The Court: Contestants’ Exhibit Number 15.

* * * * *

Vol. II
page 13 }

* * * * *

By Mr. Allen:

Q. I now hand you a letter dated November the 18th, ’57—

A. Let me read this one.

Mr. Bangel: The one of Sunday, November 5th, 1957.

By Mr. Allen:

Q. Oh, that’s right.

A. (Reading) “Dear Robert, This morning LaSalle was taken all at once very ill. His face was white lips blue and water just poured off his face. I thought he was going to die. I sent for Turner & got the Dr. and he was better after awhile.

“If I should call you try & come. I will not call unless he dies. He says he feels and looks better. Take care of your-

Dr. Robert Eason.

self. You are all two old people have. Do not buy any over coat. When W—was home he left a overcoat I have kept it every since I had it packed in moth covered bag. I looked at it to day and it is a beautiful coat tailored made, just the very latest thing. It is very pretty & of the finest quality never been worn. I say again take care of yourself in every

way you remember Tom Old of Great Bridge. His Vol. II wife was found in Gt. Bridge Canal last Thu. morn-
page 14 } ing Mrs. Old's had been in Canal from P. M.

12 o'clock at night until 9 A. M. before it was known. So many things takes place now, we do not understand. Give my very best love to Mabel & the children.

As ever,

“AUNT MARY

“Monday, Nov. 6, 1957

“LaSalle is alright this morning, but looks very white and thin.

Q. I now hand you a letter dated November 8th, 1957, and attached to an envelope marked the same date.

A. (Reading) “Nov. 18th, 1957.

“Dear Mabel,

“I thank you so much for your part in the gift Robert brought me.

“I did not want Robert & you to give me so expensive a gift. This comes from the heart, I love you both ten times more Please take care of Robert I think in a way he is all we both have. Come to see me when ever you can. Robert is a fine person. I will soon be gone. The misunderstanding was all my fault.

“With love

“AUNT MARY.”

Q. I now hand you a letter dated November 22nd 1957, with no envelope attached.

A. (Reading) “Dear Robert—November 22nd, 1957.

Dr. Robert Eason.

Vol. II

page 15 } "Dear Robert,

"I am glad you arrived home safe and sound. I am so glad we have gotten everything strait. I drove my car your gift to South Norfolk to day at one and did not have one bit of trouble with it. I would not take anything for it. I love you very much. Robert Sat. I saw Lizzie hair, eyes and voice. Isaac hands, size, brain and loving ways. I think that you and Mabel are all LaSalle and myself have.

"I saw Webb yesterday you understand. Sam phoned me Nov. 17th after you left. I still & will always have the same thoughts. I received a letter from him yesterday. Read it then burn also another one or the end of it. Watch your steps. The old woman said in her paper (Dick) had already received a sum of money.

"I am about the same plodding along. Do not work too hard, take it easy.

"I wrote Mabel, and thanked her also for such a gift.

"Lots of love to all

"AUNT MARY.

"Keep your own thoughts, tell no one. Watch your step. I am not wrong.

"Do not go out so much at night, rest."

Vol. II Q. I now hand you a letter dated November 25th,
page 16 } 1957, no envelope attached.

A. (Reading) "November the 25th, 1957.

"Dear Robert,

"I have fixed my papers as I told you I would. LaSalle looks very sick. I am going to send him to Fla the first of Dec. I never saw such a change in a person as has been in him for the past two weeks. Please tell no one of my plans. Be sure and not talk about certain things only with Mabel.

"Lots of love to all

"AUNT MARY

Dr. Robert Eason.

"I wish Mabel would write to me again. I wrote to her last week."

Q. I now hand you two letters, one dated December the 7th, 1957 and one dated December the 8th, 1957, attached to an envelope postdated December the 11th, 1957.

A. (Reading) "December 7th, 1957.

"Dear Robert,

"I have fixed my papers, and every thing is O. O. I have done as I told you I would. Mr. X—calls very often. Do not talk, remember the china doll ' "No see, no hear, no talk." ' "

"I am about the same. I think it has rained every day since you left. Take care of yourself. I love my Robert, just the same.

Vol. II

page 17 } "Lots of love

"AUNT MARY

"Watch what you write son, I carried my mail to Great Bridge General Delivery. When they took my mail and put it on another Route I did not like the looks of my letters. I intend to see P. M.—" the postmaster 'in Norfolk when things gets a little more settled. Watch your step son. Bill Peebles is still around. I will take my car to Elizabeth City when it is serviced.' "For Dr. Robert."

"Dear Mabel, I was so glad to get your letter, and all were well * * *"

Mr. Bangel: What was that?

The Witness: One was to me and one was to Mabel. She had folded it separately like this.

Mr. Bangel: Is that one dated December 8th?

The Witness: Yes, sir. One is December 7th and the other on is dated December the 8th.

"Dear Mabel, (Continuing)

"I was so glad to get your letter, and all were well. La-Salle and myself are about the same. The old people always

Dr. Robert Eason.

Vol. II have the grunts. Today is Sunday and every one
 page 18 } even the dogs & cats are away. I think of you and
 Robert so much, and I know in the future God
 will take care of us all. The times are very unsettled and very serious. Please take all the care of Robert you can. I love you both very much. I like my car you and Robert gave me, I almost think it is too pretty to use. You both should not have done it. Do not think of any Xmas present for me. I want Robert to get out of debt. I know you are very busy with Xmas for the children.

“With lots of love to the little ones. Write soon. Come to see me when you can.

“Lovingly,

“AUNT MARY.”

By Mr. Allen:

Q. I hand you a letter dated December the 28th, 1957, no envelope attached.

A. (Reading) December 28th, 1957.

“My dear Robert,

“In a day or two another milestone in our lives will be over. The year 1957 has been very sad, and so lonely for me. I know and hope that 1958 that both of us will have a better one. Robert, I never told you why I changed post offices. The postmaster took the mail from the home. I only get my mail now very late and often not at all. Your letters that came would be three or four days before they
 Vol. II were delivered and envelopes very dirty, the same
 page 19 } with Sam’s. Keep our knowledge to yourself.
 Please give out no information.

“Garrett phoned for me to come to his office. I went. Gordan, his partner said they had been told I was going to help or forgive you are the only one I have ever told. Do not let this get out. Watch out for a certain Dr. not far from me. If I give to hospital he then can buy my home. My Xmas has been very lonely and sad for many reasons. I am sending you a Xmas card that was sent to me. You see I received three from one place. How low can we get. Someone broke into Arthur Nichols’ house, stole money, guns, clothes, etc. Mrs. C. W. Mitchel, your cousin, an old woman

Dr. Robert Eason.

not far from here, they went in her home, beat, tied her up hands & feet, stole lots of things all her money. Clothes, pistol, bullets, etc. & she lives alone 81 years old.

"I often wonder. What will the ending be. I still keep my pistol and gun. I am not going to hurt any one, but they are not going to hurt me. If I can help it. You take care and be a good man train your children as they should be. Start now, when they are small. Give my love to Mabel & the little ones. Take care of yourself and get out of debt. We never know how long we can work or what will happen, always try and be on the safe side. God bless you Robert & your home.

"Love,

"AUNT MARY

Vol II

page 20 } "I have been interrupted so much since I began
excuse mistakes burn with the card I send please."

Q. I now hand you a letter dated January the 9th, 1958, attached to an envelope postmarked January 10th.

A. (Reading) "January 9th, 1958.

"My dear Robert:

"We are all well and can get about, also go and come. I was glad to get your letter. The money for the education of the children, will be given to the adopted father and mother, they then can use as they think best. This is done to protect the foster parents. I think you understand. The ground is covered with snow here.

"Take care of yourself and do not go out in so much cold weather. Love to Mabel and children.

"Lovingly

"AUNT MARY."

Q. I now hand you a letter dated January the 12th, 1958, no envelope attached.

A. (Reading) "January 12th, 1958.

Dr. Robert Eason.

“My dear Mabel,

“I always welcome your letters saying ‘ “We are about the same.” ’ Spring will soon be here now, and that will mean so much to all of us. If I could, I would likt to spend the rest of my days where there is no winter.

Vo. II “LaSalle and Albert are well. I would like for
page 21 } you to see the breakfast they eat, two or three eggs,
four or five slices of bacon, batter bread, two cups
of coffee, etc.

“I just have a cup of coffee, perhaps a little orange juice. I have the aches so much arthritis I think never without pain. I am glad you and Robert have your two little children. I wish years ago I had taken a little girl. Perhaps she would not only given pleasure, but would have helped in many ways. I think two good people like you and Robert what you are doing for others it will return ten fold.

“I’m sure that is God’s plan, that we should help each other, that we should find His goodness and strength in our fellow-men.

“Lots of love to Robert and children,

“Lovingly,

“AUNT MARY.”

Q. I hand you a letter dated January 16th, 1958, attached to an envelope postmarked January the 17th, 1958.

A. (Reading) January 16th, 1958.

“Dear Robert, I am glad you are coming. I am so glad. I have seen the painter for the house, also man to fix inside, as soon as weather permits, also have fixed all papers with Webb’s help. When you come I will explain about Post Office. I drove to Portsmouth yesterday in my little new car and was proud as an old hen with her chicks.

Vol. II
page 22 } “Lots of love

“As ever

“AUNT MARY.

“Will look for you Sat. Jan. 25, 1958.”

Dr. Robert Eason.

Q. I hand you a letter dated January the 21st, 1958, attached to an envelope postmarked January the 22nd.

A. (Reading) "January 21, 1958.

"Dear Robert,

"I am going to look for you Sat. Jan. 25. Get home before dark son.

"I love you very much, and do as I tell you. Keep your own counsel to yourself.

"Love to Mabel and children

"Love,

"AUNT MARY."

Q. I hand you a letter dated February the 10th, 1958, attached to an envelope postmarked February the 11th, 1958.

A. (Reading) February 10th, 1958.

"Dear Robert,

"Your letter came more than a week ago. I would have answered sooner but have been sick. I went up to the old home yesterday and went through W's trunk. I Vol. II found lots of stamps and little things, also pictures. page 23 } I will send them to you by Parcel Post in a few days. I am glad Robert, that you have done so well and people think so also.

"God bless you and keep you from all harm.

"Love to the home ones.

"Lovingly,

"AUNT MARY.

"Tell Mabel to write, I am very lonely."

Q. I hand you a letter dated February the 23rd, 1958, attached to an envelope postmarked February the 24th.

A. (Reading) "February 23, 1958.

Dr. Robert Eason.

“Dear Robert,

“I wrote you and Mabel thanking you both for candy and picture of the little ones. I must say they are little darlings.

“I am sending Elizabeth a little present, and hope they will fit. The bracelets were given to Sister Sarah when she was 13 yrs. old by Grandfather Eason. The chain was given to me when I was a little girl years ago. The little ornament I have just bought and put it on. The earrings are new. The ring was your father’s birthstone. Put it on your little finger, and remember it was worn by one of the finest men that I think ever lived.

“I want to give Mabel a present and don’t know what to give. She has always been nice and kind to me
Vol. II more than any one living that I know of.

page 24 } “Do you think we could pick her out a spring coat and dress? If you could manage to steal out one of her old coats when you come I think we could do it. If you think she would like that. Women like to buy their own rags.

“Albert did not show you W’s trunk. I have found lots of stamps, etc. I will hold them for you.

“Take care of yourself. The weather is grand with us. I have not seen any snow, just a little cold weather.

“Don’t you think I will ever forget what we talked about. Only Mabel is the one to know. God bless you Robert, and your little family, wife and babies.

“Lovingly,

“AUNT MARY

“Sunday Feb. 23, 1958.”

Q. I hand you a letter dated March 19th, 1958, attached to an envelope postmarked March the 20th.

A. (Reading) “March 19th, 1958.

“Dear Mabel,

“It certainly seemed like old times when your letter came. I was so glad Robert got home safe and sound. It certainly

Dr. Robert Eason.

snowed hard after he left. I thought of the long snowy trip, and was so glad when I knew he was home O. K.

"I am glad you liked the little dress and coat. It has rained here almost every day for some time. I can look out over our field, and see great big ponds of water. Tell Robert Sam wrote me quite a long letter the other day, said he was going to retire and going to buy a home at Va. Beach, Fla. or on N. J. coast. I think Robert needs a holiday, at least you both. Why not take children and you all take your trip Easter if only for a few days. Lots of people go to Southern Pines, N. C.

"Love to Robert and children. I will write to R—in a few days. I am very slow about writing or going. Don't forget never wait for me. I want to tell you now I love you very much.

"Lovingly,

"AUNT MARY."

Q. I hand you a letter dated March the 29th, 1958 attached to an envelope postmarked March the 29th, by certified mail.
A. (Reading) March 29th, 1958.

"Dear Robert,

"I am sorry, but I have made plans to be away for two or three weeks. I am not going to forget you.

"Just this note, as I am in such a hurry. The picture was beautiful.

"Love to Mabel and children,

"Love,

"AUNT MARY."

Vol. II Q. I now hand you a letter dated April 13th, 1958 page 26 } with enveloped attached postmarked—I can't read the postmark on it.

A. (Reading) "April 13th, 1958.

"Dear Mabel,

"I hope by this time you have received my letter of thanks, for the nice box of candy you sent me. It was just like you

Dr. Robert Eason.

to remember the old woman. Thank you again for the candy. I did not get my trip Easter so next week I expect to take a little trip to N. C. I hope you and family are well. With lots of love to all,

“Love,

“M. F. EASON.”

Q. I hand you a letter dated October 21st, 1958, and one dated October the 20th, '58, and a letter address to “Dear Aunt Mary from Sam,” all in one envelope postmarked October 21.

A. (Reading) “October the 21st, 1958.

“Dear Robert,

“I received this letter from Sam, and I am sending you my reply. Do not talk, just burn.

“Try to get to see me before Thanksgiving.

“Love to all,

“AUNT MARY.”

“October the 20th, 1958.

“Dear Sam,

Vol. II

page 27 } “I am sorry your pump acted up. I sent Albert up to the graveyard and had it cleaned off so it would look better and be ready anytime. Be sure and wear Camella’s pin and my ring so the devil can see them good.

“As ever,

“MARY F. EASON.”

Letter to Aunt Mary from Sam W. Eason, dated 10/6/58.

“Dear Aunt Mary,

“Just a line—”

Mr. Bohannon: Is that letter referred to in her letter?

The Witness: That she enclosed.

Dr. Robert Eason.

Mr. Bohannon: The one that she had asked you to burn. I'm not cross examining, I just identifying—

The Witness: Let me see how she express it. I don't want to read it if you don't want me to read it: "I received this letter from Sam and I am sending you my reply. Do not talk, just burn." Now, whether she means this letter or Sam's letter, I don't know, sir.

Mr. Bohannon: Un-huh.

The Witness: Shall I read it, sir?

Mr. Bohannon: Oh, yes, I'm sorry.

Vol. II

page 28 } A. (Reading) "Dear Aunt Mary,
"Just a line to let you know I am still around. My pump acted up last week and may again. Remember our handshake. It still remains in my memory. Hope you have solved your problems. I will probably not be around very long for you to late,

"Love,

"SAM."

By Mr. Allen:

Q. I hand you a letter dated November the 1st, 1958, attached to an envelope postmarked November the 5th.

A. (Reading letter) November the 1st, 1958.

"Dear Robert,

"I am not going to say I will not be at home. Under the circumstances I think it best for you not to come to my home.

"I will not forget what I told you. I am sick, and will not be so I can get around and do as I wish.

"Take care of yourself, and do not work so hard,

"With love,

"AUNT MARY

"This is for your good

"Trust me."

Dr. Robert Eason.

Vol. II

page 29 } Q. I hand you now a letter dated November the 9th, 1958 attached to an envelope postmarked November the 12th and on the letter is the word "Copy."

A. (Reading) "November the 9th, 1958.

"Dear Robert,

"For the past ten days, I have been told so many things you did to try and get me out of my home. I am not going to have any more to do with you. I think Mabel is a fine person, and did not have one thing to do with the way you and Sam lied. If you or Sam try and make any trouble about my will, I have written out the true facts about the lawsuit and other things. I asked for one acre and you would not even give that. It will be placed on record.

"Let's close the subject from now on.

"M. F. EASON."

Q. Is that letter after you had given everything back to her and even released her from the obligations in regard to the property?

A. Yes, sir.

Q. I hand you a letter dated December the 18th, 1958 to Mabel with a Merry Christmas card in an envelope dated December blank, 1958.

A. (Reading) December the 18th, 1958.

"Dear Mabel,

Vol. II "Thank you so much for the candy. LaSalle is
page 30 } about the same. I see no change in his condition.
"I hope you and Robert will have a nice Xmas dinner and wish I could also. Take care of yourself, and do not let Robert go out into the cold more than he can help. I have the aches so I can just crawl around. Lots of love to the children (They are beautiful to Robert & lots to yourself,

"Love

"AUNT MARY."

Dr. Robert Eason.

Q. I now hand you a letter dated—did you read the Christmas card?

A. No, I did not read the post card. “Best wishes for Christmas and New Year, Mary Frances Eason, and J. L. Eason.”

Q. I hand you now a letter dated Sunday, December, 1958. Written at the top in an envelope postmarked December the 22nd, 1958, and ask you to read that.

A. (Reading) “Sunday, December, 1958.

“Dear Robert.

“May God bless and keep you in the years to come. LaSalle is home still very sick and quiet. He looks so much like our mother. I am alone. We both have had such a hard time since the others left.

“It was nice of you to send gift to Albert & LaSalle. I thank you for them, also for the box of paper and Vol. II candy you sent me. Sam sent LaSalle a card. You page 31 } remember when Sam said to me “Poor old thing.”

You know I had just given him a traveler’s check for \$100.00, also his wife and son. I was sent a one penny postal card for all three. The sound of his voice I cannot bear. He has said, Robert did everything. Hired the lawyers, sold the timber. I did not have one thing to do with it. Remember what I have told you. (I am right, Robert). Try and keep out of the cold. I have always wanted you to live where it was not so cold in winter. A dry warm climate I believe prolongs one’s life. Have a good time Xmas in a nice way. Love to Mabel and your two little darlings. They are beautiful.

“Love,

“AUNT MARY.”

Q. I hand you a letter dated January the 1st, 1959, attached to an envelope postmarked January 2nd, 1959. I can’t make out the “9” but I guess that is what it is.

A. (Reading) “January 1, 1959.

“Dear Mabel,

“Thank you for the box of candy. Xmas was a sad day with me. I often think of the bygone days and the good

Dr. Robert Eason.

friends of long ago. LaSalle is better now, I have to watch him & fuss to keep him in the house. What a problem I have with two old men.

"I hope you had a good Xmas. I sat at the window and watched people go by. Love to all.

Vol. II

page 32 } "Lovingly,

"AUNT MARY."

Q. I hand you a letter dated January the 3rd, 1959 attached to an envelope postmarked January—I can't make out the rest of it.

A. (Reading) "January the 3rd, 1959.

"Dear Robert,

"I hope the year of 1959 will be a happier one for these two lonely old people. LaSalle & myself. I have tried so hard to do the right thing. I could have had a nice trip to Fla. in the winter if my life's work had not been spent on lawyers' and common thieves. I know Sam said you did everything, lawyer from Richmond timber sold to a Richmond man. Also Butterworth your man I have forgiven you both. I have sold the old farm. You and Sam are out of the picture. My father was a very prominent man in the county, also his sons Rev. S. W. Eason, I. W. Eason, lawyer, Dr. C. F. Eason, and the two old maids were school teachers. I have been very proud of my name, I can say. I am ashamed when I have to tell who I am now. So far as you two, what you tried to do to your father's old sister, God will take care of that. Remember I am not angry and will never harm you in any way, but you and Sam have hurt me more than you will ever know. I do not claim any kin to you or Sam.

"Respectfully

Vol. II

page 33 }

"M. F. EASON

"So many things have been told me in the past two weeks."

Dr. Robert Eason.

Q. I hand you a letter dated April the 20th, 1959 attached to an envelope postmarked April the 21st, 1959.

A. (Reading) April 20th, 1959.

“Dear Robert,

“I expect to drive up to your home in a few days. I want to talk with you. I will only be with you a few hours, and will return the same day, as I did before.

“Give my love to Mabel and children.

“M. F. EASON

“I do not hear any thing from Sam, and I want him to let you alone. I find him a big liar.

“As ever,

“M. F. E.”

Q. Did she come in pursuance to that letter?

A. No, sir.

Q. I hand you a letter dated April the 23rd, '59 attached to an envelope postmarked April 24th, 1959, and I can't make out the rest of the postmark.

A. (Reading) “April 23rd, 1959.

“Dear Robert and Mabel,

“Your letters came Sat. 22-56. For the past week I have been very sick with the same old trouble (rheumatism) in every kind of form. LaSalle is not in Va. Vol. II } After his heart attack he went to his own home. page 34 }

I went down to see him and found he did not have anything to eat. His wife and her lawyer had scared and taken his money from him. Perhaps in the future God will open up a way for us. I am glad things are so well with you both.

“I often think of the days that are gone and only wish I could see a familiar face and hear a kind voice.

“Lots of love to you both and children.

“As ever

“M. F. EASON.”

Dr. Robert Eason.

Q. I hand you a letter dated May the 19th, 1959 attached to an envelope postmarked May the 20th, 1959.

A. (Reading) May the 19th, 1959.

“Dear Mabel,

“I am glad to know all is well with you and all. I have been sick, and also have had lots of trouble about LaSalle.

“I often wonder what kind of person it is that would hurt and disturb an old person like La Salle.

“I am selling the Dr.’s home, and think of living elsewhere, perhaps in Georgia or S. C. I would be much better off with strangers. Sunday I went to the home-coming of one of our churches (Good Hope) May 17th. I saw so many I used to

know and how nice the nephews and nieces were to Vol. II them. I was so alone every way.

page 35 } “It will be so I will not go up to see you all.

I wanted to tell you my plans. I sold the old home sometime ago. The man that bought it is farming there and will fix up house, yard, etc. in September.

“Take care of Robert, Isaac loved you very much.

“Give my love to the children and Robert

“AUNT MARY.”

Q. I hand you a letter dated June 27th, 1959 with no envelope attached.

A. (Reading) “June 27th, 1959.

“Dear Mabel,

“When you go to Va. Beach this summer I would like to see you and talk about certain subjects.

“I will meet you at the Glass House on M. H. anytime you wish.

“Sincerely,

M. F. EASON.”

Q. I now hand you a letter dated September the 1st, 1959 attached to an envelope postmarked September the 4th.

A. (Reading) September 1st, 1959.

Dr. Robert Eason.

“Dear Mabel,

“I am sure you are home from Va. Beach by now. Vol. II I want you to know I am not angry with you. I was page 36 } told that Sam and Robert went to the men that I had been in a lawsuit about 12 years. I would not let them drain their land on me, unless they would dig their water off. It would cost money to do that. These people were told if they would put me out of my home they could drain through and not pay. Well, that is all over. I try not to think about what has been done to me. It is hard to forget, but I have forgiven long ago.

“LaSalle has been very sick and has been in Fla. since March 59. Albert is also sick. Dr. Steingold is his doctor. I think the doctor thinks it is cancer. Albert lies on his cot most of the time. God bless you, Robert, and the little ones.

“With love to all,

“AUNT MARY.”

Q. I hand you a letter beginning “Dear Robert,” with no date on it, no envelope attached, signed “Mary F. Eason,” and ask you to read it and tell us if you can approximate when when it was received.

A. (Reading) “Dear Robert,

“I am glad you received your box I sent you containing your Mother’s hair * * *”

Mr. Bangel: Doctor, did you leave a word out?

A. (Continuing) “I am glad you received your Vol. II box I sent you containing your Mother’s hair. It page 37 } was in the enclosed envelope with Willoughby’s debt. I think it must have been hers, if not so dark. Perhaps when she was young it turned darker in later life. I did not send your Mother’s pin. I will tell you why. You remember your Mother’s silverware coffee pot, tea pot etc. You and Miss Louise came after just before you went to practice in Buena Vista.

“When your mother was sick your father pawned the silver in a pawn shop near Swartz in Norfolk. Isaac asked me to help him which I did. I paid for the ticket. Isaac gave the pin & told me to wear it until he called for it. When I go

Dr. Robert Eason.

it will be with Willoughby's little silver fraternity pin. I want you to have them. I have not told you why I have kept them because I loved you & did not want to hurt your feelings because poor Isaac had to pawn them. In the same envelope was Willoughby's debt in all those years in his coat pocket. I say again that he loved them. Love to Mabel, and your little ones.

"MARY F. EASON.

"P. S.

"Sam wrote and asked me about my father's debt and property. He was at home when Father was brought home then going to school."

Vol. II
page 38 } "If I have wounded any soul today
"If I have caused one foot to go astray
"If I have walked in my own willful way,
"Dear Lord forgive
"Forgive the sins I have confessed today
"Forgive the secret sins I do not see
"Oh, guide me, help me and my keeper be,
"Dear Lord, Amen."

Mr. Bohannon: Is that not in her handwriting, do you know?

The Witness: Yes, sir, that is in her handwriting.

* * * * *

Vol. II
page 41 }

* * * * *

By Mr. Allen:

Q. Now, here is a letter addressed "Dear Robert," and then a note to "Dear Mabel" and then signed "Aunt Mary." No date on it. Read that and tell us—

* * * * *

Dr. Robert Eason.

A. (Reading) "Dear Robert,

"I am about the same. Not any better or worse. LaSalle's case comes off tomorrow, will let you know the outcome at once. Robert, several men have been in the lumber. I don't like them. Today I am sending my man in. Williams tells me it will take over two weeks to estimate correctly. Williams is an old man, does not buy or sell, and cannot be bought. I want you boys to listen to him, Robert. I received a letter from Sam today saying when it is sold you and Vol. II Sam must be here O. K.

page 42 } "I am going to take enough money to paint and fix the porch, roofs and gutters and paint. Take out of the lumber money. We have taken care all of these long years. I am still going to do so. Cut the grass and have things back in order again, if the Good One gives me time and a little health I love you, Robert. You are a fine person. I don't think if we were to search the world your equal could not be found.

"Lots of love."

"Dear Mabel,

"Your letter was so good to read. I would like for you to have seen poor unfortunate LaSalle's eyes. I had never seen tears in them before.

"Thank you so much for both of us. Take good care of Robert and yourself.

"Love to Elizabeth

"AUNT MARY."

That was written before the timber was sold.

Mr. Bohannon: That is an old letter?

The Witness: Yes.

Mr. Bohannon: And you think that belongs back along with the numerous ones when she was talking about the timber being sold?

The Witness: Yes, sir.

Dr. Robert Eason.

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page 44 }

* * * * *

By Mr. Allen:

Q. I now hand you a letter addressed "Dear Robert and Mabel," no envelope attached and no date on it. Maybe you can tell from the contents about where it belongs.

A. Thank you. (Reading) "Dear Robert and Mabel,

"I am about the same, not any worse or better. I am only thinking of you today. I have had two men to look the timber over. They say it will take at least two weeks to do it. It is a big job and it will take two weeks to get a correct information. Robert, I had an awful time last night. They did every-

Vol. II } thing you could think of. It is not LaSalle's wife
page 45 } as much as you think. I saw Sunday three men in
the field. They are trying to make me get out. I
know now what it is, I think. Do not sell. I wish
I could see for you. Tried to go to Norfolk today. Seven or
eight cars tried to run me off the road but I went just the
same. If anything should happen to me ask Albert for cer-
tain papers. Branch you remember detective was home the
evening you were. Robert, he is with the gang. Today is the
first time in my life I have ever been afraid for my life. When
I went to pay him \$90.00 for the evening he was home, no one
was in the office, somehow I knew he meant to hurt me. I
asked him to open the door. At first he acted like he did
not understand. I had my pistol and told him to open the
door at the same time I touched the door with my pistol.
Robert, he looked down on the floor and said not a word.
The door came open. I gave him his money. The first man
I saw was old Bill Peeples, he is one that is trying to run me
away. The price is if I left LaSalle will go also. I told Branch
LaSalle was an old man, time short, perhaps he would be
better off dead. I will not pay one five cents. Both had lived
longer than most people, I did not care. The farm could not
be sold under 30 years. I think I will be held for the price of
the Eason's farm. Don't sell. Branch has not told me one
thing. Don't forget he is one of the ringleaders. Do not
bother about me, I can take care of myself. I hope you can

Dr. Robert Eason.

read this letter. I had to write in the dark. Do
 Vol. II not come. I am not going to run. Send this letter to
 page 46 } Sam. I have not a chance to write to him.

“Love to Mabel and Elizabeth,

“AUNT MARY.”

* * * * *

By Mr. Allen:

Q. I now hand you a letter dated December the 22nd, and someone has put “1956” and a question mark addressed to “Dear Robert and Mabel” signed “Aunt Mary.”

A. I imagine I did that to try to establish the date, Mr. Allen.

* * * * *

Vol. II

page 48 } A. (Reading) “December 22nd

“Dear Robert & Mabel,

“Your Xmas present came and it was just the thing I needed and was going to get one. I thank you both also for Albert. Robert, my gift to you and Mabel is this: I am giving you and Mabel twenty thousand (\$20,000) dollars for the education of your adopted children. I wanted you both to know but no one else. The reason I moved my mail to General Delivery Great Bridge after they took the morning delivery from me, I did not like the looks of my letters. I will explain when I see you. Paul Eason spent the evening with me, just left. I am certainly proud of him. Paul stands first with the people as a fine man and also Church and farmer. The Easons boys certainly have done well. Raymond, Elva and Paul are very wealthy and take part in all church affairs.

“I am so glad Isaac’s son stands well also. God bless you, Robert, take care of yourself and always try and do the right thing even *thought* it is more than you should do. I have not been so well for the past two weeks, just a few aches, I guess.

“I am so glad you have the two little children. Your kindness and love will return tenfold.

Dr. Robert Eason.

"This letter is for Mabel also. I hope you all will have a nice Xmas.

"With love,

"AUNT MARY."

Vol. II

page 49 } Q. Did she give you the \$20,000.00?

A. No, sir.

Q. I now hand you a letter addressed "Dear Robert" signed "Lovingly, Aunt Mary," no date, but with "1956" and a question mark there—

* * * * *

Vol. II

page 50 }

* * * * *

A. (Reading) "Dear Robert,

"LaSalle's case was just thrown out the court. My man went in the woods today. He told me the timber in old woods was worth \$129,240.00. The young trees in the young woods was worth at least 30,000. Every penny cash. The old maid have not done so badly. Keep your land. Do not sell one foot. Love to one and all.

"Lovingly,

"AUNT MARY."

By Mr. Allen:

Q. I now hand you a letter addressed "Dear Robert," signed "With love, Mary F. Eason." And I am going to ask you to read that and fix the date you received it as well as you can.

Mr. Bohannon: That has number 120 on it.

A. That must have been before that other case, you see. That is all I can say.

Samuel W. Eason.

(Reading) "Dear Robert,

Vol. II "I was up to the "Old Home" after the break-in.
page 51 } I was looking over the boxes that was strewn all
over the floor. I found these articles of your
father's and mother's. The vanity box in Lizzie's maiden
name, also her hair. Isaac had put away. How he loved
her.

"I am glad you have a little foster son. Perhaps in the
coming years, he may be of great comfort to you. The 'Good
Book' says once a man and twice a child. Better have a mill-
stone about your neck than to offend one of these.

"Give my love to Mabel and Elizabeth.

"With love,

"MARY F. EASON.

"I am expecting LaSalle home for a few days."

Mr. Allen: Now, they are all the letters, if your Honor
please, we have from Mary to Dr. Robert Eason and his wife
Mabel.

I will ask the Doctor by the way—

By Mr. Allen:

Q. Are they all the letters that you received from her?

A. All I could find, Mr. Allen. I probably have some more.
I don't want to say they are all the letters I received.

Q. I want you to search and find out and bring them.

A. Yes, sir.

* * * * *

Vol. II
page 52 }

* * * * *

SAMUEL W. EASON,

called as a witness on his own behalf, having been first duly
sworn, was examined and testified as follows:

Samuel W. Eason.

Vol. II

page 53 }

DIRECT EXAMINATION.

By Mr. Allen:

Q. You are Dr. Samuel W. Eason of Summit, New Jersey?

A. Yes.

Q. Dr. Samuel Eason, you are the same Dr. Samuel W. Eason that has been referred as the nephew of Mary Frances Eason?

A. Yes.

Q. Did you receive letters from her often?

A. At various intervals, maybe once a week, maybe once every two weeks; sometimes once a month.

Q. I am not going to ask you except to identify them for the purpose of being the recipient.

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Vol. II

page 56 }

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By Mr. Allen:

Vol. II
page 57 } Q. Dr. Eason, I hand you a letter dated March the 6th, 1953 addressed "Dear Sam," signed "Aunt Mary," attached to a copy of something else, and ask you if you received that.

(Shown to the witness for examination.)

A. I did.

Q. Will you read it?

A. (Reading) "Dear Sam,

"I gave to the Va. Methodist Children's Home Five Thousand Dollars to the memory of two good men and to dear old Sister (I never knew I loved her so much until it was too late, I just did not have enough sense). I am sending you a copy of what I wrote to them. Two men from Richmond came to see me and get the checks as you will see.

"Sam, I want to give a memorial fund to your Mother's name in a check signed in your name. I have the money. I want it used that way. Wessie was a fine woman in more

Samuel W. Eason.

than one way. After I do this I will still have enough for my trust funds for LaSalle—Albert—and the cemetary. I will not sell one foot of land or one tree. I will have in the Building and Loan's about 16,000 without bank accounts.

"You never knew your father but I can tell you this. His diploma will let you know how he stood in college way back in those days. It was not thrust on one like it is
Vol. II now, then work, work.

page 58 } "I am going to send you a copy of my will in a few days.

"Take care of yourself. I think you are the one to carry on the name for a great many reasons. God bless you Sam.

"Lovingly,

"AUNT MARY

"This is what is recorded in Richmond," marked "Copy."

"I give unto The Board of Trustees of the Va. Conference Orphanage of the Methodist Episcopal Church South Richmond Va. the sum of Five Thousand (5000) Dollars as a memorial fund to my brother's Rev. Samuel W. Eason and I. W. Eason. To my sister Sarah Elizabeth Eason.

"This bequest is given on condition however that only the income derived therefor shall be used and that toward the support and maintenance of said Institution.

"Copy from Mr. Brittingham the receipt he gave me for the (\$5000).

"February 26th, 1953.

"Received from Mary F. Eason Two checks for \$2500.00 each to be a perpetual memorial fund in memory of two brothers Rev. Samuel W. Eason and I. W. Eason and her sister Sarah Elizabeth Eason.

Vol. II "Virginia Conference Methodist Children's
page 59 } Home.

"By A. W. Brittingham, Treasurer."

Q. I hand you a letter dated September—

The Court: Go ahead, I will say it later.

Samuel W. Eason.

By Mr. Allen:

Q. I hand you a letter dated September the 15th, 1953, addressed "Dear Sam," signed "Aunt Mary," no envelope attached.

The Court: Gentlemen, all the old letters of Mary to Sam and Sam to Mary F. Eason will be Exhibit Number 16, just like the others.

A. "September 15, 1953.

"Dear Sam,

"I sent you a letter Saturday 14th. I am not sure it was even mailed. This is what I want to tell you. I have attended to the deed, the extra money will be in a trust fund for W—

"The deed is O. K. I have seen two lawyers and if questions are asked you go to this lawyer I have sent name and address. They are Negroes but will not talk. I had lots of trouble with Webb.

"Take the deed and record it yourself. Do not Vol. II let it out of your hands. Get the man to tell you page 60 } what to do. Take him with you to the Court House.

"The extra money Norfolk Co. trust fund for W—You will know how to handle that. My stomach has given me lots of trouble the past 10 days. I am going tomorrow Martin will exray it. If anything happens to me Albert will tell you where to find papers. Take care of yourself. I love you very much Sam. Love to all.

"AUNT MARY.

"I sent a letter to Ruth Saturday."

Q. Who is "W"?

A. "W" is my son Wesley.

Q. Who is Ruth?

A. She is my wife.

Q. Did any deed accompany that letter?

A. Never saw one.

Q. She refers—

A. I have never seen a deed that letter referred to at any time.

Samuel W. Eason.

Q. I hand you a letter dated October the 2nd, 1953, addressed "Dear Sam," signed "Aunt Mary," There are notes at the bottom I don't understand; no envelope attached.

A. (Reading) "October the 7th, 1953."

Vol. II Mr. Bangel: Is that the 7th or the 2nd?
 page 61 } The Witness: It looks like the 2nd to me.
 (Reading) "Dear Sam,

"I have always try to do what I thought was the correct thing to do. I could have sold my timber the other day at a good price if it had not been for you and Robert. Since our father died over 50 years we have paid taxes. I don't think you could have found a person in this world would have done as I did. I gave you both all the home I had.

"The timber is mine. I can do as I like with it. Write and ask Webb I can by a certain law get my farm back. I am glad you all have it. Branch is still here with his mean crowd. I think the land has the secret. The timber when sold money in bank placed in lock box in name of W. E. The land should be in his name. Now don't cut me off again. The man to buy on percentage will give 50 thousand more than any one else, his 7 per cent. The more his sale is the more you get. Sidney Charleton has cut me out of two good sales. Wants it himself. If any one phones, tell him your man's estimation is \$129,241.00 (without young timber). The young is worth 30,000 or 40,000 now.

"Don't you think I want to be mean. I could have sold long ago. Come to see me, when you can. I love you more than you will ever know. Humpheries, the man Robert phoned offered \$250,000 cash. The woods is almost worth that. Never sell.

Vol. II
 page 62 } "Love to all

"AUNT MARY.

"Branch

"Warren

"Bill Peebles, the one spent his vacation in Geo. IIII last year wants it at any price. Do not sell."

Q. Well, what's the date of that letter?

Samuel W. Eason.

A. October, 1953.

Q. '53?

A. October the 2nd, 1953.

Q. Well, all the evidence showed so far about the timber is '56 and '57. Was any discussion about timber at all in '53?

A. I don't think I answered this letter. I couldn't make too much out of it, so I just passed it up.

Q. Was anything said about timber in '53, do you recall?

A. There was nothing said about timber till '55.

Mr. Bohannon: Could you be mistaken about the date '55?

The Witness: Well, the best I can see on that. What does it look like?

The Court: Gentlemen, this looks more like '55 than '53.

The Witness: May be it is '53. The two figures Vol. II are identical.

page 63 } Mr. Bangel: That's all right, we have no objection.

Mr. Allen: From the contents, I would say it is '55.

The Court: It is '55. If one is a "5" the other is a "5."

The Witness: That must be '55.

Mr. Bohannon: It was stated it was '53.

Mr. Allen: Well, let's put it along with the '55's. When we come to it we just won't read it again.

The Court: We will just skip reading it.

By Mr. Allen:

Q. Now, I hand you a letter dated November the 21st, '54.

A. (Reading) "Dear Sam,—"

Mr. Bangel: '54 or '53?

The Witness: That is '54.

Mr. Allen: '54, right.

By Mr. Allen:

Q. (Continuing) "Dear Sam," signed "Aunt Mary,"

A. This is November the 21st, '54.

Vol. II Mr. Bangel: Wait one moment, will you please,
page 64 } sir. I think there is one ahead of that, the one we
just read.

Mr. Allen: That's right, you are right. This ought to come out.

Samuel W. Eason.

The Witness: Is this the one you want me to read?

Mr. Bohannon: That's right.

A. (Reading) "November 21, 1954.

"Dear Sam,

"I was surprised to hear LaSalle had written to you. I have not seen him since he was married, only as he passed the house. Sam, he is positively crazy. He does not know the woman's name he has married or where she came from. LaSalle told her I would give him fifteen thousand when I died. Therefore, I tore that will up and have not given him one penny only to live where he is his life time if he wants to. Did you ever hear the word 'hobo'? Do not give him any money. Send medicine if you wish, not money, hear me? Yesterday a man came and carried his chickens off. Sold them. He gets over one hundred a month, no rent, taxes, board, washing, all things over 30 years. Sometime back I went to the Southern Bank in Norfolk and gave him in his own name one thousand dollars. The week after he was married he drew it out. As I said he gets one hundred per month without any expenses whatever. I have given him his clothes, paid all his hospital bills, every expense even garage bills for his car. I am telling you this, the poorer he is the longer he will live. Just an old female 'hobo.' How, let him take care of her. In a short time she will be gone. I have changed my will and I want you to carry it out. An old man over 80 with no need to bring such a disgrace I call it, in the home, or the ones that are living. He told her he would get fifteen at my death. I have written my will over and paid a negro to go down and tell her. I want to live also. I have not been well this week at all. Still trying to carry on. To think I have a brother so low down as walk off and not say one *work* about his marriage and has not been back to even speak to me all these long years of cooking, washing his clothes and always giving. To bring such a thing in the home. Let him live on one hundred a month. That's more than he deserves. I am angry all the way down from the bottom to top to see such a thing on the farm.

"I have it in mind to tell her to get off.

"With lots of love to you, Ruth and Wesley.

"AUNT MARY."

Samuel W. Eason.

By Mr. Allen:

Q. I hand you a letter dated March the 30th, 1955, addressed "Dear Sam," signed "Aunt Mary."

A. (Reading) March 30th, 1955.

"Dear Sam,

Vol. II "I am just going to write you a short note.
page 66 } (Have been in bed most of the time. My head
aches so, and mouth sore.) I have had lots of
trouble about LaSalle. This (slop bucket) he had married is
of the lowest type. She has been married 5 times, just out to
get money. I am afraid of her. I want to tell you now, if
anything happens to me LaSalle and his so-so is not to go
in my mother's home or the Doctor's either. Just go by my
will. He can live in the house he now occupies only his life
time, then it goes back to the Eason's estates). LaSalle gets
from our Gov. over 100 per month. That is more than he
deserves for his conduct on our name. When Dr. died I put
money in Va. Bank Norfolk—not it is changed in her name,
also Merchant and Planters Bank South Norfolk. They are
good men. Do not listen to Albert about negroes. Albert
wants white, they are no good. If they were they would have
a home of their own. Steal your lumber, etc. (Take care of
yourself, you and your boy is the only ones to carry on our
name) Grandpa Eason was a fine man in every way, how he
tried to educate his children, and one rotten egg in the bunch.

"Love to Ruth and Wesley

"Lovingly,

"AUNT MARY."

Q. Who is Ruth.

A. That is my wife.

Q. I now hand you a letter dated April the 6th,
Vol. II pencil mark, 1955, "Dear Sam," signed "Aunt
page 67 } Mary."

A. (Reading) "Dear Sam,

"I am feeling much better today. (I saw the two down
the road passed going to Norfolk, I think. Never stopped to
speak to me, LaSalle, because I would not take her in. I
have made your deed out to you written by lawyer signed by
notary.

Samuel W. Eason.

"Two lawyers say the deed is good just the same as on record. Take care of yourself. You are the last pea in the pod. I will be glad to see you.) I have not heard from Robert in some time. Don't forget me. Lots of love to all.

"Lovingly,

"AUNT MARY."

Q. I hand you a letter dated May 9th, 1955, "Dear Sam," signed "Aunt Mary." I don't know whether that is put there, the 1955 by the writer of the letter or someone else.

Mr. Bangel: Ask him if he wrote that.

By Mr. Allen:

Q. Who put "1955" on the letter?

A. It might have been me, but my handwriting is so poor I can't always identify it. It could have been me. It looks like some of my work.

Vol. II

page 68 } (Reading) "May 9, 1955.

"Dear Sam,

"I will send you the price of painting, etc. I think I would wait until you were here. I will have the little things repaired such as steps *reiaered*, pully windows fix barn roof you'd just repaired.

"(Your recorded deed came out as Dr. S. W. Eason Jr., that was wrong. You should have said Dr. S. W. Eason and son Wesley Eason. Some skunk of a lawyer could undo things. You see a fireball is behind me and Robert's name is not there at all. You see we do not have Dr. S. W. Eason, Jr. That does not exist. I will fix things for you. Keep quiet. I will write to you in a few days). Love to Ruth and lots of love to you.

"Lovingly,

"AUNT MARY."

Q. What did you say the date of that was?

A. It had May the 9th, 1955. Because that was the first

Samuel W. Eason.

letter I received after the deed was recorded on May the 2nd, '55.

Q. You refer now to the deed of May 2nd '55, conveying the property to you and Robert to the—reserving the life right to her?

Vol. II A. That's correct.

page 69 } Q. I hand you now a letter dated May the 27th, 1955, addressed "Dear Sam," and signed "Aunt Mary."

A. (Reading) "May 27, 1955.

"Dear Sam,

"I have been thinking of you all this week. I am glad that things are O. K. I can sleep so much better knowing that the farms are safe. I have been very sick all this week, it is my stomach.

"Take care of your land. It has gone much higher, \$25.00 more on the acre. LaSalle eats three times per day. Perhaps I have told you I have taken him to Norfolk and bought a new outfit, suit, hat, shirt, shoes, socks, and he is all first class (Shulman). I told that old tub he is tied to I would take her at the same time and buy her some clothes. Guess her reply, ('Give me the money') No, I said I will get the clothes. She wanted to know how I got so much money. I drove off and left her. Never give JLE money. If you have to (eats). Remember, he has over \$100. per month Old Soldier Home in Newport News. Out of his over 100 she gives him only \$20.00 to buy food, gasoline, then she has over 87. Makes him walk to his meal rain or shine. Give my love to Ruth and I will write as soon as I can. Take care of yourself. You are all now.

"Lovingly,

"AUNT MARY."

page 70 } Q. I now hand you a note written on some of Dr. Narcissus' prescription pad, dated August the 1st, 1955, addressed "Dear Sam," signed "Aunt Mary."

A. (Reading) "August 1, 1955,

"Dear Sam,

"I don't know where you phoned or not yesterday. If you

Samuel W. Eason.

did I am sorry I was not here. I had to go to see LaSalle. I just had to, Sam. I could not get him out of my mind. I think he looks better. I carried him where we went when Ruth was with us. I am glad I have. Don't tell anyone Robert is at Va. Beach. Stayed with me about ten minutes. I am still sick and suffer so much with my stomach.

"I love you and Ruth very much, also Wesley too.

"Lovingly,

"AUNT MARY."

Q. I hand you a letter dated October 2nd, 1955 in her handwriting, "Dear Sam," signed "Aunt Mary." I believe that is that letter that was read just now that has already been read.

The Court: It was read.

By Mr. Allen:

Q Now, I hand you a letter dated October the 17th, 1955, addressed "Dear Sam," signed "Aunt Mary," Vol. II and that is the next one.
page 71 } A. (Reading) "October 17th, 1955,

"Dear Sam,

"I have not sold one thing. I think you and Robert better come on down here at once and attend to your property. Branch is trying to say I was crazy and not able to sell land, and it belongs to LaSalle and his wife. I have not sold one tree. You and Robert will have to do that. You all must use Wesley's name. It is too much land under your names. Things have changed. Sam, old Branch is still here. He is with LaSalle's wife. I believe LaSalle is with them. Get Robert and try and see what is wrong. Do not give map to anyone. They came for yours today. I told them it had not come. Dunnington only said he had bought to keep them from bothering me. The timber is worth \$150,000. You can get it. Do not have any business with Peeples, the one that sells Ford cars.

"Love to all,

"AUNT MARY."

Samuel W. Eason.

"When you sell your timber transact in same bank. Have certified checks. One to you, Robert, Wesley. If any sale tax, then it will not be so much."

Q. I hand you a letter dated October 29th, 1955, addressed "Dear Sam," signed "Aunt Mary."

A. (Reading) October 29, 1955.

"Dear Sam,

Vol. II

page 72 } "I want you to understand I love you very much. When you told me I was crazy I believe my heart died. Dunnington was here just about an hour. Dunnington told me I was correct. LaSalle and his wife with others were trying to prove me crazy. My deed, if it had been put on record, you all would have been safe. I went to Willcox and showed Webb's will. Willcox made some corrections, and called two more lawyers to sign name on it. Then put it in his safe. I can give all away I want to \$30,000 to someone I can say who needs it. Then 3000 to others. Think up anyone you can trust. As soon as this is over I am going to try to get away. Come to see me when you can.

"Love to all,

"AUNT MARY

"Isaac was correct about all the deeds he ever wrote, just the whole lump. Some of Webb's ignorance."

Q. I hand you a letter dated October the 15th, 1955. That dating doesn't appear to be in the handwriting of Miss Mary, the letter addressed to you and signed "Aunt Mary."

A. That is my writing, "October, 1955.

Q. You mean—

A. Right here.

Q. Yes.

Mr. Bohannon: Is that her writing? Is that her letter?

The Witness: That's her letter.

Vol. II Mr. Bangel: It's just the date that was in-
page 73 } serted on there?

The Witness: I just inserted the date so I knew

Samuel W. Eason.

when I had the letter. At the top it says "Examine your registered letter closely. The man in the Post Office laid them aside. I think one of the gang."

A. (Reading) "October, 1955.

"Dear Sam,

"Your letter came and I was so glad to hear you were O. K. Sam, LaSalle is in with his wife. These people are common-ist. I think that is the way to spell it. I wish you were ready to come on and fix things as you want it. I am ready to go anytime. Dunnington was here yesterday. I asked him his price. He thought about 90 or 100. I would fix things up. Sam, Branch's men are very mean now. This house is watched all day and night. LaSalle knew all about the death of his friend. To think after 40 years of help to him to turn against his only sister. After this is over if he is involved I never want to see him again.

"Love to Ruth and Wes.

"AUNT MARY

"I am to go first then LaSalle inherits. I go someway."

Q. I hand you a letter written on note paper
Vol. II addressed "Dear Sam," signed "Aunt Mary"
page 74 } dated October, 1955.

A. (Reading) "October, 1955.

"Dear Sam,

"I am sick, and can go only at short times. I would like so much to see and tell you so many things I think in justice to you and myself you should know. In event you do not see me, get in touch with Dr. Jennings. Ask him why he did such and act at Mrs. Mira McGraw for me. Do not see or ask Dr. Herrington anything. Please believe me, the Squires are not your friends. Their home is the place for this outlaw gang. Their son-in-law has hauled loads of dirt from under your house, believe me, Sam, I am not drunk or doped up. Come home. Listen, did you ever know a man that was going to kill you would run around with a gun in his hand for weeks.

Samuel W. Eason.

It is the house and what is under it. I know I am not crazy or doped. Try and come. The negro question here is bed. If you should come phone Arthur Nichols to come and meet you. The negro is afraid for his family. If I am not here do not rent any of your house to these common white men.

“Love to all,

“AUNT MARY.”

Q. I hand you now a post card addressed to you with something written on the back of it. It is postmarked October 31, 1955.

A. (Reading) “October 31, 1955.

Vol. II “Dr. S. W. Eason, 48 De Forest Ave., Summit, page 75 } N. J.

“Your letter was opened before the next registered letter, a fake.”

Q. Now, I hand you a letter dated November 9th, 1955, addressed “My dear Sam,” signed “Aunt Mary.”

A. (Reading) “My dear Sam,

“Your letter came and I was glad to hear from you. I have never told you as explained about your grandfather Eason’s property. When he died Sam Lyon’s Treasure of Norfolk Co. said my father owed him \$13,500. Sam, we did not have anything to give, not even a home of our own. I have Lyon’s receipt for \$13,500. It took a long to pay him, money was hard to get. Sister Sarah and myself were just two old country school teachers, \$25.00 for me and \$30.00 for her. With your Uncles help Dr., we three worked hard together, paid it in Mother’s name. She only gave back what we three gave her. The road of life has been hard on us all. So you see we did not have much to give. God has been very good to you, my boy. after all. Sister and myself have paid taxes for 40 long years so you and Robert would have something when we passed away. The timber we cared for it. I sent John, William and Albert to look it over, and to see its value. They told me it was worth one hundred and fifty thousand dollars. I was going to take and give you and Robert

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\$25,000 apiece, the other money I was going to give
 Vol. II to the Hermitage in Richmond for old people. My
 page 76 } wants are not much. I did not want one penny for
 myself. I have worked hard to pay taxes and keep
 things going. My part was only to help some forgotten one.
 So you see Sam, I want you to know this. I think you are a
 fine and good man. I love you more than life itself. So please
 come and attend to your land and timber. We have saved for
 your father's memory. You have never asked for one penny.
 What you have you have worked long and hard to get.

“Lovingly,

“AUNT MARY.”

Q. I hand you a letter which bears the date of November,
 something; I can't make it out, addressed “Dear Sam,”
 signed “Aunt Mary.”

A. This is my writing, “November, 1955.”

(Reading) “Dear Sam,

“I received your letter today and all about the same.

“will certainly let you know when the timber is sold so you
 both can be here.

“Try and take care of yourself. The storm did not hurt
 us very much. Give my love to Ruth and tell her to write to
 me. I love to get her letters. With lots of love to Ruth,
 Wesley.

“With lots of love,

“AUNT MARY.”

Vol. II

page 77 } Q. I hand you a letter dated November 20th,
 1955, addressed “Dear Sam,” signed “Aunt
 Mary.”

A. (Reading) “November 20th, 1955.

“Dear Sam,

“I am not going to sell the timber. You and Robert can
 do that. Bugs do not eat in winter. The price is not enough.

Samuel W. Eason.

Let me send my man on. One of you must be sick. Wait for the other. Love to Ruth and Wesley.

“AUNT MARY.

“You can take over anytime.”

Q. I hand you a letter dated December 22n, 1955, addressed, “Dear Sam,” signed “Aunt Mary.”

A. (Reading) “December 22nd, 1955,

“Dear Sam,

“You remember the little blue box of two small candy pieces you left in your room. I just happened to look into it and Duke put his nose to it, ate one and then spit it out, then dropped it. The candy had a small piece that looked like nickel in it. That thing hopped like it was alive. I guess it was a germ, because I have lots and lots of them out in the back yard. Two colors, one gold and one looks like nickel. All about the same thing. Love to all,

“AUNT MARY.

“I think uranium. I never saw anything like it. You could get a handful anytime.

Vol. II } “I notice planes are always looking over this
page 78 } place. The walls are covered with them, they go
toward the sea.”

“December 22, 1955,

“I think I have found out the cause of so much trouble. You know I sent \$5,000. to the orphans, and only \$2,500 was sent. I can prove I gave it, I have back record. I signed my name to two blank checks for her to send on. Webb carried me to the bank. I told her to take sister’s \$2,500 and I would give \$2,500 out of my money, your father’s name and Isaac sisters, Ma and Pa. I was talking to Poter of the Seaboard today. I did not know why he asked if I ever signed any blank checks. Is that it? I am going to find out and make her pay. I have my old books, etc.”

Q. I hand you a letter addressed “Dear Sam,” signed “Aunt Mary,” with some date in the left-hand corner. I can’t quite make it out. Who put the date there?

Samuel W. Eason.

A. I think I did. I think it is mine.

Q. "February, 1956?"

A. (Reading) "Dear Sam,

"After talking with you this evening I think it must be that Robert has sold his part. If so he must return my property. I will turn it over to W—.

"I am having this place fixed up like it used to be when Dr. lives, and it is costing too much for strangers to have. You must let me know at once. Perhaps Vol. II page 79 } that is why so many have been acting as they do. If he has it comes back. I can make him. Love to all.

"AUNT MARY.

"Do not buy his part. I will make him return it."

Q. I hand you a letter dated January 30th, 1956, addressed to "Dear Ruth," signed "Aunt Mary."

A. (Reading) "January 30, 1956.

"Dear Ruth,

"I am glad Sam got home O. K. I never was so glad to see anyone. He looked so much like Granddad Eason. I am glad you liked the table cloths. I did not tell Sam I found all the best one gone. The timber has many buyers. I want to tell you I have learned to love you very much. Love to all.

"Lovingly,

"AUNT MARY."

Q. I hand you a letter dated February, 1956, addressed "Dear Sam," signed "Aunt Mary."

A. (Reading) "February, 1956,

"Dear Sam,

"You have always been so nice to me. I dislike to always keep asking and never pay my debt. Someday I am going to pay you back all the money you have given me. I have never

Samuel W. Eason.

Vol. II had any to give you. After I sell my woods I am
page 80 } going to pay you.
 "Love to Ruth,

Lovingly,

"AUNT MARY."

Q. March 12th, 1956, addressed "Dear Sam," signed "Aunt Mary."

A. (Reading) March 12th, 1956,

"Dear Sam,

"Your letter came a few days ago, and was glad all was well with you. I am well, have a bad cough and cold. I hope when you come again things will look like the Dr. had them. I am glad Ruth liked the table clothes. Do not work so hard. Take a good rest. I don't think it pays in the long run of time. Try and do something for that old man. Kind acts return after awhile. The timber question is your headache. Give my love to Ruth. I will answer her letter soon.

"Lots of love to all,

"AUNT MARY."

Q. "March 14th, 1956," "Dear Ruth," signed "Mary F. Eason."

A. (Reading) "March 14th, 1956,

"Dear Ruth,

"I received your letter today, and was glad to hear from you. Something about your letters brings the best in us out.

Vol. II I have loved Sam so much, but I think my love died
page 81 } when he sent me a concealed threat of insanity. I
 have his letter, also the one he wrote pretending it
 was from an old crazy man in Fla. Well, if I am
crazy then I can not deed my timber to them. Ruth, I gave
them the farm, without one penny, also the woods. Sam and
Robert propose to sell the woods and get cash money. They
gave me notes, no good, to come due in six years, and they get
cash money. I must have my money when the timber is sold.
I am painting, repairing the house and out buildings. I would
not have a penny over if I took my few dollars now. Then,

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again, why should I wait for my money and they have everything cash. Again, I have my life rights here. I will not allow one log hauled over my land. Be fair, give me some cash or they don't sell. Tell Sam if I am crazy, then I cannot sell to them. Don't threat an old tired Aunt who has given everything with the Asylum. That gourdheaded, big lips Robert wrote and told me he was sending a Mr. Butterscotch to look over farm and timber. This is my farm. I catch Butterscotch or Creamscotch. I will have his back sides with a lump of lead. Gourd-headed looking big lip looking fool. He has never paid one cent of expense, taxes, insurance, and then to talk like that to his father's old sister. I have the two letters, if anything happens to me they are to be found in a lock box with the knowledge of other's. It is not so much the money, it is the low contemptable act to their own blood after 50 long years of saving to sent to the Vol. II asylum. Sam and Robert trip will not cost them so page 82 } much anymore. Stop in Norfolk. Please don't think I am worried with you, because I have learned to love you very much. In regards to Wesley, I think all the farm should be his. I wanted it that way and so did sisters. I have stopped the work, so perhaps someone else can do a better job. Lots of love to you, Ruth and Wesley.

"With much love,

"MARY F. EASON."

Q. I hand you a letter dated March 21, 1956, addressed "Dear Ruth," signed "Aunt Mary."

A. (Reading) "March 21, 1956,

"Dear Ruth,

"Your letter came yesterday and was sorry to hear you had been sick again with those old head and backache. Well, old people do have all kinds of aches.

"That is why I wanted Wesley to have the farm, he would take the burden off Sam as you all are old. Wesley is young and strong. What a wonderful blessing to have a nice fine young son.

"With lots of love,

"AUNT MARY."

Samuel W. Eason.

Q. I hand you a letter dated March 22, 1956, addressed "Dear Sam," signed "Aunt Mary."

A. (Reading) "March 22, 1956,

"Dear Sam,

Vol. II "Come on attend to your lumber. I am sorry
page 83 } I wrote Ruth. Willcox wrote that letter. I am
going to start the men to painting the house. I
wanted to make things look good. Willcox is the only one
who saw your letter. I would not have been so hurt, only a
woman came to see me and told me you all were going to
make a clubhouse out of Dr.'s home place. Forget, sell your
timber. I do not want any of the money. Suit yourself about
it all. I hope you all can come and live here. I can have
a holiday. Fifty years without a day or night off is a good
long time. I went up to the graveyard yesterday, all the hurt
went away. Your and my father seemed so near, the years
seemed to have rolled away. I am not hurt anymore. The
great mistake I made sister was correct. I should have given
it to Wesley. Do as you wish. I do not want any money. I
have always loved you very much. With lots of love to Ruth
and Wesley.

"Lovingly,

"AUNT MARY."

Q. March 23, 1956, addressed "Dear Ruth," signed "Aunt Mary."

A. (Reading) "March 23rd, 1956,

"Dear Ruth,

"I have read your letter of explanation over and over
again. I want you to know that others have told me so many
different lies I should have believed you. I want
Vol. II you to know this. My father lost every dime and
page 84 } the farm just before he died. Mother did not have
any home or anything to give to her grandson Sam,
because we did not have anything ourselves.

"Dr. C. F. Eason's Sister Sarah and I went to work and
paid my father's debt and gave Mother her home back. We
did not heir it. (Camillus, Sarah, Mary) worked hard and

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paid the debt. Isaac, my brother, I loved very much and LaSalle did not pay one penny. I don't know why I made such a mistake and gave Robert anything because Dr. and Sister gave him so much. I should have given the farm to Wesley as Sister Sarah wanted to do. So, you see why Sam did not receive anything when my father I. N. Eason died. We did not have anything ourselves, as the Court House, Norfolk County, will show what we have, Ruth. We had to work hard to get and keep it. I am glad Sam can take over. I do not want any money, I can get along. I hope you and Sam can see your way to come on and live in the Doctor's home place. I have made my will over and Wesley is to be my executor and do as he thinks best for everything.

"The will Willcox made is no good. I have named Wesley as my executor and not him. I saw him write and he is the one that wrote that letter Sam sent me. My last will give Wesley the power and no one else. I hope this is between us. You see if I was crazy I could not sell them
 Vol. II } anything. Then the other woman would have it
 page 85 } sure enough. With lots of love to you, Sam and
 Wesley.

"AUNT MARY.

"Tell Sam to get his timber. I shall not say one word."

"March 23rd, 1956, continuation of letter to Ruth." That is in her handwriting.

Q. I now hand you a letter dated March 24th, 1956, addressed "Dear Sam," signed "Mary F. Eason."

A. (Reading) "March 24, 1956,

"Dear Sam,

"I do not dislike or hate you. If what I have heard is true then God help you. Try and send your own father's sister to the asylum. So far as the wood is concerned I care not one thing about. The great mistake I made is when you and Robert got the farm. I should have given it to Wesley. You had no father to help, Robert did; but his father, as you know, never spent a nickel on the home for anything, and then again Robert had so much done for him. Wesley is young, an Eason. Robert has no children, and by all laws of nature Wesley should have the land. If he never lives on it it is a wonderful inheritance. Robert must give me back my

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deed. The word blackmail does not sound very good. If he does not I am sending a lawyer that will bring it. You or Robert shall not have it. I shall do as Sarah Vol II wanted to do. Wesley is the one and you can be his page 86 } guardian. I have written my will over. I never intended Willcox to be my executor. When I wrote it. I knew he was the one who wrote the letter for you to send when I saw his paper and handwriting. I wish you would ask Wesley if he will be my executor, with Sidney Charleton, a fine Christian man, also cousin Able to help him every way. Ruth is the only one who has written an intelligent kind letter, but it was sent to Hickory, N. C. You and Robert have placed a blot on the Eason name that it took years to build up. Your grandfather Eason was a man that others looked up to but far above the average man. Without any help from anyone, fed, clothed, educated six children. All stood first in the community and made good in life but one (knare) I found the road leading from the old Home in front, had filled the ditch up so he could go that way after it had been closed to protect the farm and buildings. I love you just the same only so hurt, I would give you the last dollar I had if you needed it. I am going to take a trip. I will close the houses both. Take care of yourself.

“MARY F. EASON.”

Q. I hand you a letter dated April 10th, 1956, not addressed to anybody and not signed by anybody but attached to an envelope addressed to you, postmarked April 11, 1956.

A. (Reading) “April 10, 1956.

“If anyone had made false reports on you I will Vol. II go down my knees to you. I have done more for page 87 } you and Robert than anyone else, even brother, sister or mother. The Farm, money, over eight thousand apiece, all this and then you both turn and try to prove me crazy. Let me tell you what you have done, dug a hole for yourself in the yard. Last night a bullet whished past my head. LaSalle’s crowd, I must think. I go crazy, cannot make no will, he gets it, nearest kin. You know as well as I do, Robert took my numbers to my travelers checks. I have written for them more than once. A woman you know her

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very well took six and I looked at her, then she said Sam. You are crazy if you say that anymore. I do not want to ever see Robert again. I have given orders for him to not be allowed to come to my funeral. You know it is not the money, trying to send me to the asylum. I hope God will take away the hurt and hate. Send me back my timber deed. If not court action will be taken to disgrace your name for a few disgraced dollars.

"I know you did not write the letter. I can tell the one who wrote it. Do not spell and use good punctuation as that letter was written. The sad thing is you indorsed it."

Q. What is the date?

A. That letter was April the 10th, 1956.

Q. I hand you a letter dated April the 15th, 1956, addressed "Dear Ruth," signed "Old Aunt Mary."

A. (Reading) "April 15th, 1956,

"Dear Ruth,

Vol. II

page 88 } "Glad to hear Sam, Wesley and you are so well.

I have been sick for the past few days, and think I need a rest, so I am going to take a trip next week, Monday April 16th. I think I have earned one. Don't you? You know over 50 years to work, save and help others, we earn a little reward. I often think Dr., Sister, and myself certainly had to work so hard without a vacation without any help, the last one should have one. You all be sure to take one while you are young and can enjoy them. For the time of year it is cold and damp with us. Now, be sure and write because I love Sam so much, and will send you all my new address. Don't wait so long as you have been doing).

"Lots of love to one and all

"Lovingly,

"OLD AUNT MARY."

Q. I hand you a letter dated May 25th, 1956, addressed "Dear Sam" and signed "Mary Eason."

A. (Reading) May 25th, 1956.

Samuel W. Eason.

“Dear Sam,

“I have just received your letter, and have read it over and over. I do not make any comment over the way you and Robert have conducted your campaign of trying to send an old Aunt to the Asylum for a few pennies. I think your name

is not only in our County but in the City is used
Vol. II with perfect contempt. I want to send you a few
page 89 } words my own brother Isaac wrote before he died:

“I love you Bug.” Now, is there anything in the wide world I would not do or sacrifice to add even the smallest item to your happiness. I find myself wondering how my precious sister, how they are today. I always welcome your letter saying “We are about the same.” Bug and sister must look out for each other. Down in your hearts you both love each other so much. The only daughters of a grand and noble set of parents. You have struggled and sacrificed through all these years and have fought the battle of life alone and unprotected. I know through all of this and to the end God will smile His approval and give you strength and faith to carry on with brave and courageous heart. Finally, I say with all my heart that God has no place in the eternal hereafter except His glorious heaven of rest and peace for such as you, My precious faithful sister.” If I should die tonight Garrett will carry on. The property will go to one in after years. Perhaps will wash the stain that you and Robert have placed on my father’s name.

“LaSalle, the castoff in your will, has gone also. I expect to try and get away as soon as I can; as I told you before Garrett will carry on if I am dead. His pay he understands.

“We know all. I did not know I had so many friends and so many homes offered to me. Please change the
Vol. II name Eason for yourself.

page 90 } “Try and send an old Aunt to the Asylum.

“MARY EASON.

“This is what you have done to a lonely sad woman who has tried to carry on all alone.”

Q. Now, I hand you a letter dated May 11th, 1956, addressed “Dear Sam,” signed “Mary F. Eason.” With a notarized certificate at the bottom of it dated the 11th of May, 1956.

A. (Reading) “May 11th, 1956.

Samuel W. Eason.

“Dear Sam,

“I am so glad all are well with you. You told me when I first let you take over my farm as LaSalle’s wife was being difficult was the cause of Robert and yourself taking over for me, and you would return it anytime. I want my home, timber back. Then again you asked me to paint and fix the yard, also put new gutters and scrape the house. You both pay as it cost me over two thousand dollars. I want my home back. You wrote and told me I am living in your home, get out. I want my home.

“MARY F. EASON.

“Witness: John D. Norfleet

“Subscribed and sworn to before me this the 11th day of May, 1956.

“JOHN D. NORFLEET,
Notary Public.

“My commission expires 8/3/56.”

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page 91 } Q. I hand you a letter dated June 8th, 1956, addressed to “Dr. S. W. Eason,” signed “M. F. Eason.”

A. (Reading) “June 8th, 1956.

“Dr. S. W. Eason,

“Dear Sir,

“Please return Dr. Eason’s Fraternity Pin and oblige.

“Respectfully,

“M. F. EASON.”

Q. I hand you a paper undated but attached to an envelope and stamped “June 10th, 1956.”

A. (Reading) “June 10th, 1956.

Samuel W. Eason.

"This is my son I often repeat.

"The seed I have scattered in springtime with weeping.
And watered with tears and from on high; Another may
shout when the harvesters reaping, Shall gather my grain in
the sweet by and by.

"Another my reap what in springtime I've planted, Another
rejoice in the fruit of my pain. Not knowing my tears when in
summer, I fainted while toiling sad-hearted in sunshine and
rain,

"The thorns will have choked, and the summer sun blasted
the most of the seed which in springtime I've sown; But the
Lord who has watched while my weary toil lasted
Vol. II will give me a harvest for what I have done.

page 92 } "But the tears of the sower, and songs of the
reaper shall mingle together in joy by and by."

Q. Is that all in her handwriting?

A. All in her handwriting.

Q. I hand you a letter dated July the 4th, 1956, addressed
"Dear Sam," signed "Aunt Mary."

A. (Reading) "Dear Sam,

"I love you very much. I remember the little boy of so
long ago would take my hand and we were so happy looking
at the ducks, chickens and your little puppies.

"AUNT MARY."

Q. I hand you a letter dated July 26th, 1956, addressed
"Dear Sam," signed "Mary F. Eason."

A. (Reading) July 26th, 1956.

"Dear Sam,

"I am sorry I was not at home Sunday when you phoned.
Albert and some of his cohorts were here. I had gone to see
an old country friend sick forgotten Miss Winnie Cooper.

"I was trying to lift the rugs on the floor, hurt myself. They
were large. I had to send them to Norfolk so the moths were
in them and the man could only come on Sunday. He will
bring back the ones I sent today and later the other which are
badly eaten. I have no news to tell you, only the Ku Klux

Samuel W. Eason.

Klan are burning crosses everywhere, I understand.

Vol. II
page 93 } "They may burn all they wish around my home.

I am not going to tell the negro. "Go get out", until he has done wrong with his crop and his four little children nowhere to go. I think in his own good time God will right all wrongs.

"LaSalle has been gone for some time. Took his membership card from his church. I don't think he ever means to return.

"I did not know how much I loved him until he left. Perhaps I may go and we both will see each other.

"If I were to make me a new house to live in it would be Georgie. Thanking you for even thinking of me, when you phoned. I send my best love to all.

"MARY F. EASON."

Q. I hand you a sheet of paper addressed "Dear Ruth," signed "Mary Eason," no date, attached to an envelope which is stamped on the back September the 17th, 1956, and on the face "Certified Mail."

A. (Reading) "Dear Ruth." This is to my wife.

Q. What is the date?

A. The date on the back of the envelope is September 17th, 1956 but none on the letter.

Vol. II
page 94 } "I should have answered your letter before the one you thanked me for the tablecloths. You have not said anything about the ring you wear of mine.

"I am glad to say my stomach and guts are well. The only thing is I cannot get the food to eat I should have to put in my guts and stomach.

"Respectfully,

MARY EASON.

"Give my love to Sam and Wesley. We true Easons love one another, and will always be ready to help one another."

Q. Here is a postal card I missed addressed to you post-marked July the 30th, 1956.

A. (Reading) "If you want to know J. L. Eason's address write to his wife. He is respected more than the ones who tried to leave him out.

Samuel W. Eason.

"Respect they will never know again."

Q. I hand you an envelope containing another envelope addressed to Mrs. Ruth Eason, and ask you to read the envelope postmarked on the back December the 26th, '56.

A. "Mrs. Ruth Eason, \$48 DeForest Avenue., Summit, N. J. returned. On the Christmas card: "May your house be full of Christmas Cheer," and signed by my wife, our son Wesley, and which she returned.

Q. I hand you a letter dated January 7th, '57, addressed "Dear Sam," signed "Aunt Mary," postmarked February the 5th, 1957 with some notation on the back of Vol. II the envelope.

page 95 } A. (Reading) "January 7th, 1957,

"Dear Sam,

"I am sorry I asked you to go after LaSalle. First above all you are a doctor and have so much work and to leave your patients at this time of year is hard on you and sick alike. Then again Robert talked to LaSalle and made him very uneasy about me, and under the circumstances I think he is afraid to travel home unless I am present also. I cannot go this time. I do not feel well as I did when I carried him and went to see him. I had a very bad time coming home when I first carried him. Someday I will tell you about it if I ever see you again. I am glad you have a nice home and I hope no one will ever take it from you. I look at my old home and think of the hard work for years and to see my labor, sweat drops blown to the wind without a home, only life rights. Some one to take over without your say so. I don't think anyone will ever know the hurt you can feel. I am going to paint the porches here. The Doctor would do it. The question in regards to the negro is a very serious one. The mixture of the races is the great problem. Senator Frank Eason from North Carolina was to see me Sunday, February 3rd. His father works in the Navy Yard, Portsmouth. He said every good place was given to the Negroes over ten black to one white, even our mail carrier is black now, taken from a little

white crippled fellow. The breakins in Norfolk, Vol. II Portsmouth, Berkley, South Norfolk all by blacks. page 96 } San, did you take my pistol permit? Robert said he did not take it, or my numbers for my traveler's checks. I know he took the number to the checks. I saw him take them. Robert told me about one month ago he signed the deed back to me which I knew was a lie. To see the big

Samuel W. Eason.

sums of money taken from my timber was one of the meanest things I ever saw. It is over now. I don't think money is so much. The love of our heart to each other in the years to come is all that it amounts to anyway. It was very nice of you to offer to go after LaSalle. I don't think you could manage him now (am sorry). I often think of you, Sister and myself often when she was living. We made so many plans for you and your boy. I am a very old sad person now. I never go anywhere and all my friends are gone. The Doctor's old car is about worn out, and not safe to drive. A car 15 years old has seen its best days. The timber money is where it was in the bank. I have not spent one dime.

"With love to you and all,

"AUNT MARY.

* * * * *

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* * * * *

By Mr. Allen:

Q. Mr. Eason, did you read the last letter I handed you?

A. Yes, sir.

Q. I hand you a letter dated January 14th, 1957.

A. (Reading) "January 14th, 1957.

"Dear Sam,

"The year 1957 is another milestone for everyone, but for me I have only perhaps not one. I just want to say this to you. I will never harm you and still love you. As my oldest brother Sam's son. It is only a fine character can say I am wrong and correct the wrongs that have been done. Your father was a fine man and his son can be the same as the father. This is from the heart.

"God bless you.

"AUNT MARY."

Q. I hand you a letter dated January the 30th, 1957.

A. (Reading) "January 30th, 1957,

Samuel W. Eason.

"Dear Sam,

"Today I have been thinking about the loved ones who are gone. Doctor, 1942, June 3rd; Isaac, 1945 December Vol. II 22nd. Sister, 1952, August 27. When the Doctor page 98 } left we did not know what to do. Just the two, sister and myself. Isaac away in N.J. We somehow looked to each other for help, but after sister died I was all alone. Sister did her task and I mine, but we would consult each other about our work. I saw things I did not like after she died and made my will. I then asked you to be my executor. I told you then you were the oldest in our direct line, and you must take over. I am asking you again if you will be my executor with Sidney Charleton, your cousin on Grandma Eason line. As you live out of Virginia the law requires a Virginia man to be with you. Wesley should have this property. It is up to you to see that he does. Robert already has had his part years ago. His wife writes and always wonders if I don't want some loved ones around when I die. Darn, if I am not tired of it. LaSalle has been very ill, fell out on the street in St. Petersburg. I had to go to see him. I saw an old old sick man in body and mind. I paid his hotel room bill up to April, then he wants to come home. Would you not like to go after him (will pay expenses) for both.

"I think it would clear up so many things.

"Sam: Your father was so nice to his little unfortunate brother and after all, I think you would enjoy the trip.

"You could take plane, or come home and let Vol. II Turner drive you so he would be of help in carrying page 99 } satchels, etc. The negro question here is very serious. If I should go keep him I think he is a good man. Give my love to Ruth. I still think she is the best of us four.

"Will you be my executor?

"Love to R & W,

AUNT MARY.

"I have not much but I want you just the same."

Q. Do you mind reading what is on the envelope. There is something written on the outside of the envelope.

A. Over here is a little note: "Will you be my Executor. Wesley should have this property. Robert's wife asked if I

Samuel W. Eason.

want love ones around when I die. I'm tired of it. LaSalle is sick in body and mind. I think Ruth is the best of us four. 1-30-57."

Q. February 10th, 1957.

A. (Reading) "Dear Sam,

"I just talked with you over the phone. I do not understand lots of things. Why I kept writing to Robert for my traveler's check number. Some were taken from me. Did you take my pistol permit? If you did, please return it. Robert said you had it.

"A woman just rang the bell and wanted to know if this was old Dr. West's home. She said it was for sale. West was dead and only the carekeeping was living here. I just told her she was wrong and closed the door. I think it is such a low thing to try to worry an old woman who has spent her life's work for others. People that do these things in the end always pay heavy. Robert sent me a sweater Xmas. I would not have it. His wife phoned to Plum Spencer and asked him to see me, to see if I would not change my mind. Spencer phoned and told him I said if I wanted to see him or he wanted to see me. Robert phoned Spencer and told him to tell me to meet him at Glass House restaurant on Military Highway. I did. He had the sweater, and his wife wrote after Robert went home and she hoped I would (bleed) in it. After the lawsuit was over she wrote and asked me to send Robert 15 or 20 thousand dollars to educate the two children she had. I still think Ruth is the best of us all.

"I think I will have someone to put LaSalle on the bus or train.

"I cannot understand why I have had so much trouble. Perhaps it is because I am such a fool. I often dream of the ones that are gone and what they would say if they could only see the dear old Home where we worked so hard to keep. I have not been well for quite a while. My only worry now is that some one kind will help poor LaSalle. Try and keep well. Love to Ruth and Wesley.

"AUNT MARY."

Vol. II Q. February 14th, 1957.

page 101 } A. (Reading) "February 14th, 1957,

Samuel W. Eason.

“Dear Sam:

“Another wet dreary winter is almost gone. I am glad. Perhaps the sun will shine soon and I will get some of it. Dr. Mann I heard spoke very good about me the other day. I was sorry when he told me he had to take his wife away before Xmas. “The Gods of the mill grind slowly but sure.” A person can lie all he wants on another but in the end truth will prevail. Yes, it took long years of work and toil to keep the old Home but two old maids did it.

“I fought fire in the same woods for three long weeks, I would think it was out, but the next day it would break out again in some other place. Now, to see the waste and destruction of my old home. Sister and myself were always good to Isaac—fixed for him and his wife at the old home for weeks. Some dog had to cook and get food for them. The burden was always on old Mary. Then sister educated his boy. I have the cancelled checks for his college pay six long years. Robert brought his father to Sister and myself in August. September, October, November; December 22nd Isaac died. He came to see his father about two hours before he died. I paid the coffin bill and all flower expenses. Sister paid hospital bill. Isaac had seven checks that came from Camden which had never been cashed but Robert carried them away
Vol. II with him not cashed. Isaac had money in Cam-
page 102 } den bank also. What a low contemptable thing
 to do what he has done after all I did for that
hound. People know the truth about the mean low way I
have been treated. Have you or Robert sold this home of
mine? Let's clear things up for the sake of the one that will
live on, I hope.

“If you would like to see me and talk over things, let me know where to meet you. I want you to know I love you.

“AUNT MARY.”

Q. February the 19th, 1957.

A. (Reading) February 19th, 1957,

“Dear Sam,

“The lawyers tell me I have to pay an income tax on the timber money. Is it so? I would like to meet you somewhere so you could advise me. Just drop a word and say what place. I will pay your expenses.

“AUNT MARY.”

Samuel W. Eason.

I did meet her.

Q. You did meet her?

A. I did meet her.

Q. March 25th, 1957.

A. (Reading) "March 25th, 1957,

Dear Sam,

"In looking over the records of my farm concerning the sale of my timber, I saw my hard life's work how it was taken from me. My timber you and Robert Eason claimed and sold to Parrish for 57,000, how it was divided up.

"Nichols seeding, \$900. Foreman, \$150.00, Bartholmu, 5,000, Allen, 5000, Garrett, 5000, Willcox, 2500. Where did the other go? A good dinner all around. The old woman without a glass of water.

"I hope you will never suffer as I have done. I trust you both. The property you and Robert have taken from me will never do either one of you any good. God is just not going to let it.

"MARY EASON."

Q. March 29th, 1957.

A. (Reading) "Dear Sam,

"Received the papers. I had rather be poor as "Job's Turkey" than to mess with this darn thing." That was regarding the income tax.

Q. How is it signed?

A. "Aunt Mary."

Q. Is there anything above the words "Aunt Mary."

A. "Love, Aunt Mary." She answered that she received the income tax papers back and told her how it was to be fixed, so she said "I had rather be poor as "Job's Turkey" than to mess with this darn thing." And I kind'a agree with her.

Vol. II Q. April the 2nd, 1957.

page 104 } A. (Reading) "April 2, 1957.

"Dear Sam,

"I am asking you if you and Robert will sell me one acre of land on 170 Highway. I want to build me a little home of my own. I had my farm sometime back placed in the zone belt, no

Samuel W. Eason.

filling stations can be built on it. I understand a man has bargained for my land to build a filling station. Robert Eason promised him to let him have it. I want to build me a small home so I can say it is mine. I am going to buy and I would rather have a small home of my own than to live in this big house alone and only life estate.

"The small piece I want is on the road where the bus goes by. I can then take one and not have to walk so far and alone.

"I would build a nice house when I die I can give it to who I want. It will not be Albert, LaSalle or any cousin or negre. You and Robert can get your own lawyer for the deed, I will have it surveyed and it will not injure my farm in any way. It will be on the extreme end of the farm to itself. So, I am going to see Mr. Willcox and ask him to write you. I am asking you to do this because you have the power to do it. You will never regret the bargain.

"I am going to build me a home of my own. I have not written to Robert. Why did you spill the beans?

"As ever,

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page 105 }

M. F. EASON.

"I cannot go upstairs like I used to do."

Q. April the 2nd, 1957.

A. (Reading) "April 2nd, 1957,

"Dear Sam,

"You should not talk to me, like you did saying could I not get it through my head you and Robert paid Nichols. I know you paid both together not three hundred dollars. I paid the Negro. It was on the paper that came to me to get my money, \$900 for Nichols. See what you all got from me at one time. \$10,000 apiece. I paid taxes yesterday on farm. Also income which nearly took it all. County tax was \$343.87 for County. Don't say one word about income more than you said.

"I hope you are well. My stomach still aches very much. You did not phone Sunday. I waited until dark. No voice.

"AUNT MARY.

"I had the income fixed by a tax man and not Brother Willcox."

Samuel W. Eason.

Q. April the 8th, 1957.

A. (Reading) "Dear Sam,

"I have already made arrangement to buy an acre to build me a little home. If I cannot get my farm I should.

Vol. II I will not buy an acre of my own life's work from
page 106 } two such men as you and Robert are. God will
never allow my home, money of twenty thousand
you two got to do either one of you any good. To take and
try to throw two old people out, your father's sister and old
sick brother.

"MARY F. EASON.

"Take this to court as you did my other letter, some taken out of it.

"April 8th, 1957.

"I have a copy of this."

Q. May the 12th, 1957.

A. (Reading) "To Sam Eason, Summit, N. J.

"Today is Mother's Day. I was good to your Mother.

"For the sake of the dead please give me my home back as you promised you would. You took ten thousand dollars from me, and now you have taken my home from me and will not give it back as you promised.

"I ask God every night when I pray for you to make you see how wrong you are not to give me back my home. It will never do you any good or those that are with you.

"MARY EASON."

Q. May the 19th, 1957.

A. (Reading) "Dear Sam,

Vol. II "In answering your letter of May 11th, 1957,
page 107 } you have magnanimously stated therein that if I
can help you or otherwise, let me know.

"I might say here that you would greatly help your old Aunt, by returning the \$10,000.00 that you got by persuasion, then too, it would greatly help me and our relations if you would freely return my Opal ring, my brother's Camillus' Fraternity pin, and the table cloths which I need and have a great sentimental value as well to me.

Samuel W. Eason.

"As for the mixup, I am of the opinion that this was a very profitable one to you, and at the same time impoverishing me. It is not that I want to be vindictive, only an amicable settlement of what is due me.

"So, won't you kindly act towards me accordingly.

"MARY F. EASON.

"I pray for you every night asking God to change your heart. Give me my home and etc.

"May 28th, 1957,

"Dr. C. F. Eason and Mary F. Eason carried a petition around and had mailed in the morning delivered on Route I. That has been taken away.

"MARY F. EASON,
"Great Bridge, Va.
"General Delivery."

Vol. II Q. May the 23rd, 1957.
page 108 } A. (Reading) "May 23rd, 1957,

"Dear Sam,

"Please you and Robert give me the Doctor's home place where he lived, then you and Robert will have the 'Old Home' with all its wood and containing over many acres of land well drained and with all the woods and young crops of woods coming on, which I have kept the fire out.

"The place I live in, the land has no woods, only a few acres compared to the "Old Home" place.

"The house Doctor lived in now leaks and will have to have a new roof; also the house is eaten up by termites. Out-buildings are in bad shape.

"Please, Sam, give me this and I will say no more. You can do this for your old Aunt who has worked so hard for her home. You know you and Robert promised to give it back. I have always been good to you. When the Doctor died you know I gave you all his clothes. You went home that night with seven hats on your head, one in each other and how the man laughed when he carried you to the boat. We were laughing about it yesterday. You can do this for me, if you will. I have always tried to please you and help you.

Samuel W. Eason.

“So help your old Aunt Mary and you will never regret it.

“MARY F. EASON.”

“Copy.”

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page 109 } Q. June the 11th, 1957.

A. (Reading) “June 11th, 1957, ‘copy’ at the top.

“Sam,

“So your son finished law school from Washington and Lee University, Lexington, Virginia. It is a wonder he did not go where he belonged up in New Jersey where things changed so much. Yes, my brother Isaac finished law course at Washington and Lee, Lexington, Virginia with honors. Isaac was sent from Washington and Lee to win the Southern Oratorical Medal. Isaac won not only for Washington and Lee. Also he won the same honor from R.M.C. Ashland, Virginia when he took his degree. What did your boy win? Your son, Wesley has never even sent an invitation to his father’s old Aunt in all of his college life. When you took my ten thousand dollars, you said you would educate your son on it. Then you have taken my home from me. You promised you would return to me, years ago. Wesley was a good boy.

“God help you, Sam Eason.

“I know now every word your Mother said years ago is true.

“MARY F. EASON.

“Don’t forget to tell your son Wesley what you have father’s old sister, taken her home, ten thousand
Vol. II dollars, \$10,000 in cash and also other things, ring,
page 110 } fraternity pin, etc.”

Q. July 21st, 1957.

A. “July 21st, 1957 (reading).

“Dear Sam,

“I have been thinking about you, and why don’t you give me back my home? Come on to see me, and spend the night and

Samuel W. Eason.

next morning. Let's have breakfast as we used to do, corn bread, eggs, bacon, good coffee, and the same love for each other.

"Your father's old sister,

"MARY F. EASON."

Q. August the 3rd, 1957.

A. (Reading) "August 3rd, 1957,

"Dear Sam,

"Your note came yesterday asking me to hold off my suit until I heard from you. I have done so. I want my home back again as you and Robert promised me.

"I was more than fifty years working and paying for this home. I have never received one penny from you or Robert to help pay for its upkeep, taxes, insurance, repair, etc. I have been good to you both. You have your nice new house, take vacations and new car. What have I?

"I want my home in my own name. I want to make my will like I used to make, the same executor without
Vol. II being made to do it.

page 111 } "The house I live in leaks now, so if it rains the water stands on the floor, the plastering is falling in every room, even the steps are down, windows are about to fall out, the putty is all gone. Two have already fell. No wires to the windows. Also two doors have no wire to them. I will try and fix them as they used to be. I have never seen people so kind as everyone has been to me. You know the old car I drive is 17 years old. So many come after and take me to places. I went to the *Nval* Review, Jamestown, Richmond. Mr. Fruit, you remember the banker and wife, came to see me. If I have to go to trial a great many will go with me, because it will be an open court, this time. So lets be kind to one another. I am trying to do what I think is the right thing to do.

"I will make my will as I did before giving my real estate to my two nephews.

"Dr. Robert Eason and Dr. S. W. Eason and my executor as I did before. You may keep this letter for record if you wish.

"I will expect to hear from you at once. If not I know your

Samuel W. Eason.

answer. Be a man, do not act as you do. You do not want people to look not only at you with scorn but think of your boy. I love you both very dearly, but remember I have been here in this neighborhood for years and people knew I was not what you both tried to make believe.

Vol. II
page 112 } “Be a man, let your intellect or good brains guide to do what is right. Your fathers’ old sister, the only one that is left, you should try and make her short time a little sunshine in it. The years have been sad and lonely, but I have tried to help them all as you well know. Sam, money never pays for the hurts and heartaches. With our little difference, May God bless you and yours. Love to the home people.

* * * * *

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* * * * *

SAMUEL W. EASON,
recalled as a witness on his own behalf, having been previously sworn, was examined and testified as follows:

DIRECT EXAMINATION (Rec).

By Mr. Allen:

Q. Doctor, I hand you what purports to be a carbon copy of a little memorandum attached to an envelope dated, Norfolk, September 29th, 1955, addressed to Robert R. Eason. All I will ask you about that is if you received a copy of it. If you didn't I can't ask you any further questions about it.

(Shown to the witness for examination.)

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page 115 } A. Yes.
Q. You did?

A. Yes.

Q. Well, is there a bottom part there and in whose handwriting?

A. Miss Mary's; Aunt Mary.

Samuel W. Eason.

Q. Will you read the typewritten part above and then the handwriting of Miss Mary Eason?

A. (Reading) "September 27th, 1955,

"To Whom it may Concern:

"I have this day engaged the services of L. T. Dunning of Norfolk, Virginia, to handle sale of standing timber at my home place, including the Eason Tract.

"Mr. Dunning is to advertise my timber for sale and handle all details of selling the timber. I will make deed to the timber at the particular time when the agreed price has been received.

"For his services in this matter I have agreed to pay Mr. Dunning 7 percent of the gross receipts of the sale. I have reserved the right to reject any offer that is not satisfactory to me."

Now, this part of the letter is in her handwriting: "This man worked on percentage but will pay in cash in some bank he names. This one is the one that will pay the big sum unless you sign up."

Vol. II page 116 } Q. There is reference in the record here, Doctor, about Miss Mary Eason giving you and Dr. Robert money. I now hand you a letter from Mr. Harry A. Fruitt, vice-president of the Merchants and Planters Bank, Norfolk, Virginia, in reference to a deposit, dated the 12th, January, 1956, and I will ask you if any such deposit was made and if so what became of it.

(Handing to the witness for examination.)

A. May I refer to my notes on this subject?

Q. Oh, yes, you may refer to your notes to refresh your memory.

A. "Norfolk, Virginia, January 12th, 1956, Dr. Samuel W. Eason, 48 DeForest Avenue, Summit, New Jersey.

(Reading) "Dear Sam,

"We are enclosing herewith a signature card and gummed label which I would thank you to sign each 'Samuel W. Eason,' and return to me at your earliest convenience.

"Miss Mary Frances Eason made this deposit at the bank today and we will need the signature card here. She indicated

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that she would write a letter to you and explain a little more in detail as to her motives.

“Yours truly,

HARRY A. FRUITT,
Vice-President.”

Vol. II Q. Now, Doctor—
page 117 } A. Now, I have to get my notes.
 Q. Do you have them in your pocket?
 A. No, I have them over here.

* * * * *

Q. Do you recall the question now?
A. Will you let the reporter read it to me?

Mr. Allen: Go ahead.

(The reporter read the question to the witness.)

A. She indicated that she would write a letter explaining in more detail as to her motives.

Q. That's right.

A. At Mr. Fruitt's request I came to Norfolk, which was on October the 17th, 1956, and went with Aunt Mary to the bank and met Mr. Fruitt. At that time she had her safety deposit box at the bank, and the safety deposit box was Number 388. She had on deposit to my name at that time as joint account with her \$7,170.00. At that time she was

Vol. II very angry at Robert for some unknown reason,
page 118 } so she said she wanted to put all her money in
 a joint account with myself and with her.

She went to her safety deposit box, opened the safety deposit box and brought the money out in cash, and the total deposit at that time in the joint account to her and to me was \$19,000.00. I might say at the same time, that same night when I went home, or the next night, I called Robert up and told him the conditions and circumstances which came around. At no time did I see in her safe deposit box. She put the deposit bankbook back in the box and gave me two key to the safety deposit box, and she wrote and asked for

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one of the keys a little later in one of the letters, and which I sent the key back to her.

Later on after the trouble began and suits began, she withdrew all the money, closed the account. At no time did I take one cent from that deposit.

Q. Did you ever draw any of that money at all?

A. Not a nickel.

Q. I hand you what purports to be a key to a safe deposit box, and I will ask you if that is the key that you referred to.

(Shown to opposing counsel thence to the witness.)

A. She gave me both these keys, and at her request I sent one key back and kept the other.

Vol. II Mr. Allen: We offer that. It is understood,
page 119 } your Honor, that we are offering this in evidence
 as we go along to save time. I am not repeating
the language.

The Court: I think it would be better to give this a separate number.

Mr. Allen: I reckon we better give that a separate number.

By Mr. Allen:

Q. Now, I have in my hands a certificate signed by her in her own handwriting, dated August 27th, 1954.

Mr. Allen: I don't think you have a copy of that (handing to opposing counsel for examination.)

By Mr. Allen:

Q. Now, I hand you that and ask you if you received that paper from her. If so, read it.

A. This was in regard to the safe deposit box in the Merchants and Planters Bank at Berkley, Virginia. That is another one.

Q. I didn't hear that, Doctor.

A. That is a note in regard to another safe deposit box at the Merchants and Planters Bank of Berkley. I understood that is the home bank, the main bank of Planters.

Q. Did you get any of that?

Vol. II A. I did.

page 120 } Q. How much?

A. \$4,800.00.

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Mr. Garrett: How much was that, Doctor?

The Witness: \$4,800.00. And here is the certificate. Shall I read that?

By Mr. Allen:

Q. Yes.

A. "This certifies that I, Mary F. Eason, do give as gift to my nephew, Dr. Samuel Eason the sum of money deposited in the safety deposit box in the Merchants and Planters Bank at Berkley." Signed "Mary F. Eason, August 27th, 1954."

Q. Did you know anything about that before you received it?

A. No, not until she gave it to me.

Q. Did you solicit it in any way?

A. No, no.

Q. Doctor, I hand you a letter, apparently written by your son Wesley Eason, to Miss Mary, at the bottom of which is a note apparently in the handwriting of Miss Cary. Can you explain that?

The Court: Gentlemen, before we forget the date of this is August 27th, 1954?

Vol II Mr. Allen: Yes, sir.

page 121 } The Court: We were dealing up until '57, haven't we?

Mr. Allen: I just omitted those. These are '56. These are out of order, as I mentioned to your Honor a moment ago.

A. This is a letter from my son to Aunt Mary, August the 15th, 1956. "I want to write and thank you very much for your nice letter. I have been having a nice summer vacation away from law school but, of course, I have been working for a law firm clerking and getting lots of experience in preparation for taking my bar examination next year when I graduate from Washington and Lee Law School.

"The weather has been fairly cool here, although the last few days have been quite warm. Not too much news.

"Love,

WESLEY EASON."

This is a note in her writing on this same letter: "This is the man I gave a Christmas check of \$100.00 to. No Eason—crossbreed."

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Mr. Allen: Now, if your Honor please, we will pick up where we left off. The next letter is August 10th, 1957. You gentlemen have copies of it.

Vol. II By Mr. Allen:

page 122 } Q. Now, will you read that, please?

A. (Reading) "August the 10th, 1957," marked at the top "Copy."

"Dear Sam,

"Your letter came Saturday, August 8th, after we talked over the phone.

"First above all things I have never disliked your family, Ruth, I have always told you, I liked very much, and in reference to Wesley, I always thought he was such a nice boy. The only one in our family to carry. You know I said that one hundred times and still of the same opinion.

"In regards to Robert's wife I have her letter wanting \$20,000 to educate her children. She asked for that after the suit was over. Then Robert wrote and told me his lawyer and mine did what they thought was right. Why say such a thing? You know as well as I he never so much as paid his own father's coffin or hospital bill, which I can prove. Dumped his father on two old women from August to December 21 of the year '45. Robert never put his foot in the house to see or do one thing. Isaac died December 21, 1945. His son, Robert Eason, was with him only a few hours before he died in the General Hospital. Think of my life. Sister could not do a thing. You know she had been in the hospital before for nearly a year all broken up, My task has always been a

hard one. After Sister died then all my love and
Vol. II hope was on you. Then when you failed me I have
page 123 } been hurt. The love for Wesley is the same. What we think and do, he is only an innocent bystander, and don't forget I am not so low as to take it out on him.

"I say now as I did to you long ago. I would like for him to have my farm. I am the one to give and not you two.

"The lawsuit about the timber Willcox wrote the letter to Tarkington, but the seed trees were cut by your own sweet man. The timber was all cut out only just a few small old pines scattered about. The lawsuit you speak about, let it be opened again. I have nothing to fear. You will have to go to your own man, you and Robert sold to. I only want what is right, and I intend to do right. As you well know a written

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record why things are like they are will be recorded. When I die. I have never written or said anything about Ruth and you know it. I have that crazy letter written to me indorsed by you, so let's stop this fuss and be as we used to be. I told you long time ago you are the oldest one now and should be the leader for Wesley's sake if you love him. I think every lawyer, banker, Reverend know of the trouble. For God's sake, Sam, let's correct for the sake of the dead one's name and for your boy. As God is my witness I will do the correct thing. I am too old to lie. My time is too short.

And ask yourself "Why should I?"

Vol. II "This is a long letter from my heart, with all
page 124 } its hurts and aches.

With much love to you
"Wesley and Ruth,

AUNT MARY."

Here is another letter, August 11th, 1957, signed "Copy" on the top:

(Reading) "Dear Sam,

"I have just come home from church, and what a fine sermon I heard by Reverend John Davis from near you. I want to tell you now I bear no malice toward you, Ruth or Wesley. I only want what is mine, as you or Robert have never paid one penny for one thing in any kind of way. When you and your wife and son sent me Xmas one penny Xmas Card I never said one word. I still have the card. LaSalle is well, and he has a home. I am glad you have one. You say I want mine or have lots of money to buy another. I know the suit will be taken to your home and also to Roberts. I explained in my will why my home was taken from me. I hope I will not have to put it on record. Colonel George Eason came to see the Old Home when you were home the yard was down and weeds in the yard. Only about one week the weeds could have been cut, fence fixed. Now a big saw dust pile where I used to raise turkeys, the back yard great ditches, and holes where the Cedar Works man went right through new gatepost would have lasted 50 years.

Vol. II Would drive and make road as he went, trees in
page 125 } ditches, in field, horse stable built right in the
road, 15 and 20 negroes over everything. I could

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not say one word. Tarkington that cut only had a few white men, no crowd at all. Cedar Works and the other one was the one that did so much damage to the old home and yard. I would like to take sawdust and fix the road with it. Then try and bring my old home like it used to be and die there." No signature.

Q. August the 14th, 1957.

A. (Reading) "August 14th, 1957, 'Copy.' "

"Dear Sam,

"Your letter came today. The one which told you I bought 40 acres for Albert was very wrong. I have helped Albert and LaSalle to have a home when I die. Then you cannot tell them to get out. One my own brother, the other an old man who has worked in the home for 40 years and has earned it. You were raised in our home until you were twelve years old. I have seen my mother in the cold winter take the coals in the fireplace and warm your milk when you were a baby. Your father's mother, and you never even came to her funeral, and you have never even had the weed or grass on your own father's grave cut. True, you never saw or remembered him. Your father died long before mine. Sam, your father never inherited anything, and I did not either. What I have I worked for it. I want my land free from yours and Roberts name. I had to sign that paper to even get my timber money. You even went to law trying to Vol. II page 126 { keep that. You also got money out of the bank from me, lots of things. You said when the fuss was over between LaSalle and wife you would return it. Then you came down last Spring and ordered me out of my own woods. Then you said in your letter last Saturday, August 10th, 1957 you would open up your lawsuit on me. Robert even told me before to cut all I could. What kind of man are you? The public know exactly what you have done. Going to bankers and asking them if I could do business correctly trying to make others believe I was unable to do any kind of work. I am paying taxes, insurance, keeping things the best I could. Take your name off my land and do not threaten me any more, if anything should happen to me. Of course, I know my suit will go to your court. I want it and *and* it will be open with reporters. Do the right thing and that will end it. We will be as we were before you took my home and tried to take my name. Fruitt, the banker, will testify to what you

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said and others. I have tried to be nice to you. You and your family have never even given me one thing. One penny postal card for Xmas with three names on it I now have. Then you come and take everything from me. God will take care of the helpless and old, and in the end the will will take care of you. My home, my little hard earned money will never do you or yours any good. Give me back my home before

the suit goes through. I intend to tell the entire
Vol II story to your friends in New Jersey if you do not
page 127 } return my home.

“Love,

“AUNT MARY.

“I do not take your threats anymore. You even went to court over my timber and then ordered me out of my own timber. If you want my farm so much pay for it. The man from Richmond has been here, and he knows the setup.

“I have told him taxes, etc. I am one of the farmers who will get a Federal loan on my farm.

“If you two want my farm so much buy it. I had to work 50 long years for my home and you have never given me or my dead sister one drink of water. When Sister was in General Hospital so long you never even sent her a flower or went to see her.

“What a man.

“I would not do what you have done for the State of Virginia.

“Take this letter to court.

“Pay me for my farm, you can have it. I will say not another word.”

Q. August the 19th, 1957.

A. (Reading) “Copy” at the top of the letter. “Come to my home, eat and stuff for years, and in the end take everything, home, money, pin, tablecloths, etc. What a low common man. People know it.”

Vol II “August 19th, 1957
page 128 } “Dear Sam,

“Why don’t you give me back my home as you promised when the fuss was over between LaSalle and his wife. You have never paid one penny for anything, not even Camillus’ clothes you carried home with you and wore off seven hats one on another on your head.

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"When you left you said then you had one thousand dollars' worth of clothes. Isaac said then you were 'A damned dog.'

"If you do not give me back my home I am going to sue you and your wife for what you have tried to do. I can prove that you went to men and asked them if I could do business and you had never paid one cent for anything.

"If you want a farm so much, why don't you pay for one? Not to take mine just so. Take my home I have worked and paid for.

"I get my home or I am going to publish the whole thing and call names.

"Tell the entire facts from first to last.

"This is from your father's own sister.

"MARY F. EASON.

"If you do not have any pride for your name why should I?

"Not another man in Norfolk County would do
Vol. II such a low thing. I am going to write and ask
page 129 } Billy Graham.

"What to do? Preach it from the pulpit.

"It is true what Billy Graham said: When you get anything dishonest it will not do you any good."

Q. "August 20th, 1957," and August 21st, 1957 in the same letter.

A. (Reading) August 20th, 1957,

"Dear Sam,

"As you well know for years LaSalle never even gave one loaf of bread to the home. LaSalle would go off on trips and never say one word about it and then Sister and myself would have to pay his expense and sent what little we had to him so he could come home.

"Don't you see what a hard time I had.

MARY F. EASON."

"August 21st, 1957,

"Dear Sam,

"Thinking of you this morning and your threat to open

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a lawsuit on your father's own sister, the grandson of my father, I. N. Eason. Other nephews invite their old Aunt to live with them and show them kindness. All you have ever done is to grab and lie to get what little I have, and you also want everything that I have. You carried my ring home to your wife and she said that you said I sent it to her.

Vol. II What a lie you told. Think what you have done
page 130 } to me and still trying. All you want is what little
I have. The day will come, and not far off you
will be sorry. You have treated your own father's
sister like you have. As you sow so shall you reap. The
Great Master will take care of that. To take an old woman's
money, life work, and do everything to make two old people
unhappy, and you, or your wife to not give them one penny.

"The world not only knows it, but God in his own good time will take care of you. In your lawsuit bring this letter with you, as a copy will be carried also.

"Other men's grandson have been nice and kind to their own father's aunts and uncles. I think of you who lived in my home years after your father died and saw the hard work and self-denials sister and I had. Then you do as you have done after we did all we could for you, two poor old women who never had a holiday, then come and take what little I have. My money, my home. You have built a nice new home. I wonder whose name it is in? It will be taken from you as you have done to me. God works in a mysterious way.

"With love,

"AUNT MARY F. EASON.

"I was talking with an old aunt yesterday. She told me how nice her nephews were to her, and I thought of mine about what you have done and still trying to do."

Vol. II Q. August the 26th, 1957.
page 131 } A. "August 26th, 1957.

"Dear Sam,

"Come on home. I love you, and you're just the same. Come on and lets do the correct thing for our own name's sake. You have too much brain to do like this. You know

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I have always loved you from a baby. I have done more for you than anyone else.

“Love,

“AUNT MARY.

“Robert was always a fool.”

Q. August 27th, 1957.

A. (Reading) “August 27th, 1957,

“Dear Sam,

“In my letter to you of August 26th, 1957, I failed to tell you I have not bought any 40 acres of land. I have a small piece but not 40 acres. I took a deed of trust on the land more than I paid, so that money will still go to my estate when I die. I wish you would send me the plot of the Cornich Farm or Eason farm as I have reason to believe someone is in the beach woods on the back line cutting the trees. I know it is recorded but I have not the money to get someone to look the line up. You said you would be down the first of September, which will be Monday, September 2nd.”

Q. August the 28th, 1957.

A. (Reading) “August 28th, 1957,

Vol. II “Dear Sam,

page 132 } “Come on home to see me. I am glad you could do something with the clothes. Let’s forget the fuss. Come on, I can still cook some bacon, corn bread and eggs.

“With love,

“AUNT MARY.

“You are still my little Sam.”

Q. September the first, 1957.

A. (Reading) “September 1st, 1957,

“Dear Sam,

“I received your letter of August 30th, 1957, and was very much surprised to read your message in regards to

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the 'seed trees' on my farm. Why not write to Mr. Parrish, the man you sold my trees to, also I did not send any man in my woods to mark my trees you sold to, and even had a lawsuit over the money after paying all of your expenses, lawyers, broker, out of my own hard life's work. The seed trees were taken care of last Spring, 1957.

"So far as poor unfortunate LaSalle he does not want any part of you. Why should he? You have never sent him a postal card or given him a five-cent handkerchief. Whose money will you take to take care of him on. My hard work in having a home that you have taken from your father's own sister. When you went to different men and asked them if I could do any kind of business and

Vol. II at the same time I was paying taxes, insurance,
page 133 } and all expenses of a home. What a man! To

do such a thing in order to try and get her few hard earned dollars and at the same time telling Arthur Nichols what a big income you had every day and I only had a small sum when I sold a few chickens or hog that I had raised. You see, after Pa died I was on my own. All his farms were sold at public auction and Camillus, Sarah and myself bought the one I now live on. The farms that were sold, namely, Dr. Etheridge farm, Wilson Farms, Ansell Farm, Burnt House Farm, Howell Farm, Woodward Farm, Iron Bridge Farm and Princess Anne Farm. These were bought by other people as records will show. J. B. Eason, Con Carling and a few others are living. Know the same thing and so do you. In one of your letters you said in regards to my home it had gone out of your hands. Then I write and ask for my map of the farm you took. You refuse to return it back. What kind of human are you?

"I have written kind letters to you and still I cannot get anything from you, but—

"I have been kind. You are a sick man. In your letter you said you were sending three boys to College that was why you wanted Camillus' clothes, the depression was on.

"The depression was in 1929, and Dr. Eason died in 1942, twenty years after. Then you not only took my home, but

lots of other things I can prove. I have had a

Vol. II hard time before and after Sister Sarah died all
page 134 } alone, no one to help, and then LaSalle did as
 he did. If I been been crazy as you have tried to
make people believe don't you think you should have tried to
help me, not to take from me and do as you have done?

"One of the bankers you went to and asked about my mind

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said this August, 1957 'What an awful mistake you, Sam Eason, have made, everything you would have had.' You don't have to wait for some patient to be sick to do the right thing. I am not going to write and ask or beg you to do the right thing anymore. You and your wife have taken ten years of my life from me with your threats. When you know I am all alone. All the ones I loved are dead and gone and all pleasures of youth are gone. Not one kind word or one kind act have you done. I am willing to stop law but not until the great wrong that has been done to me is corrected.

"I am willing to let the past go and not mention it again for the sake of the dead and living. You have a son, I have no one.

"I will never turn against you. You are my brother, Sam Eason's son. As long as I have a loaf of bread part is yours.

"This is all I can say. Come to see me when you can if you wish, or rather meet me in Norfolk, as you like.

"With much love to all,

"MARY F. EASON.

"Rev. S. W. Eason, Youngest sister. You had my age all wrong, but I don't care about that. This old pen will not write.

"You see, I have always had the hard times in my home. Mother was down nearly nine years. I was the only one in the home. Sister in Norfolk City teaching school. La-Salle did not stay at home always, looking for a wife. He would leave then would have to try and get money so he could come home. Isaac married. He and his wife would come and spend a week or ten days. I had to buy and work for food clean for them, but Sam, I had to buy and work for food on table, as you know. Then after Ma died, Isaac's wife came to live with us. Please tell me. Who was the dog? That had to furnish everything. I know I am bitter but how can I help it? I have no money, only the timber. I am trying not to spend one penny. Come and help your old Aunt Mary.

"I must tell you this. I loved your mother very much. She was a fine person, always paid her debts. You know after your father died she went to Women's College two years. When College closed for summer she would always come by home and spend five or six weeks. When we had fried chicken I would save out the part she was fond of for

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her, and iron her clothes and then she would pay me back
 Vol. II by fixing and making pretty lace to go on my dress,
 page 136 } and doing little sewing for sister. Also, I think
 I loved her as much as I did Sister Sarah. Wessie
 was a fine person. My father and Wessie would
 talk on the front porch at night for hours. Your mother
 was one of us, the others were not worth a hang. Sam, you
 ought to see how common people are. Drive right by the door
 up to the Old Home. I don't care what I say, they do not
 notice one thing. The Old Home has been broken in 5 times.
 They will take a crowbar and tear the door right open. You
 know those old front doors. An ax has been used going in
 anyway. Then, lots of water from other places are poured
 down on my farm. I want to use my old authority, as I
 used to do. I am not for selling land or giving it to some
 other skunk. If so, I would have done so long ago, not held
 on for years with threats and embarrassment, but I was
 always right, and good men stood by me. So, you can see
 how hard my life has been, and in the end to end this way.

"I will not write or bother you with my scribbling anymore.

"Monday, September 2nd, 1957,

MARY F. EASON."

"It has taken an iron hand to rule this crowd. All they
 want is what someone else has. You have listened to ones
 you should not. The timber was worth thirty thousand more
 that it was sold for. No man should have been called in to
 mark trees. Not one big timber man in the County has ever
 paid any attention to such mess. In a way it is
 Vol. II out of the owners hands, the other fellow is the
 page 137 } one that gets the money. The seller is the fool.
 Seed trees can be cut under a certain law. Don't
 let anyone fool you on that. I know you do not like me, but
 take my advice on this. Watch out and do not talk too much.
 Keep your own counsel. Some people are known for their
 lying tongues. I have never said one word about any of my
 people, only to their face. I think you understand what I
 mean. I am your friend, and not your foe, as God is my
 judge. Never tell anyone what your daily income is. So far
 as I am concerned I wish you could make a big sum every day.
 I think you deserve it."

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Q. September 19th, 1957.

A. (Reading) "September 19th 1957.

"Dear Sam,

"I want you to come home. I want just to talk to you alone. I want your advice on several things.

"I hope you are well and give love to the rest of the family.

"As ever,

"AUNT MARY."

Q. October the 10th, 1957.

A. "October 10th, 1957," "Copy."

(Reading) "Dear Sam,

"I have been expecting to hear from you for sometime.

In your letter of September 1st, 1957, you said
Vol. II } you would come October 1st, 1957. If you do not
page 138 } give me my property back, I am going to use the
law. I will print the whole truth and send a copy
to Post Master, all bankers, lawyers, Reverend and Doctor.
Also in the entire place you live in. I do not intend for you
to do such a low common thing to your father's sister without
all knowing it. I am not going to do as your mother did and
only tell a few. In your letter you said you stayed away 40
years, you never helped in any way. You were raised in our
home until you went to High School. When your father's
mother died, you did not even come to her funeral, or send
one flower. You came to the Doctor's funeral and carried
away, you said, then, one thousand dollar's worth of his
clothes and seven hats on your head. You have never even
given one dollar in any way to one of us. You take my home,
money, pin and everything, and think you are going to get
away with it. One of the most prominent men in our County
said only yesterday it was a shame anyone would do such a
thing and get away with it. My lawyer will not be alone,
four or five good men will go also, a petition. Now, if you
want to do the right thing, do it.

"You have spoken about the seed trees more than once.
They do not belong to you. Built you a fine new home. Did
you use my money?"

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Vol. II "The one I live in leaks, windows about to fall
page 139 } out. A man that will try and take another off the
 } road while driving in a car should be tried for
 } murder. Don't you think so? One man tried it,
and the ones have proof on him. He is a low common scoundrel.

"I hope your son is quite well and he will be home soon.

"I wonder in his heart what he thinks of his father?

"As ever,

"MARY F. EASON,

"sister of Rev. S. W. Eason."

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* * * * *

By Mr. Allen:

Q. October the 5th, 1957. Read that.

A. (Reading) October 5th, 1957.,

Vol. II "Why not do the right thing?
page 141 } "Dear Sam,

"Keep this letter to look over once in a while. I have asked you more than once to give me back my home, money, pin, ring, etc. In your letter you said you had not been in my home for 40 years. You never paid one penny for anything that you have taken from me. You and your wife never invited Dr. C. to your home, but you have taken his pin, clothes, even hats, and will not return one thing. I have made my will and will record the entire true story of what you have done. It will go on record and you will have men to fight in law. Not your father's old sister, after you tried to take her off the road.

"I even asked you to let me have one acre to build a little home for my brother and you would not. You said it was Robert that would not do it. Robert says different. Robert has never written to me about seed trees, only you. You even took my plat of the farm and would not return it.

"When your friends find out the truth, I wonder what they

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will say? Give my love to your wife. After all you are not worthy of her.

MARY F. EASON.

Vol. II "This is from your father's sister. Some people that knew
page 142 } you and your family came to see me a few days
 ago."

Q. I hand you a letter dated October 26th, 1957.

A. (Reading) "October 26th, 1957,

"Dear Sam,

"Robert has taken his name off my farm.

"I want you to do the same. If you do not I am going to ask the Judge of Norfolk County Court to appoint five men to set Robert's part aside. You have only $\frac{1}{2}$ interest on my place.

"The very best legal talents in Virginia say your paper is no good that you wrote saying you had interest in my farm. Robert is a fine man, just like his father. Take our paper off. Robert signed paper and his wife also, and it is recorded in Norfolk County Court. I say again Robert and wife are fine persons.

"Your Aunt,

MARY F. EASON."

Q. November 1st, 1957.

A. (Reading) "November 1, 1957,

"Dear Sam,

"Why don't you sign papers like Robert has done and take your name off my land. Robert is a fine person, and I know that you can be the same. - With your fine new home and pay such a big income tax, you do not want your father's sister's home, and she is all alone also. Sign the paper, you and your wife, then come to see me.

Vol. II "As ever,
page 143 }

"AUNT MARY."

Samuel W. Eason.

Q. November the 5th, 1957.

A. (Reading) "Sunday, November 5th, 1957,

"Dear Sam,

"I want you to come on home and let's clear up this misunderstanding between us. You are my dead brother's son. I think things have been said that is not true. Come on, Sam, and be like your father, always tried to help his sister and brothers. LaSalle was taken very ill this morning and for a short time I thought he was going to die. He did not seem to get any breath and the water just poured off his face. I need you.

"As ever,

"AUNT MARY."

Q. November the 17th, 1957.

A. (Reading) "November 17th, 1957,

"I want you to know I do not hold any malice to you, wife or son. May God bless and keep you three.

"As ever,

"AUNT MARY EASON."

Q. December 9th, 1957.

A. (Reading) "December 9th, 1957,

"Dear Sam,

Vol. II

page 144 } "That was Albert talking on the phone Sunday evening when I tried to talk. He was drunk, as he always is. LaSalle is sick and very pitiful. His wife is up to her old tricks again, trying to get his little bit of money, and she has been gone nearly three years. I wonder if Bill Peeples will help her? Then again why are two old people persecuted so? I have always tried to do the best I could even though I have failed.

"As ever,

"AUNT MARY."

Samuel W. Eason.

Q. July 2nd, 1958.

A. (Reading) "July 2nd, 1958.

"Rear Sam,

"I will not be at home this summer.

"Regards to all,

"MARY F. EASON."

* * * * *

By Mr. Allen:

Q. All right, September 12th, 1958.

Vol. II A. (Reading) "September 12th, 1958.
page 145 }

"Dear Sam,

"Why don't you come on home and act and talk like a man. I know the entire truth about what you and Robert did. Poor LaSalle was the goat. Just two left behind and to be treated as they were. Robert even went to LaSalle and Albert asking about me, contemptable dog. Lived in the home, fed, clothed, sent to college by old Aunts of his father's, even paid Isaac coffin bill, even kept his father in his death sickness and he never put his foot in the house to see him or help. Did you go in the lock box in Merchant and Planter's Bank and get the money? Now, do the right thing.

"I am selling the old home place to a good farmer. I will keep the Doctor's farm.

"If I should die, I have written a statement concerning what little I have. It will be put on record if any trouble occurs. If you wish I can meet you at airport anytime and we can spend the day together.

"AUNT MARY."

Q. Now, what date was that letter?

A. September the 12th, 1958.

Q. Yes, now I hand you one dated September 12th, 1958.

A. (Reading) "September 12th 1958.

Vol. II "Did you know that in Virginia if anyone adopts
page 146 } a child they get social security after they have
had the child for three years? Then they get

Samuel W. Eason.

pay the rest of their life. Not bad, get \$150.00 per month for two.

“*Sunks* in all trade.”

Q. “September 22nd, 1958.

A. (Reading) “September 22nd, 1958,

“Dear Sam,

“I hope you and Wesley arrived home safe and sound. I want you to come one Saturday night. Spend the night and take plane Sunday night for home. I want to tell you of my plan. I was to sign the deed to the old home today, but I did not do it. I will give Wesley the old home with the understanding that LaSalle can live in his home as long as he lives. That will be written in the contract. Wesley will be one of my executors and the main one. The trust fund I give LaSalle, so much per month; if he should die before the fund is used the residue will go to Wesley. The money to be placed in National Bank Norfolk in Wesley’s name. So much per month. LaSalle gets over \$100.00 now. With trust fund it would be \$160.00 per month. The old home farm is a fine piece of property, over 350 acres. It would be a fine investment and he can not lose. We both did wrong. I was a fool for doing what I did. Wesley is a fine person. I don’t think he should suffer for someone else’s mistake.

Vol. II I think this will help to correct lots of our mistakes.
page 147 } It is a fine old farm and a good farmer will pay rent enough for taxes, etc.

“Think it over and let me know. Come as soon as you can, I am not so well. Wesley, remember, will be executor of my will. Keep this to yourself.

“As ever,

“AUNT MARY.”

Q. October 19th, 1958.

A. (Reading) “October 19th, 1958,

“Dear Sam,

“I want you to know and believe that I do not hate you. Quite the other way. I love you very much, and if you ever need me to help you in anyway I will do so with all my heart.

Samuel W. Eason.

I remember the handshake and will not forget. I know you have money, home, and your loved ones, also lots of sunshine, friends. After all, we think of bygone years and its memories; our hearts have still the same steadfast love.

"The past we cannot recall, only by and do as we would like to be done by.

"As ever,

"M. F. EASON.

"Today after I talked to you I have been thinking about Wesley. I believe he is a nice person and
Vol. II lets keep him so. I don't think anyone can do
page 148 } anything with LaSalle. I don't care what you do if it is his sister's or brother's. He never says 'thank you,' and only what they should do, he thinks. In all these years I have fed, clothed what thanks have I? Now he wants to marry again and wants about fifty thousand, so I understand he says.

"I also have heart trouble. When they were trying to take me off the road I had a hard time, but after all the master of all took care of me. I sold the old home last week with mortgage. It is certainly a fine farm, but we have no farmers in our family now. It is best this way. Papers and money for some is better. Mortgage in Virginia is good for 20 years or never goes out of date. Take care of yourself and do not go so much. In the end money does not mean one thing. You will not carry one thing with you, only your good deed.

"With love,

"AUNT MARY."

* * * * *

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By Mr. Allen:

Q. November the 8th, 1958.

A. (Reading) "November 8th, 1958.

Samuel W. Eason.

“Dear Sam,

“For the past two weeks I have heard so much about what you did when you tried to get me out of my home, etc., and you will not even give me one acre to try to fix LaSalle. I am not going to have any more to do with you.

“MARY F. EASON.

“Take this to court when you go.”

Q. That is dated November the 8th, 1958?

A. November the 8th, 1958.

Q. January the 7th, 1959.

A. (Reading) “January 7th, 1959.

“Dear Sam,

“I hope the year of 1959 will bring happiness and peace to you and two old people, your father’s sister and brother. I have sold the old home, papers have been written and signed. You and Robert are out of the picture every way. I have paid all taxes. I do not owe one penny to anyone.

Vol. II You and Robert do not deserve the name Eason.
page 150 } You have all left the home but me, Dr. Eason,
 sister, and myself worked and paid for our home.

For years we wore the same old clothes so we could have something for our old age. In our hearts you were always first. I have tried you every way to see if you were honest.

“May God help you. I am sorry for you. No one has told a lie on you. I know what you are. My father was a prominent man in Norfolk County, his sons also. You are no kin of mine. I do not claim you or Robert as any kin. Please use another name. You have the wrong name. Never given unfortunate LaSalle not so much as a five-cent handkerchief after taking so much money from me. What have you done is between you and your God. Try to put your father’s old sister out of her home. I know everything you have tried to do. You were in our home when my father was brought home dead. You knew everything was sold by Sam Lyons. You and that skunk of Robert Eason that I had worked over 50 years. Never had a trip anywhere. My mother was on the sick bed 9 long years.

Samuel W. Eason.

“My address :
 “Mary F. Eason
 “General Delivery
 “Great Bridge, Virginia.

Vol. II “I am returning your envelope to show you what
 page 151 } condition it comes to me in.”

Q. January the 11th, 1959.

A. (Reading) “January 11th, 1959.

“Dear Sam,

“Why in the world don’t you keep your mouth shut?

“I received a letter from Robert’s wife saying she was tired of work and Robert was also. My reply, ‘Get up off your husky ass and go to work so the blood can circulate, then you and Robert will not be so tired.’

“Love to Wesley & Ruth.”

Q. April 20th, 1959.

A. (Reading) “April 20th, 1959,

“I have asked you so many times to give me back my brother (Dr. C. F. Eason’s) fraternity pin. You did not belong to any fraternity so why do you not return it. A minister was to see me the other day. I told him about my pin, he belonged to the same fraternity. I was told to write to you again and ask for it. You know you went in the bank lock box and took \$4,800 in cash, also from the bank nearly \$10,000. Send me my pin or my money.

“M. F. EASON.”

Q. April 21, 1959.

A. (Reading) “April 21, 1959,

Vol. II “Your letter came yesterday. I want to tell you
 page 152 } this. I am not good, full of faults, but every night
 I ask God to help us all. I only hope we will all
 find a better place than here.

“With love,

“AUNT MARY.”

Samuel W. Eason.

Q. May 6th, 1959.

A. (Reading) "Sunday, May 6th, 1959,

"Dear Sam,

"I have read your letter saying if a 'decent one was not written, then stay where it came from.'

"Your father died twelve years before mine died, and your mother brought you in our home years before my father died as you well know. The court records show my father lost everything he had years before he died and you were in the home at the time. You knew all the trouble my father had and how hard three people worked for a home. Dr. C. F. Eason, sister Sarah and myself, and the records will show also after Dr. C. F. Eason died I bought sister's part of the farm. I tried to treat you two men as nephews, Dr. Robert and you. The harm that you two have done will never be erased from people's mind for 50 years.

"This is what I want to say. I am selling my property and if you or Robert so much as to claim one penny I have left money to carry on the law suits, and on the records of Norfolk County House will be a record of everything be placed how. Do one decent thing in your Vol. II page 153 } life, and send me my brother's fraternity pin.

"I know the fraternity was at University of Virginia. Isaac and Camillus were members but you were not. Think it over and see if you can once be a decent man.

"You are old and sick in mind and body.

"As ever,

"M. F. EASON."

Q. July 15th, 1959.

A. (Reading) "July 15th, 1959.

"Sam,

"I have been intending to answer your letter some time, but little things seem to conspire against me. You wrote in your last letter to stay where I was. I intend to do so. You do the same. You cannot be buried in the same graveyard. You are a disgrace to the Eason name. I had rather give what little I have to a stranger than to you. I have your letters where you even refused to give me back one acre of land when you had taken my home and all I had. You even

Samuel W. Eason.

wrote a will and sent it by a preacher. You would talk with me if I were to give your wife and Robert's wife everything I had, if I cut my old sick brother out of my will. I had already done enough for him. Your own father's unfortunate brother, when in all the years past you had never given one nickel to him in any way. Also your father's sister who had worked for over fifty years for
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"The ones who drained land on me, and I had been in a law suit with them and is still, they could drain when I was out. The entire truth has come out in the open now. I have friends will help when it goes to court.

"I asked you to return my dead brother's pin. You are a common white man, and I don't blame your son. I would not live with you. Think it over. We can correct our mistakes. Did you tell your son's wife about the fuss. In the end she will know the truth. Be a man and do what is right. I am glad I am a pure Eason just like my father. I do wrong and make so many mistakes, but I correct in the end.

"MARY F. EASON."

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• • • • •

A. (Reading) "August 31st, 1959.

"Dear Sam,

"I have been intending to answer your last letter, and tell you what a low scoundrel you are. I can prove by two other persons you told me yourself to get out of my woods and not to have any more cut. You have never paid one dime for taxes, or helped in anyway. You have lied about everything, you even said you had sent Camillus' pin back by mail, then you brought it to the airport and showed it to me. What a low contemptable thing to do. I do not claim any kin to you, so do not use our name any more, not even to be buried in the family graveyard. So far as your son and daughter-in-law knowing what you have done, do not fear me. A woman is visiting near here and she knows both, the daughter-in-law well.

Samuel W. Eason.

"I know now why you went to see certain people, all about the drainage. What a cur and others know it also.

"Did you bring Nan Paterson to Norfolk one Sunday? Or the woman, whatever her name is that stayed in your home two weeks, cur?

"I know why certain people acted as they did. They were told they could drain through the farm free.

"Lawyer Willcox died the other day. I wonder Vol. II what he hold his God about Miss Mangum. She page 156 } got 20 years in the pen."

* * * * *

My Mr. Allen:

Q. Miss Mary Frances Eason all through these letters speaks of you and Robert taking her property from her, taking her home and property, taking timber, taking her money and that sort of thing. What, if anything, did you ever take from her?

A. Not one thing.

Q. Did you ever have any interest in the land other than at first under that deed of May the 2nd, 1955, in which she deeded the land to you and Robert reserving the life right to her; did you ever have any more interest than that in it?

A. That's all.

Q. Now, while you held that right in it did you in any way molest her or try to put her out of her home?

A. She held the life right in the property herself.

Q. I mean during that time did you threaten Vol. II to put her off or put her off the place, anything page 157 } of that kind like she says in these letters?

A. Oh, no.

Q. Now, the record shows that finally in the fall of 1957 by deed which I believe bears date of October the 22nd, '57, you released her from that obligation to will the property to you?

A. That was on November the 11th, 1957.

Q. That was when you signed it.

A. That is when I signed.

Q. Robert had signed first as I understand it, is that right?

A. He signed it the month before, I think.

Q. Yes. What was your reason for releasing her from that slight obligation?

A. Well, my conscience wouldn't let me hold her any longer.

Q. What was her condition?

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A. Her conditions at that time was that she would give it back to me and Robert at her death⁵.

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By Mr. Allen:

Q. All right, sir. Do you recall the series of letters she had written to you about giving the property back?

A. Yes.

Q. At that time did you have any interest other than this at her death?

A. I had no interest.

Q. Now, then, after the deed of October the 22nd, '57, which you signed in November, '57, did you have any interest whatsoever except the promise that she made to you by word of mouth or by letters?

A. No.

Q. Now, she refers in those letters that you were charging her with being crazy and trying to prove her crazy. Was there any truth in that?

A. Nope.

Q. What did she have reference to, if you know?

A. May I refer to my notes?

Q. Yes.

A. This is the first instance. This was in the fall of 1955. I was called to Hickory by Sheriff Hodges who advised—

* * * * *

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* * * * *

By Mr. Allen:

Q. Don't make any hearsay statements other than those made to you by Miss Mary Eason, or statements made in her presence by others.

A. Well, he called me to come to Hickory.

• • • • •

Samuel W. Eason.

Q. What did you do?

A. I went to Hickory.

Q. Yes. What condition did you find her in there then?

A. She was calm just about like she usually was.

Q. Well, now, I want you to tell what happened, if anything, about any threat of insanity.

A. I would have to explain what occurred in order to bring that—

Q. You can tell what occurred but what other people told you other than by Miss Mary Eason—

A. She had in her possession a pistol. Where
Vol. II she had it, I don't know, but she fired it up in
page 160 } the air.

The Court: Unless you show you were there you are taking somebody else's words.

The Witness: I knew it afterwards.

By Mr. Allen:

Q. Well, you've got to tell what you acquired firsthand either through her or saw her yourself.

A. She had this revolver. I advised her not to be using it on the public highway against anyone. I told her at that time that if she continued the use of that that something would be done to judge her insane. And that was the start of it.

Q. Now, what else was done in that regard, if anything?

A. There was nothing else at that time as far as I know.

Q. At that time in the course of these various transactions that were had in '55 and '56?

A. Nothing in particular was mentioned about that except at each time I saw her I stressed the fact to keep the pistol home.

Q. But did you go with her and Robert Eason to anybody in connection with trying to find out if she was competent to attend to business?

A. Oh, yes.

Vol. II Q. Tell me about that.

page 161 } A. Well, in 19—when the farm was—after we
had the farm, you understand.

Q. Yes.

A. At the advice of lawyer Willcox we explained to her that at her age that it was probably that we should have some

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letter or something, some kind of paper showing that she is able to do these things, you see. So, I explained to her and I think Robert did too, and she went with us and one of the places we went was Dr. Harrington's office in Campostella, I think it is, where he lives, or at at his office anyway. And he wrote one of the letters. The other letter was, we went to Elizabeth City to Mr. Griffith, who was the vice-president of the bank in Elizabeth City, and he wrote another letter, and I think the third letter was written by Mr. Fruitt at the Campostella Bank; but she was with us all the time and she understood what we were doing.

Q. Well, on those occasions was anything said about her not being competent and sending her to an asylum?

A. At no time I ever mentioned it.

* * * * *

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* * * * *

Q. Have you gentlemen, either you or Dr. Robert the certificates that those men signed on that subject?

A. No.

Q. She refers in some of those letters about you and Dr. Robert making a clubhouse out of that home. Was anything ever said about that?

A. Nope!

Q. When this deed of May the 2nd, 1955 conveying the property to you and Robert reserving a life estate in her, was made and delivered, where was that deed drawn?

A. In Mr. Webb's office in Norfolk.

Q. Who was present?

A. Robert, I, Aunt Mary and Mr. Webb.

Q. At whose instance was that deed made?

A. Aunt Mary's.

Q. Was any promise of any kind made by you and Dr. Robert in connection with reconveying the property?

A. No promise.

Q. You read what she said in that letter about you all promising to give her the property back or releasing your right to it after LaSalle's trouble was over. Was there anything to that?

A. Would you repeat the last part of that question?

Samuel W. Eason.

Q. You remember in numerous letters that she
Vol. II wrote you, she stated that you and Dr. Robert
page 163 } had promised to turn the property back to her
or give it back to her, as she expressed it, after
LaSalle's trouble was over.

A. No promise.

Q. She also, in one of those letters, says that you took
her permit from her to carry a pistol; is that true?

A. Nope.

Q. She refers in those letters to your coming to see her
and meeting her at the airport somewhere. Did you meet
her? I believe the letter of February the 19th, 1957.

A. February, '57.

Q. Did you meet her?

A. (Pause) February? Yes, I met her there several times.
I think that was one of the dates.

Q. Well, when was the last time that you saw her?

A. My last time I saw her was—I have it here (referring
to file). The last time I saw her was September the 28th,
1958.

Q. September the 28th?

A. 1958, unh-huh.

Q. 1958. Where was that?

A. That was at the Norfolk Airport.

Q. What was the occasion for seeing her there?

A. Well, we had been talking over the phone
Vol. II to one another, and she finally asked me to come
page 164 } down and see her. She wanted to talk things over.

Q. What sort of a meeting was that, pleasant
or otherwise?

A. It was very pleasant. I had my son with me at that time.

Q. What did she say on that occasion?

A. What did she say on that occasion. May I get my notes
again? I know what she said but I want to be—

.

By Mr. Allen:

Q. All right, tell.

A. On September the 21st, 1958 I saw her at the airport.
I took my son with me. And the first thing she said to me
when I greeted her, she said "Are you a member
Vol. II of the Peebles' gang?" I said, "No." So, then
page 165 } she saw my son and I said, "Well, that is my son."
She hadn't seen him since he was 14 years old.

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"My," she said, "he has awfully big feet." I says, "Well, he can stand on them." So, we sat down and Albert was there.

Q. Albert?

A. Albert Alhgren. We went out to the car and started talking, and I said, "Aunt Mary, let's go to the family graveyard. I haven't seen the graveyard for a long time, and I would like to familiarize myself with my father's grave and the rest of them there." So, we went out, my son driving the car. And we went to the graveyard, and she and Albert sat in the car, and my son and I went over to the graveyard and we looked the graves over, and I said "There is great—"

Q. Was Mary present?

A. She was sitting in the car.

* * * * *

Vol II A. Well, any way we went to the graveyard.

page 166 } Q. Then pick up when you went back to the car.

A. Then we went back to the car and we came back to the home where she lived in, and I said, "Aunt Mary, we would like to drive down to see Uncle LaSalle, where is he?" She hesitated just a minute and then she said "He is in the old house which is the small place located between the old original house and the Doctor's place about a mile away from the home," so we drove down to the old house where the lumber was cut, and she said "There is a great pile of sawdust there which I am going to have removed." So, we came back and stopped at LaSalle's house and my son and I went in and talked to him. Then we came back and she didn't come back to the car. I said, "Well, it's time to go." She never invited my son and I in the Doctor's house, we just kept on going back to the airport. Then we went back to the airport and—

Q. Did she go with you?

A. She went with us and she said "I want to see you again, will you come next week?" That was the 28th of September, 1958. At that time I came alone, and she said "I want to talk some things over with you. I want to tell you what I am going to do with my property." She said, "I want Wesley to be the executor of the will. I want him to have the old farm which is part of the acreage," and she said "It makes

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a very nice piece of property." "Well," I said, Vol. II "what are you going to do with the rest of it." page 167 } She says, "I am going to give that to C. F. Eason." "Well," I says, "who is he?" She said "He is Camillus Eason." "Well, I said, "why are you going to give it to Camillus Eason?" She said "Because he was named after my brother." And that ended that conversation.

So then we shook hands at that date and she says "I'm very sorry for what happened." She says "My sister Sarah would have just passed all this over and said nothing." "Well," I said, "this handshake of yours that you give me a true handshake and everything like it was before?" So help my God I will," then she went towards her car, and the last I ever saw of her was as she stood there and cried and left.

Q. Do you know C. F. Eason?

A. I never saw him before except one other time.

Q. Do you know who he is?

A. Yes, this gentleman over—he is over there.

Q. Do you know what relation, if any, he is of the Easons?

A. I never heard of him before.

Q. Well, now, in several of the letters, and particularly the one of March 22nd, '57, she refers to wanting one acre on which to build a house and you refused to give

Vol. II it to her. She asked for a lot to build a home. page 168 } What about that?

A. Well, now, she still had possession of the property, I mean the right to live there. So, this letter came and she said she wanted an acre of land that she could build a house of her own that she knew belonged to her; that she would have it surveyed. A short time—I don't exactly remember whether it was just before then or just after that—I got a letter from lawyer Willcox, Sr. Tom Willcox, Sr.

Q. Well, you can't tell what he wrote you.

A. I can't say what he wrote?

Q. No, you can't tell what he wrote you. The only thing is did she have any need for any one acre?

A. She had five acres to live on there she can do what she pleased.

Q. Now, she refers in her letter of April the 2nd about giving you \$10,000.00, you and Robert \$10,000.00 apiece. What about that.

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A. She gave us \$10,000.00.

Q. Was that the deposit in the Merchants and Planters Bank that you spoke of here?

A. Yes, that was right, and the surprising part about it was—and I might say I was gratified at the amount that these deposit books came up \$8,100 and a few cents, with a letter

Vol. II enclosed from Mr. Griffith, who was vice-president, which said "Here is a voluntary gift that
page 169 } Miss Mary has given you." So, I phoned Robert.

I mean sometime after that, maybe two or three days after that, and talked to him.

Q. Well, you can't tell your conversation between your brother. Now, she talks about a fraternity pin and in the several letters there she asked you to return a fraternity pin. What about that?

A. Well, I recall in one of the letters, if you recall in one of the letters here that she wrote me here, of you recall in one of the early letters where she told me she gave me a tablecloth, and the tablecloth was a second-hand tablecloth, because somebody had taken it before, and at the same time she gave me—she went upstairs and got that fraternity pin of Dr. Eason's and she said "Will you take care of this. I want you to have it." And also she brought down a small ring, a small opal ring, and she said "I want you to take this home and give it to your wife. I want her to keep that ring in my mother's memory." That was the story of the fraternity pin and the tablecloth and the ring at the same time the same date.

Q. Now, it appears of record here that in the fall of 1957 by deed dated the 22nd of October, which she did not sign till November, that you and Robert actually released her from the obligation in the compromise agreement, which is all in evidence, to make a will to you. Well, how long

Vol. II after that with relations between you and her, or
page 170 } did that make any difference?

A. You mean was that after the fact?

Q. Yes, after you and Robert signed the deed of release releasing her from that obligation to will the property to you.

A. There was no will as far as I know.

Q. I know that, but I meant what were the relations between you and her, friendly or unfriendly after that?

A. In and out. I remember I called her up over the phone. Well, that was the 11th of November, '57. I remember calling her up on the phone, a Sunday or two after that, and the

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only answer I got after that was "Skunk." That was after I got it.

Q. Well, now, on August the 18th, 1957, I believe, and in some other letters she refers to you taking everything out of the home and going away with seven hats on your head. What about that?

A. That was when Camillus died, I think, in 1941 or '42. I think it was '42, I'm not sure. I went to his funeral and she said "Sam, I want you to take all these old clothes and anything you need." Well, I had no need of these things myself because they were a different size, but I had some young men in mind and people in mind who needed Vol. II clothes so I says "I will do whatever you want. page 171 } You can pick them out, whatever you want," so we went up in the attic where she kept these clothes, and I lugged all those back to New Jersey and gave them to the people I thought needed them.

Q. How about the seven hats on your head?

A. I didn't have seven hats, I think I had three or four in a bag somewhere.

Q. Now, in a letter of September the first, 1957, I believe it was, she said that LaSalle wanted no part of you, referring to relations between you and LaSalle. What about that?

A. Well, we were always friendly before and we have been friendly since. I don't know where she got that from.

Q. In her letter of September the 2nd, I believe it was, she refers to your refusal to turn her map back to her. What about that?

A. I can't exactly recall the date I got the map, but let's see now. I think I can. That was on January the 19th, the 18th or 19th, 1957, I think it was. Let's see. '56? 1956. She made this deposit in the bank at Merchants and Planters Bank the same time. She says "Now, I will tell you what I want you to do. You have got this farm and here is a map showing the acreage and I want you to take it. Also, here is the deeds to the farm, my mother's deed and my Vol. II father's deed. I want you to take these old deeds page 172 } home with you and take care of them," so I took them. So that is the reference to those deeds that she entrusted to my care.

Now, those deeds and all that map was sent back to her when I released her from the property and Webb took them back.

Q. In the letter of September the 19th, '57, I believe it was, maybe it was October 5th, '57, she said that "you have not

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been in my house for 40 years." Did you ever say any such thing?

A. I think she was a little confused there because I had.

Q. What do you say?

A. I think she was a little confused there. Here is actually what I said. I think I said—I'm not sure—"I haven't lived there for 40 years." I had been in there a number of times.

Q. You said what?

A. I have not lived there but I had been there.

Q. But you had been there?

A. I had been there a number of times during that interval, and that was in—I lived there up to 1913. From that time on up to date I never lived there at all except on visits.

Q. Now, in that same letter she says that you tried to take her off the road. Was anything to that?

Vol. II A. Nothing to that. I recall that she said that
page 173 } the law was taking her off the road because she
 } was too old to drive a car. That was the only
reference I can think about there.

Q. In her letter of January 7th, '59, she said "I have sold the old house." So far as you know had she ever sold it?

A. Up to that time I mean, she hadn't sold it,

* * * * *

By Mr. Allen:

Q. Now, in her letter of July 2nd, '59, she says again "I am selling my property." So far as you know, do you know whether or not at that time she was selling the property?

A. Nope.

Q. Now, in quite a number of letters she refers to this fraternity pin and asked you to return it. Whatever became of the pin?

A. I still have it.

Q. You still have it?

Vol. II A. If you recall in one letter, I don't remember
page 174 } which one, I brought that pin back to the airport
 } to give her and she said, "No, you keep it," which
 } I did.

Q. When was that?

A. (Pause) That was—it must have been along in 1957 when she asked me to come down. That was after the sale of the farm, after money had been transacted, after the sale of the timber. I paid a visit to her after the sale and she wanted me to help her with her income tax which I promised

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to do, and I sent her figures on the income tax, which I think were wrong because I didn't have too many facts about them. And at that time I had the pin with me and I said "You want it back?" She said, "No, you keep it," and I did.

By the Court:

Q. Did you have that pin appraised as to the value?

A. The only thing I can recollect, she said the pin was worth about \$125 or \$150. That is what she said. No appraisals have been made so far as I know.

By Mr. Allen:

Q. Doctor, now it is already in evidence that Miss Mary Eason brought suit against you and Dr. Robert Eason in the spring of 1958 to set aside the deed in which she conveyed the timber to you and reserving the life estate at that time to her, and that suit according to the evidence already introduced here was compromised and settled in October, 1956. Now, don't tell us anything about the compromise because that speaks for itself. I want you to tell about the transactions you had with—

• • • • •

By Mr. Allen:

Q. Now, don't tell anything about that transaction in court because the papers speak for themselves. Tell us about the transactions and conversations had, and dealings you had with Miss Mary about the timber before she filed the suit, how it came to be sold and all that.

A. About the Dunning transaction?

Q. Yes, all the transactions that she was in altogether about the timber.

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page 176 }

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By Mr. Allen:

Q. I want you to tell all she had to do—how it came about, how the timber was sold.

Samuel W. Eason.

A. Here it is here. This is—

Q. Remember, now, confine yourself to what took place before the suit was filed.

A. That is what I am going to do.

Q. Because the suit papers tell all that.

A. This occurred the fall of 1955 after the farm had been changed over on May the 2nd, 1955. Aunt Mary Vol. II called us up and asked us to come see her. We went page 177 } down. We thought we would inspect the property. In fact I hadn't looked the place over for years, except just going to the home. I seen these beautiful woods off at a distance. A friend of mine, Arthur Nichols, lived in the vicinity, maybe two or three miles away, and at that time there was no idea in our minds as far as selling the timber is concerned.

We went to call on Arthur Nichols, and he somewhat reluctantly told us there was widespread injury to it.

The Court: What?

The Witness: Due to infiltration of southern beetles.

By Mr. Allen:

Q. Go ahead.

A. Well, personally I never knew of southern beetles. I mean I knew nothing about trees as far as that was concerned, so Arthur Nichols took us to see these trees. By looking at these trees personally you could tell it was a great number of trees destroyed by these beetles. In fact they had no pines on them at all. It must have been 25 or 40 maybe, according to Arthur, there were 700 acres of trees that were practically destroyed, and he said they were only good for pulp wood. I was satisfied that the mature trees were totally or partially destroyed just from that from my amateur knowledge of trees. I didn't know too much about them.

Vol. II We went and told Aunt Mary about this thing. page 178 } She knew nothing about it, and she, as I understand from her telephone conversation, informed us she inspected the trees and took steps herself to have these trees appraised, by Mr. Wilson. I don't know him personally, who was her confidential appraiser. And she wrote the figures that the timber was worth \$129,500.00.

And so then she asked us to go ahead and make the sale of the timber with her cooperation, of course, and at that time a Mr. Dunning showed up, who was a speculator in timber for a better name, and we went to Mr. Webb and Mr. Webb drew up some papers.

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Q. Miss Mary with you?

A. No, she wasn't with us at that time.

Q. Well, you can't tell what took place. You can tell—

A. Well, anyway the papers were brought back to her.

Q. Brought back to her?

A. And as far as I can remember they were just forms or contracts which were handed out to Mr. Dunning to sell the timber. Now, I don't remember ever signing any contract for Mr. Dunning to sell that timber, but anyway, a sale was held on the farm. And if I recall correctly she called and told me over the phone that the offer for that timber was \$38,000.00.

Vol. II
page 179 } Q. Well, up until—

A. Then that was turned down and then we were the recipient of a suit by Mr. Dunning over that thing.

Q. Yes.

A. Now—

Q. Well, who sold to Mr. Dunning, did you and Robert?

A. No, we never sold any to Dunning. She sold hers to Dunning or had a sale which stopped as far as I was concerned when she found she would only get \$38,000.00 for the timber, and immediately Dunning started to sue us and Willcox defended that suit and we won it because Dunning is not a registered man to sell timber in this state from what I could gather.

Now, the next thing in process of these trees were—of course, as I said I am not an expert on trees, I know nothing about them except I just like to look at them—but we decided then the next thing to do was to get the State Forestry Service to survey these trees over and see exactly how many trees showed this and what they were.

Q. Was that agreeable to her?

A. Oh, yes, perfectly agreeable. So Arthur Nichols, he was the official who had charge of this thing, and with her consent of course. I'm sure she would have never let the Forestry Service do it unless she consented. He went ahead and marked those trees which were to be sold, and that was in January of—or February, of 1956. That was accomplished. Then after that a contract was drawn up with her consent, I think in Mr. Willcox' office; I'm sure it was at Mr. Willcox' office, for us to sell those trees and to get somebody to have an auction sale.

Now, Robert secured the auctioneer and the timber was auctioned off for sale.

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Q. Now, that is about all you recall about the timber?

A. Except the suit began after that. That is all I know.

Q. We are not talking about that now, I am just talking about previous to the suit she filed.

A. That's all.

Q. I am just trying to find out how agreeable she was on her part to agree to deal with the timber.

A. Yes, it was agreeable.

Q. Now, after that deed of May the 2nd, 1955 where the property was deeded to you with life right to her, up until the filing of the suit on April the 27th, '56, what, if anything, did you and Robert do toward reseeding that land and what did it cost you?

A. Well, we thought we would try that place
Vol. II back there which was run down. I mean as she said
page 181 } here in one of these letters that the place, nothing
had been done to the house, it was falling apart,
the plaster was falling off the walls, the barn was open to
the elements, so we decided in view of the fact that the trees,
these matured trees would be cut, that we would have the
vacant land adjacent to those trees reseeded, I mean re-
planted with young trees which we did, and the State Forestry
Service under Arthur Nichols's guidance planted 50,000 young
trees in that old farm.

Q. What did it cost you?

A. It cost about \$1900.00 altogether.

Q. \$1900.00 altogether.

A. I think it was \$1,900.00 altogether.

Q. Doctor, what relation are you to Miss Mary Eason?

A. Well, my father and she was sister and brother, I think.

Q. And you and Robert, as I understand it, are not brothers?

A. No, he is my first cousin.

Q. And your father, what was his name?

A. Sam Eason.

Q. And he was a brother of Miss Mary's and he was the oldest one of the family?

A. He was the oldest one of the family.

Vol. II Q. And what was Robert's father's name?

page 182 } A. Isaac Eason.

Q. And he was also a brother of Miss Mary?

A. He was a brother of Miss Mary.

Q. Now—

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By The Court:

Q. What relation was Dr. Camillus?

A. He was a brother of Miss Mary Eason, and an uncle of mine also.

The Court: Yes, I get it.

By Mr. Allen:

Q. Now, how many brothers, if any, did Miss Mary Eason leave?

A. Well, Uncle LaSalle, he is the only surviving brother.

Q. The only surviving brother. How old is he, do you know?

A. (Pause) He says he is 86 years old.

Q. Now, having in mind your correspondence you had with Miss Mary Frances Eason, your associations with her, your business transactions with her and your observations of her over the years, what have you to say as to her soundness of mind?

A. Well, she was of unsound mind. I hate to have to say it but she was.

Vol. II The Court; After what time?

page 183 } Mr. Allen: Judge, did you say what?

 The Court: After what time?

Mr. Allen: Yes.

The Witness: When I began to observe this situation?

The Court: Yes, when you concluded she was of unsound mind.

The Witness: Along through the latter part of 1955 up to date. I am reluctant to admit it to myself, but I had to come to that conclusion.

By Mr. Allen:

Q. Can you state whether she got better or worse as time went on?

A. She got worse. Her delusions and hallucinations became worse over that period, relatively worse over that period.

Q. Could you tell us what was wrong with her medically?

A. She was a paranoiac person.

Q. Well, tell us what is a paranoiac person.

A. Well, I can give you an explanation of it. I might say offhand it is a disease just as much as pneumonia is. A

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Vol. II paranoiac person is a person who is deeply sus-
page 184 } picious of any one thing and that one thing has no
adequate foundation for her to be suspicious over.

And at the same time she does not respond to any kind of logical argument you can give her which would make you change her mind.

All these things are built up. If I can just give you a home-made example maybe you can understand it a little better. Each of us have a habit when we get up in the morning. We get up, eat breakfast, we go down and maybe we put the coffee pot on. We set the table. We eat a cereal at a certain time. If we want eggs we eat that at a certain time. If you drink coffee we drink the coffee at a certain time. We have a certain system of doing these things There are certain systems of ideas in our mind which happens logically to a normal person.

Now, suppose the wife is used to all these things. She knows her husband does that, or she does it herself. And suppose, for instance, some morning you go down to the kitchen and you have a little suspicion in your mind there is something wrong about your eggs. Well, maybe some person put poison in your eggs. Some suspicion comes in your mind. You go down and you go through the same routine again. You will take your cereal first, and then you may switch around to your coffee and you may keep a certain system going but the eggs you put off till the last.

Vol. II As your confusion grows more and more in
page 185 } your mind you think the coffee is the wrong thing
in addition to the eggs and you scramble things
all around. In other words you have still got a systematic thing going on but it is a disordered thing, and someday you will come in and you will grab those eggs and toss them to the floor, and that is because you are afraid you are going to get poisoned by those eggs. In other words you have hallucinations and delusions without any foundation to it.

Well, she had all these things going in all these letters and in all these talks. She had an idea that we were taking money from her. In fact she gave it all to us. She had a delusion with that thing. It was a suspicion which was unfounded. And all the talks that I had with her she couldn't chage her mind in anyway at all. Look, for instance, in some of those letters she wrote where she saw—

Mr. Bohannon: Let's not argue it.

Mr. Bangel: He is not arguing, he is describing it.

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A. I mean that is part of the system which is broken down, her normal system. No normal person would have a system which is disorganized like that.

And then it kept on. She had delusions of grandeur because she thought that that timber was worth \$129,500.00 when it was in fact only worth \$58,000.00, which is what it actually sold for. She had delusions of grandeur where she put dollar marks on her envelopes and sent them
Vol. II page 186 } out.

She had another system which she was quite delusional over, and which a person who is in that state of mind is markedly—she would run from one lawyer to another and these suit proceedings she had going all the time. This was a delusion which is a direct hallmark of insanity, in this way. Because when a person gets delusions about a lawyer and she doesn't go to one lawyer for any justice of any kind. She goes to one lawyer because she wants her rights, and when she loses one suit she will go to some other lawyer or to the same lawyer and institute another suit because she wants justice done to herself and wants to win the suit for her own self and not for the other person and not actual justice. She wants to win it for herself and her ideas.

Q. Now, Doctor, the record shows after charging you and Robert with taking her property and holding her property and keeping her property and not giving it back to her for a long time, you finally did release every vestige of right you had and signed deeds to it?

A. Yes.

Q. Well, after that was there any change in her attitude about you all treating her wrong?

A. (Pause) That was in 1957, I think, wasn't it?

Q. Yes. That deed releasing her from that ob-
Vol. II ligation in the compromise contract.
page 187 } A. That was on November the 11th, 1957.

Q. That you signed it?

A. Yes. I remember calling her up after that. I thought she would be very happy to get it back and in my telephone conversation the only answer I got was "Skunk" and she banged the phone. That was done several times. I don't think she started to have any—as far as I can remember in her letters anyway—she wanted any reconciliation till the next September. That was September, 1958 at the time I went to Norfolk to meet her, and she wanted me—I mean gradually over the period of time from November up until along through August I had made efforts to phone her over the phone, not

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with the idea of ever getting anything back. I thought it had gone out the window.

Mr. Garrett: Isn't that argumentative?

The Court: I sustain it on that.

A. (Continuing) Well, anyway I tried to make up with her.

By Mr. Allen:

Q. Well, wait a minute now. You saw her last when?

A. The last time I saw her was September 28th, 1958.

Q. And where did you see her then?

Vol. II A. At the Norfolk Airport.

page 188 } Q. What did you say?

A. The Norfolk Airport.

Q. How long did you talk to her on that occasion?

The Court: Hadn't we been into all that?

A. I was there from the time the plane landed until about four o'clock in the afternoon. From 12:00 o'clock. I talked with her about three or four hours.

By Mr. Allen:

Q. All right, what have you to say as to her competency on that date?

A. She wasn't competent then as she was any more than any other date at that time.

Mr. Allen: Gentlemen, you may take the witness.

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CROSS EXAMINATION.

By Mr. Bohannon:

Q. Doctor, how old are you?

A. Well, I'll tell you—

Q. Just say how old you are, Doctor.

A. You mean officially or unofficially?

Samuel W. Eason.

By the Court:

Q. How old are you actually; how old are you?

A. Well, I was born in 1895, April 6, 1895.

By Mr. Bohannon:

Q. 65?

A. (Witness nodded head affirmatively.)

The Court: 1895?

Mr. Allen: He was born.

By Mr. Bohannon:

Q. Where did you attend school, Doctor?

A. You mean college?

Q. Yes, sir.

A. William and Mary, University of Virginia.

Q. You got your academic degree at William

Vol. II and Mary?

page 190 } A. William and Mary.

Q. And you went to medical school at the University of Virginia?

A. University of Virginia.

Q. And you went there in 1918?

A. Well, that was during World War I. In between I was engaged in business.

Q. In the fall of 1918?

A. I finished William and Mary in the spring, I think, of 1918.

Q. Well, that would make you enter the University in the fall of 1918, wouldn't it?

A. No, the war was on at that time and I went to war then.

Q. When did you go to the University of Virginia Medical School?

A. In 1919 after the war was over.

Q. 1919?

A. Yes.

Q. You went to the boarding house of Miss Betty Broughy, didn't you?

A. Yep.

Q. You remember me?

Vol. II The Court: Does this have any bearing?

page 191 } Mr. Bohannon: Recollection. I am testing his memory, yes, sir.

Samuel W. Eason.

A. Well, I might remember you, but I think our faces have changed a little bit.

By Mr. Bohannon:

Q. Doctor, you have produced here a number of letters. Are these all the letters you have received from Miss Mary Eason?

A. I'm sure they are. If there is one or two missing I don't know where they are. That is all I have.

Q. You did not intend for any of them to be missing, did you?

A. No, sir, everyone was given to Mr. Allen.

Q. And you have preserved and kept these letters. You started with March the 6th, 1953; is that right?

A. All of those letters from that date up to the time of the trial here in October, 1956 were in the possession of, I think Mr. Willcox or Mr. Allen, because they were part of the letters of the first trial.

Q. Well, you kept all the letters?

A. I kept all the rest of the letters.

Q. And numbered them?

A. No, I didn't number them. But once in a while I put the date on there to be—so if the envelope—

Vol. II Q. To be sure to identify it?

page 192 } A. That's right.

Q. And I noticed that some of the letters that are not dated you have the envelope with it that has a post-mark?

A. I kept all the envelopes with the letters.

Q. You wanted to be quite certain that you kept all the letters and dates they were written. They were identified as to dates?

A. Yes, I kept them all, all I got, yes.

Q. You wrote some letters to Miss Mary, did you not?

A. Yes.

Q. Did you keep copies of them?

A. No, no.

Q. You only kept her letters?

A. I only kept her letters.

Q. And what was the purpose of that, Doctor?

A. You mean her letters?

Q. Yes.

A. Well, these letters began to have an abnormal look to them, so that is the reason I kept them to be frank with you.

Samuel W. Eason.

Q. In other words you have been preparing this case since 1953, is that correct?

Vol. II A. Oh, no, no.

page 193 } Q. Well, whatever purpose, Doctor?

 A. Well, why do people keep records and why would people keep letters?

Q. Ordinarily people don't keep records or letters of this nature year after year.

A. Some people probably have a habit and some people don't. That is the only reason I can tell you.

Q. And, Doctor, do you have a habit after a conversation with someone to go back and make a typewritten memorandum of what took place?

A. (Pause) No, but from certain letters and certain facts you do. I mean this memorandum was made back before this first trial.

Q. Well, you have a number of memoranda, I understand?

A. A number of memoranda, yes.

Q. Typewritten?

A. Well, up to the first time. The others are handwritten.

Q. In other words where you did not preserve the letters you did make a written memoranda of the conversations?

A. Well, these memoranda later on have got nothing to do with the letters at all.

Vol. II Q. Well, on occasion you wrote and quoted the
page 194 } letter and other occasions you quoted some conversation?

A. But no memorandum or summary of those letters. They speak for themselves.

Q. I know. I mean about the conversations, you had no written letter?

A. Oh, no.

Q. Introduced?

A. Oh, no, these were just memory conversations that I am telling you about when I met her at the airport, no letters about that except some information, some letters she said she had me there. That is all the information about that, but there is nothing summarizing those letters in any way.

Q. Doctor, before I forget it there is one small matter in your direct testimony about this fraternity pin. You stated that you had it when you saw her in 1958, and she told you to keep it?

A. She told me to keep it.

Q. And that you still have it?

A. I still have it.

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Q. In 1959 she wrote you a number of times asking you to return it, did she not?

A. She did.

Q. And you just did not want to return it,
Vol. II is that it?

page 195 } A. I just did not return it.

Q. Doctor, when did you learn of Miss Mary Eason's death?

A. (Pause) Well, now, let's see—she died, I think on a Thursday, wasn't it?

Q. I'm asking you.

A. That was approximately—October the 29th, I think, 1959, when she died. I learned of her death the day before she died.

Q. Let me get that again.

A. I said the day before she died I learned of her death.

By the Court:

Q. How could you learn of it before the event had occurred, Doctor?

A. All right, shall I tell you exactly what went on?

Q. Well, what you stated was that you learned of her death the day before she died. Is that what you mean?

A. I learned she was very sick the day before she died, I will correct myself. Arthur Nichols called me up, I think it was on a Wednesday, now, and he said that "Did you know—"

By Mr. Bohannon:

Vol. II Q. I asked you when did you learn she died.

page 196 } A. The day she died, right after she died.

Q. All right. When did you learn about her will?

A. (Pause).

Q. (Continuing) That was probated?

A. (Pause) That was on a Saturday, I think, the funeral was.

Q. Did you come to the funeral?

A. Oh, yes. Along in that time. I don't know whether it was a Saturday or Sunday I heard about the will. I don't recall exactly the date that it was going to be probated.

Q. Do you know where the will was; did you know where the will was?

A. Nope.

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Q. While you were down here attending to the funeral did you go to her home?

A. Nope.

Q. Did you say, Doctor, that you learned about the will what date? I didn't catch that.

A. I don't remember exactly the date, but it was approximately, say either before or after the funeral.

Q. How did you learn about it? How—who told you anything about it?

Vol. II A. I think probably it might have been Robert
page 197 } that told me about it; I'm not sure when I learned
 about it.

Q. The will was probated in the Clerk's Office on November the 2nd.

A. I understand that was the Monday after the funeral. I can't think of the approximate date.

Q. What action did you take after that, Dr. Eason, after the will was probated November the 2nd?

A. I decided on account of the character of the will we would protest it.

Q. And you filed a contest and appeal on November the 10th, is that right?

A. Well, somewhere along in there. But the lawyer did that. I think that was Mr. Bangel, was it?

Q. When did you engage counsel?

A. I engaged counsel—I thought about engaging counsel right after the funeral or the next week after that.

Q. Right after the funeral. You didn't know what the will was, did you?

A. Well, I knew approximately what it was. I heard what it was.

Q. Well, Doctor, let's be frank about the thing. You had planned to make a contest regardless unless you or the other doctor got all the property, didn't you?

A. No, sir, no, sir.

Vol. II Q. LaSalle—

page 198 } A. I hadn't thought much about it to be frank
 with you.

Q. You hadn't thought much about it?

A. Not too much, no. The farm was hers to do what she pleased. She promised to give it back to us.

Q. You say it was hers to do with as she pleased?

A. It was hers to do with what she pleased. We had given it back to her on her promise she would give it back to us.

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Q. You had one promise that was revoked, wasn't it, by your own written instrument?

A. Oh, yes, I gave it back to her.

Q. Doctor, you signed this agreement on November 1957, relieving this lady of the obligation to will it to you.

A. That's right.

Q. So when you were down here at the funeral you heard that you and Robert and LaSalle did not get all the property so you had planned right then to contest the will, is that it?

A. I can't tell you when the exact hour came up, but it did come up.

Q. In fact you don't know what her condition was when she wrote the will, did you?

A. I would say she was a paranoiac when she wrote the will.

Vol. II Q. You were not there?
page 199 }

A. I was not there.

Q. You hadn't seen her since September the 28th, 1958?

A. I hadn't seen her since then.

Q. Doctor, when you learned about the will or had planned to contest it right after the funeral, did you make any effort to find out what her condition was?

A. You mean when she was sick on her last illness?

Q. Yes.

A. I was not informed that she was sick on her last illness.

Q. What?

A. I was not informed until the day before she died she was sick. That was kept a secret.

Q. When the will was put on record that showed the name of the witnesses who witnessed the will, did it not?

A. Oh, yes, I have a copy of the will which was sent to me after it was probated.

Q. When did you receive that, Doctor?

A. (Pause) This came from Mr. Bangel, I think about two or three weeks after protest was put in.

Q. And that was the first time you saw the will,
Vol. II is that it?

page 200 } A. I had heard conversations about it. Shall I
tell you what I had heard?

Q. No.

Mr. Allen: Just answer his questions.

The Witness: Yes.

Samuel W. Eason.

By Mr. Bohannon:

Q. Did you make any efforts to talk to Dr. Rohm from Moyock, who treated her last illness?

A. Robert did.

Q. You didn't?

A. I called up Dr. Rohm's office but he wasn't there, and that was the day before—

Q. I don't want the conversation. I just want to know if you—

A. I couldn't get him on the phone.

Q. Did you call Dr. Sawyer?

A. Dr. Sawyer? No, I didn't know Dr. Sawyer was on the case.

Q. Did you talk to the witnesses to the will? To the attorney who drew it?

A. No, I didn't see any of them until here in court. I never saw them before.

Q. You had a preconceived idea that if you did not get the property it was going to be contested, isn't that correct?

Vol. II
page 201 } A. Nope.

Q. Doctor, you state that a paranoic is a person who is deeply suspicious. Miss Mary Eason was suspicious of you and Dr. Robert, was she not?

A. Well, not—

Q. That is the reason—

A. Not us alone. She was suspicious about Peebles and his gang. She was suspicious about the Squires when she mentioned in one of her letters taking sand and dirt from under the house. She was suspicious about the planes flying overhead. She was suspicious about the bugs crawling up on the wall.

Q. About what?

A. About bugs crawling up on the wall, in her letters. I mean she states those things.

Q. Do you know that Mr. Peebles tried to buy that property at his own price?

A. I have no idea. She had associated Mr. Peebles as being head of a gang who was trying to get things from her.

Q. Well, if he was trying to get some propety from her at his own price she had a reason to be suspicious of him, didn't she?

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A. Well, I listened to her talk when she commenced talking about that. She had something in her mind which was perfectly a hallucination of some kind.

Q. Doctor, you said also that one of the symptoms applying to her case was that she went to different lawyers.

A. She did.

Q. Didn't you try to engage Mr. Garrett in this case?

A. Robert did. We were looking for a lawyer, I think to conduct this trial.

Q. Who were your lawyers in the other case?

A. Willcox and Allen, Mr. Willcox and Mr. Allen.

Q. This is not a proper question, perhaps, but are you paranoiac?

A. Well, sometimes I think so. I guess we all have our moments when we think we're nuts.

Q. That is a very good answer, Doctor. You stated that you last saw Miss Mary Eason in September, 1958, close to a year before she died?

A. That's right.

Q. And yet you tell this jury that you think that she was incompetent to attend to her business?

A. I think when she made this will she expressed clearly in it she was a paranoiac.

Q. She gives her reasons, does she not, of what she was doing?

A. Yes, but if you can't explain why, I think this was a paranoiac will.

Q. Doctor, take the first paragraph numbered "First," and read it.

A. (Reading) "I, Mary Frances Eason, residing in Hickory, Virginia, being of sound and disposing mind and memory and understanding, realizing the uncertainty of life, do hereby state, make publish and declare this to be my Last Will and Testament, hereby revoking any other wills and codicils hereof . . ."

Q. Doctor, you know the English language. Now, read it like it is supposed to be, please.

Mr. Bangel: If it please the Court, that was drawn by a lawyer. He can't—

The Witness: It is spelled "C-O-D-I-C . . ."

The Court: I think it is spelled "Codicils."

Samuel W. Eason.

The Witness: Here is a copy I had and had it spelled that way.

By Mr. Bohannon:

Q. Anything wrong with that?

A. It sounds all right.

* * * * *

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page 205 }

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By Mr. Bohannon:

Q. Dr. Eason, I believe that you had read the first paragraph and gotten down to Paragraph First, "F-I-R-S-T" of the will. Will you read that Paragraph First?

A. (Reading) "FIRST: I order and direct my Executors hereinafter named, to pay all of my lawful debts, funeral and testamentary expenses, as soon after my decease Vol. II as may be practicable."

page 206 } Q. Is there any suggestion of paranoia?

A. Well, that is lawyer's language.

By Mr. Bohannon:

Q. Let's take it at its face. What is paranoiac about that, Doctor?

A. That is the usual thing they have. No.

Q. Just say it is or it isn't.

A. No.

Q. All right, Paragraph Second.

A. (Reading) "Second: It is my wish that my remains be interred in the family burial ground which is located on the Old Charles Eason Farm, and I further desire that if it be the desire of my Brother, that his remains also be interred in the said family burial grounds.

Q. What is paranoiac about that, Doctor?

Vol. II A. Nothing.

page 207 } Q. Paragraph Third.

A. (Reading) "Paragraph THIRD: Being mindful of my brother, JAMES L. EASON, but having already sufficiently provided for him in this world, I hereby give, devise and bequeath unto him the sum of One Thousand

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(\$1,000.00) Dollars, which sum shall be placed in trust in the National Bank of Commerce, Norfolk, Virginia, to be used for his burial expenses. I direct my said Executors to place this sum in such an account in said bank so that it will draw the maximum amount of interest and upon the death of my said brother, if said sum shall exceed a sufficient amount for his burial expenses, I direct that said excess be paid unto his estate.”

Q. What about that, Doctor, no paranoia?

A. Yep.

Q. The answer is, yes? Paragraph Fourth.

Mr. Allen: Wait a minute. What was the answer, Doctor? He asked you what was paranoiac about it. What was your answer?

The Witness: Yes.

Mr. Allen: I thought he said, yes, but I wasn't sure.

By Mr. Bohannon:

Q. Explain why that is, Doctor.

Vol. II A. I will read the first line over: (Reading)
page 208 } “Being mindful of my brother, JAMES L.
 EASON, but having already sufficiently provided
for him in this world * * *” She was under a delusion that
she had provided for him. With what?

Q. I understood you to say, Doctor, that a symptom of paranoia is a persecution complex.

A. No, no, no, you are under delusions which are not true.

Q. Did she ever do anything for LaSalle?

A. Did I ever do anything for him?

Q. Did she ever do anything for LaSalle?

A. Well, she—he lived there on the farm.

Q. He lived there?

A. He lived on the farm and so did she. I mean he had the same rights to live there as she did.

Q. In what respect, Doctor?

A. He was her brother; he was the lawful heir from what I can understand, as much as she was.

Mr. Garrett: We object to that. That is not true and the Doctor knows it.

The Court: I sustain the objection.

Samuel W. Eason.

By Mr. Bohannon:

Q. As a matter of fact he lived on the farm for free, didn't he, Doctor?

Vol. II A. As far as I know, yes.

page 209 } Q. All right, Doctor. You have no reference to the rest of that paragraph, I take it?

A. That's right.

Q. Paragraph Fourth.

A. (Reading) "FOURTH: In appreciation for the loyalty and devotion shown to me by my faithful employee, ALBERT AHLGREN, I hereby give, devise and bequeath unto the said ALBERT AHLGREN all my furniture, and household equipment including all of the farm equipment and personal property located within my home which is known as the N. C. Eason Home." That is another delusion she had.

Q. Why do you make that statement?

A. She had no furniture in the home. She told me she had given it to some worthy person.

Q. How do you know she didn't have it?

A. She told me that.

Q. When did she tell you that?

A. In 1958 when I met her—

Q. '48?

The Court: '58.

By Mr. Bohannon:

Q. In 1958?

A. In 1958, yes.

Q. And since that time, from '58 till the time she died you received some letters from her, you talked to her

Vol. II on the phone?

page 210 } A. Oh, yes.

Q. Where did she live?

A. She lived in the Camillus Eason house. That is the other house. There were two houses, but the one that she gave the furniture from was in the old N. C. Eason house, another house entirely.

Q. How about the farm equipment?

A. There was no farm equipment there. There was no farming done on that farm as far as I know.

Q. You don't know of your own knowledge, do you, Doctor?

A. The only thing I can tell you about my knowledge of it

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was it was no farming in that section of the farm. It was not a farm.

Q. Was it cultivated in any way?

A. It was probably some of it was probably cultivated, but I'm sure Albert didn't do the cultivating.

Q. I don't want—I just want your opinion on what you know directly. Go on to the next paragraph.

A. (Reading) "I also order and direct my Executors, hereinafter named, to cancel the note of Five Thousand \$5,000.00) Dollars which I hold secured by a mortgage against his farm comprising thirty (30) acres, more or less, and to do any and all things so as to cancel and release this obligation."

Vol. II page 211 } Q. Anything wrong with that?

A. Lawyer's language.

Mr. Garrett: What?

The Witness: I said that is lawyer's language.

By Mr. Bohannon:

Q. I wish you wouldn't be a little evasive. I asked you is there anything wrong in that?

A. No, I don't see anything in that.

Q. Go to the next paragraph.

A. (Reading) "I also give, devise and bequeath unto the said ALBERT AHLGREN the sum of Ten Thousand (\$10,000.00) Dollars, which shall be placed in the National Bank of Commerce, Norfolk, Virginia, in trust to be paid to him at the rate of' Fifty (\$50.00) per month, commencing ten (10) days after my death. In the event the said ALBERT AHLGREN wishes to return to his native home in Sweden, upon his arrival in Sweden, I direct that said funds on deposit in the National Bank of Commerce or that portion of the Ten Thousand (\$10,000.00) Dollars, which remains, be paid to him and to be forwarded to him at his home in Sweden in full.

Q. What about that, Doctor. You were speaking of paranoiac symptoms and I am asking you this question.

A. No.

Vol. II page 212 } Q. No. Albert Ahlgren is the one of Swedish descent that had been on the farm for quite a long number of years, hadn't he?

A. 35 or 40 years, as far as I can remember.

Q. All right, Doctor, continue.

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A. (Reading) "In event of the death of ALBERT AHLGREN, before the said sum of Ten Thousand (\$10,000.00) Dollars on deposit in the National Bank of Commerce, for his benefit shall have been paid in full, I direct that his burial expenses shall be paid from same and the residue, if any, be paid to the Salvation Army."

Q. What about that, Doctor?

A. Nope.

Q. All right, Paragraph FIFTH.

A. (Reading) "I hereby direct my Executors to pay over unto the National Bank of Commerce, Norfolk, Virginia, the sum of One Thousand (\$1,000.00) Dollars, to be placed in trust to be used to care for the family burial ground and I further direct the said Executors to authorize said National Bank of Commerce, Norfolk, Virginia, to pay unto ELVA EASON the sum of Twenty (\$20.00) Dollars, per year, commencing six (6) months after my death for the care, maintenance and upkeep of the family burial ground located on the Old Charles Eason Farm."

Vol. II Q. What about that, Doctor?

page 213 } A. Okay.

 Q. You say "Okay?" You mean no paranoiac symptoms?

A. No paranoia.

Q. Sixth.

A. (Reading) "SIXTH: For the kindness and consideration shown unto my brother, JAMES L. EASON, by TURNER WHITE, the sum of Five Hundred (\$500.00) Dollars, in cash." I think that is a delusion there. I don't think Turner White ever gave her anything.

Q. Who is Turner White?

A. This colored fellow over here who works as a tenant farmer.

Q. How long did he work there?

A. (Pause).

Q. Do you know?

A. I think ten or fifteen years as far as I can remember.

Q. Anything—

A. I'm not exactly sure, because everytime I went there I could see the place where he was or ask after him.

Q. But yet she gave him \$500.00?

A. She gave him \$500.00.

Q. That is a delusion? All right.

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A. Wait a minute now, it said "For the kindness and consideration shown onto my brother * * *"

Vol. II Q. Then her brother, James L. Eason, lived on
page 214 } the farm?

A. Yes, he lived on the farm, but she was under the delusion that Turner White did something for him. I don't know what he did for him.

Q. Was this man kind to LaSalle, her brother?

A. That's what she said.

Q. She don't mean he gave him any money or anything there. He was kind to her brother.

A. Oh, no, well, she paid him for it.

Q. All right, Doctor, Number Seven.

A. (Reading) "SEVENTH: Being reminded of the unkind treatment shown to me by my two (2) nephews, DR. SAM EASON and DR. ROBERT EASON, and also being reminded of the monies which they took from me, I hereby give, devise and bequeath unto each of them the sum of Five (\$5.00) Dollars, and nothing more."

Q. That is paranoid?

A. Right on the button.

Q. Yes. That is a delusion?

A. That is a delusion.

Q. All right, Doctor, Number *EIGHTH*.

A. (Reading) "EIGHTH: I give, devise and
Vol. II bequeath unto CAMILLUS F. EASON, of Nor-
page 215 } folk, Virginia, namesake of DR. CAMULLUS F.

EASON, of Hickory, Virginia, the farm which I own, situated in Norfolk County, Virginia, in the Pleasant Grove District, known as the Dr. C. F. Eason Farm, containing over one hundred (100) acres which includes the lands with the buildings and improvements thereon, which I own, west of Highway 170 and also all lands and buildings, known as Turner White House."

Q. How about that?

A. Well, I think if anybody else had been named Camillus F. Eason he would have gotten the same.

Q. All right, Number *NINTH*.

A. (Reading) "NINTH: As a memorial gift in the name of the late DR. CAMILLUS F. EASON, of Hickory, Virginia, I hereby give, devise and bequeath unto the Trustees of the Norfolk General Hospital of Norfolk, Virginia, my lands known as the Beech Woods situated in Norfolk County, Virginia, in Pleasant Grove District on Highway 170, containing

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approximately one hundred (100) acres of land and being a part of what is known as the Cornick Farm, and I direct that said Trustees sell this land upon such terms and conditions as they think proper and use the funds derived from the sale of this land for the Heart Fund as a memorial to the late DR. CAMILLUS F. Eason, however, I forbid this property to be sold for any commercial use."

Vol. II Q. And, Doctor, who was the late Dr. Camillus
page 216 } F. Eason?

A. He was my uncle.

Q. And related to her?

A. That was her brother.

Q. That is her brother. What was wrong with that, Doctor?

A. Well, that sounds all right.

Q. All right, Number TENTH.

A. (Reading) "TENTH: I hereby nominate, constitute and appoint CAMILLUS F. EASON, LLOYD EASON and STANLEY G. BRYAN as Executors of this My Last Will and Testament, and hereby authorize them to sell and to convey by deed my farm situated in Norfolk County, Virginia, Pleasant Grove District, which is known as the N. C. Eason Farm, containing approximately three hundred and fifty (350) acres, upon such terms and conditions as they think proper, and I direct that the proceeds of this sale after expenses, and the above specific bequest, be given to my residuary beneficiary, the Trustees of the Methodist Home for the Aged, as a memorial gift, in the name of my beloved Mother and Father, MR. AND MRS. I. N. EASON."

Q. What is wrong with that, Doctor?

A. It sounds like a very nice gift, I mean as far as that is concerned.

Vol. II Q. You recall, Doctor, in some of the letters that
page 217 } you received that she had given some funds to the
 Methodist Home before, hadn't she?

A. That was approximately 1954.

Q. She was familiar with it?

A. She knew about it.

Q. Now, the next paragraph.

A. (Reading) "I further authorize and empower my Executors, named above, to sell any and all other real estate which I may own so as to comply with my wishes as stated herein and expressly direct that any purchaser receiving title from my Executors shall not be chargeable with the applica-

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tion of the proceeds from any sales or conveyances made by my Executors.”

Q. Would you mind reading from the original will?

A. This is quite smeared and I can't make some of it out.

Q. What is wrong about that, Doctor?

A. That sounds like lawyer's language to me.

By the Court:

Q. Lawyer's language? Does it have any special meaning to you, Doctor?

A. Well, sometimes it does and sometimes it does not to be frank with you. Technical language.

By Mr. Bohannon:

Vol. II Q. All right, Doctor, let's go on to ELEVENTH.
page 218 } A. (Reading) “ELEVENTH: Having confidence in my Executors, hereinabove named, I hereby order and direct that my Executors as such, shall not be required to post any bond or surety for their faithful performance as Executors of this My Last Will and Testament.”

Q. Anything wrong with that, Doctor?

A. Nope.

Q. Let's go to TWELFTH.

A. (Reading) “TWELFTH: After the payment of all taxes and necessary expenses in connection with the administration of my estate, I hereby give, devise and bequeath all the rest, remainder and residue of my estate, real, personal and/or mixed, of every kind and description wheresoever situate, which I may own or may be subject to my disposal, unto the Trustees of the Methodist Home for the Aged, as a memorial gift in memory of my beloved Mother and Father, Mr. and Mrs. I. N. Eason.”

Q. What's wrong with that?

A. Okay.

Q. All right, Doctor. Now, to review the matter just a little bit, Miss Mary Eason in this will made provision for her internment in the old family burial ground, she made provision for the upkeep of it, she made provision for Albert Ahlgren and for Turner White. She mentioned

Vol. II what personal property, if any, in the way of farm
page 219 } equipment or furniture. She mentioned the farm lands to Camillus Eason, and she mentions that is the C. F. Eason Farm. She mentioned the farm on Highway 170, and she mentioned the N. C. Eason Farm of 350 acres. Did she have any other property?

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A. (Pause) I think she had some property in Norfolk, I don't know.

Q. You don't know that at all?

A. That is just the impression I had.

Q. Doctor, from the recitation of property in this will, she recollected and remembered what she had. Did she not mention these farms?

A. But a paranoid would do the same thing.

Q. Well, we are all paranoids. That was your last answer before lunch. You said all of us are paranoids. Apparently she mentioned the farm lands, the principal farm lands that she owned, did she not, in here?

A. Yes.

Q. She had recollection of what she owned?

A. She did.

Q. All right.

A. She did.

Q. She outlined in this will the objects or the people who would receive her property, did she not?

A. She did.

Vol. II Q. She specified them in detail, did she not?

page 220 } A. She did.

Q. And she outlined how the distribution would be made, did she not?

A. She did.

Q. Now, you speak of lawyer's language, Doctor, that you interspersed with some explanation of some of the terms of this will. Are you acquainted with the fact that the provisions of this will to a great extent were taken from a handwritten will of her own?

A. Nope.

Q. You don't know that. Doctor, I believe you stated that you started this case in 1953 and that from that time on you did not consider Miss Mary Eason competent from that time up to the time she died?

A. Well, maybe a little later on, longer than '55.

Q. In '55?

The Court: You stated '55?

The Witness: Yes.

The Court: He stated '55.

By Mr. Bohannon:

Q. In other words this deed that was made to you when

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that trouble arose over LaSalle, that was made in
Vol. II 1955?

page 221 } A. Yes, in 1955.

Q. Yes. And from your past statement she was not competent then, is that right?

A. At the time that deed was made I had no indication she was incompetent.

Q. Well, Doctor, you said you started in 1955, from your opinion.

A. After the will was made and read.

Q. What will are you talking about?

A. I mean the deed in 1955, May the 2nd.

Q. Well, let me get a direct answer, Doctor. Do you consider that she was competent when she made this deed to you and Robert, May the 2nd, 1955?

A. I did.

Q. So, when did she become incompetent after this deed?

A. After the deed was actually made I began to suspect it.

Q. In other words she was all right when she made the deed but afterwards—

A. Well, you realize, I want you to understand, sir, I had no particular personal contact with her before that time except very occasionally, very rarely.

Q. But, yet, Doctor—

A. Then.

Vol. II Q. —you are telling this jury now that you
page 222 } have formed an opinion that when this deed, this
property, was made to you and Robert she was
all right, but afterwards she wasn't all right?

Mr. Allen: Wait just a minute. He said he had no indication at that time, as I recall his testimony.

A. That's right.

By Mr. Bohannon:

Q. But he has found out afterwards that following this deed, in your opinion, she was incompetent?

A. Yes, sir, I came to that conclusion.

Q. That was a very good conclusion, Doctor. Did you get a deed to the property and then thereafter anything she did was—

Mr. Allen: If your Honor please, I don't think the lawyer should argue with the witness.

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The Court: Objection sustained as to that.

By Mr. Bohannon:

Q. Now, Doctor, this period of incompetency, in your opinion, as you have stated, includes this period of 1956, does it not?

Vol. II A. Yes, sir.

page 223 } Q. And you have introduced this agreement in 1056 relating to the timber?

A. Yes.

Q. This deed states: "Now, therefore, in consideration of One Dollar and other good and valuable considerations, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey, with general warranty, unto the Grantees, all of her right, title and interest in and to the standing timber located on the above described farm." Signed, "Mary F. Eason." And that deed is dated March first, 1956, from Mary F. Eason to Dr. S. W. Eason, Jr. and Dr. Robert R. Eason. She was not competent at that time?

A. She was for the sale of the timber.

Q. Yes; yet she gave you the rights in the timber? All right, title and interest—

A. Well, she had the protection of her lawyers in court at that time.

Q. I'm not asking you that, Doctor. This is dated March first, 1956. That was before any suit was started.

A. You mean after the suit started?

Q. This was before any suit started.

Q. Before the suit started she gave her permission to sell the timber.

Vol. II Q. Why did you take a deed from her like this
page 224 } when in your opinion you say she wasn't com-
petent and you were going to sell the timber
under it?

A. The money was to be given back to form a trust fund. I mean she fully consented to that.

Q. I know, Doctor, but she was incompetent. She can't consent to anything. Anything like this is no good, you know that, do you not?

A. She gave permission to do that. Mr. Willcox went along with her and did it. Mr. Willcox drew this thing up, being at that time her lawyer.

Q. Who did Mr. Willcox represent?

A. At that time he represented all three of us when this thing was drawn up.

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Q. And you let Mr. Willcox draw up something here for Miss Mary, who was incompetent, and not worth the paper it is written on?

A. If it's incompetent everything else she has written is incompetent too.

Q. Doctor, how many revenue stamps are on this timber deed?

(Handed to the witness for scrutiny.)

A. Fifty-one or two dollars.

By the Court:

Q. What was the answer?

A. Fifty-one or two dollars, I think it is.

Vol. II By Mr. Bohannon:

page 225 } Q. What does that represent in value, Doctor?

A. The timber?

Q. For consideration as far as stamps are concerned?

A. I don't recall offhand.

Q. It's \$1.10 a thousand.

Mr. Bangel: We are perfectly willing to stipulate.

A. It's \$40,000.00.

By Mr. Bohannon:

Q. \$40,000.00. And you took this deed from Miss Mary F. Eason at a consideration of over \$40,000.00, and she was not competent. Isn't that correct; isn't that what you have said?

A. I didn't say. You said that.

Q. Yes, you did, Doctor, you started in '55.

A. I started in '55? In '53.

Q. I asked you whether you went back to '53 and you said, no, that you would start at '55.

A. It started in '55.

Q. Yes, now this is '56. All right, Doctor, before I forget this, this was put up for sale, wasn't it, this timber, Doctor?

A. Yes.

Vol. II Q. And you and Dr. Robert Eason were pre-
page 226 } pared to to make a bill of sale or give a valid deed
for it, weren't you?

A. You mean from the timber?

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Q. Yes.

A. Oh, yes.

Q. You recognize this notice, Doctor for the sale of the timber?

Mr. Allen: I have seen it.

(Shown to witness for examination.)

A. That was for the auction of the timber.

Mr. Bohannon: I would like to introduce that in evidence, if your Honor please.

The Court: Exhibit Number 3.

(Received and marked in evidence by the Court as Proponents' Exhibit Number 3.)

By Mr. Bohannon:

Q. Doctor, it has been related that there was some trouble arising out of her brother LaSalle's wedding. Do you know how old he was when he got married?

A. He must have been around 80 years old, as I can remember.

Q. And I believe the testimony was this lady he married had been married four or five times?

Vol. II A. Several times.

page 227 } Q. And following that trouble this deed that we have mentioned was made to you and Dr. Robert, and then following that there was a deed back to Miss Mary Eason from you and Dr. Robert in which was stated in that deed that she would will you the property, you and Dr. Robert. Then there were some suits filed around '55 or '56 to get her property back and straighten out this timber matter, was it not?

A. Yes.

Q. And then following that in 1957, which has been introduced here, this agreement of October the 22nd, '57, you made an agreement and Dr. Robert Eason made an agreement in which you released Miss Mary Frances Eason of any obligation she would have to will you the property, you two; you are familiar with that?

A. I am.

Q. And that agreement is written and executed and ac-

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knowledge by you and your wife and Robert Eason and his wife, and was put on record in the Clerk's Office, and at that time Dr. Eason, she was incompetent, as you say?

A. Yes; at that time.

Q. Doctor, one question I forgot to ask you. Prior to the time that you filed a contest here in November the 10th, 1959, eight days after this will was probated, did you make any inquiry as to Mr. Stanley Bryan, who he was or what connection he had with the case?

Vol. II page 228 } A. You mean personal inquiry, no.

Q. Yes.

A. No.

Q. You did not find out anything about him at all?

A. The first time I heard of Mr. Bryan, I asked Mr. Webb who was a lawyer in Norfolk if he knew Mr. Bryan, and said yes, he is in the same building with him. That was the only time I ever heard of him.

Q. You knew that, or did you know that he had helped prepare this final written form of the will for Miss Mary Eason?

A. I found that out, yes, that he was the lawyer.

Q. When did you find that out, Doctor?

A. Oh, I think at the time I found it out from Mr. Webb inquiring about him, and I think that was the time I found out he was the lawyer in the case.

Q. How long was that after Miss Mary's death?

A. A short while.

Q. A week, or two weeks?

A. No, less than that.

Q. What do you mean?

A. Several days.

Q. Was this before you filed a contest of this will in court?

Vol. II page 229 } A. Yes, I knew that, that he was the lawyer.

Q. And all you had found out was that Mr. Webb said that he just knew him as being in the building?

A. That's right.

Q. You didn't find out anything else?

A. And I will tell you exactly how I found it out, that he was the lawyer on the case. I found out at the funeral of Mary Eason.

Q. Well, you just found out that he was the lawyer?

A. He was the lawyer.

Q. Yes.

A. That's right.

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Q. Now, is that all you found out?

A. That was all I found out.

Q. That is all you knew?

A. That is all I knew.

Q. You are sure of that?

A. I'm sure of that.

Q. So, then you don't know whether he was an able lawyer or a poor lawyer or knew anything about drawing will or understanding how this should be executed and written, and that the person executing it should know what they are doing.

You didn't find out anything?

Vol. II A. No, I—

page 230 } Q. That is all, Doctor, for that question. Doctor, you have stated that you considered Miss Mary Eason incompetent for a period of several years, over a period of several years. You are a physician, are you not?

A. Yes.

Q. And any special practice, Doctor?

A. General practice.

Q. General practice. You have stated that as a party in interest here *ad* as a physician too I suppose, that your opinion is she was incompetent. Doctor, if that was all the evidence in this case, your opinion by itself, what would be the effect of the disposition of this property?

Mr. Bangel: If your Honor please, we object to that. It speaks for itself.

Mr. Bohannon: All right, I withdraw the question.

The Court: Sustain the objection.

Mr. Bohannon: That is all the questions I have for the time being.

CROSS EXAMINATION.

By Mr. Garrett:

Vol. II Q. Doctor, let's—are you ready? Do you want
page 231 } to get a drink of water?

A. Go ahead.

Q. Let's see if we can briefly sketch—

Mr. Allen: If we are going to have two cross examiners of the same witness—there are only two sides to the case. It isn't like a three-corner automobile accident case. There are only two sides.

Mr. Garrett: It is five or six sides.

Samuel W. Eason.

The Court: They may cross examine, any party in interest, if they feel there is some matter that was not brought out by one of the parties.

Mr. Allen: We save the point, sir, upon the ground that when one counsel for that side cross examines there is no right under our practice for another counsel on the same side to cross examine.

By Mr. Garrett:

Q. Doctor, let me see if we can briefly get this case on focus on what went on. In 1955, around May, you came down here to talk to Miss Mary about a problem she had with LaSalle's wife?

Vol. II A. No, not specifically for that.

page 232 } Q. Did you come down any part of it for that?

 A. Not for any part of it.

Q. You said not specifically. I thought maybe—

A. Maybe I can explain it to you if you will just listen for a second. My wife and I were taking a little trip and vacation and we came to Virginia Beach, and we went to her house, and she disclosed this situation was going on. And she wanted Robert and I to take the property over because she was afraid LaSalle's wife would get the property.

Q. Yes, sir, that was what—

A. That was what I was trying to tell you.

Q. She wanted you to take it over because at that time she was fearful that LaSalle's wife was going to bring suit against her?

A. Well, afraid LaSalle's wife would get it. If she died LaSalle would get it and if LaSalle should die, LaSalle's wife would get it anyway. That's—

Q. Well, she told you she was fearful LaSalle's wife was going to bring suit against her because of some trouble about slander?

A. Well, I don't know what she said, I don't remember those details. What she said. But specifically that LaSalle's wife will get it.

Vol. II Q. Did you go back and write any notes on that
page 233 } meeting?

 A. No.

Q. Well, you did on these others. I am just wondering if you went back and dictated some notes on what happened then.

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