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# Record No. 6057

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In the  
Supreme Court of Appeals of Virginia  
at Richmond

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**JOHN C. HUDDLE**

**v.**

**MARY JUANITA HUDDLE**

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FROM THE CIRCUIT COURT OF ROCKINGHAM COUNTY

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## 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

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**Record No. 6057**

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VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Wednesday the 13th day of January, 1965.

JOHN C. HUDDLE,

Appellant,

*against*

MARY JUANITA HUDDLE,

Appellee.

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From the Circuit Court of Rockingham County  
Hamilton Haas, Judge

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Upon the petition of John C. Huddle an appeal is awarded him from a decree entered by the Circuit Court of Rockingham County on the 5th day of August, 1964, in a certain chancery cause then therein depending wherein the said petitioner was plaintiff and Mary Juanita Huddle was defendant; upon the petitioner, or some one for him, entering into bond with sufficient security before the clerk of the said circuit court in the penalty of three hundred dollars, with condition as the law directs.

**RECORD**

\* \* \* \* \*

Filed in the Clerk's Office the 9th day of November, 1962.

Teste:

M. . . . ., D. C.

**IN CHANCERY—BILL OF COMPLAINT.**

To the Honorable Hamilton Haas, Judge of said Court:

Your complainant, John C. Huddle, respectfully shows the following:

(1) That the complainant and the defendant, both members of the white race, were lawfully married in Rockingham County, Virginia, on the 24th day of December, 1947, as shown by copy of record of marriage hereto attached, marked "Exhibit A" and asked to be read as a part hereof;

(2) That two children were born of said marriage, viz, Dianne Howlett Huddle, ten years of age, and John Michael Huddle, six years of age;

(3) That the complainant and the defendant are now and have been for at least one year preceding the commencement of this suit, domiciled in and actual *bona fide* residents of Rockingham County, Virginia; and that said parties last cohabited as husband and wife in Rockingham County, Virginia;

(4) That on or about the 6th day of June, 1926, your complainant discovered that the said Mary Juanita Huddle had at divers times and places committed adultery with one G. L. Huffman; and on said date he left their home and moved to Elkton, Virginia, taking with him their son, John Michael Huddle, who has since said date resided with his  
page 2 } father;

(5) That the said Mary Juanita Huddle is still residing in the home owned by the parties hereto, situate near Elkton, in Rockingham County, Virginia, and has with her their daughter, Dianne Howlett Huddle;

(6) That the aforesaid acts of adultery on the part of the said Mary Juanita Huddle were not committed by the procurement or connivance of complainant, and were not con-

doned by him, and that it has not been five years since said acts of adultery occurred;

In consideration whereof, your complainant prays that he may be granted a divorce a *vinculo matrimonii* on the grounds of adultery; and that he may be awarded the custody and control of the infant children born of said marriage, Dianne Howlett Huddle and John Michael Huddle.

JOHN C. HUDDLE  
By Counsel.

\* \* \* \* \*

page 5 }

\* \* \* \* \*

#### ANSWER AND GROUNDS OF DEFENSE.

To the Honorable Hamilton Haas, Judge of said Court:

Now comes Mary Juanita Huddle, respondent herein, and for answer to the Bill of Complaint against her exhibited, says as follows:

(1) That she admits the allegations contained in paragraphs (1), (2) and (3).

(2) That the defendant for further answer states that the date set forth in paragraph (4) of said Bill as 1926 is an error and should be 1962; the defendant says that after the time mentioned in said Bill, and before the commencement of this suit, the complainant being informed as to the matters therein alleged, freely condoned said alleged adultery, and forgave the defendant thereof, and freely cohabited with her, and that ever since such condonation the defendant has been a faithful wife to the complainant and has constantly treated him as her husband.

And now having fully answered the complainant's Bill, this respondent prays to be hence dismissed with a reasonable allowance for counsel fees and court costs to defend this suit.

MARY JUANITA HUDDLE  
By Counsel.

Filed in the Clerk's Office, Rockingham County, Va., Nov. 26, 1962.

GEORGE W. KEMPER, Clerk.

page 7 }

### ORDER.

On this 25th day of January, 1963 came John C. Huddle, by counsel, came also Mary Juanita Huddle, by counsel, and the plaintiff moved the court to permit him to amend the bill of complaint filed in this proceeding; therefore, it is ORDERED that the plaintiff be, and he is hereby, permitted to file an amended bill of complaint, amending and enlarging paragraph numbered (4) of the original bill.

Enter 1/25/63.

H. H., Judge.

page 8 }

Filed 1/25/63 in open court.

### AMENDED BILL OF COMPLAINT.

To the Honorable Hamilton Haas, Judge of said Court:

Your complainant, John C. Huddle, respectfully represents unto Your Honor as follows:

#### I.

That on the 10 day of November, 1962, your complainant filed a bill of complaint for divorce against Mary Juanita Huddle, to which bill of complaint Mary Juanita Huddle has, by counsel, filed an answer and grounds of defense;

## II.

Paragraph numbered (4) of the bill of complaint incorrectly alleges certain facts, and in order to make the bill of complaint conform to the facts, your complainant does hereby amend paragraph numbered (4) of the bill of complaint to read as follows:

That on or about the 6th day of June, 1962, your complainant was informed by the said Mary Juanita Huddle that G. L. Huffman had on one occasion made a clumsy and feeble attempt to have sexual intercourse with her; that on June 6, 1962 your complainant left the home which the par-  
page 9 } ties hereto formerly occupied, taking with him their son, John Michael Huddle. but within a few days thereafter your complainant returned to the matrimonial home of the parties hereto in an effort to effect a reconciliation, and a reconciliation was effected.

On June 26, 1962 your complainant discovered that the said Mary Juanita Huddle had, at diverse times and places, committed adultery with one G. L. Huffman, and on that date your complainant left the matrimonial home of the parties hereto, taking with him their son, John Michael Huddle, and the parties hereto have not lived or cohabited as man and wife since June 26, 1962.

## III.

That all other paragraphs in the original bill of complaint, and the prayer of the bill of complaint, are realleged and reaffirmed herein.

JOHN C. HUDDLE  
By Counsel.

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page 10 }

• • • • •

Filed in the Clerk's Office, Rockingham County, Va., Feb. 15, 1963.

GEORGE W. KEMPER, Clerk.

## ANSWER AND CROSS-BILL.

For answer to the Amended Bill of Complaint filed against her by John C. Huddle, respondent Mary Juanita Huddle answers and says:

(1) That she again admits the allegations contained in paragraphs (1), (2) and (3) of the original Bill of Complaint.

(2) That the defendant for further answer denies the allegation contained in paragraph (4) of the original Bill of Complaint, as amended; that the defendant says that a full confession of adultery was made to the complainant on June 6, 1962; that the complainant being thus informed thereafter freely condoned said alleged adultery and forgave the defendant thereof and freely cohabited with her, and that ever since such condonation the defendant has been a faithful wife to the complainant, and has constantly treated him as her husband.

## CROSS-BILL.

For Cross-Bill of Complaint the respondent says:

(1) That on June 26, 1962, John C. Huddle took your cross-complainant, Mary Juanita Huddle, to a physician to determine whether or not she was pregnant; that he did thereafter on the same day leave the home which they had been occupying stating that he would no longer live with her; that they have lived separate and apart since that time; that page 11 } your cross-complainant had done no act to justify this action, and that such action by John C. Huddle constituted desertion.

(2) Wherefore, your cross-complainant respectfully prays that she be granted a divorce *a mensa et thoro* on the ground of desertion; that the property rights between the parties hereto be settled by the Court in this proceedings; that she be awarded the custody of the two infant children born of said marriage; that the costs incident to defending this action be born by the complainant; and that she may have such further relief as the nature of her cause may require.

MARY JUANITA HUDDLE  
By Counsel.

page 12 }

MOTION.

To the Honorable Hamilton Haas, Judge of said Court:

This day came the defendant, Mary Juanita Huddle, and moved the Court to strike the evidence of John C. Huddle, the complainant, as being insufficient as a matter of law.

MARY JUANITA HUDDLE  
By Counsel.

V. STEPHEN BRADSHAW  
Of CLARK AND WILSON  
92 North Liberty Street  
Harrisonburg, Virginia  
Counsel.

Seen but not agreed to:

JULIA K. HICKMAN  
Of Counsel for Complainant.

Filed in open Court June 28, 1963.

MARGIE BOWERS  
Deputy Clerk.

page 13 }

ORDER.

This cause came on to be heard this 28th day of June, 1963, upon the Bill of Complaint filed on the 9th day of November, 1962; upon the answer of the respondent; upon the amended Bill of Complaint; upon the Answer and Cross-Bill of Complaint of the respondent; upon the depositions taken in behalf of the complainant, together with the exhibits filed there-



with; upon the motion of respondent to strike the evidence of the complainant; and was argued by counsel.

The Court being of the opinion that respondent's motion is well founded for the reason that the complainant's own evidence establishes his forgiveness and condonation, it is accordingly ORDERED, ADJUDGED and DECREED that respondent's motion be sustained and that complainant's bill be dismissed, over the objection of the complainant, by counsel.

This cause is retained on the docket of this Court for further proceedings on respondent's cross-bill.

Enter 6/28/63.

H. H.

\* \* \* \*

page 14 }

\* \* \* \*

### ORDER.

This cause came on this 9th day of July, 1963, to be heard upon the Defendant's motion for an order herein awarding to the Defendant temporary alimony, attorney's fees and costs, and was argued by counsel.

Upon consideration whereof, it is ORDERED that John C. Huddle shall pay unto Mary Juanita Huddle the sum of \$150.00 per month as temporary alimony and support money beginning on the 15th day of July, 1963, until the further order of this Court.

Enter 7/9/63.

H. H., Judge.

\* \* \* \*

page 15 }

\* \* \* \*

Filed in the Clerk's Office, Rockingham County, Va., Aug. 9, 1963.

GEORGE W. KEMPER, Clerk.

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR.

To George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia:

NOTICE OF APPEAL.

John C. Huddle hereby gives notice of his appeal from that certain final decree entered in the above styled chancery cause of the 28th day of June, 1963, by which the respondent's motion to strike the evidence of the complainant was sustained, and the complainant's bill of complaint was dismissed.

ASSIGNMENTS OF ERROR.

John C. Huddle assigns as error:

(1) The Court erred in holding and decreeing that "the complainant's own evidence establishes his forgiveness and condonation", of respondent's alleged act or acts of adultery.

(2) The Court erred in sustaining and granting the respondent's motion to strike the evidence of the complainant as being insufficient in law.

(3) The Court erred in dismissing the complaint page 16 } plainant's bill of complaint for divorce on the ground of adultery.

JULIAN K. HICKMAN

Hostetter Building

Harrisonburg, Virginia and

W. W. WHARTON

406 First National Bank Building

Harrisonburg, Virginia

Counsel for John C. Huddle

By JULIAN K. HICKMAN

\* \* \* \* \*

page 19 }

\* \* \* \* \*

## DECREE.

This cause came on this 5th day of August, 1964, to be heard upon the Bill of Complaint and the exhibit filed therewith; upon process issued and served; upon the Answer and Cross-Bill of the defendant, Mary Juanita Huddle; upon the complainant's Answer to the Cross-Bill, upon the depositions taken on behalf of the parties to this cause, pursuant to notice and filed herein; upon the Motion of the Cross-Complainant to strike the complainant's evidence; upon the order entered sustaining said motion to strike the complainant's evidence; and upon argument of counsel.

Upon consideration of all of which the Court is of the opinion that the Cross-Complainant is entitled to the relief sought in her Cross-Bill, it is ADJUDGED, ORDERED and DECREED that the Cross-Complainant be, and she hereby is, granted a divorce a *mensa et thoro* from the said John C. Huddle on the ground of willful desertion which occurred on June 26, 1962.

It is further ADJUDGED, ORDERED and DECREED that the full custody and control of Dianne Howlett Huddle, John Michael Huddle, and David Carter Huddle, the three infant children born to the parties to this cause, be, and the same is hereby awarded to Mary Juanita Huddle, page 20 } subject to the right of John C. Huddle to visit with said children for reasonable periods and at reasonable times.

It is further ADJUDGED, ORDERED and DECREED that John C. Huddle pay to Mary Juanita Huddle the sum of \$120.00 per month as permanent alimony, and the sum of \$35.00 per month as permanent support for each of said infant children, hereafter payable on the 10th day of each month, such support money to continue until each child has reached its majority, and it is further ADJUDGED, ORDERED and DECREED that John C. Huddle pay to Mary Juanita Huddle, or to her attorney, the additional sum of \$350.00 for attorney's fees and costs paid or incurred by the said Mary Juanita Huddle in this cause, which payment shall be made within 45 days from the entry of this decree, to all of which complainant, by counsel, objects and excepts.

It is hereby ORDERED that the contingent property rights of each of the parties to this cause in and to the real property of the other party which were created by the marriage are hereby extinguished.

Nothing further remaining to be done in this cause, the same is ORDERED removed from the docket.

Enter 8/5/64.

H. H.

\* \* \* \* \*

page 21 }

\* \* \* \* \*

Filed in the Clerk's Office, Rockingham County, Va., Sep. 30, 1964.

GEORGE W. KEMPER, Clerk.

#### NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR.

To George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia:

#### NOTICE OF APPEAL.

John C. Huddle hereby gives notice of his appeal from that certain interlocutory decree entered in the above styled chancery cause on the 28th day of June, 1963, by which the respondent's motion to strike the evidence of the complainant was sustained, and the complainant's bill of complaint was dismissed, and that certain final decree entered on the 5th day of August, 1964.

#### ASSIGNMENTS OF ERROR.

John C. Huddle assigns as error:

(1) The Court erred in holding and decreeing that "the complainant's own evidence establishes his forgiveness and condonation" of respondent's alleged act or acts of adultery.

(2) The Court erred in sustaining and granting the respondent's motion to strike the evidence of the complainant as being insufficient in law.

(3) The Court erred in dismissing the complainant's bill of complaint for divorce on the ground of adultery.

page 22 }

(4) The Court erred in entering a decree granting the respondent a divorce on the ground of desertion.

(5) The Court erred in refusing to grant the complainant a divorce on the ground of adultery.

(6) The Court erred in refusing to grant the custody and control of Dianne Howlett Huddle and John Michael Huddle to the complainant and in granting such custody and control to the respondent.

(7) The Court erred in granting an excessive award of alimony and support money.

\* \* \* \* \*

page 23 }

\* \* \* \* \*

The following is a summary of the testimony heard in open Court on August 5, 1964, on the defendant's motion for alimony and support.

Mary Juanita Huddle testified that she needs \$312.00 per month for the support of herself and the infant children; that she occupies the dwelling house on which John C. Huddle pays the taxes and pays the amortized deed of trust indebtedness binding the same; that the amount previously agreed to for temporary support was not sufficient, that at the time of the hearing she owed \$145.00 for fuel oil and \$98.31 for other small bills, and other debts.

John C. Huddle testified that in 1963 his gross income was \$8,304.00, and that after deducting for taxes, Social Security, insurance his total take home pay was \$6,145.00, that his income for 1964 had not been increased; and that the indebtedness binding the house occupied by his wife, the insurance and taxes thereon amounts to approximately \$145.00 per month.

Dated this 30th day of September, 1964.

V. STEPHEN BRADSHAW  
Counsel for Mary *Juanita*  
Huddle.

W. W. WHARTON  
Of Counsel for John C. Huddle.

*Bonnie Meyerhoeffer.*

Tendered this 3rd day of Oct., 1964.

HAMILTON HAAS, Judge.

page 24 } Certified by Trial Judge on September 30, 1964.

HAMILTON HAAS, Judge.

Received this 13th day of October, 1964.

GEORGE W. KEMPER  
Clerk Circuit Court of  
Rockingham County.

\* \* \* \* \*

Dep.

1/15/64

page 2 } MRS. BONNIE MEYERHOEFFER,  
after having been first duly sworn, deposed:

DIRECT EXAMINATION.

By Mr. Bradshaw:

- Q. Will you state your name, please, and where you live?
- A. Bonnie Meyerhoeffer, Penn Laird, Virginia.
- Q. Are you related to Mrs. Mary Juanita Huddle?
- A. She is my sister.
- Q. Do you know when Mr. and Mrs. Huddle were married?
- A. I don't remember the exact date.
- Q. About how long ago?
- A. Christmas Eve, 1947, I believe.
- Q. Do you know where they were married?
- A. They were married in Hagerstown, I believe.
- Q. Where have they lived since their marriage, do you know?
- A. They have lived in Elkton.
- Q. And how long have they lived in Elkton?
- A. All of their married life, I suppose.
- Q. Do you know how many children were born of this marriage?

*Bonnie Meyerhoeffer.*

A. Three children.

Dep. Q. And what are their names and ages, if you  
1/15/64 know them?

page 3 } A. Diane Huddle is eleven now, I think; Johnny is  
about seven, and David about ten months.

Q. Have you had occasion to visit with the Huddles since  
they have been married?

A. Yes, I have been in contact with them.

Q. Have you visited in their home?

A. Yes, lots of times.

Q. Have you visited there recently?

A. I have not been there since Christmas, but I have been  
a pretty steady visitor.

Q. When was the last time that you were there?

A. Well, it was on Sunday after President Kennedy got  
killed. I don't remember what date.

Q. Do you know whether or not Mr. Huddle was living  
there at that time?

A. No, he was not.

Q. Have you had occasion to talk to Mr. Huddle since that  
time or—

A. I have talked to him several times.

Q. Has he ever said anything to you about not living with  
his wife any more?

Dep. A. No. I have talked to him about going back,  
1/15/64 but he had no comment.

page 4 } Q. Do you know whether or not he is living with  
her or has been living with her?

A. No, he is not living there.

Q. Do you know whether any of the children of this mar-  
riage are living with Mr. Huddle?

A. Johnny is with him.

Q. Have you had occasion to talk to Johnny?

A. I have talked to him different times.

Q. When was the last time you talked to him?

A. The Sunday that I mentioned after President Kennedy  
was killed.

Q. Did you have occasion to talk to him on the telephone  
when Mrs. Huddle was in the hospital?

A. Yes, he called to his mother's home real often the day  
I took her to the hospital to have the baby.

Q. What did he have to say?

*Bonnie Meyerhoeffer.*

Mr. Wharton: That is objected to as being hearsay.

Mr. Bradshaw: Well, that wouldn't be hearsay when it is what he said to her. It is first person information.

Mr. Hickman: But he is not a party to this proceeding.

Mr. Bradshaw: He certainly is. He is a child of Dep. this marriage. The question is—

1/15/64 Mr. Wharton: Objected to as hearsay and the page 5 } objection can be argued further.

Q. Now answer the question. What did the boy tell you personally over the telephone?

A. He would be glad when he could come home so he could eat his mother's good cooking, and to be in his own room.

Q. Did you prompt him in any way or question him in any way?

A. No, sir, I didn't. The little fellow has a way of talking for himself. You just pick up the receiver and he does the talking.

Mr. Wharton: Objection is made to this whole line of questioning on the ground of hearsay.

Mr. Bradshaw: The reason for the question being asked is I think it goes to the evidence necessary to determine who should have custody of the children, and it is not hearsay in that it is exactly what this child told her.

Q. Mrs. Meyerhoeffer, have you had occasion to visit in the home of Mrs. Huddle and observe how she treats her children as a mother?

Dep. A. Yes.

1/15/64 Q. And what is her treatment of the children?

page 6 } A. Her children always come first.

Q. Do you think she is a good mother?

A. She is a wonderful mother.

Q. How is she a good mother?

A. Well, they always have plenty to eat. They always have clean clothes all the time, and she watches after them real careful.

Q. Do you think that the children are well mannered?

A. Yes, they were until this happened.

Q. Has their care been any different since this happened than it was before?



*Bonnie Meyerhoeffer.*

A. No. I think when the children get upset I think they understand what is going on between their mother and father to make them upset.

Q. Do they seem nervous?

A. (hesitation)

Q. How about Johnny, does he seem nervous and upset?

A. Yes, I think so. He always thought a lot of us, and now he doesn't seem to be able to talk or something, I don't know what it is, like he is afraid to talk.

Q. Have you talked to him in the presence of his father?

A. Yes.

Dep. Q. Has he exhibited any signs of anything at 1/15/64 that time?

page 7 } A. He doesn't answer. He looks to his father as if he should tell him to answer or not—about anything you talk to him about.

That is all.

#### CROSS EXAMINATION.

By Mr. Wharton:

Q. John has always been a good provider for his family?

A. Yes.

Q. They were very happy and more or less a model couple up until a year or so ago, were they not?

A. Yes, I think so.

Q. A very happy home life up until that time?

A. I think so.

Q. Do you know anything about your sister's keeping company with G. L. Huffman?

A. No, I don't.

Q. Is he a friend of your sisters?

A. Not that I know of.

Q. No friendship is there that you know of?

A. When they were young, they were friends years ago. That's all.

Dep. And further the deponent saith not.  
1/15/64

page 8 }

OSCAR MICHAEL,  
after having been first duly sworn, deposed:

## DIRECT EXAMINATION.

By Mr. Bradshaw:

Q. State your full name and where you live, sir?

A. Oscar Michael. I live at Good's Mill. Penn Laird is my address.

Q. Are you related to Mary Juanita Huddle?

A. She is my daughter.

Q. About how long has your daughter been married to Mr. Huddle?

A. I don't know.

Q. Do you have any idea?

A. About fifteen years, ain't it.

Q. Has it been a long time?

A. Yes, I don't know.

Q. Mr. Michael, do you know where they were married?

A. They went down here to Preacher Locke's as far as I know.

Q. Do you remember?

A. Yes, sir.

Q. You remember their being married?

A. Yes, sir, Preacher Locke married them.

Dep. Q. Where was that, sir?

1/15/64 A. Woodstock is where he lives.

page 9 } Q. Do you know where they have lived since they got married?

A. Well, they have lived in Elkton.

Q. In Rockingham County?

A. That's right.

Q. Have they ever lived anywhere besides Rockingham County that you know of?

A. No, sir.

Q. How many children do they have?

A. They have three.

Q. What are their names?

A. Diane, and Johnny, and David.

Q. Have you had occasion to visit with them in their home?

A. Yes, sir.

Q. Do you know whether or not your daughter has always provided a good home for the children?

*Oscar Michael.*

A. I wouldn't see why not. I have never seen any other cause. She has always seemed mighty nice and everything and she always waited on them mighty well.

Q. Do they seem to love her?

A. Yes, sir.

Dep. Q. I want you to think back, if you will, and do 1/15/64 you remember Mr. Huddle bringing your daughter page 10 } out to your house one night?

A. Yes, sir.

Q. I wish you would tell me about that?

A. Well, I was sitting there on the settee and somebody came in, and I looked up and there they came in.

Q. Was anything said?

A. Well, he said, "Pop, I brought Juanita home. We have parted."

Q. Did he bring the children with them that night?

A. Yes, sir.

Q. Did your daughter and the children stay there that night?

A. Yes, sir.

Q. Do you remember what day of the week or when that was?

A. No, sir, deed I don't.

Q. You just remember it happened?

A. Yes, sir.

Q. What happened thereafter? What happened following that?

A. Well, he came up the next day and they came to town.

Q. Did they come back after they had been to town?

A. Yes, he brought her back and left her and went on.

Q. How long did she stay there then, sir?

Dep. A. She got a taxi the next day and went home.

1/15/64 Q. Did you go up to the house where they lived page 11 } after she went back home in the taxi?

A. Yes, I don't know when, but it was a little while before we went down—a couple of days.

Q. Were they both living there then?

A. Well, he came in and he said, "Well Juanita, you're won again. The kids need you." And we said, "They need both of you."

Q. Who was with you, sir?

A. My wife.

*Oscar Michael.*

Q. How long then was it—Do you know whether or not he left after that?

A. Yes, he left after that.

Q. What happened?

A. Well, I don't know. He just left and taken the boy.

Q. Did you talk to him at any time?

A. Yes, I talked to him. I went down there.

Q. Where did you talk to him?

A. Well, I think the first talk I had with him was down there in the lot. He was picking rocks, and I was down there and talked to him a little.

Q. Was this after he had been home and then she had gone back home in the taxi?

Dep. 1/15/64

A. Yes, sir.

page 12 } Q. And he was back in the lot picking rocks?

A. Yes, sir.

Q. What did he tell you then?

A. Well, he told me that Juanita was pregnant and she was pregnant by another man.

Q. Told you that she was pregnant by another man?

A. Yes, sir.

Q. Do you remember whether or not they took a trip after that conference there when he was picking rocks?

A. I think so, yes, I'm pretty sure they did.

Q. Where did they go, sir?

A. They went to the beach.

Q. Do you know whether or not they were living together then?

A. Yes, sir.

Q. And they were living together when he told you about her being pregnant by another man?

A. Yes, sir.

Q. Do you know whether or not he left again after that?

A. (hesitation).

Q. After they came home from the beach?

Dep.

1/15/64 A. After they come back from the beach, why then he decided to leave and taken the boy with  
page 13 } him.

Q. Did he tell you anything about leaving?

A. No, sir.

Q. Have you been back to the house since that time?

A. Oh, yes, I have been back lots of times.

Q. Has he been there any time that you have been back?

A. Yes, he was there I think about once that I was there.

*Oscar Michael.*

Q. Was he living there or just visiting there, or do you know?

A. No, just brought the boy back.

Q. Brought the boy back for a visit?

A. Yes.

Q. Do you know whether or not they have lived together since then to the best of your knowledge?

A. Not that I know of.

Q. Mr. Michael, have you had occasion to observe whether or not your daughter is a type of person that treats her children properly?

A. Yes, sir.

Q. What has been your observation about the way she treats the children?

A. Well, you can always see that they look mighty nice and whenever you are around there they never want for anything, she is always waiting on them.

Dep. 1/15/64 Q. Does she take care of them?

page 14 } A. Yes, sir.

Q. Do you know whether or not she takes them to church?

A. She does as long as she has a way to go.

Q. Have you had occasion to talk with little Johnny?

A. Well, I didn't get to see him to amount to anything. He brought him up home there one night for a little while. He brought him back another night a little while.

Q. Did you have an opportunity to talk to Johnny?

A. Yes, I talked to little Johnny, but he wouldn't say anything hardly, maybe answer me and that would be all.

Q. Has he always been that way with you?

A. Most of the time. He never did have to much to say.

Q. Have you ever talked to Johnny since he left by himself?

A. No, sir, I never have. Never had any chance to.

Q. Have you asked him up to your house?

A. Yes, I have been down after her to bring her home several times, Juanita, and I called over there a couple of times and wanted to come by and get him and bring him along up, but I never did get to bring him.

Q. Do you know where he is living?

Dep. 1/15/64 A. Yes, sir.

page 15 } Q. Where is that, sir?

A. He is staying with his father's mother.

Q. How old a woman is she, sir? Do you know?

*Oscar Michael.*

A. I don't know, but I have an idea she is around seventy.

Q. Is she in good health?

A. I be dogged if I know. I have not saw her for a good while.

Q. Do you think that if the Court saw fit to award the custody of these children to your daughter that she would give them a proper home and take care of them?

A. Yes, sir, I do.

Q. What kind of care do you think she would give them?

A. She would give them the best she could.

Q. Do you think that would be pretty good or not?

A. Well, if she has it to do with, she will do what she can.

Q. What kind of care do you think she would give to these children?

A. Well, she would give them what they need if she has something to give it to them with. I know that. She would give them everything they needed, if she has it to do with. She would do without herself, I know.

Dep. Q. Mr. Michael, when they were first married, 1/15/64 where did they live at that time?

page 16 } A. When they were first married, they moved over in a trailer there at his home.

Q. At that time, was Mrs. Huddle working?

A. Yes, sir.

Q. Do you recall how long she worked?

A. I don't remember, but she worked a couple of years, I think.

Q. After they moved out of the trailer, where did they move?

A. They bought a house in Elkton.

Q. Do you know when they moved up to Swift Gap to the present home?

A. No, I don't know the date of that.

Q. When did Mrs. Huddle quit working, do you know?

A. No, I don't remember exactly.

Mr. Bradshaw: That's all.

**CROSS EXAMINATION.**

By Mr. Wharton:

Q. How old are you sir?

A. I will be sixty-five tomorrow.

*Oscar Michael.*

Q. When you get along about our age, your memory is not as good as it used to be, is it?

Dep. 1/15/64 A. No, sir, that is right.

page 17 } Q. Your memory as to dates and times is not as good as it once was?

A. No, sir, that's right.

Q. You haven't been able to remember very many dates?

A. No, sir, I never did.

Q. And this conversation you had with John, something to the effect that he thought his wife was pregnant by another man, that could just as well been after he came back from the beach as before, couldn't it?

A. Well, I tell you, just to be honest about it, I just don't know for sure.

Q. Now John, your son-in-law here, has always been a good provider and a good husband, hasn't he?

A. As far as I know up until then, I didn't know a thing in the world was wrong, not one thing in the world.

Q. Just a happy family?

A. It seemed like it, by golly, but as I say, I don't know. It surprised me and I didn't know anything about it.

Q. John has always been a good father?

A. Well, up until then, as far as I know, everything was all right.

Q. And John would take good care of the children too, wouldn't he?

Dep. 1/15/64 A. Well, probably he would. It ain't nothing like page 18 } a woman taking care of them in a way. A man can't do the job a woman can.

Q. Sometimes it takes a father to raise a boy, too, don't it?

A. Yes, but lots of times they can't do any more than a mother, too.

Q. Your daughter never worked any after the first child was born to your knowledge did she? I mean away from home.

A. No, sir.

Mr. Wharton: That's all.

*Oscar Michael.*

RE-DIRECT EXAMINATION.

By Mr. Bradshaw:

Q. Mr. Michael, you recall this conversation in the back yard when he was out picking rocks and when he told you that she was pregnant by another man—

Mr. Wharton: This question is objected to as being leading and being argumentative.

Mr. Bradshaw: We have established this once. I just want to recall the event, Bill. I will do it all the way if you want me to. I will strike the question and start over again.

Q. Mr. Michael, you testified a while ago to  
Dep. talking to John out in the back yard. Do you re-  
1/15/64 member that, sir?  
page 19 } A. Yes, sir.

Q. Do you recall again what he told you at that time?

A. Yes, sir.

Q. Will you tell me what he told you, sir?

Mr. Wharton: Objected to as being repetitious and a matter which has been taken up on direct examination.

Mr. Bradshaw: The purpose of the question being asked is for the purpose of clearing up points raised in the cross examination.

Mr. Wharton: There is no point been raised. The witness has testified to the fact that he could not say when this took place, that his memory was bad and he couldn't say when this conversation took place, whether it was before they went to the beach or whether it was after the beach. That's the testimony.

Q. Mr. Michael, after this talk with John, do you know whether or not they lived together after that?

A. Yes, sir.

Q. Is there any question in your mind about their living together as husband and wife after that?

A. No, sir, there is no question in my mind a'tal. They did live together after that.



*Mary Juanita Huddle.*

RE-CROSS EXAMINATION.

Mr. Wharton: At the time he talked to you, he was suspicious and said "he thought", didn't he?

Dep.

1/15/64

page 20 }

A. He said she was.

Q. Now aren't you wrong about that—

A. No, sir.

Q. And didn't he come and talk to you and even name the man later, even name Mr. Huffman?

A. I just don't remember whether he did or not, but I know he said another man, but I don't recall whether he said Huffman or who.

Q. He talked to you about this Huffman on several occasions, didn't he?

A. He said something once I know, but I don't remember, I just don't remember.

Q. In other words your memory is poor?

A. I just wasn't paying much attention about what was going to happen or anything.

Mr. Wharton: That's all.

Mr. Bradshaw: That's all.

And further the deponent saith not.

MARY JUANITA HUDDLE,  
after having been first duly sworn, deposed:

DIRECT EXAMINATION.

By Mr. Bradshaw:

Dep.

1/15/64

page 21 }

Q. State your name, please.

A. Mary Juanita Huddle.

Q. And you are married to whom?

A. John C. Huddle.

Q. When were you married, Mrs. Huddle?

A. December 24, 1947.

Q. And where were you married?

A. By Reverend John F. Locke at the McGaheysville Parsonage, not the parsonage, in the home of the minister. He lives in Woodstock.

*Mary Juanita Huddle.*

Q. Where have you and your husband lived since your marriage?

A. The first year we lived with his mother, and from there, it didn't work the first year, and from there we moved to an apartment across town, the third year he moved me back in his mother's yard in a trailer.

Q. And where is this?

A. Elkton.

Q. Alright, then where did you live?

A. We bought a home on Spotswood Avenue in Elkton, and from there we moved to Swift Run. We built a home there.

Q. How many children have you had since you have been married, Mrs. Huddle?

Dep. A. Three.

1/15/64 Q. What are their names and ages?

page 22 } A. Diane Howlett, eleven and a half; John Michael; and the baby, David Carter.

Q. How old is John?

A. Seven.

Q. And when was the baby born?

A. On February 15, 1963.

Q. Mrs. Huddle, are you and your husband living together now?

A. No, sir.

Q. When did he leave you?

A. On June 26, 1962.

Q. I want you to go back and tell me how this came about.

A. On the night of June 3rd, my husband had gone to a niece's graduation. I was talking to Mr. Huffman when he returned. He followed me and accused me of adultery, which at that time I denied. He even gave me an internal examination that night and he was convinced. On June 6th, he approached me again and I made a confession at that time.

Q. Confession of what?

A. That there had been an adultery. He took me and my children to my home that night and we did not spend the night together. On the 7th, he came for me and took me to Mr. Hickman's Office. At that time, 1/15/64 Mr. Hickman had papers drawn up for me to sign, giving John everything, the children and everything. He was supposed to have had. In his office, he was threatening to cut Mr. Huffman and Mr. Hickman said, "Let me take care of him". He told him what he

*Mary Juanita Huddle.*

felt like doing to him, and Mr. Hickman also made the statement that he would feel like castrating him himself if he was in John's place. I had told my husband that I would not admit it publicly, and I don't think I did in Mr. Hickman's office, but the accusations were made from my husband there. Mr. Hickman would not take a statement from me at that time. John took me back to my father's, took the two children with him, and I spent the night at my home, my father's house. On the 8th, I took a taxi back to our home at Swift Run. On the 10th, John came back bringing the children and moved back in. He made the statement that the children needed me and that I had won again, and if I ever talked to him I have forgotten what—to Huffman again. That if I ever talked to Huffman again, he hoped that I would drop dead or something to that effect. On the 11th, we came back up to Mr. Hickman's office. On the 10th, I also asked my husband if he wanted me to sleep in another room, and he said "No". On the 11th, we went back up to Mr. Hickman's again together, and he stated to Mr. Hickman

Dep. that we had gone back together, and at that time, 1/15/64 } Mr. Hickman talked to John privately after I went  
page 24 } out, and again I don't know what took place between those two then. During the time of asking

what was wrong with his manhood and the comparison between him and Mr. Huffman and all that stuff, we had marital relations during that time. On the 14th, we left for Virginia Beach. I was due to start my period, which did not start. On Sunday, the 17th, John took me to Dr. Nicholson, and he stated that I was pregnant by another man, and wanted to know if there was anything could be done about an abortion. Dr. Nicholson gave me a shot at that time, and said that if I was pregnant it would be to early to tell, and if I was not pregnant the shot would bring me around, and to bring me back in three days. I went back. I can't recall whether he gave me another shot, but he gave me a prescription to be filled at Brown's Pharmacy in Elkton to take, and I took that. Then we went back to Dr. Nicholson another trip, the 23rd, and he asked Dr. Nicholson if there was anyway we could have an abortion. Dr. Nicholson referred us to a surgeon, that there was nothing he could do with it, that maybe they could find some legal reason. I went to Dr. Hill for an examination. I still did not think I was pregnant. I have gone over before.

*Mary Juanita Huddle.*

Q. When did you go to see Dr. Hill?

Dep. 1/15/64 A. The 25th of June. Dr. Hill said it was to  
page 25 } early to tell whether I was pregnant, and if I was,  
I was a strong woman and there would be no  
reason why I couldn't have a normal birth, there  
was no infection, and Dr. Hill had given me an internal  
examination, and he also stated that it was too early to tell  
whether I was pregnant or not. Coming back from Dr. Hill's,  
my husband made a statement, "I'm sorry, Juanita, I can't  
do it. I can't watch your stomach grow and wonder if it is my  
seed or someone else's."

Q. What happened after you got home?

A. He went back to the plant. He took time off from work  
and made the appointment with Dr. Hill and took me up  
there on his lunch hour. We did not stop from Dr. Hill's until  
we got home except to pick up the children, which we had left  
at his mother's.

Q. Did you then return to Swift Run?

A. Yes, and we did not sleep together that night, not even  
in the same room, and the following day he left.

Q. Did he make any statement at the time he left?

A. He said he would destroy me, and he would fix it so I  
could have Huffman. If I wanted him, I had to take him. He  
also said, "You care what people say about you, don't you?"  
After that, he went on this door to door campaign.

Mr. Bradshaw: Now, Mrs. Huddle, I remind  
Dep. 1/15/64 you about this door to door campaign. I want  
page 26 } you to testify only to what you know personally  
rather than what someone has told you.

Q. Mrs. Huddle, have you lived together since he left that  
day?

A. No, sir.

Q. Mrs. Huddle, do you desire that the Court award you a  
divorce from your husband?

A. Yes.

Q. Mrs. Huddle, you say that you have three children.  
Which children do you have living with you now?

A. I have Diane and David.

Q. Mrs. Huddle, have you asked for all of the children?

A. Yes, sir. I want all three of them.

*Mary Juanita Huddle.*

Q. Do you feel that you could raise the children properly?

A. I know I can. I have raised them from the time they were born. John attended night school, and spent most of his time at the plant or at meetings. There have been times when he has not spent one night a week at home. On his day off, he has said, "You take the children and go to your home. I need rest." And I have done that. I am a scout leader, or I was until my pregnancy, and have worked with them. I have given my whole life to my children.

Q. Has Johnny ever expressed a desire as to whom he would like to live with?

Dep.

1/15/64

page 27 } Mr. Wharton: Objected to as being both hearsay and self-serving.

(Witness answering question asked by Mr. Bradshaw) Johnny says, "Poor daddy has nobody." John took the child by force when he left with him. He picked him up and carried him out. He has done that thing numerous times from the time he carried him out screaming and Diane holding to Johnny's legs.

Q. Have you noticed any change in these children?

A. Yes, sir.

Q. What?

A. The children are upset. They need mother and father security. They are divided between two parents. Children need two parents. Johnny particularly. There has been a great disposition change in him. He is afraid.

Q. In what way?

A. He is afraid to talk, he's afraid to tell where he was, and if he doesn't get what he wants, I have seen him pitch a tantrum with John, and John gives in. Other times he acts like he is afraid to love me in the presence of his father—only if his father goes out.

Q. Have you witnessed anything between the child and his father when they were present?

Dep. 1/15/64 } A. If he doesn't jump when John says, he uses page 28 } vile language if necessary, when John tells him "come on boy". That is what we have the trouble over. The boy does not want to leave. He is not ready. John

*Mary Juanita Huddie.*

will bring him for ten minutes and ready to go. He has cursed him.

Q. What kind of language would he use?

A. "Goddamnit boy, I said come on." Many times. John is a very quick tempered man. He is a slinger. If something doesn't go right, he will slam it.

Q. How has the boy reacted to this?

A. He jumps for a minute and then shrugs his shoulders and goes on. John comes back again after him to go again. Johnny isn't the same. his eyes are the story that tells it. He is missing his sister, and he wants his little brother. Other things, like Johnny used to call me on the phone all the time before he started to school, to tell stories, for me to tell him stories, and if—

Mr. Wharton: All of these answers and all that is projected is not apropos to the question which quotes what Johnny may have said. It is objected to as self-serving and hearsay.

Q. Has Johnny ever exhibited any temper when John was present?

A. Yes.

Mr. Wharton: Objected to as leading.

Dep.

1/15/64

page 29 }

Q. Against whom has temper been exhibited?

A. His father.

Q. Can you explain that, please.

A. I have seen him stomp John's feet and hit him with his fists, and John lets it go. He usually won't leave when John wants him to, that is the biggest thing, that's where the trouble comes in. With Diane, she has just refused to go with John, to a movie or any place, because of what he was doing to her. He was driving by Huffman's and pointing him out and telling her that was to be her new father—

Mr. Wharton: Objected to as being hearsay.

A. (continued) and she would come home in an emotional fit after being with her father.

Q. Mrs. Huddle, do you know where your husband keeps Johnny?

*Mary Juanita Huddle.*

A. Yes, with his mother. She was born May 11, 1888, and she is quite ill. She has high blood pressure. She is a good old woman, but she is old and she is ill. From what I understand she is under doctors care—

Q. Do you know this of your own personal knowledge?

A. I do know from my own personal knowledge  
Dep. that she has had high blood pressure that is quite  
1/15/64 alarming for a number of years. She is too old to  
page 30 } take care of my son. She is worn out. And he has  
him in the custody of a sister, who has never had  
children, and fifty some years old.

Mr. Wharton: All of this is objected to as being an expression of an opinion.

Q. What is his sister's name?

A. Mrs. H. O. Baugher. She runs a grocery store, and my son is left there in the evenings until John picks him up from school and nights for John to go out, and I might add, that John and I either one would never leave the children with her before because she was too cranky.

Mr. Wharton: The whole line of answers is objected to as being argumentative.

Q. Mrs. Huddle, when you were first married, did you work?

A. Yes, for two and one-half years.

Q. Did you have any savings when you were first married?

A. No, sir.

Q. What did you do with the money that you earned during the time that you worked?

A. Brought it home and endorsed my check and  
Dep. gave it to my husband.

1/15/64 Q. Did you maintain a joint checking account at  
page 31 } that time?

A. This was put on savings, I believe.

Q. Put on savings?

A. I think. I don't know. He took care of all of the book work.

Q. Did you all accumulate any savings during those years?

A. Yes.

Q. What was the disposition of those savings?

*Mary Juanita Huddle.*

A. We bought a car, 1948 Studebaker, in '48; then we bought a house trailer. We bought land of 2 acres, or 1.9 acres at Swift Run, and the Elkton property.

Q. And the Elkton property?

A. Yes.

Q. When was the Elkton property disposed of?

A. On July 3rd.

Q. How was that property titled, do you remember?

A. Mary J. and John C.

Q. You said you bought a trailer. Was that sold right before you bought this?

A. We sold the trailer and used—

Mr. Wharton: Objected to as being immaterial.

Q. You sold and what?

A. And used that as money for the Elkton property, furniture, and things of that nature used in connection with the first home we bought.  
Dep. 1/15/64  
page 32 }

Q. When did you say this home was sold?

A. July 3rd, 1962.

Q. Had you discussed the sale or disposition of this property at Mr. Hickman's office?

A. Yes.

Mr. Wharton: Objected to as being immaterial and irrelevant.

Mr. Bradshaw: The purpose of this question is to establish property rights in the divorce action which the Court has jurisdiction of.

Q. Did you execute any instruments relating to this property?

A. Did you mean did I want any part of it?

Q. What I want to know is what took place at Mr. Hickman's office relating to this Elkton property.

A. He had these papers drawn up for me to sign to give everything over to him, which I did not sign. That was at the time he had papers drawn for all things to sign. There was one paper we were going to sign—

Mr. Wharton: (Interrupting) Objected to as being immaterial.



*Mary Juanita Huddle.*

Dep.

1/15/64      A. (continuing) together and give Mr. Hickman  
page 33 } —Mr. Hickman had drawn these papers up to give  
             him this sale, that he was going to sell it and take  
a percentage of it, and my husband didn't like that.

Q. Was there any agreement between you and John at the time this property was sold?

A. He told me that if I would sign it, I would get my half.

Q. Did you ever receive this half?

A. No, the only thing I got out of it was a sewing machine. I was particularly wanting a washing machine and draperies for my living room. There were other things I had planned to purchase. Some kind of an old car.

Q. Do you know how much money was received from the sale of this property?

A. I have forgotten. It should have been twenty some hundred clear money after all of the liens and everything that was against it.

Q. Over two thousand dollars?

A. Over two thousand dollars after it was all clear.

Q. Did you ever endorse the check over to John for this proceeds?

Dep.      A. I can never remember endorsing the check—  
1/15/64      and I signed papers which looked in order at the  
page 34 } Bank, I read them over. They looked in order.  
             They had my name and not willing it to John, but  
as John C. and Mary J. on the deed.

Q. Mrs. Huddle, do you desire that the Court allot to you your portion of this fund?

A. Yes, sir, I need it.

Q. Mrs. Huddle, since John left, I believe you have been living at the Swift Run property?

A. Yes, sir.

Q. And he, I believe, has been making the payments on this house?

A. Yes, sir.

Q. How much has he been paying you?

A. One hundred and fifty. This is to meet all medical, household utilities, food and *transportion*, and fuel.

Q. Has this been sufficient to pay these bills?

A. No, sir. I have gone to my husband and told him it was not. I have an eighty dollar fuel bill, medical bill, etc. I can't—

*Mary Juanita Huddle.*

Q. Can't what?

A. I just can't make it. The baby has been quite costly.

Q. Has the baby been in good health since it  
Dep. was born?

1/15/64 A. No, the baby was born with a hole in its  
page 35 } heart.

Q. Have the doctors told you anything relating  
to this?

A. I have had him to the University and he will have to  
have an operation at two or three.

Q. Has the doctor indicated that he will have to have  
special medical attention from now until then?

A. I have to watch him, I have to be careful of falls, any  
kind of infections. We have had him under constant medical  
attention for throat and ear infections, which I think is  
heredity from the time he was born. We have had it in all  
three of them.

Q. Mrs. Huddle, how much money do you need at this  
time to pay your current bills?

A. I have a twenty-five dollar University bill, an eighty  
dollar fuel bill, five of Dr. Nicholson, eight with Dr. Powell.  
The other bills I have been standing pretty close on. The chil-  
dren have no clothes. I asked my husband for help there and  
I didn't get it. The baby just out grows them.

Q. Mrs. Huddle, if you had to seek your own living quarters  
and pay your bills to support the two children as they exist  
now, how much do you think that you would require?

A. I think that would depend on the amount of rent. It  
would take me about a hundred to feed the chil-  
Dep. dren properly, and—I just don't know without fig-  
1/15/64 uring it up.

page 36 } Q. Is the amount that you are now receiving  
sufficient?

A. It would be if there was no medical or fuel, maybe I  
could get by, providing I didn't buy—I haven't bought  
clothes. There is no money for me.

Q. You mean if you continue to live in the Swift Run prop-  
erty?

A. No clothing comes out of that one hundred fifty. We  
have done without, and I just don't know how much it would  
take. I have food, light bills and things like that paid up.  
That's all I can get.

*Mary Juanita Huddle.*

Mr. Wharton: Mr. Bradshaw, we will stipulate as to what Mr. Huddle makes and it will not be necessary for you to prove that.

Mr. Bradshaw: Can you stipulate his financial status?

Mr. Wharton: We can stipulate that, yes.

Mr. Bradshaw: That is all.

## CROSS EXAMINATION.

By Mr. Wharton:

Q. Mrs. Huddle, on June 3rd you say your husband asked you about your relationship with Mr. Huffman and you categorically denied having any relations with him?

A. Yes, sir.

Dep. Q. The next time you had another conversation  
1/15/64 with him was June 6th, wasn't it?

page 37 } A. It was not satisfactory in his mind between  
the 3rd and the 6th.

Q. On the 6th, he again approached you and that is when you told him there had been a clumsy attempt, was it not?

A. I can't recall the clumsy attempt.

Q. You don't deny that you told him that Huffman had made a clumsy attempt?

Q. There was one instance and then another that I admitted to my husband.

Q. But you did talk to him before any admission was made about a clumsy attempt, did you not?

A. I can't recall the clumsy attempt too much, except there was a clumsy attempt. My husband was quite distraught and so was I. Angrily—

Q. But you very easily could have told him that, could you not?

A. We had said many things in anger that should have been left unsaid. Just to hurt. I know that.

Q. And even after you told him that there had been a clumsy attempt you denied that later, didn't you?

A. No, sir.

Den. Q. Are you sure?

1/15/64 A. He tried to force me through a denial in be-  
page 38 } tween the 3rd and 4th. After this, there was a  
denial which he is referring to. I know what he is  
referring to. I told him I was not guilty of what he was  
accusing me of.

*Mary Juanita Huddle.*

Q. When you had relations with your husband, he used precaution?

A. No, sir, I used a diaphragm. He only used precaution during one month when I had an infection that settled through my whole body. I was under medication from Dr. Schultz. That was the only protection.

Q. When you had relations with Huffman, no precautions were used, were they not?

Mr. Bradshaw: I object to this line of questioning, and I don't think it has any relevancy to the issue of this case and that is desertion.

A. My husband's son was conceived on the 1st of June, on which he thought he had made a clumsy attempt. He thought he goofed up. He said, "Juanita, I think I goofed up. You had better take a douche. It didn't work.

Mr. Wharton: Now answer the question.

(No response from witness).

Mr. Wharton: (To Notary) Go back and read the question that I asked.

(Question repeated by Notary).

Dep.

1/15/64

page 39 } Q. When you had relations with Huffman, no precaution was used, were they not?

Mr. Wharton: Isn't that right?

A. If you mean did I have a diaphragm at any time when in the company of Huffman, definitely not. I never used a *disphragm*.

Q. Then as I take it, no precautions were used when you were with Huffman?

A. Yes, I think—(hesitation)

Mr. Bradshaw: I'm not sure she understood the question. Read the question back to her again.

*Mary Juanita Huddle.*

Notary: Then as I take it, no precautions were used when you were with Huffman?

Mr. Bradshaw: What he is asking you, is—

Mr. Wharton: Just wait a minute. She understands that question.

Mr. Bradshaw: I don't know whether she does or not.

Mr. Wharton: Well, let's let her say whether she does or not.

A. I'm not sure I do either. How can I—

Mr. Bradshaw: I thing the question is ambiguous.

Dep. (Witness continuing) I don't see why I have to  
1/15/64 answer that. I have never used a diaphragm in any  
page 40 } man's company except my husband's.

Mr. Bradshaw: Read the question to her again. The answer is not responsive to the question asked, and I want the question read to her again.

Notary: Then as I take it, no precautions were used when you were with Huffman?

A. If you mean did Mr. Huffman bring a—he did not bring a home prepa—or some kind of preparation, he did not. It was an unpremeditated thing. It was a mistake.

(Mr. Wharton continued with questioning of witness)

Q. You made, along about that time, several attempts to have your husband have intercourse with you—

A. Oh, no, no sir.

Mr. Bradshaw: I object to the question unless the time is specified.

Q. Along around the 1st of June, you made—

Mr. Bradshaw: I object on the same ground.

Q. (con't) several attempts to have your husband have intercourse without using any precaution with you, did you not?

A. No, sir. My husband had intercourse with me on the

*Mary Juanita Huddle.*

30th of May, the day he was off from work, during the daylight hours, without any precaution. At that point, he said, "You had better go pee, because I think I slipped", or something like that. There  
Dep. 1/15/64 } were two times, May 30th and June 1st.  
page 41 }

Q. When was the last time that you have been with Mr. Huffman?

A. Not since my husband and I went back together the last time. When I told him it was over, it was over.

Q. You have seen him since then, *havn't* you?

A. No, sir.

Q. There's been numerous telephone calls, haven't there?

A. No, sir. I have not talked to him.

Q. You have not talked to him?

A. We are on a party line—

Q. You spoke of your husband taking the children to his mothers on numerous occasions. You were anxious for him to do this so you could be with Mr. Huffman?

A. No, I took my children to my home. I had to—

Mr. Bradshaw: The question is objected to unless some time is specified as to make the question clear. I don't think anything has been established as to what he is talking about or when.

Q. At the time you were going with Mr. Huffman, you were anxious for your husband to be away from home and take the children—  
Dep. 1/15/64 } A. No, sir.

page 42 } Q. —so you could meet with Mr. Huffman, were you not?

A. No, sir.

Q. Your husband has always, up until the time of this affair you had with Huffman, been a good father?

A. No, sir. He has never been home long enough too.

Q. Your husband did attend night school?

A. He attended night school, yes, sir.

Q. And as a result of that, he got a much better job and a salary raise at Merck, did he not?

A. In a husband and wife team, it takes two. I had to take care of the children and keep them quiet so he could sleep, and study, and go to school, and I did it.

Q. And you were very proud of the fact that your hus-

*Mary Juanita Huddle.*

band did think enough of you and your family to go to night school and study at home, were you not?

A. Yes, I have always been proud of him. I would never have married him if I didn't love him.

Q. Now, on the day of June 25th, when you came back from seeing Dr. Hill, you went up the old river road there at Elkton, did you not?

A. My husband and I?

Mr. Wharton: Yes.

Dep. A. I can't recall that, no, sir. He had to get 1/15/64 back to work because he was home off on his lunch page 43 } hour and we picked the children up at his home.

Q. On that day, you admitted—What are you shaking your head for, you don't know what I am going to ask you, do you?

A. I know what you are going to ask me.

Q. You admitted that you had had intercourse, did you not?

A. Not at that date. We did not go up the river road. I am positive. We came directly home from the hospital, and at that point, I was saying I don't know, I don't remember. That was the only safe answer that I had, because he kept twisting. Every word I said he twisted.

Q. And at that time he was trying to get you to admit at that time?

A. He was trying to find dates and places.

Q. He was trying to get you to admit that you had had intercourse with Mr. Huffman, isn't that right?

A. No, sir, he knew that.

Q. Wasn't that when you first told him?

A. No, sir. No, sir.

Q. You have no objection to taking a blood test to determine whose child this is, do you?

Dep.

1/15/64 Mr. Bradshaw: I object to this question. It is page 44 } irrelevant and it has nothing to do with the merits of this case, and she is not required to answer this question.

Mr. Wharton: The relevancy of the question goes to her asking support for this child, which makes it relevant.

*Mary Juanita Huddle.*

Mr. Bradshaw: It is further objected to on the ground that the child was born in wedlock.

Mr. Wharton: Now answer the question.

A. I don't want it done. He has done enough to him. He is John's child. You can see it by his hereditary features, and I see no point in doing more to our son. Hereditary spine, his square jaw, his teeth, his wide spread eyes, the whole works.

Q. There is quite a bit of resemblance between Huffman and John, isn't there?

A. No, sir.

Q. Everything you said about John would go for Huffman, wouldn't it?

A. I don't think so, his wide spread eyes and broad nose. John can deny his son, but the world knows better. Anyone that sees him know. And as far as shedding blood, I think I have shed enough for John. It isn't necessary, and I will not do it.

Q. Your home life and family life was a happy one according to the witnesses you have brought in here today until a short time before you separated, is 1/15/64 that correct?  
page 45 }

A. No, sir, it is not correct. I have stood on my own two feet all of my life. I have never brought my family in, until this time. Twice before John took me home. I have kept my family out of my problems all of my married life. John had taken me home for reasons like "I'm not the marrying kind." We quarreled over his mother once. He took me home twice before and he admitted once he was immature and that it was his fault. It was his fault.

Q. In other words, that was about twelve years ago in 1947, wasn't it?

A. No, it has been a couple different times during the time up until a child was born, and after the child was born there have been no other separations.

Q. In other words, since the children were born there have been no separations and you have had a happy home?

A. No, he hasn't been in it. You can't have a happy home alone. I have been happy with my children.

Q. He worked and attended night school?

A. He kept bar for a club in Elkton. He belongs to the



*Mary Juanita Huddle.*

Dep. V.F.W., Rod and Gun Club, the Masonics, and everything he could think of to get in, and to play  
1/15/64 his poker after the meetings. I have set up 'til  
page 46 } one or two o'clock.

Q. In other words, when they had a V.F.W. meeting once a month, he would attend?

A. Plus all the other things he volunteered for. He would get into everything they had. He never stayed home.

Q. You never asked him to stay?

A. He would say, "You don't tell me. I'll show you if you ever tell me. I'll show you."

Q. My question was "You never asked him to stay home". You were content and happy.

A. No, sir, I was not content. I was lonely.

Q. Now, you were talking about a door to door campaign that John made, when Mr. Bradshaw told you not to go into that. That took place along about the 26th or after he left, didn't it?

A. I don't know.

Q. You were talking about it. When was it?

A. It could have been anytime. It could have been during the middle or anytime. He was trying to force me to leave. He said, "I'll make it so rough you will have to leave."

Q. He was trying to find out—what he was trying to do was to ascertain whether or not you were telling  
Dep. him the truth about your having intercourse with  
1/15/64 Huffman?

page 47 } A. No, sir. I had told him of my relation with Huffman. If I had not told him before, I would have denied it at the 26th. After my pregnancy, I definitely would not have admitted it if I had not before.

Q. Didn't you tell him even after you had admitted adultery that if he took you to court you would lie about it, that no one else knew it?

A. No, sir. I told him that I had gone to my minister about this. I asked my minister, "If I make my admission to John, and to my God, and to my family, do I owe it to anyone else?" That was on the 8th or 9th. He had told me no, so I told John at that time when I admitted it that I would never admit it again. I did not—I said I would never lie in court. That is what he told you. I told him I would fight him on the truth but not on a lie.

Q. As a matter of fact, after that you swore on a bible that you hadn't, didn't you?

*Mary Juanita Huddle.*

A. No, sir.

Q. You never swore on a bible that you hadn't?

A. On the 3rd, or 4th or 5th of June, my husband got a bible out, and he said, "If you are not guilty, you won't mind placing your hand on the bible", and I said Dep. "I am not guilty of what you are accusing me of,"  
1/15/64 and I am not. He had called me lewd names. I am  
page 48 } not a lewd woman. I am a woman that made a mistake, no more.

Q. Are you going to school now?

A. I take a brush-up course at Harrisonburg High School, night school.

Q. What night?

A. Monday night.

Q. Every Monday night?

A. Yes, I missed one. I don't even remember the reason. I didn't even go up. I stayed at home. The girl I rode with did go.

Q. Who do you ride with?

A. Mrs. Coleman, in Elkton.

Q. Since your separation from John, you have bought an automobile?

A. I have not bought it, no, sir. My father bought it for me.

Q. But you have an automobile?

A. Yes, sir.

Q. Do you know how much John owes for expenses you had incurred at the time this property was sold that you spoke of a while ago?

A. The expenses I had incurred?

Dep.

1/15/64

page 49 } Mr. Wharton: No, the household expenses and  
the expenses that John had.

A. I know he took out a three hundred and some dollar laminating machine, and the car, and the house which was supposed to have been paid for. We had bought a new Volkswagen, and had two cars and they were both paid up.

Q. And you don't know what bills he paid out of the sale of the house, do you?

A. I asked him what bills. He said, "Some day you will find out." John had a blue beards desk, just one key. He

*Mary Juanita Huddle.*

always has had. Everything is put behind a key. We were just about paid up. We were getting pretty well straightened out.

Q. This was after you had separated when this property was sold?

A. On the 3rd of July.

Q. And to what bills he had, you don't know, do you?

A. I can't conceive of any bills that he would have had except on the car and the house.

Q. Do you or do you not know what bills he had?

A. No, I would have to guess at most everything as I have since our marriage. I haven't even seen his checks, very very rarely ever seen the man's check. But he told Dep. me we were getting financially straightened out. 1/15/64 I have saved, I've sewed and I've done everything page 50 } to make our dollars meet.

Q. In summation, you have saved and John has worked, you have bought your own home, and you were getting financially straightened out until Huffman came on the scene, is that correct?

A. I don't know—

Mr. Bradshaw: Do you understand the question?

A. Yes. We were getting financially straightened out. And he came on the scene—

Mr. Wharton: And disrupted everything?

A. I guess so, except there was no home life. It takes more than a house.

Mr. Wharton: That's all.

**RE-DIRECT EXAMINATION.**

By Mr. Bradshaw:

Q. Mrs. Huddle, Mr. Wharton asked you about the trip back home after your visit with Dr. Hill. Do you remember that?

A. Yes, sir.

Q. What do you recall about what the conversation was at that time?

A. He was trying to gather whether this was his child or

*I. J. Conley.*

Dep. 1/15/64 } someone elses. He was trying to—I had told him  
 page 51 } that if he didn't believe me he could keep me preg-  
 } nant, or whatever, but not to break up our home.  
 } There was no question about "did you", it was  
 } more "I cannot watch your stomach grow and  
 } wonder if it is my seed or someone elses.

Mr. Bradshaw: That's all.

Mr. Wharton: That's all.

And further the deponent saith not.

\* \* \* \* \*

## I. J. CONLEY,

a witness of lawful age, being first duly sworn, deposes and  
 says as follows:

## DIRECT EXAMINATION.

By Mr. Hickman:

Q. Mr. Conley, how old are you?

A. Thirty-seven.

Q. Where do you live?

A. I live approximately a mile and eight-tenths southeast  
 of Elkton on US 33.

Q. Do you own a farm near Beldore?

A. Yes, sir, I own a farm on Route 697, three miles east of  
 US 33 in the Beldore section.

Q. In going from your home to your farm just describe for  
 the Court the route that you take?

A. Well, I leave my premises that I live at and go up at  
 the foot of the mountain and turn to my right.

Q. When you state that you leave your home and go up to  
 the foot of the mountain, do you mean that you leave your  
 home and follow US 33?

Dep. A. Yes, sir.

2/13/63 Q. East to the foot of the Blue Ridge Mountain?

page 3 } A. Yes, sir.

Q. All right, sir.

A. I turn to my right there on the Beldore Road right at  
 the foot of the mountain and I keep right on out the Beldore  
 Road on *passed* the Sandy Bottom Road, I go straight ahead  
 and go out Beldore to the farm.

*I. J. Conley.*

Q. With respect to US Highway number 33 and the Beldore Road where did John Huddle live?

A. He lives right in the corner there just—in other words, when I go up 33 his house is facing US 33, when I turn to my right his property is facing the Beldore Road, so, I circle around his property on two sides when I make my turn to go to the Beldore Farm.

Q. The Huddle house is then on the east or south side of US 33 and the western side of the Beldore Road?

A. Yes, sir.

Q. Is there a garage on the Huddle property?

A. Yes, sir, there is a double garage, I believe you would call that, attached on to the dwelling house.

Q. I wish you would please state from which road the entrance leads into the garage?

A. Off US 33.

Q. As you make the right turn off 33 on the Beldore Road and go on up the Beldore Road are there any houses to your right in back of the Huddle property?

Dep. 2/13/63 }  
page 4 } A. No, sir, the only house you would come to is after what I call the John Davis curve, Wilmer Shifflett's widow lives there, and the Park is on the left hand side, and private property is on the right hand side. The cemetery is still open up there, it lies within the Park, after you cross the bridge there is a curve which bears to your left and there is a road right on the curve that goes up into the cemetery, but there is no property at all and no dwelling houses on the Beldore Road until you get around this curve, the first dwelling house would be Mr. Wilmer Shifflett's, his widow lives there.

Q. How far is the John Davis curve on the Beldore Road from the Huddle house?

A. Well, the way the crow flies, if you would cut across through the back yard of Mr. Huddle's house, the curve at the start of the curve would be approximately two hundred and fifty yards; it would be something like six hundred yards following the highway around to the curve.

Q. With respect to the John Davis curve where is the cemetery that you referred to?

A. Well, right in the curve you turn to your left, and I would say it is about two-tenths of a mile off the main high-

*I. J. Conley.*

way up into the cemetery, it lies back in the Park.  
Dep. There was a cemetery and it is surrounded by Park  
2/13/63 land. That is the way the road travels.  
page 5 } Q. Is the cemetery visible from the Beldore  
Road?

A. No, sir.

Q. Do you know Mr. Huddle?

A. Yes, sir.

Q. Do you know Mrs. Mary Juanita Huddle?

A. Yes, sir.

Q. Do you know G. L. Huffman?

A. Yes, sir.

Q. Approximately how long have you known the Huddles?

A. I would say since about 1955 was my first acquaintance, I was formally introduced to them, but I saw them in the community since about 1955.

Q. Approximately how long have you *know* G. L. Huffman?

A. Well, we have been purchasing gas from Mr. Huffman since about 1958.

Q. And have you known him for that period of time?

A. Yes, sir.

Q. Mr. Conley, what kind of motor vehicle does G. L. Huffman operate?

A. He has—I saw him drive a maroon *Cadillac* and a pick-up truck with Huffman's Esso wrote on it, or painted in loud colors.

Mr. Bradshaw: I object to this line of questioning unless something is done very shortly to tie it  
Dep. in.  
2/13/63

page 6 } Mr. Hickman: We will tie it in right now.

Q. Mr. Conley, have you seen G. L. Huffman up at the Huddle house?

A. Yes, sir.

Mr. Bradshaw: I object to the question as irrelevant.

Q. When did you first see Huffman at the Huddle house?

A. Well, do you want me to describe this in detail?

Mr. Hickman: Yes.

*I. J. Conley.*

Mr. Bradshaw: I would like to form an objection to this question. I object to the question on the ground that it is irrelevant as far as the allegations in the Bill or Amended Bill of Complaint are concerned. It is completely remote. There is no date, no time, not anything except this man has been there or has been purported to have been seen at the house.

Q. Do you want the reporter to read the question?

A. I think I can answer it.

Q. All right.

A. On about March 7th, I left my home and was going to my Beldore Farm in my pickup truck. Mr. Huffman passed me in his *Cadillac*. It was right after the big snow, Dep. the roads had just been opened, and he passed me 2/13/63 at a high pace of speed. So, when I got up at the page 7 } Beldore Road and started to turn in he had turned around and was setting on the right hand side of US 33 headed back toward Elkton. My son was with me and he said, "Daddy, he is fixing to drag the *Cadillac*, let's watch him." So, I stopped, thinking that was what he was going to do. He eased on down the road with his motor revving up and down occasionally, on passed Mr. John Huddle's house. And I said, "I don't believe he is going to do it, we might as well go." By the time I said that he backed back up the road and he just touched his horn lightly twice. When he did, I still didn't think anything and at the time I didn't think anything of it. Then, he started to pull forward again, and he started to pull off like may be he was going to drag it and pulled down the road at a fairly good pace, put on his brakes and turned into Mr. Huddle's driveway and pulled in his garage.

As I came up the road I didn't notice the garage door being up. So, he pulled in on the left hand side of the garage, closer to the house. I thought he could have been there to do some mechanical work, it was the furthestest of my thoughts of anything being wrong.

I went on to the farm and came back, I worked there the whole afternoon.

Dep. After the snow melted and the weather got fair, 2/13/63 then on several occasions I saw Mr. Huffman in page 8 } in the same vicinity, only one time after that did I ever see him near or close to Mr. Huddle's property. I came in one day in the pickup truck—

*I. J. Conley.*

Mr. Bradshaw: I object to the question and answer unless he ties it in as to time and place.

Q. On this occasion when you saw Huffman pull into the garage, right after the big snow about March 7th of 1962—

Mr. Bradshaw: I object to your leading the witness. I don't think he has testified as to the date.

Mr. Hickman: Yes, he testified to that, March 7th is the date he said.

Q. Do you know whether the garage door was open when you went by the Huddle house?

A. Well, in all honesty I didn't notice whether it was up or down.

Q. After he pulled the car into the garage I wish you would please state whether or not the garage door was closed?

A. I cannot say it was closed because from where I was sitting it would have been impossible for me to have seen the door if it was closed.

Q. What hour of the day was that?

A. About quarter after one.

Q. Now, following that date did you see Mr. Huffman at the Huddles, or in that vicinity, any 2/13/63 other times?

page 9 } A. Yes, sir.

Q. From March 7th up to about what date did you see him around there?

A. On up until June, after my chickens had moved and we were cleaning out the chicken house where we keep those chickens eight weeks.

Q. On the subsequent occasions where did you see Mr. Huffman and at what hour of the day?

A. Only on one occasion did I see him and it was about five minutes after eight one morning, his *Cadillac*—it was a very beautiful morning, spring morning,—his *Cadillac* was sitting pulled over to the right hand side, there is a little bridge where a stream crosses, and his *Cadillac* was pulled out to the right hand side and Mrs. Huddle was standing leaning on the right hand of the car talking to Mr. Huffman, he was sitting under the wheel and she was talking to him in the car.

Q. You spoke of a bridge, where is that bridge with respect to the Huddle house?



*I. J. Conley.*

A. Well, I would say it is at the corner of the back yard.

Q. On the Beldore Road?

A. Yes, sir.

Q. That was something after eight in the morning?

A. Yes, sir.

Dep. Q. Did you see Mr. Huffman at any other times  
2/13/63 following March 7th?

page 10 } A. I never saw him around Mr. Huddle's prop-  
erty, I saw him in that vicinity, between US 33  
and what I call the John Davis curve, going up the Ceme-  
tery Road, whether he went all the way to the cemetery or not  
I would not be able to say because I didn't follow him in.

On one occasion he was coming out this curve, he had some-  
one in the truck with him, he came out at a very rapid rate  
of speed, this was about two o'clock in the afternoon and a  
Spring day and there was a shower, it would shower and then  
lighten up, and he came out this road at a terrific rate of speed  
and almost ran into me.

Q. You say there was someone in the car with him on that  
occasion?

A. Yes, sir.

Q. Was it a male or female?

A. It was a female, but I couldn't see who it was.

Q. How often did you see Huffman in the vicinity after  
March 7th up until June?

A. I saw him as often as three days in a row around this  
time.

Q. The times you did see him there in that vicinity did you  
also see Mrs. Huddle at times?

A. Yes, sir.

Dep.

2/13/63 Mr. Bradshaw: I object to the leading of the  
page 11 } witness.

Q. When you did see Huffman in that vicinity go ahead  
and tell the Court whether or not you did see Mrs. Huddle?

A. Well, I saw her in the back yard; I saw her—there is  
sort of a path there, I don't know what they use it for,  
whether to dispose of trash or what, but the path is worn  
quite slick.

Q. Where does the path lead from and to where does it  
take you?

A. Well, the path goes from that bridge up to the cemetery,

*I. J. Conley.*

the cemetery up there where this road goes to, there is a short cut through there from the cemetery down to this particular bridge. Why that path is there I don't know, or how come she was in there, but I saw her on that path on a couple of occasions in passing there.

Q. Will you please state whether or not you saw Mrs. Huddle on that path on occasions when Huffman was also in that vicinity?

A. Yes, sir, I saw Mrs. Huddle—

Mr. Bradshaw: I object to this line of questions unless there is some evidence shown as to when, without all these generalities.

This is a specific allegation and I think there ought to be some specific evidence. There has been nothing but generalities yet.

Dep.

2/13/63

page 12 } Q. Mr. Conley, you have already testified that you saw Huffman there as many as three days in succession at approximately the noon hour. For what period of time did that go on?

Mr. Bradshaw: I object again unless some time is established.

A. I would say from the first that I noticed him being there that it was approximately sixty days, and for some reason that I don't know about I haven't see Mr. Huffman in that area since.

Mr. Hickman: That is it. Your witness.

CROSS EXAMINATION.

By Mr. Bradshaw:

Q. Mr. Conley, have you talked about this case with anyone?

A. You mean—

Q. Have you discussed this case with anybody?

A. No, sir, not until today.

Q. You haven't discussed this case with Mr. Huddle?

A. Oh, yes, sir. He came to me back in the middle of the

*I. J. Conley.*

summer, and, of course—Look, do you want me to tell it in detail?

Q. Just answer my question, please.

Mr. Hickman: Let him answer it in any way that he want to.

Dep.

2/13/63 Q. I asked you this: Have you talked to any-  
page 13 } body about this case.

A. He came to my house and asked me had I saw anyone up at his house—

Q. Did he ask you about anyone in particular?

A. Well, first he asked me anyone, and I naturally said I would rather not discuss it, and then he asked me if I had saw Mr. Huffman up there, and I said, 'Come in the house and let's sit down, 'I would like to tell you just how this whole thing come about.

Mr. Hickman: He has a right to answer it.

Q. Go ahead. I don't want you to tell what he told you.

A. I took John into my house and the first thing I asked him was had he been faithful to his wife; was there any reason this would come about.

Q. That what should come about?

A. That Mr. Huffman should be at his house. Naturally he told me what happened—

Mr. Bradshaw: Now, I object to what he told you.

A. I told Mr. Huddle, "Yes, I had seen Mr. Huffman up there." And I told him about the particular day that I saw him up there and just the way I have told you gentlemen here.

Dep. Q. Mr. Conley, is that the only discussion you  
2/13/63 have had with anyone?  
page 14 } A. Yes, sir, unless you would like for me to add something else.

Q. When you say you saw Mr. Huffman there the day that you have mentioned, you didn't think there was anything unusual about it, did you?

A. No, sir, he could have been there to put chains on the

*I. J. Conley.*

automobile or work on the automobile, because there was a deep snow on the ground.

Q. You have never seen anything wrong between these two people, have you?

Mr. Hickman: The word 'wrong' we submit is improper.

Q. Let me ask you this: You testified you saw this man in that vicinity?

A. Yes, sir.

Q. Did you see him in the vicinity of Elkton, also?

A. Yes, sir.

Q. You didn't think there was anything unusual about seeing him in Elkton, did you?

A. No, sir.

Q. Do you know what the allegation of this Bill of Complaint is?

A. Yes, sir.

Dep. Q. And the only thing that you can testify to, 2/13/63 is this correct, is that you have seen this man in page 15 } the vicinity of their home?

A. Well, I have saw him in Mr. Huddle's yard in his garage in his automobile, now.

Q. Right, we know what you testified to.

A. In other words, if you are saying did I see them together, no, sir, I didn't.

Mr. Bradshaw: That is all, sir.

**RE-DIRECT EXAMINATION.**

By Mr. Hickman:

Q. What do you mean by the word 'together'?

A. If I saw them having relations, I didn't.

Mr. Hickman: That is all.

**RE-CROSS EXAMINATION.**

By Mr. Bradshaw:

Q. Did you see anything out of the ordinary, anything that caused you to particularly take notice?

A. Can I answer that question by asking one?

*I. J. Conley.*

Mr. Hickman: No, don't ask him a question.

A. Whenever I see someone around another gentleman's house, and he is at work, three days in succession and for sixty days and practically every day, then I begin to wonder.

Q. You said awhile ago that there was nothing unusual about this at all when you saw him there?

Dep. A. Not at the time.

2/13/63 Q. You thought nothing about it until after  
page 16 } there had been a complaint?

A. No, sir, this had already quit when Mr. Huddle came to see me; I hadn't seen him up there for a couple of weeks before that; this had been going on for sixty or ninety days and for some unknown reason I didn't see him any more and it was a couple of weeks before Mr. Huddle came to see me.

Q. Do you know whether or not Mrs. Huddle had known Mr. Huffman in her younger life?

A. No, sir.

Q. You do not know any of the background of this?

A. No, sir.

Q. You don't know Mrs. Huddle, really, do you?

A. Yes, sir.

Q. How did you know her?

A. I have talked with John and her also, and when someone moves in a country community like that you get to know them.

Q. You knew her face, is that right?

A. Yes, sir.

Q. You didn't know what her likes and dislikes were?

A. No, sir.

Q. And you didn't know who her friends were?

A. No, sir.

Dep. Q. As far as you know she might have been  
2/13/63 talking to Mr. Huffman about some personal mat-  
ter with him?

page 17 } Q. And because somebody has made some ac-  
cusations you think it might prove something, is  
that it?

A. I can only tell you what I saw.

Q. And you only saw her talking to him?

A. Yes, sir.

Q. And that is all you have seen?

*James Clinton Powell.*

A. As I stated in my testimony I have saw her on this path that goes to where he was parked.

Q. Walking on down to where he was parked?

A. That is right.

Mr. Bradshaw: That is all.

A. You understand what I am saying, I am saying what I saw.

Mr. Bradshaw: Yes, sir, that is all.

Notary's Note: By consent of counsel, and consent of the witness, the reading and signing of this deposition by the witness is waived.

And further this deponent sayeth not.

JAMES CLINTON POWELL,  
another witness of lawful age, being first duly sworn, deposes  
and says as follows:

DIRECT EXAMINATION.

Dep. By Mr. Wharton:

2/13/63 Q. What is your full name?

page 18 } A. James Clinton Powell.

Q. How old are you?

A. Thirty-eight.

Q. And where do you live?

A. Elkton, Virginia.

Q. How long have you lived there?

A. All my life.

Q. What is your occupation?

A. I am a rural mail carrier.

Q. How long have you been a rural mail carrier?

A. Five years.

Q. Do you know Mr. John Huddle and his wife, Mary?

A. Yes, sir.

Q. Does your mail route run by their home?

A. Yes.

*Lonnie Elbert Shiflett.*

Q. Do you know G. L. Huffman?

A. Yes, sir.

Q. Have you ever seen G. L. Huffman and Mrs. Huddle together there in the proximity of that home?

A. Yes, sir.

Q. When was that?

A. That was May 10, 1962.

Q. And just what did you see and what was the occasion?

A. Well, I was coming out, I had delivered mail  
Dep. up in Sandy Bottom and Beldore and returned  
2/13/63 to the Highway, US 33, and I saw Mr. Huffman in  
page 19 } a car parked at the side of the house and Juanita  
in the car with him and when I swung around  
the curve why Juanita ducked down and Mr. Huffman just  
looked straight ahead.

Q. What time of day was that?

A. That was about 11:45.

Mr. Wharton: Take the witness.

Mr. Bradshaw: I don't believe I have any questions.

Notary's Note: Signature and *read* of this deposition by the witness is waived by consent of counsel and the witness.

And further this deponent sayeth not.

LONNIE ELBERT SHIFLETT,  
another witness of lawful age, being first duly sworn, deposes and says as follows:

DIRECT EXAMINATION.

By Mr. Wharton:

Q. What is your full name?

A. Lonnie Elbert Shiflett.

Q. Where do you live?

A. I live approximately a mile and a half, I would say,  
from Swift Run Post Office.

Dep. Q. What do you do?

2/13/63 A. I am a carpenter.

page 20 } Q. Do you know Mr. John Huddle and his wife  
when you see them?

A. Yes, sir, I pass there every day.

Q. Do you know Mr. G. L. Huffman?

*Lonnie Elbert Shiflett.*

A. Yes, sir.

Q. Have you ever seen Mr. Huffman at the John Huddle home?

A. No, sir, I haven't seen him at the home; I saw him parked there two different times.

Q. Where was he parked?

A. He was parked off 33 there as you go in towards Bel-dore.

Q. When was that? That was what date?

A. It was in the latter part of March, I don't know the date.

Q. This past March?

A. Yes, sir.

Q. Did you see Mrs. Huddle there at that time?

A. Yes, sir, she was walking toward the car.

Q. And were you driving?

A. Yes, sir.

Q. As to whether she got in or not, do you know?

A. No, sir.

Mr. Wharton: Take the witness.

Mr. Bradshaw: No questions.

2/13/63

page 21 } Notary's Note: Signature to and reading of  
this deposition by the witness was waived by con-  
sent of counsel for the respective parties and by the witness.

And further this deponent sayeth not.

Notary's Note: The further taking of these depositions was continued by agreement of counsel for the respective parties to March 22, 1963, at 10 o'clock A.M., at the same place.

State of Virginia,

City of Harrisonburg, to-wit:

The foregoing depositions of I. J. Conley, James Clinton Powell, and Lonnie Elbert Shiflett, were duly taken, sworn to and signatures thereto waived at the time and place and for the purpose stated in the caption hereto.

Given under my hand this 20th day of February, 1963.



*Bob Cave.*

My commission expires on the 28th day of September, 1963.

Dep.

2/13/63

page 22 } Virginia:

Notary Public at Large

In the Circuit Court of Rockingham County.

John C. Huddle,

Complainant,

*v.*

Mary Juanita Huddle,

Defendant.

The deposition of Bob Cave and others taken before S. A. Cunningham, Notary Public at Large in and for the Commonwealth of Virginia, March 22, 1963, commencing at 10 o'clock A.M., in the Law Offices of Wharton, Aldhizer & Weaver, 406 First National Bank Building, Harrisonburg, Virginia, pursuant to adjournment taken on the 13th day of February, 1963; to be read in evidence on behalf of the complainant in a certain suit in equity now depending in the Circuit Court of Rockingham County, Virginia, wherein John C. Huddle is complainant and Mary Juanita Huddle is defendant.

Present: Julian K. Hickman, Esquire, and W. W. Wharton, Esquire, counsel for complainant, and John C. Huddle, the complainant, in proper person;

Dep. V. Stephen Bradshaw, Esquire, of the Law  
2/13/63 Firm of Clark & Wilson, counsel for the defend-  
page 23 } ant, and Mary Juanita Huddle, the defendant in  
proper person.

BOB CAVE,

a witness of lawful age, being first duly sworn, deposes and says as follows:

#### DIRECT EXAMINATION.

By Mr. Hickman:

Q. Mr. Cave, where do you live?

A. Elkton.

Q. What is your occupation?

*Bob Cave.*

A. Barber.

Q. How long have you lived in Elkton?

A. Well, I have lived in Elkton about nine years, I have been working there about fourteen years, since I came out of the service.

Q. I wish you would please state whether or not you know G. L. Huffman?

A. Yes, I do.

Q. I wish you would please state whether or not you have seen Mr. Huffman in the vicinity of the John Huddle house—

A. Yes, I have.

Q. —near Swift Run?

When did you first see him there?

Dep. A. It was approximately June 20th.

2/13/63 Q. Of last year?

page 24 } A. Of last year.

Q. On or about June 20th of 1962, where did you see Mr. Huffman with respect to the John Huddle house?

A. I was parked on the bridge—the little bridge right there right above the house.

Q. When you speak of the bridge is that bridge on US 33 or on the Beldore Road?

A. It is on the Beldore Road.

Q. How far is that bridge from the Huddle house? approximately?

A. Well, I am not too acquainted up in there, but it wasn't very far, it was I would say five hundred yards, just roughly guessing.

Q. Is the bridge somewhat at the back of the Huddle house?

A. It is back of it.

Q. And on that occasion Huffman was parked there on the bridge near the Huddle house?

A. That is right.

Q. What kind of vehicle was he driving?

A. He was in a truck—pickup truck.

Q. Did you see Huffman in that vicinity on any other occasion?

Dep. A. Yes, I saw him one time before—around August 1st, the same year.

2/13/63 Q. Do you mean sometime after then?

page 25 } A. That is right.

Q. On or about August 1st. Where were you going on August 1st?

*Bob Cave.*

A. I was going up to get Wilmer Shiflett or Wilmer Davis—whatever he went by the name of—to work on my car.

Q. Where did Wilmer Davis live?

A. Well, he lived right up the road a little ways up in the field. I didn't go in there with my car, it was kind of rough in there.

Q. When you came up the road you came on the Beldore Road from 33?

A. I came on up the Beldore Road.

Q. As you went by the Huffman house on this occasion, did you see Huffman there any place?

A. Yes, I did.

Q. Where was he?

A. He was parked on the bridge, the same place.

Mr. Bradshaw: You mean the Huddle house?

Mr. Hickman: Yes, did I say Huffman.

Q. Did you see anyone else there?

A. Well, when I got by I glanced back through my mirror and there was a woman getting in the truck with Huffman.

Q. Do you know who the woman was?

Dep. A. Well, it appeared to be very much like Mrs.  
2/13/63 Huddle.

page 26 } Q. You spoke of seeing the Huffman vehicle on  
two occasions parked on the bridge back of the  
Huddle house. I hand you this picture of the highway or  
bridge.

Mr. Bradshaw: I am not familiar with this terrain and I would object to the introduction of the picture, because I don't know the terrain or where that picture was taken from.

Q. I will ask you to look at this picture and tell the Court whether or not this is a picture of the bridge on which you saw the Huffman vehicle parked?

Mr. Bradshaw: I object to the introduction and use of the picture—

A. Well, not being—

Mr. Bradshaw: Just a minute. I object to the use of the picture.

*Bob Cave.*

Mr. Wharton: We will withdraw the picture if there is any question about it and introduce it by somebody else.

Q. As I understood you, after you passed the Huffman vehicle on this second occasion, on or about August 1st, you glanced in your rear view mirror, and saw a woman, whom you thought to be Mrs. Huddle, get into the Huffman truck?

A. That is right.

Q. Did you proceed on up the road on that occasion?

Dep. 2/13/63

A. Yes, sir.

page 27 } Q. Where did you go and where did you stop?

A. Well, I went right on up to the Davis residence or right there where I pulled off and parked away from the house and I walked into the house.

Q. Did you park on the main highway or off of the main highway?

A. I pulled off to the side.

Q. After you pulled off to the side of the highway near the lane into the Davis residence, did you see the Huffman vehicle again?

A. Yes, I did.

Q. Tell the Court where it was and where it went?

A. Well, he pulled off the side road to the left and went on up toward the mountain.

Q. After you stopped your vehicle at the lane going into the Davis residence did the Huffman vehicle pass you?

A. No, sir.

Q. It turned off the main highway before getting up to where you were?

A. That is right.

Q. On what road did the Huffman vehicle turn on?

A. I don't know the name of the road, but it is an old road that goes up into the park to a cemetery.

Dep.

Q. It goes up to the cemetery?

2/13/63

A. That is right.

page 28 }

Q. On these occasions when you saw Huffman where you have indicated do you know whether school was in session?

A. I do not believe it was, I am—I couldn't be definitely sure. On the last occasion I am reasonably sure that it wasn't, that school wasn't in session.

Mr. Hickman: That is all.

*Bob Cave.*

CROSS EXAMINATION.

By Mr. Bradshaw:

Q. Mr. Cave, do you know Mrs. Huddle personally?

A. No, not personally; I only know her when I see her.

Q. And I believe you testified you saw someone—you saw Huffman car in the vicinity of the Huddle home?

A. Truck.

Q. Truck, but you don't know who the woman was that was getting in the truck?

A. Well, I have seen Mrs. Huddle quite a few times and it did appear to be her.

Q. Did you know whether or not it was her that day?

A. I couldn't definitely swear, I didn't see her right in the face.

Q. Has anybody questioned you as to whether or not you saw Mr. Huffman in that vicinity?

A. I have heard quite a bit of talk around my Dep. shop, but I never mentioned it to anybody until—

2/13/63 Q. Did you relate the gossip?

page 29 } A. I didn't mention any gossip at all, and Mr. Huddle, there, came and asked me if I had heard any gossip around the shop.

Q. So, he asked you?

A. That is right.

Q. This is probably when you decided it was Mrs. Huddle and told him?

Mr. Wharton: I object to the question, it isn't what Mr. Cave has testified to.

A. I hadn't wanted to get involved in it, I had heard talk of it before, and I didn't want to get involved, and so he asked me about it.

Q. Mr. Cave, if this were a question of positive identification, would you be willing to testify under oath in a trial to the identification of the person you saw enter that truck?

Mr. Hickman: I object to that question on the ground that Mr. Cave is testifying now under oath; he has testified clearly and distinctly that he thought the person who got into the truck to be Mrs. Huddle.

Mr. Bradshaw: I think that was only on the basis of your

*Bob Cave.*

Dep.           leading question that he testified to that fact; he  
2/13/63       didn't testify to it originally, and I will ask him  
page 30 }       the significance of whether or not he can posi-  
              tively identify this woman.

A. I would rather say yes than no.

Q. Still I must ask you to answer. Can you positively identify the person

A. Well, I was a little ways from the Huffman truck, if that is what you mean, and I glanced back through my mirror just through suspiscion.

Q. And you figured that was who it was?

A. Yes, I figured that is who it was, but I would say—

Q. You saw somebody get in the truck?

A. I saw a woman get in the truck.

Q. You figured that was who it was—

Mr. Wharton: Let him answer.

Mr. Bradshaw: He has answered.

Q. Have you got anything else to say?

A. That is what I said, I have seen Mrs. Huddle for quite a few years and it appeared to be very much like her.

Mr. Bradshaw: That is all I have.

Mr. Hickman: That is all.

And further this deponent sayeth not.

Mr. Bradshaw: I would like to interpose an  
Dep.           objection to the whole testimony, which was  
2/13/63       elicited from the past witness on the ground it is  
page 31 }       not in comformity with the allegations of either  
              the bill of *complain* or amended bill of complaint,  
in, that it *attempts* to establish an entirely independent and  
separate cause of action; and, on the grounds that the defend-  
ant is taken by surprise by the evidence, which was attempted  
to be introduced by this witness.

Mr. Hickman: The testimony goes to the issue presented.

*G. L. Huffman—John C. Huddle.*

G. L. HUFFMAN,  
another witness called by the complainant, being first duly  
sworn, deposes and says as follows:

Notary's Note: Donald Earman, Esquire, appeared as  
counsel for the witness, G. L. Huffman.

DIRECT EXAMINATION.

By Mr. Wharton:

Q. What is your name?

A. Girard L. Huffman.

Q. How old are you, Mr. Huffman?

A. Thirty-eight.

Q. Where do you live?

A. Elkton.

Dep. Q. Do you know Mary Juanita Huddle?

2/13/63 A. Yes, sir.

page 32 } Q. How long have you known her?

A. Twenty years.

Q. Did you in the year of 1962, preceding the 6th day of  
June, 1962, have sexual intercourse with Mrs. Mary Huddle?

A. I cannot answer that question on the ground that it  
may tend to incriminate me.

Q. And you refuse to answer on the ground that it may  
tend to incriminate you?

A. Yes, sir.

Mr. Wharton: That is all.

Mr. Bradshaw: No questions.

And further this deponent sayeth not.

JOHN C. HUDDLE,  
a witness called in his own behalf, being first duly sworn, de-  
poses and says as follows:

DIRECT EXAMINATION.

By Mr. Wharton:

Q. You are John C. Huddle?

A. Yes.

Q. The husband of Mary Huddle?

A. That is right.

*John C. Huddle.*

Q. How old are you?

A. Thirty-eight.

Dep. Q. Where were you born?

2/13/63 A. Elkton.

page 33 } Q. Have you made Elkton your home all of your life?

A. Yes.

Q. Did you graduate from Elkton High School?

A. I did.

Q. What other formal education have you had?

A. I have completed an ICS Course in analytical chemistry, and two years of college chemistry, for Merck & Company, who sent me to college for two years.

Q. What college did they send you to?

A. The first year, Madison; the second year, Bridgewater.

Q. Were you employed by Merck at that time?

A. I was.

Q. How long have you been employed by Merck?

A. Sixteen years this May.

Q. Are you presently so employed?

A. I am.

Q. When and where were you married?

A. December 24, 1947, at Pineville, Virginia.

Q. That is Pineville, Rockingham County?

A. That is right.

Q. What children were born of this marriage?

A. Diane Howlitt Huddle, age ten, John Michael Huddle, age six.

Dep. Q. After your marriage where did you first re-  
2/13/63 page 34 } side?

A. At my home in Elkton.

Q. At your home or your parent's home?

A. My mother's home.

Q. And then did you later acquire your own home?

A. Well, next we moved to an apartment, and then we bought a trailer and then we purchased a home.

Q. And the home you purchased is that the home you last lived with your wife as man and wife?

A. No, that was the second home.

Q. The second home that you have had. That is the home you now own, is that right?

A. Right.

Q. Where is that home located?

A. It is four miles east of Elkton on Route 33.



*John C. Huddle.*

Q. Is it at the intersection of any other road?

A. Yes, the Beldore Road.

Q. This house is located *what*? On the south side of 33?

A. Let's say it is on the right hand side going toward the mountain.

Q. Going to Stanardsville from Elkton?

A. From Elkton.

Q. When did you move to that home?

A. September '59—1959.

Dep. Q. And how long did you live there with your  
2/13/63 wife?

page 35 } A. Until June 26th.

Q. Of what year?

A. 1962.

Q. You say you resided in that home until the 26th day of June, 1962, is that correct?

A. Yes, sir, except for a couple of *day* absence the first of June.

Q. When you left there on June 26, 1962, did you ever return and spend any time there at the home?

A. Only to visit my daughter.

Q. When you left what happened to the children?

A. The little boy went with me, and Diane elected to stay with her mother.

Q. What caused you to leave the home in June? Just tell what led up to it and why you left.

A. Start at the beginning?

Q. Yes.

A. Well, starting on April 28th, I had been going on the Jackson Remarch, with Mayor Switzer, and when I returned on June 3rd, I dressed and took the children to church—

Q. Let me *interrupt* you there a little bit. You said you had been going on these remarches. Do you mean you were away from home from April until June?

A. On week ends, from Saturday Morning usually until Sunday afternoon.

Q. That was every weekend, was it?

Dep. A. Yes, for six weeks, and starting the 28th of  
2/13/63 April.

page 36 } Q. You mentioned, I believe, that you returned  
on June 3rd?

A. That is right.

Q. That is where I *interrupted*. Go on from there.

A. I took the children to the church and when we returned

*John C. Huddle.*

home we returned a little earlier than we expected; my wife wasn't in the house and we searched the grounds twice and couldn't see her, we searched the house from top to bottom, and the children started crying, so, we went back in the house. Well, about five minutes later the basement door bell *range*, we had locked the door when we came in, and I went to the door and she was standing out there scared—shaking; she wouldn't let me touch her when she came in and she went and jumped in the bath tub and took a bath right away.

When I asked her where she had been, she said she had been down to the creek looking at flowers.

Well, I was very suspicious; I had a definite dread that something was not right, but I let it go at that, and Monday—I didn't sleep much Sunday night—Monday, I went on to work, and I was under considerable pressure, I didn't get too much work done. I had the same feeling Monday Night, so I asked the little boy if his mother had been away from the

house, she was supposed to be staying with her  
Dep. folks while I was gone, and I asked him if she had  
2/13/63 been away from the house on the Saturday Nights  
page 37 } while I was gone, and he said, "Yes, one night."  
So I asked her about that—

Q. You say here, you are referring to your wife?

A. Yes. She assured me she had been away one night that she had been to a Girl Scout Camp in Harrisonburg and learned to put up pup tents for the Brownie Camp, and that Mrs. Radford followed her all the way home at about nine o'clock, and I could call Mrs. Radford up.

I went on, that was Monday; I didn't call Mrs. Radford; so, Tuesday I was still pretty much upset, so, in order to gain some relief I got the Bible out Tuesday Night and asked her to swear on the Bible that what I was thinking was incorrect, and I had acquainted her with what I thought was wrong, and she slapped her hand on the Bible and sworn she was not—Do you want me to say her exact words?

Q. Yes, give her exact words.

A. She said, "I want you to know I don't spread my cat." That is what she told me. I was relieved enough that night so that we had intercourse for the first time for those days, and I was certain then that my suspicions were unfounded until she tried to get me to have intercourse without any protection.

Q. When was that?

*John C. Huddle.*

A. Tuesday night.

Dep. Q. Where was that?

2/13/63 A. At home, which was not normal at that time  
page 38 } of the month.

Well, it so happened that Wednesday the Girl Scouts had a picnic down at Farmer's Pool, and after the intercourse bit I decided I was going to ask Mrs. Radford if there had been such a meeting and she sat with Mrs. Radford at the picnic table all evening, but when Mrs. Radford got up to dump her plate I got up and followed her and I asked her where they were going to pitch tents for the day-camp, because I was going to help. Mrs. Radford said, "We never pitch tents at Day-camp." I said, "How about this meeting you had at Harrisonburg the other Saturday night that Juanita was telling me about?" She said, "We had no such meeting."

Well, I didn't say any more and when we got back home that night, this was the 6th of June, I didn't say anything to her. I was getting my tractor out to mow the lawn and she came marching out and said, "Well, did you find out?" I said, "Well, I found out you have been lying to me." I said, "What has been going on anyway?" She said, "Nothing." I said, "Where did you go that Saturday Night?" She said, "I just rode to Harrisonburg; I felt I just had to get away."

Well, we talked and talked, and I knew—I was pretty sure there was something definitely wrong then. So, she finally broke down and admitted that she had been seeing this Huffman; that he had been coming up to the  
Dep. 2/13/63 house.  
page 39 }

Q. Which Huffman is that?

A. G. L. Huffman.

Q. Go ahead.

A. And at first she claimed that they had just talked, and that Mr. Huffman, or Huffman, had a lot of business up that way, he was up there a lot, but never in my whole life up there had I ever seen—

Q. Just go ahead.

Mr. Bradshaw: Let him answer, he is telling it.

Q. Go ahead. We have no objection.

A. Never in my whole life have I ever seen him up there, him or his vehicles either one.

Well, after much talk she finally broke down and said that

*John C. Huddle.*

Huffman had made one clumsy attempt at intercourse and right at that time was the only honest intent she has had throughout this thing; she promised me I could have the kids and she was going away with Huffman. So, we agreed to take her and her children up to her mother's house at Goode's Mill, and I was to see a lawyer the next day and we would go up and sign the papers to that effect.

Q. And did you see a lawyer?

A. I made an appointment with Mr. Hickman.

Q. All right.

Dep. A. I picked her up at Goode's Mill and hauled  
2/13/63 her to Harrisonburg, and all the way up she was  
page 40 } asking me what I had on her.

Q. You did get to see Mr. Hickman?

A. Yes, sir.

Q. As a result of talking to Mr. Hickman what occurred?

A. Well, Mr. Hickman had the papers ready to draw up, and he said we had to wait a week—

Q. A separation agreement, is that right?

A. Yes, giving me the children. He said we would have to wait a week under separate residence. I took her back to Goode's Mill, picked up the children and took them down to my mother's, where I planned to live. This was on Thursday, and instead of staying a week, on Friday, the very next day, she came charging back to the Swift Run Home and said she was back and she was there to stay.

Well, the kids and I stayed at Elkton Friday, Saturday and Sunday afternoon she called down there and said if I wouldn't bring the kids home she was going to send the Sheriff after them. Well, I could visualize the Sheriff trying to grab kids of mine, but any way I called Mr. Hickman and Mr. Hickman said, "No, she couldn't do that," but, he said, "I might as well go back any way because we didn't have any evidence but what she said." She had already told me she would lie in court. So, Wednesday, I had promised the kids a vacation at Virginia Beach the next week, I

Dep. went back.

2/13/63 Q. And did you go to Virginia Beach?

page 41 } A. Yes, we did.

Q. Who went on that trip?

A. My wife, myself and two children.

Q. And how long did you remain at the Beach?

A. Well, we went down on the 14th and returned on the 17th.

*John C. Huddle.*

Q. Tell us what occurred, if anything on that trip that may have again aroused your suspicions, if anything?

A. Well, I would like—it wasn't very pleasant that week, I will say that, it was *really* miserable.

Q. My question was: Did anything occur during that week that aroused your suspicions that there might have been anything more than a clumsy attempt on the part of Huffman at intercourse?

Mr. Bradshaw: I will have to object to the question on the ground that it is leading.

A. Her monthly period was due to fall on the 16th; it did not.

Q. She didn't have her period?

A. No.

Q. When did you return from the Beach?

A. The 17th.

Q. The 17th of June?

A. Yes, sir.

Dep. Q. What occurred on your return and what 2/13/63 happened after you returned to—  
page 42 }

A. Well, I was supposed to go back to work on the 18th, but instead of going back to work I took another vacation and I took her to Dr. Nicholson for a shot to see if we could bring her monthly period around. This was supposed to take three days; well, at the end of three days nothing *occured*, so, we went back to Dr. Nicholson; he gave her a second shot, at the end of that three days we went back to see him on the following Sunday, and he said if there was no bleeding after his medication she was definitely pregnant.

Q. Had you at any time prior to that in the last three or four months had you ever had intercourse with your wife without using precaution?

A. Not unless it was near her period, I hadn't changed my actions in any way since my son was born, and my son is six years old.

Q. Did you go to another doctor and talk with him?

A. Dr. Nicholson said that the only thing he could recommend was to see Dr. Hill.

Q. And you did talk to Dr. Hill?

A. I took time off from work on Monday and took her up to see Dr. Hill.

*John C. Huddle.*

Dep. Q. And what occurred on the way home, if anything, on the way home from Dr. Hill's?

2/13/63 A. On the way home from Dr. Hill's—

page 43 } Q. Let me ask you first: What date was that when you went to Dr. Hill?

A. That was Monday, June 25th.

Q. June 25th. What occurred on the way home from Dr. Hill's?

A. Well, we parked the car on the way home and we started talking about this thing again and she finally admitted to two separate intercourses with Huffman.

Q. Is that the first time she ever admitted to you that she had ever had intercourse with Huffman?

A. Except for what she told me originally of a clumsy attempt.

Q. Did you return to the home with her?

A. I did.

Q. Did you spend the night in the home?

A. I spent the night in the home but not in bed with her.

Q. Have you since learning that ever had intercourse with your wife or resumed marital relations?

A. No.

Q. What, if anything, did you do the next day?

A. The next day after work I left the Swift Run home and Johnnie elected to go with me and Diane elected to stay with her mother.

Q. Where did you go when you took Johnnie?

Dep. A. I went to my mother's home in Elkton for  
2/13/63 two days, then I moved to my sister's home at  
page 44 } number two Furnace.

Q. And where have you resided since then?

A. Well, when kinder-garten started September 10th Johnnie and I moved back in with my mother at Elkton so he could go to school.

Q. Is that where you and Johnnie are living now?

A. That is right.

Q. Where has your wife been making her home?

A. At Swift Run.

Q. In your home?

A. Yes.

Q. And you have provided her, have you not, with groceries and necessities and money since that time, pending this divorce suit?

A. I have.

*John C. Huddle.*

Q. Now, you have asked for the custody of these children. Do you want to have the custody of the children?

A. Johnnie and Diane, yes.

Q. Since leaving your wife has another child been born?

A. Correct.

Q. What is the child's name?

A. David Carter.

Q. And what is his age?

A. February 15th.

Dep. Q. He was born February 15th of this year?

2/13/63 A. Yes.

page 45 } Q. There has been some testimony about a bridge that is to the rear of your home. I hand you here a picture and ask if that is a picture of the bridge that is close to your home?

A. It is.

Q. How far is that from your home?

A. Roughly about a hundred yards.

Q. With reference to the front or rear of your home, where is that?

A. It is a little katti-cornered from the back of the house?

Q. What road is the bridge on?

A. Beldore Road.

Q. Who took this picture?

A. I did.

Q. When was it taken?

A. June, 1962.

Q. June of '62?

A. Yes.

Mr. Wharton: I would like to mark that as an exhibit.

Notary's Note: The photograph was marked as Complainant's Exhibit 1.

Dep. Q. I hand you another photograph, which also shows a bridge, is that the same bridge?

2/13/63 A. It is.

page 46 } Q. What is that in the foreground of that picture?

A. A set of swings.

Q. Where is the set of swings located?

A. In my back yard.

*John C. Huddle.*

Mr. Wharton: I will ask that this be filed as Exhibit Number 2.

Notary's Note: The picture was marked as Complainant's Exhibit 2.

Q. There has been some testimony in this case about a grave yard, which is in close proximity to this bridge. Could you indicate on photograph number 2 where that is?

A. Well, the grave yard—

Q. You will have to make an X mark.

A. Back in here.

Q. Is there a road leading to it?

A. There is, it runs along the top of this ridge.

Q. Is there a road leading to it from the Beldore road or a path?

A. Yes, it intersects up here.

Q. The intersection is not shown in that picture?

A. No, sir.

Q. It would be to the right-hand side of the picture?

A. Yes, sir.

Dep. Q. It would be about how far from the bridge?

2/13/63

A. It would be about two hundred yards.

page 47 }

Q. There has been some testimony about a foot path leading from your house to the cemetery.

Could you indicate that on either of these pictures?

A. Do you see this shadow?

Q. You are speaking of exhibit number 1. Go ahead and put an X mark where that goes. You had better put it down at the highway so you can catch it.

A. (Note: Here the witness marks the exhibit).

Q. Is there anyone who lives back behind the cemetery?

A. No.

Q. Anyone that would use that foot path?

A. There are people that live back in Sandy Bottom now, they could use it, I don't know.

Mr. Wharton: That is all.

#### CROSS EXAMINATION.

By Mr. Bradshaw:

Q. Mr. Huddle, do you recall what day in June you took those pictures?



*John C. Huddle.*

A. No, I don't.

Q. You don't recall?

A. Not the exact day, no.

Q. Do you know about the day? Do you know  
Dep. within a day or two?

2/13/63 A. I would say it was towards—it was prob-  
page 48 } ably the week end following the 26th, that may  
run it up into July.

Q. Mr. Huddle, you testified that on June 3rd you had some  
discussion with your wife about seeing Mr. Huffman, is that  
right?

A. June 3rd?

Q. Yes.

A. I expect his name was mentioned.

Q. It was mentioned, wasn't it?

A. June 3rd?

Q. Yes, sir.

A. Yes, it was.

Q. And it was mentioned as to whether or not your wife  
had been seeing him?

A. Yes, and she denied it.

Q. And had you had any discussion prior to this time about  
Mr. Huffman?

A. Not of that nature.

Q. Mr. Huddle, didn't you accuse her of seeing him on  
Sunday, June 3rd, and having been out with him?

Mr. Hickman: The question, even to me, is misleading.

Mr. Bradshaw: Read the question back, if it is I will  
change it.

Note: Here the question was read back.

Dep.

2/13/63 A. No, I didn't.

page 49 } Q. You didn't discuss with her the fact that she  
had been seeing him on Sunday, June 3rd, on that  
day, did you discuss the fact she had been seeing him on other  
dates?

A. No, I didn't.

Q. You didn't?

A. No.

Q. What did you all talk about in relation to him?

*John C. Huddle.*

A. I said I thought I saw Huffman's car go by after she came in the house.

Q. Now, isn't it a fact that on June 6th you confronted her with the fact that you had talked to this woman about the Scout meeting that she had told you she had been to? Did you not tell your wife that you knew she hadn't attended that Scout meeting on June 6th?

A. I think she confronted me.

Q. Isn't this the night you said you went to the Brownie Picnic and when you got home that night you said you had talked to this woman and knew she hadn't been to the Scout meeting?

A. I did.

Q. And didn't you accuse her then of going out with Huffman?

A. I asked her what she had done.

Q. Didn't you accuse her of being out with him?

Dep. 2/13/63 A. No, I asked her what she had done—what she had been doing.

page 50 } Q. Didn't you tell her you thought she had been out with him?

A. I thought he was a logical suspect.

Q. Didn't you specifically mention his name?

A. She asked me, "Who is this lover-boy supposed to be?" I said, "I don't know."

Q. You said you didn't have any idea who he was, is that what you are saying?

A. That is right.

Q. As a matter of fact you have *been* accused her of seeing Huffman for a long time, haven't you?

A. No, I haven't.

Q. And you have been jealous of the fact that she was once engaged to Mr. Huffman for a long time, haven't you?

A. No, I haven't.

Q. On June 6th, did you not accuse her and didn't she confess she had been?

A. She admitted a clumsy attempt at intercourse.

Q. She admitted intercourse, didn't she?

A. She admitted a clumsy attempt.

Q. Do you deny the fact that she admitted having intercourse with him?

A. I asked her.

*John C. Huddle.*

Dep. Q. I am asking you, do you deny that she admitted it?

2/13/63 A. I deny the question as you state it; she admitted a clumsy attempt at intercourse.

page 51 } Q. Would you define a clumsy attempt?

A. It is not my word and I am not going to supply—

Q. In other words—

A. Ask her.

Q. I want to ask you?

A. I don't know.

Q. Didn't you ask her?

A. She told me.

Q. What did she tell you?

A. She said a clumsy attempt at intercourse.

Q. She told you she had intercourse with him, didn't she?

A. She told me that there had been one clumsy attempt at intercourse.

Q. What did that mean to you?

A. What does that imply to you?

Q. I am asking the questions. What did that mean to you?

A. It is self-explanatory.

Q. It meant she had intercourse with him or he had tried to and that they had intercourse?

A. It was a clumsy attempt at intercourse.

Q. She told you she had intercourse with him, didn't she?

A. She did not.

Dep. Q. And that night you took her to her family's home?

2/13/63 A. Correct.

page 52 } Q. Did you tell her family you were going to get a divorce?

A. I told her family we were separating.

Q. That you were getting a divorce?

A. I said we were separating.

Q. Did you say anything about her going to get a divorce?

A. No, sir.

Q. You deny that?

A. I deny that.

Q. And you said that on the 7th, is that correct, and you went to see Mr. Hickman?

A. That is correct.

Q. Now, sir, on the 8th, you moved back out to the house with her?

A. I did not.

*John C. Huddle.*

Q. When did you move back out to the house—that was the 10th, I am sorry. I am not trying to confuse you. What date was it that you moved back out to the house?

A. Sunday, I believe that was June 10th.

Q. You moved back in with your wife?

A. I did.

Dep. Q. Did you at that time tell her you thought the 2/13/63 children needed her?

page 53 } A. I did not.

Q. You didn't make any explanation for why you were moving back?

A. The only reason I moved back was that I had promised the children a vacation at Virginia Beach, and Mr. Hickman had advised me to go back, Mr. Hickman said I should go back for their sake.

Q. And you went back and lived with your wife then?

A. I did.

Q. And went on a vacation with her?

A. I did.

Q. And had relations with her?

A. I did.

Q. Let me ask you this, Mr. Huddle: Do you love your two children?

A. I certainly do.

Q. The two children you have known, you love them?

A. I do.

Q. How long did you all live together then after you went back on that Sunday—on the 10th of June?

A. I lived in the house until the 26th of June.

Q. During that time did you have relations with your wife?

A. I did the first week while we were on vacation.

Dep. 2/13/63 Q. Did you make any statements to her regard-  
page 54 } ing you all's relations?

A. If you mean arguments we had plenty; there were statements from both sides.

Q. What was the nature of these statements? Do you want to make any statement?

A. No, ask me a question.

Q. Didn't you make statements to her regarding the fact that she had had relations with Huffman?

A. I probably did, but she denied it.

Q. Mr. Huddle, you said on the day she was due to have

*John C. Huddle.*

her period you took her to the doctor when she didn't have it?

A. She was due to have her period on the 16th and she went to the doctor on the 17th.

Q. Did you always take her to the doctor every month she missed her period by one day?

A. No, sir.

Q. Why did you do it that time?

A. Because I had a horrible suspiscion that things weren't what they should be, and it was growing and growing.

Q. And as a matter of fact she had told you she had had relations with Huffman and you were afraid?

A. I am afraid she hadn't said anything of the kind.

Q. But you took her to the doctor the first day  
Dep. after she missed her period?

2/13/63 A. That is correrct.

page 55 } Q. And then it was on the—what day did you then take her to see Dr. Hill?

A. June 25th.

Q. What did Dr. Hill tell you as to whether or not she was pregnant?

A. Dr. Hill gave her an internal examination and said he couldn't tell whether she was pregnant or not.

Q. What else did Dr. Hill say to you?

A. Well, Dr. Hill said there was no sign of infection.

Q. No sign of infection?

A. That is right.

Q. Did Dr. Hill advise you if she was pregnant there wasn't anything he could do about it?

A. He did.

Q. On that day is the day you moved out?

A. I moved out on the 26th, the next day.

Q. You stayed in the house with your wife that night?

A. I did, but not in the same bed.

Q. But you would deny you had relations with her?

A. When?

Q. On the date after she saw Dr. Hill?

A. I do.

Q. When do you state that you learned—when  
Dep. is she supposed to have told you she had relations  
2/13/63 with Huffman? What is your contention as to this?

page 56 } A. On June 6th, she admitted a clumsy attempt at intercourse with Huffman. On June 25th on the way home from Dr. Hill I asked her again—in fact I had

*John C. Huddle.*

asked her many times, that wasn't the first time, I don't know how many times, and I asked her again how many times she had had intercourse with Huffman and she said two; before that it was negative.

Q. You had asked her many times how many times he had had intercourse with her?

A. Yes, because I thought she was lying.

Q. You thought she was lying as to the number of times, is that right?

A. I thought she was lying, period.

Q. You kept accusing her of having intercourse with him, didn't you?

A. I expect I did.

Q. You kept questioning her about how many times she had had intercourse with Huffman?

A. I asked.

Q. Don't you think it is a little unusual that a man, who loves his children, took his wife to the doctor the first day after he found she had missed her period?

A. Under the circumstances, no.

Q. Had your wife had a normal delivery on the first two children?

Dep. 2/13/63 A. As far as I know, yes.

page 57 } Q. Mr. Huddle, did you on an occasion talk to Mrs. Huddle's father in the back yard at your home?

A. I did.

Q. Do you recall when that was?

A. The day I moved back, June 10th.

Q. June 10th. Do you recall telling him to the effect of saying "Pope, she is pregnant."

A. I probably did.

Q. Do you recall saying, "they didn't use any protection"?

A. I don't recall that.

Q. You don't recall those words?

A. No.

Q. At that time you told her father you thought she was pregnant, didn't you?

A. Yes.

Q. Did you tell him anything else about this?

A. Look—

Q. About the fact that you thought she was seeing somebody else?

*John C. Huddle.*

A. There has been a lot of talk, talk, talk, you will have to ask specific questions.

Q. I am talking about June 10th, specifically.

A. What was the question?

Mr. Bradshaw: Would you read the question?

Dep.

2/13/63

page 58 } Note: Here the reporter read the last question to the witness.

Q. Do you understand the question now?

A. Not to clearly.

Q. All right, let me rephrase it.

On June 10th, you talked to her father in the back yard at your home, is that right?

A. That is right.

Q. Do you recall telling her father that you thought or knew that she had been seeing someone else, and that she was pregnant or that you thought she was pregnant?

A. Yes, I think so.

Q. Mr. Huddle, you work in the Lab at Merck & Company?

A. I do.

Q. Have you ever discussed or said anything to any of the men in that Lab as to whether or not your wife had relations with Mr. Huffman?

A. I have talked with them, I don't recall the exact wording.

Q. Do you recall any of the times, sir?

A. I do not. Could you give a name?

Q. No, sir, not right now.

A. I cannot recall any times without any name.

Q. Who did you discuss it with in the Lab?

A. Am I required to answer?

Dep.

2/13/63

page 59 } Mr. Hickman: Yes, sir.

A. I have got to think. This was discussed only briefly; I don't believe I discussed the fact or talked about Huffman

*John C. Huddle.*

having intercourse with these people, I just mentioned that he had been seeing my wife; that was briefly to Hampton Coleman, briefly with Byron Hensley.

Q. Did you make any explanation or exclamation relating to Huffman having intercourse specifically with your wife?

A. Make any exclamation. What do you mean by that?

Q. Any statement regarding the specific date or the specific act of intercourse by Huffman with your wife to anyone in that Lab?

A. I did not.

Q. You would deny that?

A. I would.

Q. Mr. Huddle, how long has your wife known Mr. Huffman, to your knowledge?

A. Since high school days.

Q. Did she go with this man at one time?

A. She was engaged to him, as she told me.

Q. When was that, sir?

A. I couldn't tell you.

Q. Did you deal at Mr. Huffman's service station?

Dep. 2/13/63

A. Never.

page 60 } Q. Never. You pass by this service station most every day, is that right?

A. Practically.

Q. Have you been jealous of this man for a number of years?

A. Not jealous, no.

Q. When you passed by—Has your wife ever dealt or have you prohibited her from dealing at that station?

A. I don't think that she was ever under discussion.

Q. You never told her she couldn't buy gasoline there?

A. No.

Q. Did you ever ride by with her in the car and make her get down so she couldn't be seen when you went by that station?

A. No.

Q. You never did that?

A. No.

Mr. Bradshaw: I think that is all.



*John C. Huddle.*

RE-DIRECT EXAMINATION.

By Mr. Hickman:

Q. Mr. Huddle, Mr. Bradshaw asked you on cross examination, without attempting to put it exactly, this question in substance, as to whether or not in discussing this matter with Mr. Huddle's father on or about June 10, 1962, whether you made the statement to your father in law that you thought or knew that Huffman had had intercourse with your wife. Now, sir, did you say that page 61 } you thought or that you knew?

A. Thought.

Mr. Bradshaw: I object to the question as completely leading. The record speaks for itself. There was no objection at the time the question was asked and the answer is very plain and very precise.

Q. Mr. Huddle, I wish you would please tell the Court whether or not when you and your wife came to my office whether your wife denied having intercourse with Huffman?

A. In the office?

Q. Yes.

Mr. Bradshaw: I object to this question as hearsay.

A. I honestly don't recall.

Q. I wish you would please tell the Court, it was on the basis of the information, which you had at that time, that I recommended you all going back together?

A. Well, the evidence at that time was she had admitted a clumsy attempt at intercourse, but right behind that statement she said, "But I will lie about it in court." And since that was all the evidence we had you said it was not enough evidence to even begin to prove adultery, and even at your office you recommended that we go back together and forget it.

Dep. 2/13/63 } Q. Then, as I understand it, it was on the 25th of June that Mrs. Huddle told you that Huffman had definitely on two separate occasions had intercourse with him?

A. Had two times, she never said when or where.

*John C. Huddle.*

Mr. Hickman: That is all.

Mr. Bradshaw: That is all.

And further this deponent sayeth not.

Notary's Note: Thereupon, the further taking of these depositions was adjourned and continued to May 9, 1963, for the completion of complainant's evidence, and for the taking of defendant's evidence.

\* \* \* \* \*

Dep.

2/13/63

page 62B } Virginia:

In the Circuit Court of Rockingham County.

John C. Huddle,

Complainant,

*v.*

Mary Juanita Huddle,

Defendant.

The deposition of Sam A. Lancaster and others taken before S. A. Cunningham, Notary Public at Large in and for the Commonwealth of Virginia, May 9, 1963, commencing at 10 o'clock A. M., in the Law Offices of Wharton, Aldhizer & Weaver, 406 First National Bank Building, Harrisonburg, Virginia, pursuant to adjournment taken on the 22nd day of March, 1963; to be read in evidence on behalf of the complainant in a certain suit in equity now depending in the Circuit Court of Rockingham County, Virginia, wherein John C. Huddle is complainant and Mary Juanita Huddle is defendant.

Present: Julian K. Hickman, Esquire, and W. W. Wharton, Esquire, counsel for complainant, and John C. Huddle, the complainant, in proper person; V. Stephen Dep. Bradshaw, Esquire, of the Law Firm of Clark & 2/13/63 Wilson, counsel for the defendant, and Mary page 63 } Juanita Huddle, the defendant, in proper person.

SAM A. LANCASTER,

a witness of lawful age, being first duly sworn, deposes and says as follows:

DIRECT EXAMINATION.

By Mr. Hickman:

Q. Mr. Lancaster, where do you live?

A. I live in Elkton.

Q. How long have you lived in Elkton?

A. About twenty-five years.

Q. Where are you employed?

A. Merck & Company.

Q. How long have you been employed by Merck & Company?

A. Twenty years.

Q. Do you know John C. Huddle?

A. Yes, sir.

Q. How long have you known him?

A. I have known him approximately twenty years.

Q. Mr. Huddle is also an employee of Merck & Company, is he not?

A. Yes, sir.

Q. In addition to knowing Mr. Huddle in his place of employment do you also know him socially?

A. Yes, sir.

Q. How far do you live from Mr. Huddle?

A. About a mile.

Q. Do you know his general reputation in the community in which he lives?

A. Yes, sir.

Q. What is that reputation?

A. I think he has a good reputation.

Q. Based on what you know of Mr. Huddle personally and what his reputation is in the community, in your opinion is Mr. Huddle a suitable and proper person to have the custody and full control of his infant children?

A. Yes, sir.

Mr. Hickman: That is all.

Mr. Bradshaw: No questions.

And further this deponent sayeth not.

MOON V. FITZWATER,  
another witness of lawful age, being first duly sworn, deposes  
and says as follows:

## DIRECT EXAMINATION.

By Mr. Hickman:

Q. Mr. Fitzwater, where do you live?

A. Elkton.

Q. How long have you lived in Elkton?

Dep. A. All my life.

2/13/63 Q. Where are you employed?

page 65 } A. At the Virginia National Bank in Elkton.

Q. How long have you been employed by the  
Virginia National Bank?

A. Fifteen years.

Q. Do you know John C. Huddle?

A. Yes, sir.

Q. How long have you known him?

A. Approximately fifteen years.

Q. Do you know Mr. Huddle's general reputation in the  
community in which he lives for truth and veracity?

A. Yes, sir.

Q. Is that reputation good?

A. Yes, sir, excellent.

Q. Do you also know Mr. Huddle socially?

A. Yes, sir, I do.

Q. Based on Mr. Huddle's reputation and what you know  
of him personally is Mr. Huddle a proper and suitable person  
to have the custody and full control of his infant children?

A. Yes, sir.

Mr. Hickman: That is all.

Mr. Bradshaw: No questions.

And further this deponent sayeth not.

Dep.

2/13/63

page 66 } Mr. Wharton: That is all.

Mr. Bradshaw: You rest your case?

Mr. Wharton: Yes, sir.

Mr. Bradshaw: I am going to have to ask for a continu-  
ance in order to file a proper pleading before the Court  
asking the Court to rule on the sufficiency of the case.

*Elizabeth Huddle.*

Mr. Wharton: I would like for the record to show that counsel for the Complainant were certainly of the opinion that the respondent would go forward with the taking of her evidence, at least as far as she could on this date.

In so far as presenting any motion to the Court is concerned, we have assured counsel for the respondent that he would not waive any rights in that respect if he proceeds with his depositions today.

\* \* \* \* \*

## ELIZABETH HUDDLE,

Dep. being duly sworn, testifying on behalf of John C.  
3/2/65 Huddle, upon examination by Mr. Hickman, de-  
page 2 } poses and says:

Q-1. Please state your name.

A. Elizabeth Huddle.

Q-2. Mrs. Huddle, how old are you?

A. Seventy-five.

Q-3. Where do you live?

A. At Elkton.

Q-4. And you are the mother of John C. Huddle?

A. Yes, I am.

Q-5. While Mr. and Mrs. Huddle were living together as man and wife, I wish you would please state whether or not the children born to them—two at that time—were frequently left with you in your home during the day time?

A. Yes.

Q-6. Who left them there?

A. Their mother mostly.

Q-7. Did you look after the children then frequently during the day time?

Dep. A. Yes, sir.

3/2/65 Q-8. In event the Court should award the cus-  
page 3 } tody and control of the children to John C. Hud-  
dle, your son, I wish you would please state to the  
Court whether or not you would be happy to have the chil-  
dren in your home where your son is now living?

A. I would.

Q-9. Are you able to look after and care for the children and give them the devotion and affection and care that they need?

A. I think so.

*Elizabeth Huddle.*

Q-10. I wish you would please state whether or not your physical health is good?

A. I saw the doctor on the 4th of February and he said my blood pressure was good, my heart was good, and that I could do without medicine.

Q-11. Are you at times subject to an increase in your blood pressure?

A. Not often.

Q-12. Mrs. Huddle, who lives in your home now?

A. Nobody but John and his little boy.

Dep. Q-13. And, of course, yourself?

3/2/65 A. And myself.

page 4 } Q-14. How long has John and the boy been living with you?

A. Continuously since the 12th of September two years ago.

Q-15. Your husband is dead is he not?

A. Yes, sir.

Q-16. How many rooms in the house?

A. Nine.

Q-17. How is the house heated?

A. Coal Stoves.

**CROSS EXAMINATION.**

By Mr. Bradshaw:

X-1. Mrs. Huddle, you say you were to your doctor recently, and he said you were getting along pretty good?

A. Yes, sir.

X-2. In the past has it been necessary for you to have a doctor's care?

A. Only just temporarily.

X-3. What sort of treatment?

Dep. A. He gave me something that would bring my blood pressure down. That's all.

3/2/65 X-4. For your high blood pressure?

page 5 } A. Yes.

X-5. Have you ever been hospitalized?

A. No, never been that high.

X-6. Mrs. Huddle, you stated that John and the boy had been living with you since September of last year?

A. No, year before last.

X-7. Is the little boy with you every day?

*Elizabeth Huddle.*

A. Except when he is in kindergarten, or sometimes he stays with an aunt for a few hours.

X-8. You mean he goes over and spends the day or the night?

A. He goes there from school and stays until his father picks him up.

X-9. Is this every day?

A. No, not every day.

X-10. How often a week does this happen?

A. Sometimes not at all in a week. Just sometimes.

X-11. What is the most of any week he has gone over there?

Dep. 3/2/65 A. The school days mostly.

page 6 } X-12. How many times during any one week?

A. There is five school days in the week.

X-13. Where does he go when he goes to his aunt's? Whose house is that?

A. Mrs. Baugher.

X-14. Is that in a home?

A. They run a small grocery store.

X-15. He stays in the grocery store then?

A. About two hours.

X-16. What time does John get off work?

A. Five o'clock.

X-17. Is John home every night after five?

A. Yes, he is.

X-18. Is he out after he gets home?

A. Sometimes.

X-19. How often?

A. I never kept no strict record.

X-20. How often do you recall—once or twice or three times a week? How many nights does he usually go out?

A. Well, some weeks once, and some weeks three

Dep. times.

3/2/65 X-21. As much as four times?

page 7 } A. Well, I don't think so.

X-22. You testified before Mrs. Huddle had left the children there with you before John left their home. Was there any reason given for leaving them there?

A. Various reasons.

X-23. Was it because they came to see you as a grandmother?

A. Not all the time. It was so she could get a hair cut, or go to a doctor for a checkup, or something.

*Elizabeth Huddle.*

X-24. When she had something to do that she couldn't take the children with her she would leave them with you?

A. Yes.

X-25. When she was busy and had something else to do?

A. Yes.

X-26. You don't mean she just dropped them all the time—just occasional visits you would expect as a grandmother?

A. That's right.

X-27. Do you feel at your age you are able to give a child the attention that a mother would be able to give a child?

Dep. 3/2/65 } A. Well, I could do my best. I have quite a bit of experience.  
page 8 }

X-28. At your age do you feel you are as able to do it as a young mother?

A. I feel I can, because I stay home with them. I am not on the gad.

X-29. You would take them to scout meetings and see they got involved in the things they should?

A. That's one of the things she left them with me—for her to take the little girl to scout meeting.

X-30. Do you take the boy to church regularly?

A. No.

X-31. Do you feel that the boy should be separated from the rest of the children?

A. No.

**RE-DIRECT EXAMINATION.**

By Mr. Hickman:

RQ-1. Mrs. Huddle, I wish you would please state whether or not you are perfectly willing to take care of the

Dep. two children of which John has requested the cus-  
3/2/65 } today?

page 9 } A. Yes, I certainly will.

RQ-2. How far do you live from the school?

A. About half a mile.

RQ-3. And when Johnnie does not go over to his aunt's to stay after school, does he come home?

A. Yes, he walks with some other children that live near by.

RQ-4. A group of children that walk together?

A. Yes.

RQ-5. Does Johnnie, if he goes over to Mrs. Baugher's to



*Elizabeth Huddle.*

stay after school, telephone you or have Mrs. Baugher telephone you? To let you know that he is with her?

A. I always know where he is going to be.

RQ-6. I wish you would please state at the times Johnnie goes to Mrs. Baugher's it is because he wants to go there for a while?

A. Yes.

Mr. Bradshaw: Don't lead your witness.

## RE-CROSS EXAMINATION.

By Mr. Bradshaw:

RX-1. Mrs. Huddle, has Johnnie expressed any  
Dep. desire to see his mother since he has been living  
3/2/65 with you?  
page 10 } A. No.

RX-2. Have you discussed this with him at all?

A. He never mentions it.

RX-3. Hasn't he asked you to be able to call his mother?

A. He knows the number to call her.

RX-4. Does he call her?

A. Yes.

RX-5. Quite often?

A. Whenever he wants to.

RX-6. Does Mr. Huddle drink anything?

A. If he does I have never seen any indication.

RX-7. No indication of it at all since he has been living with you?

A. No, I haven't.

RX-8. Are you usually in bed when he gets in after he has been out at night?

A. No, I am up when he comes in.

Mr. Hickman: Do you waive your signature to the deposition which you have just given, Mrs. Huddle?

Dep.  
3/2/65 A. Yes, sir.  
page 11 }

And further this deponent saith not.

ELIZABETH HUDDLE  
By GENE F. ROHART  
Notary Public

## LEAH LAM,

being duly sworn, testifying on behalf of John C. Huddle, upon examination by Mr. Hickman, deposes and says:

Q-1. Please state your name.

A. Leah Lam.

Q-2. Mrs. Lam, where do you live?

A. Five miles out of Elkton.

Q. 3. How far do you live from your mother, Mrs. Huddle?

A. About five miles.

Q-4. John Huddle is your brother, is he not?

A. Yes, sir.

Q-5. Mrs. Lam, do you think John is a proper and suitable person to have the full custody and control of his infant children?

Dep. 3/2/65 page 12 } A. Yes, sir.

Q-6. If the Court should award the two children's custody to John, what provisions could he make for caring for the children?

A. He plans to get some suitable person to help my mother with the housework.

Q-7. And the children would be with your mother, their grandmother?

A. Yes.

Q-8. Is your mother in good health?

A. As far as I know.

Q-9. I wish you would please state whether or not your mother is good to these children?

A. Yes, sir.

Q-10. Does she give them not only—

Mr. Bradshaw: Please don't lead the witness.

(continuing)—the needs of the body but the emotional needs that children naturally have, and fulfill their emotional requirements?

A. Yes, sir.

Mr. Bradshaw: I object to that as leading.

Q-11. Your mother has testified that at times Johnnie goes to stay with his aunt after school.  
Dep. 3/2/65 Who is that aunt?

page 13 } A. My sister, Mrs. Baugher.

Q-12. I wish you would please state whether or

*Leah Lam.*

not your sister, Mrs. Baugher, is looking after and rearing a child of your deceased brother?

A. Yes, she is.

CROSS EXAMINATION.

By Mr. Bradshaw:

X-1. Mrs. Lam, do you have any children?

A. No, sir.

X-2. Have you visited in the home of Mr. and Mrs. Huddle while they were living together as husband and wife?

A. Yes.

X-3. Did you observe how the children were cared for in the home?

A. Yes.

X-4. Do you think Mrs. Huddle gave her children love and affection?

A. Yes, sir.

Dep. X-5. And cared for them?

3/2/65 A. Yes, sir.

page 14 } X-6. Don't you think she would continue to give them proper care and attention?

A. I am sure she would.

X-7. Don't you feel that it would be better for these children to be with their mother rather than their grandmother who is seventy-five? If they were your children, even though you and your husband had separated?

A. Sure if they were mine and I was the mother.

X-8. You would expect them to be with you?

A. I would want that.

X-9. And you think it would be to their best interest?

A. With me, of course, if they were my children.

X-10. Don't you think that Mrs. Huddle is better physically able to take care of these children?

A. Possibly, but I think my mother can do it.

X-11. You think she would do the best she could?

A. Yes, sir.

RE-DIRECT EXAMINATION.

By Mr. Hickman:

Dep. RQ-1. If a mother has committed adultery, do  
3/2/65 you think it would be best for the children to be  
page 15 } awarded to the father who has not committed  
adultery, or to the mother who has committed  
adultery?

*John C. Huddle.*

Mr. Bradshaw: I object to the question.

A. I was thinking about my brother. He loves those kids and he is very close to them.

## RE-CROSS EXAMINATION.

By Mr. Bradshaw:

RX-1. Don't you think Mrs. Huddle loves these children too?

A. I am sure she does.

RX-2. And you are aware of the fact that after they had reconciled their differences that he deserted them?

Mr. Hickman: I object to that. That calls for a legal conclusion.

A. I know he left.

Mr. Bradshaw: It is not a legal conclusion that he left. That is a fact.

RX-3. Do you know he left?

A. Yes, sir.

Mr. Hickman: Mrs. Lam, do you waive your signature to the deposition which you have just given?

Dep. A. Yes, sir.

3/2/65

page 16 } And further this deponent saith not.

LEAH LAM  
By GENE F. ROHART  
Notary Public

JOHN C. HUDDLE,  
testifying on his own behalf, being duly sworn, upon examination by Mr. Hickman deposes and says:

Q-1. Mr. Huddle, Mrs. Huddle on direct examination testified that on Sunday the 17th—I presume that means the 17th day of June—you took her to Dr. Nicholson, and that you

*John C. Huddle.*

stated to him that your wife was pregnant by another man. I wish you would please tell the Court whether or not you told Dr. Nicholson that your wife was pregnant by another man?

A. I did not. In fact I told her and I told him that I had slipped myself.

Q-2. Why were you going to tell Dr. Nicholson that?

A. Because she asked on the way over what I was going to tell him, and that was the excuse I gave for the examination.

Dep. 3/2/65 } Q-3. Mrs. Huddle also testified on direct examination that you requested information of Dr. Nicholson as to whether an abortion could be performed. Would you please tell the Court whether or not you made any such inquiry?

A. The word abortion was never used. I did ask if there was any possible infection that would warrant a D and C.

Q-4. What is a D and C?

A. A scraping of the womb I understand.

Q-5. Mrs. Huddle also testified on direct examination that on June 25th when you were riding from Dr. Hill's office you made the statement "I am sorry, Juanita, I can't do it. I can't watch your stomach grow and wonder if it is my seed or someone else's". Did you make any such statement?

A. If I did I don't remember it.

Q-6. She also testified on direct examination that on that date riding from Dr. Hill's office you did not stop any place along the highway.

Please tell the Court whether or not you did stop.

A. We did stop. We swung around on the old river road.

Q-7. Where is that?

A. The road that runs along the river by my mother's house.

Dep. 3/2/65 } Q-8. For what purpose did you stop there?

A. To talk.

page 18 } Q-9. About what?

A. I was still trying to find out what exactly was going on. At that point she admitted more than a clumsy attempt at intercourse.

Q-10. Mrs. Huddle also testified that—I am not sure whether it was on the 25th of June or sometime after that—that you made the statement to her that you would fix it so she could have Huffman. Did you make any such statement as that to Mrs. Huddle?

*John C. Huddle.*

A. As I recall, I did say if she wanted Huffman she could have him. After I left on the 26th she said if I didn't come back she would see to it that she got everything I had.

Q-11. Mrs. Huddle testified on direct examination several times concerning your attending night school. How long did you actually attend night school?

A. I actually went about three months. I had ICS courses which I studied at night at home, and then the college courses which I had at Madison and Bridgewater. Except for about three months they were day classes. I did put in considerable time at Merck making up time I had lost in classes.

Q-12. By taking courses in schools and by doing extra study were you thereby able to increase your earning capacity, and was your salary increased?

Dep.

3/2/65

A. Considerably.

page 19 } Q-13. Mrs. Huddle has also testified that you spent a great deal of time at night away from home attending various civic functions and other functions. I wish you would tell the Court whether or not other than the time you were taking night school for approximately three months, you were at home most of the time at night?

A. I certainly wasn't away the seven nights a week she seems to think I was. I had meetings, but they were mostly monthly meetings.

Q-14. What were they?

A. The Methodist Church Board, Masonic, VFW, Merck Rod and Gun Club. I might further specify that I had to no difficulty in getting out to go to those meetings.

Q-15. Mrs. Huddle also testified on direct examination that when you left the home you took the children with you by force. I wish you would tell the Court whether or not you did take the children by force or whether they went voluntarily.

A. I certainly did not take them by force.

Q-16. Please state whether or not Johnnie talks readily to you and to other people.

Dep.

3/2/65

A. He has always been a little shy. He talks page 20 } as readily as he ever did.

Q-17. Mrs. Huddle testified on direct examination that you have cursed Johnnie. I wish you would tell the Court whether you have ever cursed him.

A. I didn't curse him. I said a curse word. The reason for it was that when he was visiting Diane and I would tell

*John C. Huddle.*

him to come on it was time to leave his mother always had something for him to do, or to wait just a minute, or actually tell him not to come. So I would stand around and wait up to forty-five minutes for him. I wasn't going to whip him so she could come into Court and say I was mistreating him.

Q-18. Would you state whether or not you and Mrs. Huddle during your married life maintained a joint checking account?

A. It was always a joint account.

Q-19. Was there at one time a joint savings account?

A. Yes, there was.

Mr. Bradshaw: I object to this unless the time is established more definitely.

Mr. Hickman: During their married life he said it was always joint.

Dep.

3/2/65

page 21 }

CROSS EXAMINATION.

By Mr. Bradshaw:

X-1. Mr. Huddle, you testified that there was no conversation—when you and your wife went to see Dr. Nicholson you testified that at no time during the conversation was the word “abortion” mentioned. I wish you would tell us what is your understanding of the word “abortion”?

A. My understanding is some medical means of disposing of an unborn child.

X-2. You further testified that you questioned the doctor as to whether or not there was any infection that would warrant a D and C. Would not this constitute an abortion that would cause the child to be lost?

A. I don't know enough about medicine to answer that.

X-3. Do you understand that abortion means any loss of a child that is conceived?

A. No, I don't understand that.

X-4. That's what I am getting at. Your conception of the word “abortion” is some illegal act or some foreign matter that would cause the child to be lost. Is that what you mean by the word abortion?

A. Yes, I think so. That's about right.

*John C. Huddle.*

X-5. If by a D and C this would cause the child to be lost, you would not consider this an abortion?

Dep. A. Not if there was infection present which  
3/2/65 would warrant a D and C.

page 22 } X-6. But you understand that a D and C would  
cause the loss of a child?

A. I don't understand that at all.

X-7. John, you stated in your deposition that you always maintained a joint checking and savings account with your wife?

A. That's correct.

X-8. When was these accounts terminated?

A. Sometime after June 26, 1962.

X-9. What happened to the funds in these accounts? How much was in the checking account at that time?

A. \$116.00; as I recall I wrote her a check for \$58.00. I took the other \$58.00.

X-10. How much was in the savings account?

A. Nothing. We were snowed under with bills, and it was almost impossible to save any money.

X-11. Mr. Huddle, do you remember receiving a settlement for the sale of some property to George E. Bilhimer?

Dep. A. I didn't receive any settlement. I asked  
3/2/65 that the transaction be handled at the Elkton  
Bank and asked that the bank deposit the money  
page 23 } to my account. I never saw the check.

X-12. Do you recall how much that was?

A. Around \$2100.00.

Mr. Hickman: It is stipulated that in connection with the sale of real estate by the Huddles to George E. Bilhimer, which sale was consummated on July 5, 1962, that \$2,000.00 of the agreed purchase price was paid by Bilhimer by making a deposit in the Virginia National Bank in the name of John C. Huddle, and the net after deductions for liens of \$186.92, less attorney's fees of \$40.00, or a net of \$146.92, was paid to John C. Huddle and probably also to Mary Juanita Huddle.

X-13. Have you ever made any settlement with Mrs. Huddle for this \$2,146.92?

A. No, I haven't.

Mr. Bradshaw: I want to reserve the right for further cross examination of this witness.



*John C. Huddle.*

Mr. Hickman: Do you authorize the notary public to sign your name to the deposition you have just given?

A. Yes.

And further this deponent saith not.

JOHN C. HUDDLE

By GENE F. ROHART  
Notary Public

Thereupon, the further taking of depositions in this cause was continued by agreement of counsel, the time and place to be fixed and agreed on at a later date.

GENE F. ROHART  
Notary Public

\* \* \* \* \*

A Copy—Teste:

H. G. TURNER, Clerk.

# INDEX TO RECORD

Page

Appeal Awarded .....	1
Record .....	2
Bill of Complaint .....	2
Answer and Grounds of Defense .....	3
Order—January 25, 1963 .....	4
Amended Bill of Complaint .....	4
Answer and Cross-Bill .....	6
Motion .....	7
Order—June 28, 1963 .....	7
Order—July 9, 1963 .....	8
Notice of Appeal and Assignments of Error .....	9
Decree—August 5, 1964 .....	10
Notice of Appeal and Assignments of Error .....	11
Summary of Testimony (Narrative) .....	12
Witnesses:	
Mary Juanita Huddle .....	12
John C. Huddle .....	12
Depositions:	
Witnesses:	
Mrs. Bonnie Meyerhoeffer .....	13
Oscar Michael .....	17
Mary Juanita Huddle .....	24
I. J. Conley .....	43
James Clinton Powell .....	53
Lonnie Elbert Shiflett .....	54
Bob Cave .....	56
G. L. Huffman .....	62
John C. Huddle .....	62, 91
Sam A. Lancaster .....	82
Moon V. Fitzwater .....	83
Elizabeth Huddle .....	84
Leah Lam .....	89
Proceedings .....	55, 61, 81, 83, 96