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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 740888

WALTER KIDD JONES, JR.,
Appellant

v.

HARRIET H. JONES,
Appellee

APPENDIX

EDWARD W. TAYLOR
HUNDLEY, TAYLOR & GLASS
20 North 8th Street
Richmond, Virginia

Counsel for Appellant

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VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

HARRIET H. JONES, Plaintiff,

v.

WALTER KIDD JONES, JR.
106 Race Course Street
Ashland, Virginia, Defendant.

BILL OF COMPLAINT

TO THE HONORABLE JUDGES OF SAID COURT:

Your plaintiff respectfully shows the following case:

1. Plaintiff and Defendant are both over the age of eighteen years, members of the white race and were lawfully married in Hanover County, Virginia on December 27, 1947 as will more fully appear from a certified copy of the marriage license to be filed with this cause.

2. Plaintiff and Defendant have been domiciled in and are and have been actual bona fide residents of the Commonwealth of Virginia for more than one year next preceding the commencement of this suit.

3. The Plaintiff and Defendant last cohabited at 106 Race Course Street, Ashland, Virginia.

4. That there have been three children born of this marriage; Walter Craig Jones born January 12, 1952, William

Doswell Jones born May 31, 1957 and Ashley Ann Jones born April 22, 1965.

5. Although Plaintiff has been a faithful and dutiful wife, Defendant has not in that on September 7, 1972 he left their marital abode with the intent not to return.

WHEREFORE, your Plaintiff prays that she be awarded a divorce from bed and board on the ground of wilful desertion; that said divorce from bed and board be merged into a final decree in accordance with law; that custody of the infant children of the parties be awarded the Plaintiff with reasonable rights of visitation granted to the Defendant; that the Defendant be required to pay her alimony and support and maintenance for the children, that the Defendant be required to pay to Charles A. Blanton, II attorney's fees and court costs on behalf of the Plaintiff; and that Plaintiff be granted such other and further relief as the nature of this case may require.

HARRIET H. JONES

/s/ By CHARLES A. BLANTON, II

Charles A. Blanton, II
Suite 819 - 700 Building
Richmond, Virginia 23219

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

HARRIET H. JONES, Plaintiff,

v.

WALTER KIDD JONES, JR., Defendant.

ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

For answer to the Bill of Complaint filed herein, the defendant, by counsel, states the following:

1. The defendant admits the allegations contained in paragraphs numbered 1, 2, 3, and 4 of the Bill of Complaint filed herein except that the defendant states that Walter Craig Jones was born on July 12, 1952 and not January 12, 1952 as alleged.

2. The defendant denies the allegations contained in paragraph numbered 5 of the Bill of Complaint filed herein and states affirmatively that the defendant has been a dutiful and faithful husband.

WHEREFORE, the defendant prays that the relief prayed for by the plaintiff be denied and that her prayer be dismissed.

CROSS BILL

Having answered the Bill of Complaint filed herein, the defendant, by counsel, states as and for his Cross

Bill the following:

1. The defendant adopts paragraphs numbered 1, 2, 3, and 4 with necessary corrections of the Bill of Complaint as the first paragraph of the defendant's Cross Bill.

2. That the plaintiff without cause or justification did wilfully create a condition in the home of the plaintiff and defendant that made it impossible for the defendant to continue to reside therein.

3. The plaintiff drank to excess, refusing to properly care for her family and home, was so belligerent to the defendant that the defendant's nerves suffered causing his health to suffer and causing his working ability to suffer. In addition thereto, the plaintiff caused the defendant great anxiety by coming in at all hours of the morning and night and leaving at all hours of the morning and night never telling the defendant where she was going or when she would return.

4. As a result of the hereinabove mentioned behavior of the plaintiff, the defendant was caused to leave his abode on September 27, 1972.

WHEREFORE, the defendant prays that he be granted a divorce of bed and board on the grounds of constructive desertion of the defendant by the plaintiff and that the

Bill of Complaint and prayer contained therein be dismissed and that the Court may grant such further relief as the defendant's case may merit and he will ever pray, etc.

WALTER KIDD JONES, JR.

By /s/ J. Alvernon Smith, Jr.
Counsel

PAUL, SMITH & BLANK
P.O. Box 8557
Richmond, Virginia 23226

CERTIFICATION

I hereby certify that on the 14th day of December, 1972, I mailed a copy of the foregoing Answer and Cross Bill to Charles A. Blanton, II, Suite 819, 700 Building, Richmond, Virginia 23219, Counsel of record for the plaintiff.

/s/ J. Alvernon Smith, Jr.
J. Alvernon Smith, Jr.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

HARRIET H. JONES, Plaintiff,

v.

WALTER KIDD JONES, JR., Defendant.

ORDER

This day, came the parties in person and by counsel, on the motion of plaintiff for custody pendente lite of the infant children of the parties, for alimony for herself and support and maintenance for their children pendente lite and for an award on account of attorney's fees and court costs; upon the testimony of the parties and the exhibits filed; and was argued by counsel.

Upon consideration whereof, it is ORDERED, ADJUDGED and DECREED that the defendant pay unto the plaintiff the sum of THREE HUNDRED FIFTY and 00/100 DOLLARS ($350.00) per month; ONE HUNDRED SEVENTY-FIVE and 00/100 DOLLARS ($175.00) on the 1st of each month and ONE HUNDRED SEVENTY-FIVE and 00/100 ($175.00) on the 15th of each month, until further order of this Court; that he keep in force the medical and hospitalization insurance now in force for the benefit of plaintiff and their infant children; that he continue to pay the sum of ONE HUNDRED and 00/100 DOLLARS ($100.00) per month to plaintiff's sister for the loan made

the parties for an addition to their home; and that he pay to Charles A. Blanton II THIRTY-FIVE and 00/100 DOLLARS ($35.00) as a reimbursement of costs expended to date.

ENTER: 2/2/73

/s/ Edward P. Simpkins, Jr.
Judge

I Ask For This:

/s/ Charles A. Blanton, II p.q.
Charles A. Blanton, II

Seen and Objected To:

/s/ J. Alvernon Smith, Jr. p.d.
J. Alvernon Smith, Jr.

CIRCUIT COURT OF THE COUNTY OF HANOVER

July 1, 1974

Charles A. Blanton, II, Esq.
6620 West Broad Street Road
Richmond, Virginia 23230

Edward W. Taylor, Esq.
519 E. Main Street
Richmond, Virginia

RE: Jones v. Jones

Gentlemen:

I have considered the above styled matter and am of the opinion that Mrs. Jones is entitled to a Final Decree of Divorce onthe ground of desertion and that the Cross-Bill of Mr. Jones should be dismissed.

The Court will allow the sum of $225.00 per month alimony and $125.00 each for support of William Doswell Jones and Ashley Anne Jones per month. The Court will also allow a fee of $2,000.00 to Mr. Blanton as attorney fees, and the actual cost charged by Court Reporters for taking the depositions.

Very truly yours,

/s/ Edward P. Simpkins, Jr.

Edward P. Simpkins, Jr.

EPSjr:jch

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

HARRIET H. JONES, Plaintiff,

v.

WALTER KIDD JONES, JR., Defendant.

FINAL DECREE

This cause, which has been regularly docketed, matured and set for hearing, came on this day to be heard upon the Bill of Complaint and exhibit filed therewith; upon proof of proper and legal service of process upon the defendant; upon the Answer and Cross-Bill of the defendant; upon the depositions of witnesses on behalf of the plaintiff and the defendant, regularly taken after proper and legal notice to the defendant and plaintiff, and filed in accordance with law, and was argued by counsel.

Upon consideration whereof, the Court finds from the evidence, independently of the admission of the parties in the pleadings or otherwise, the following facts: that the parties are members of the White race and over the age of eighteen; that they were lawfully married in Hanover County, Virginia on December 27, 1947; that there are two infant children born of this marriage, whose names are William Doswell Jones and Ashlen Anne Jones; that the plaintiff and defendant are domiciled in and are and have been actual

bona fide residents of the Commonwealth of Virginia for a period of more than one year immediately preceding the commencement of this suit; that the plaintiff and defendant last cohabited as husband and wife in the County of Hanover, Virginia; that the charge of wilful desertion of the plaintiff by the defendant on the 27th day of September, 1972, as alleged in the Bill of Complaint, has been fully proven by the evidence, and that the plaintiff is entitled to the relief prayed for, the Court doth dismiss the Cross-Bill of the defendant.

Accordingly, it is ADJUDGED, ORDERED and DECREED that the plaintiff, Harriet H. Jones, is now absolutely divorced from the defendant, Walter Kidd Jones, Jr., from the bond of matrimony on the ground of wilful desertion of the plaintiff by the defendant for a period of more than one year, and that the bond of matrimony created by the marriage between these parties on December 27, 1947, is dissolved.

It is ADJUDGED and ORDERED that custody of William Doswell Jones and Ashley Anne Jones, infant children of the parties, is awarded to the plaintiff, but leave is granted to the defendant to see and visit the said children at reasonable times and places, and it is further ORDERED that the defendant pay to the plaintiff for the care, sup-

port and maintenance of the said children $250.00 per month.

It is further ADJUDGED and ORDERED that the defendant pay to the plaintiff the sum of $225.00 per month as alimony.

It is further ORDERED that the defendant pay to Charles A. Blanton, II, counsel for the plaintiff, the sum of $2,000.00, for legal services rendered on behalf of the plaintiff, and that he be ordered to pay all the costs of the court reporter for the transcription of the record.

And nothing further remaining to be done herein, it is ORDERED that this cause is stricken from the docket and placed among the ended causes.

ENTER: 7/11/74

/s/ Edward P. Simpkins, Jr.
Judge

I Ask For This:

/s/ Charles A. Blanton, II p.q.
Charles A. Blanton, II

Seen and Objected to: (on the grounds attached)

/s/ Edward W. Taylor p.d.
Edward W. Taylor

Statement of Grounds of Objection

Pursuant to Rule 5:7 of Rules of Court defendant objects to the entry of this Decree on the following grounds:

(1) the plaintiff's testimony did not prove wilful desertion;

(2) the plaintiff's case was insufficiently corroborated;

(3) the evidence as a whole showed the plaintiff was habitually drunk and intoxicated especially during the last year of marriage and that she neglected and forsook her duties as a wife and mother;

(4) the evidence showed the plaintiff's conduct was a source of constant humiliation and embarrassment to the defendant;

(5) the evidence showed the plaintiff's conduct affected the defendant's health and work;

(6) the evidence showed the defendant left the plaintiff with just cause and excuse after having repeatedly warned the plaintiff to temper her drinking habits;

(7) the evidence showed the plaintiff asked the defendant to leave or that it was by mutual agreement;

(8) the evidence as a whole showed the plaintiff

was guilty of constructive desertion, and

(9) the award of alimony and attorney's fees are excessive for the reasons stated in counsel's letter of July 2, 1974.

/s/ Edward W. Taylor p.d.
Edward W. Taylor

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

HARRIET H. JONES, Plaintiff,

v.

WALTER KIDD JONES, JR., Defendant.

NOTICE OF APPEAL AND ASSIGNMENT OF ERROR

TO: Mr. Richard L. Shelton, Clerk
Circuit Court of Hanover County
Clerk's Office
Hanover County, Virginia:

Notice is hereby given that Walter Kidd Jones, Jr., appeals from a final judgment rendered by this Court on the 11th day of July, 1974, and announces his intention of applying for a Writ of Error to the Supreme Court of Virginia.

ASSIGNMENT OF ERROR

1. The trial Court erred in awarding a divorce to the plaintiff on the grounds of wilful desertion and in failing to award a divorce to the defendant on the grounds of constructive desertion because: (a) the plaintiff's testimony did not prove wilful desertion; (b) the plaintiff's case was insufficiently corroborated; (c) the evidence as a whole showed the plaintiff was habitually drunk and intoxicated, especially during the last year of marriage, and that she neglected and forsook her duties as a

wife and mother; (d) the evidence showed the plaintiff's conduct was a source of constant humiliation and embarrassment to the defendant; (e) the evidence showed the plaintiff's conduct affected the defendant's health and work; (f) the evidence showed the defendant left the plaintiff with just cause and excuse after having repeatedly warned the plaintiff to temper her drinking habits; (g) the evidence showed the plaintiff asked the defendant to leave or that it was by mutual agreement.

2. The Trial Court's award of alimony and attorney's fees was excessive for reasons stated in counsel's letter to the Trial Court dated July 2, 1974.

All transcripts of evidence have already been filed with the Clerk of the Trial Court and there is no other testimony or other incident of the case to be hereafter filed.

WALTER KIDD JONES, JR.

/s/ By E.W. Taylor
Of Counsel for Defendant

Edward W. Taylor, Esquire
HUNDLEY, TAYLOR & GLASS
20 North 8th Street
Richmond, Virginia 23219

CERTIFICATE

This is to certify that the foregoing Notice of Appeal and Assignment of Error in the above-styled case

was served upon Harriet H. Jones, plaintiff, by mailing a true copy thereof to Charles A. Blanton, II, Esquire, Counsel of Record for the plaintiff, Brookfield, 6620 West Broad Street, Richmond, Virginia 23230, on this the 17th day of July, 1974.

/s/ E.W. Taylor
Of Counsel for Defendant

July 2, 1974

The Honorable Edward P. Simpkins, Jr.
Judge, Hanover Circuit Court
Hanover Courthouse, Virginia

Re: Harriet Jones v. Walter Jones

Dear Judge Simpkins:

On behalf of Mr. Jones, the following is an observation of the evidence as it relates to the issue of an award of attorney's fees to Mrs. Jones counsel:

1. Mrs. Jones testified her net income after taxes from Luck Motor Company is $218.90 bi-weekly, Tr. 25 ($5,691.40 annually). She works only a 30-hour week, Tr. 27.

2. Mr. Jones has complied with the pendente lite order which provides: (a) $4,200.00 per year tax-free income to Mrs. Jones; (b) $1,200.00 annually for mortgage payment, and (c) medical and hospitalization insurance for Mrs. Jones and the children. In addition, he has voluntarily continued his life insurance with the children as beneficiaries, Tr. 302-303.

3. Mr. Jones has voluntarily paid college costs for his oldest son, Craig, at a cost of $209.06 per month, Tr. 236-237.

4. Mrs. Jones testified she is provided with a 1972 Chevrolet automobile without cost to her, Tr. 54.

5. Mr. Jones has paid for the insurance and half of the taxes on the home.

6. Mrs. Jones is half owner of the following jointly-owned property: home, with equity of $38,000.00; lot, with equity of $10,000.00, Tr. 317.

7. In February 1972 Mrs. Jones admittedly withdrew $2,818.45 from a joint savings account, Tr. 41.

8. Much of counsel's bill involves conferences with a private detective apparently requested by Mrs. Jones. The investigation fee of $550.00 was paid by Counsel (Tr. 337) but does not appear on counsel's statement (Tr. 9-10, Exhibits G & H). The investigation was completely useless, Tr. 327.

9. Both counsel attempted to negotiate a settlement as will appear from Exhibits G & H. The Court will notice on page 2, Exhibit H, the following: "1974 Re: change in settlement offer, January 21;" I believe Mr. Blanton would represent to the Court that prior agreement had been reached on November 13 and 20, 1973, between counsel on all matters except counsel fees and that Mrs. Jones thereafter changed her settlement offer.

In view of the foregoing, it is submitted Mrs. Jones is capable of bearing her own legal expenses.

Respectfully,

Edward W. Taylor

EWT/flc
cc: Mr. Walter Jones

******

MR. BLANTON: I am going to take the corroborating deposition first, then I will excuse Mrs. Jarvis, if that is all right with you.

MR. SMITH: All right.

MRS. HENRY M. JARVIS, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BLANTON:

Q Will you state your name and your address.

A Mrs. Henry M. Jarvis. 107 Race Course Street, Ashland, Virginia.

Q Do you know the parties to the suit, Harriet H. Jones v. Walter Kidd Jones, Jr?

A I do.

Q How long have you known them and in what way have you known them?

A We have been -- I have been a neighbor for seven-and-a-half years.

Q How close a neighbor? How close is your home to their home?

A Their home is at 106 Race Course Street, and I am almost directly across the street at 107.

Q Do you know them both to be over the age of 18

1 and members of the White Race?

2 A I do.

3 Q Do you know where they were married and when?

4 A I do not.

5 Q Do you know that both Mr. and Mrs. Jones

6 have been domiciled in and are and have been actual bona fide

7 residents of the Commonwealth of Virginia for more than one year

8 next preceding the commencement of this suit?

9 A I do.

10 Q Where did they last live together, to the

11 best of your knowledge?

12 A At 106 Race Course Street.

13 Q This is in Ashland, Virginia?

14 A In Ashland, Virginia.

15 Q Have there been any children born of this

16 marriage?

17 A Three.

18 Q Would you give their names and their ages,

19 as best you know them?

20 A Walter Craig Jones is 20. William Doswell

21 Jones is 15. Ashley N. Jones will be 8 in about three days.

22 Q Are Mr. and Mrs. Jones now living together?

23 A To the best of my knowledge they are not.

24 Q Do you know how long it has been since they

have lived together as man and wife?

A I believe it was in September or October of last year when they separated last.

Q Does the date September 27, 19 --

MR. SMITH: I object to leading questions.

BY MR. BLANTON: (Continued)

Q Mrs. Jarvis, Mrs. Jones in her bill of complaint has alleged that September 20 --

MR. SMITH: I object. Let the record show that I object to counsel telling the witness what the bill of complaint shows. It is leading. It is giving her the answers to the questions.

MR. BLANTON: I withdraw the question.

BY MR. BLANTON: (Continued)

Q Mrs. Jarvis, can you pinpoint the date that Mr. Jones left any more exact than September or October of last year?

A To my own knowledge I cannot.

Q I believe you did testify that to the best of your knowledge they have not resided together as man and wife since that time?

A They have not, to the best of my knowledge.

Q Do you know why it is that they are not now living together?

1 MR. SMITH: Let the record show that counsel
2 for the defendant, or Mr. Jones, objects to her
3 giving any hearsay testimony at this time. If she
4 knows of her own knowledge there will be no objection.
5 BY MR. BLANTON: (Continued)
6 Q If you do not know just state you do not
7 know.
8 A I do not know.
9 Q From what you have been able to observe, has
10 Mrs. Jones been a faithful and dutiful wife to Mr. Jones?
11 A Yes.
12 Q From what you have been able to observe
13 yourself, do you think they are going to be able to reconcile
14 their differences and live together again as man and wife?
15 A No.
16 Q Now, you have lived next door, I think you
17 said, to Mrs. Jones for some seven years. Have you had an
18 occasion during this time to observe her as a mother?
19 A Yes.
20 Q Will you tell the Court whether you think she
21 is a good mother or a bad mother?
22 A She is a good mother.
23 Q Do you think she is capable of rearing this
24 little girl and continuing her custody of the older boy?

A. Yes.

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(TR 7) CROSS EXAMINATION

BY MR. SMITH:

Q. Mrs. Jarvis, you, of your own knowledge, believe they separated sometime in September or October, is that right?

A. They did.

Q. And you don't know why they separated, do you, of your own knowledge?

A. If I have to give you a specific reason why Mr. Jones left the home the last time he left, I cannot tell you, no.

Q. You stated that you had had the opportunity to observe Mrs. Jones and believe that she is a good mother. Of your own knowledge, does Mr. Jones do any drinking?

A. No.

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1 Q When you go over there how many times has
2 she been drinking when you have been over there visiting?
3 A You don't want a number?
4 Q No, ma'am.
5 A Sometimes yes and sometimes no.
6 Q This being at various times of day and
7 evenings?
8 A Mostly in the afternoons because she works,
9 and I am busy, too, so it is mostly in the late afternoons.
10 Q You stated that you discussed this with Mrs.
11 Jones. Have you ever discussed it with Mr. Jones?
12 A Mr. Jones and I have discussed it, yes.
13 Q What did that discussion consist of?
14 A Mr. Jones and I talked -- this is to the best
15 of my remembrance -- twice, and we discussed various aspects of
16 their problems --
17 Q During the course --
18 MR. BLANTON: Let her finish.
19 A (Continued) Mr. Jones was upset, and he knew
20 that I was interested in them, as their friends, both of them.
21 And so we talked about it.
22 Q What did you say?
23 A I can't remember all we said.
24 Q Was there any discussion about her excessive

drinking?

A. There was a discussion about her drinking the last time he and I talked.

Q. Did he tell you that it was a problem?

A. He told me that to him it was a problem.

Q. Did he tell you that he had discussed with her that if she didn't stop drinking he was going to leave?

A. He did mention that, yes.

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(TR 18) HARRIET H. JONES, the plaintiff, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BLANTON:

Q. Will you state your name, your age, and your address.

A. I am Mrs. W.K. Jones, Jr. My address is 106 Race Course Street, Ashland, Virginia.

Q. What is your age?

A. 46.

Q. Are you the same party who is listed here as Harriet H. Jones in the suit of Harriet H. Jones v. Walter Kidd Jones, Jr?

A. Yes.

Q. Are you and Mr. Jones both of the age of 18 and members of the White Race?

A. Yes.

Q. Where were you all married and when?

A. We were married in St. Paul's Church in Hanover County on December 27, 1947.

1 Q Have you both been domiciled in and are you
2 and have you been actual bona fide residents of the Commonwealth
3 of Virginia for more than one year next preceding the commence-
4 ment of this suit?
5 A Yes.
6 Q Are you all living together now as man and
7 wife?
8 A No.
9 Q When did you last cohabit?
10 A I believe it was the second of June of 1972.
11 Q Where did you last live together as man and
12 wife?
13 A At 106 Race Course Street.
14 Q This is in Ashland, Virginia?
15 A Yes.
16 Q You have had children born of your marriage?
17 A Yes.
18 Q Would you give their names and birth dates?
19 A Walter Craig Jones born July 12, 1952, I
20 believe. Excuse me. William Doswell Jones, May 31, 1957.
21 Ashley Anne Jones, April 22, 1965.
22 Q Your bill of complaint states --
23 MR. SMITH: What was the year?
24 THE WITNESS: 1965.

1 BY MR. BLANTON: (Continued)

2 Q Your bill of complaint states that Walter

3 Craig Jones was born January 12.

4 A That was apparently a typographical error.

5 Q July 12 is correct?

6 A Yes.

7 Q Mrs. Jones, do you feel that you have been

8 faithful and dutiful to Mr. Jones as a wife?

9 A Yes.

10 Q I think you testified to you all not having

11 lived together as man and wife since June 1972?

12 A That is right.

13 Q Do you all occupy the same premises?

14 A We did until he left in late September of

15 1972.

16 Q Do you remember the exact address?

17 A I am confident it was September 27.

18 Q Has he been back to live with you as a

19 husband since then?

20 A No.

21 Q Do you think he is apt to come back and live

22 with you as a husband?

23 A No.

24 Q Has he stated otherwise?

1 A Yes. I mean -- ask the question again.

2 Q Has he stated whether or not he will come

3 back?

4 A He has stated that he will not.

5 Q Where are your children residing, Mrs. Jones?

6 A My 20-year-old son is sharing an apartment

7 on the Boulevard. My other two reside with me, 106 Race Course.

8 Q Have they resided here since he left?

9 A Yes.

10 Q You say your older son is living on the

11 Boulevard. You mean where? What city?

12 A In Richmond.

13 Q Is he in school?

14 A Yes.

15 Q Where is he in school?

16 A At Medical College of Virginia.

17 Q Is your husband paying for his tuition there?

18 A Yes. As far as I know.

19 Q Are your other two children in school?

20 A Yes.

21 Q Are you employed yourself?

22 A Yes.

23 Q Mrs. Jones, where are you employed?

24 A At Luck Motor Company in Ashland.

1 Q How long have you been employed there?
2 A Since the latter part of May 1972.
3 Q Where were you employed before that, if you
4 were employed?
5 A I was secretary to the Baptist minister at
6 First Baptist Church in Ashland.
7 Q How long were you so employed?
8 A Approximately three years.
9 Q Did you work prior to this time?
10 A Yes.
11 Q Where did you work?
12 A I worked for Robert Grattan, an appliance
13 dealer.
14 Q How long did you work there?
15 A I would say about two years.
16 Q Were you employed before that?
17 A Yes.
18 Q How much of your married life have you been
19 employed?
20 A With the exception of my late pregnancies and
21 when the children were very small infants, I worked my entire
22 married life.
23 Q What type of work have you done?
24 A I have done bookkeeping and secretarial work.

1 Q What is your formal education?

2 A I am a high school graduate and I took a

3 night class at business college.

4 Q When you have worked has it been full-time

5 work?

6 A No, sir.

7 Q Part-time to what degree?

8 A Well, prior, until I took my last job when I

9 was at the church, I worked five hours, and prior to that I had

10 never worked more than three hours a day.

11 Q What are you working now?

12 A I am working six hours.

13 Q Five days a week?

14 A Yes.

15 Q What did you earn approximately from your

16 employment in the year 1972?

17 A I believe you have my tax form. Maybe I have

18 it.

19 Q I think I have it.

20 A My income at the First Baptist Church was

21 $1,123.50. My income at Luck Motor was $1,713.25.

22 Q Do you have any other income?

23 A No. Other than a small dividend check from

24 a small amount of stock I own.

1 Q Stock in what?

2 A The Richmond Corporation and Virginia

3 Chemical.

4 Q Combined what is the value of those two

5 stocks?

6 A I don't keep up with the stock market.

7 Q Approximately.

8 A I would say about $1,500.00.

9 Q How much dividend do you get from these

10 stocks per year, approximately?

11 A I would say about less than -- approximately

12 $20.00. Approximately $20.00.

13 Q Per year?

14 A Per year.

15 Q Do you have any other source of income?

16 A No.

17 Q Do you own your home?

18 A My husband and I jointly own our home.

19 Q Do you know the approximate value of that

20 home?

21 A No, I do not.

22 Q Do you own any other real estate?

23 A Yes. My husband and I jointly own a lot at

24 the Hanover Country Club.

1 Q A lot at the Country Club?

2 A Yes, sir.

3 Q Do you know the approximate value of that?

4 A I do not.

5 Q Do you have any bonds?

6 A I have about I would say $200.00 in War Bonds,

7 that some of them were mine prior to our marriage.

8 Q Do you have any savings accounts?

9 A Yes.

10 Q What is the value in them or it?

11 A I would say about $300.00.

12 Q Do you have more than the one account?

13 A Yes.

14 Q You have two savings accounts?

15 A Yes.

16 Q And is the $300.00 in two of them or each?

17 A The combination.

18 Q The combination of the two?

19 A Of the two.

20 Q Are these both to you alone or are they to

21 you and your husband?

22 A They are both in my name.

23 Q Do you have any checking accounts?

24 A Yes.

1 Q How many of these do you have?
2 A One.
3 Q How much money is in that?
4 A I would say around $150.00.
5 Q Is the furniture in your home paid for?
6 A Yes.
7 Q Do you have any life insurance?
8 A I have a paid-up life insurance payable at
9 death for $1,000.00.
10 Q This is owned by you?
11 A Yes.
12 Q Do you know whether or not you are the
13 beneficiary on any insurance of your husband?
14 A Not at the present, no. I was.
15 Q Do you have any idea how much that was?
16 A No, I do not.
17 Q Mrs. Jones, earlier, I believe, before Judge
18 Simpkins, in a pendente lite hearing, you entered as evidence
19 an exhibit of what your monthly expenses were. Is that correct?
20 A Yes. With one error, I think in there, that
21 I wanted to point out if I had had the privilege at the hearing
22 in Hanover.
23 Q But you did enter an exhibit?
24 A Yes.

1 Q And you say it is correct except for one
2 thing?
3 A Yes.
4 Q Tell the Court what that correction is.
5 A It was a baby-sitting fee. Let me see where
6 it is. I have $100.00. I think I was thinking at the time of
7 the summer when I was to obtain a baby-sitter daily. But when
8 she enters in school my baby-sitting fee is less, much less,
9 than $100.00.
10 Q So this figure should be adjusted downward?
11 A Well, to include the summer months. I don't
12 know exactly how to work that.
13 Q Do you think your baby-sitting needs are going
14 to be what they are now? What will they be this summer?
15 A I would say $15.00 a month excluding summers.
16 And when she is ill I have to provide a sitter.
17 Q Would you give an approximate amount then as
18 a monthly average annually. You put in $100.00. I think you
19 testified that is too much. Would you approximate the overall
20 average annually.
21 A There, again, it is awfully hard to determine
22 just --
23 Q All I asked was for an approximation.
24 NOTE: An off-the-record discussion followed.

1 A It varies so much it is awfully difficult to
2 answer.
3 Q I think then you say your monthly needs are
4 the same as were expressed to the Court earlier with the
5 exception of this baby-sitting fee.
6 A Yes.
7 Q Is your smallest child in school?
8 A Yes.
9 Q How does she get to school?
10 A I take her to school each morning. And she
11 rides the school bus home.
12 Q Is she engaged in any outside activities?
13 A Yes.
14 Q What sort of activities?
15 A She attends Brownies every Monday from 4:00
16 until 5:30.
17 Q How does she get there?
18 A I am in a carpool and we take turns deliver-
19 ing the children and picking them up.
20 Q How often is it your turn to drive the
21 children?
22 A Every fifth week.
23 Q On this one Monday?
24 A Yes.

1 Q Does she have additional activities?

2 A Yes. She attends dancing classes on

3 Chamberlayne Avenue.

4 Q Is that in Richmond?

5 A Yes.

6 Q How does she get there?

7 A My next door neighbor and I take turns.

8 I drive her every other week.

9 Q Are you at home when she comes home from

10 school?

11 A Yes, sir. If I am not I make prior

12 arrangements.

13 Q Is there anyone who assists you in the

14 rearing of this child?

15 A No.

16 Q Do you have now any domestic help?

17 A I have a colored girl -- I have a maid six

18 hours a day on Friday.

19 Q Mrs. Jones, you heard Mrs. Jarvis testify as

20 to drinking and you heard Mr. Smith's questions to her as to

21 your drinking. Do you drink alcoholic beverages?

22 A Yes, I have.

23 Q What is your propensity, how would you

24 characterize your drinking?

1 A I normally have a drink before dinner.

2 Q On occasions do you have more than a drink?

3 A On occasions, yes.

4 Q Do you drink when you go out to parties?

5 A I have on some occasions and I have not on

6 others.

7 Q When you were living with your husband did

8 he drink when you all went out to parties?

9 A Yes.

10 Q Did one of you drink any more than the other?

11 A I don't think so.

12 Q Do you feel your drinking was a problem?

13 A No, sir.

14 Q Are you at all times able to care for your

15 children?

16 A Yes.

17 Q Do you prepare the meals in your home?

18 A Yes.

19 Q Do you wash their clothes?

20 A Yes.

21 Q Do you clean your house?

22 A Yes.

23 Q When Mr. Jones was home did he actively take

24 a part with the children?

1 A At what period are you speaking of?

2 Q During the last part of your living together,

3 the last year or so.

4 A Well, when he came home in May, he worked

5 seven days a week and had very little time to spend with them.

6 Q Do you know where Mr. Jones' place of business

7 is?

8 A Yes.

9 Q Where is it?

10 A It is in the Malvern Building on Westwood

11 Avenue.

12 Q What type of business is that?

13 A It is a consulting engineering business.

14 Q Do you know what Mr. Jones makes?

15 A Not until I saw his tax return for '72.

16 Q Do you know what that said?

17 A $19,000.00.

18 Q Mrs. Jones, do you feel that you are capable

19 of rearing your children?

20 A Yes.

21 Q Do you ask that this Court grant you custody

22 of them?

23 A Yes.

24 Q Do you ask that this Court grant you an

allowance for the support of them and you in accordance with your exhibit?

A Yes.

Q Do you ask that this Court grant and award attorney's fees for your legal services?

A Yes.

Q Do you ask this Court to grant you a divorce from bed and board from Mr. Jones?

A Yes.

Q Are you willing for Mr. Jones to have reasonable rights of visitation with your children?

A Yes.

MR. BLANTON: Answer any questions Mr. Smith may have of you.

CROSS EXAMINATION

BY MR. SMITH:

Q Mrs. Jones, you say that you and Mr. Jones last cohabited on June 2, 1972. Did you mean by that that was the last time you had a sexual act between the two of you?

A Yes.

Q But you continued to live together until sometime late in September?

A Beg your pardon.

1 Q You continued to live together until late in
2 September, is that right?
3 A That's correct.
4 Q Now, this last separation isn't the first
5 time that you and Mr. Jones have separated, is it?
6 A No, sir.
7 Q How many times have you separated before?
8 A Twice previously.
9 Q Each time didn't he talk to you about your
10 drinking and said if you would give up drinking he would come
11 back home, and you have promised to do it?
12 A Not on each time, no.
13 Q Did he on the time before this last time?
14 A No.
15 Q Mrs. Jones, he didn't tell you that you either
16 had to make a choice of alcohol or him?
17 A If you are speaking of May or February, I
18 don't know what you are speaking of --
19 Q I am speaking of the last time he separated
20 from you prior to September 1972.
21 A Yes.
22 Q Didn't he tell you then that you had to give
23 up alcohol or you had to give up him?
24 A Yes.

1 Q Didn't you tell him that you could give up
2 and would give up alcohol?
3 A Yes.
4 Q You did not do it, did you?
5 A I did it religiously as long as I hoped and
6 felt that there was a normal life between us.
7 Q Mrs. Jones, isn't it a true fact now that
8 your drinking alcohol, your behavior as far as alcohol is
9 concerned, is the basis of your whole problem, your marital
10 problem?
11 A I would say absolutely not.
12 Q Well, would you say that you do drink
13 excessively?
14 A If you are calling excessively fairly
15 constantly, no.
16 Q You do not drink fairly constantly?
17 A No, sir.
18 Q Do you get intoxicated frequently?
19 A No.
20 Q Did you tell Dr. Friedenberg that you had a
21 problem with drinking?
22 A I don't recall.
23 Q How about Dr. Brooks? Do you recall telling
24 him that you had problems with drinking?

1 A I do not think I did.

2 Q Did you tell him that you would drink and

3 lose control of your behavior and say rather unkind things to

4 your husband?

5 A Ask the question again.

6 Q Did you say that you would drink and lose

7 control of your behavior and say unkind things to Mr. Jones?

8 A I don't think the drinking created anything

9 that I had to say to him.

10 Q The question was did you tell Dr. Brooks

11 that you would drink and you would lose control of yourself and

12 say unkind things to your husband?

13 A I don't recall telling him that.

14 Q Do you deny it?

15 A I don't recall.

16 Q Then you do not deny it?

17 A I would have to think about it. I would

18 have to --

19 Q Well, think about it, Mrs. Jones.

20 A I would have to talk with Dr. Brooks. I have

21 not seen him in over a year.

22 Q Well, then, if you do not recall it, you are

23 saying you do not know whether you did or not, is that right?

24 A I can't be positive on both.

Q. Did you tell Dr. Friedenberg that you --

MR. BLANTON: Mr. Smith, I don't want to interrupt you. I think she answered. She said she couldn't recall.

MR. SMITH: Right. I am going into another doctor.

MR. BLANTON: But you asked the same question that Dr. Friedenberg. She said she did not recall.

MR. SMITH: I withdraw that question that Dr. Friedenberg.

BY MR. SMITH: (Continued)

Q. Did you say to Dr. Friedenberg that you had used alchohol in an injudicious way and have used alchohol for relief from depression?

A. I do not recall statements that I made to Dr. Brooks and Dr. Friedenberg.

Q. When you went to the hospital weren't you at that time under the influence of alchoholic beverages?

A. The second time I went, yes.

Q. You were intoxicated, weren't you?

A. I don't -- you would have to define intoxication. I had had a few drinks.

Q. A few drinks?

A. Yes.

1 Q Did you have full control of your faculties?

2 A I was emotionally upset, and I think had I

3 not had a drink I would not have had full control.

4 Q Had you not had a drink you would have had

5 full control?

6 A No, that I would not have. I was emotionally

7 upset.

8 Q Now, you previously stated that Mr. Jones

9 had told you that you either had to take a choice of alcohol or

10 him, is that right?

11 A Yes.

12 Q And he told you that was causing problems

13 between the two of you, is that true?

14 A I am not positive what our conversation was

15 along those lines.

16 Q Are you positive that you had conversations

17 about the amount of alcoholic beverages you drank?

18 A That I have had conversations?

19 Q With Mr. Jones.

20 A No, I am not positive that I had conversations

21 with my husband on the amount of alcohol I was drinking.

22 Q How about conversations about either you give

23 it up or you give him up? You have had conversations about

24 that, haven't you, Mrs. Jones?

A (Indicating in the affirmative).

MR. BLANTON: Mr. Smith, I don't want to interrupt. That is the third time you have asked that question. She answered that to the best of her knowledge. I suggest you go on to a different facet of this.

MR. SMITH: I want to pursue it a little bit further.

BY MR. SMITH: (Continued)

Q You did say that Mr. Jones told you that you either had to give up alcohol or you had to give up him, didn't you?

MR. BLANTON: The record speaks for itself on that, Mr. Smith. She said yes, she did.

BY MR. SMITH: (Continued)

Q Then you have had conversations about your drinking, haven't you, Mrs. Jones, and you do recall it?

A You said the amount I drank.

Q I said conversations about your drinking.

A No. You said the amount.

Q All right. Let me ask you this. You have had discussions about your drinking?

A We had that one that I recall.

Q You have told the Court that you earned, if

1 my figures are right, $2,836.85 from the church and from Luck
2 Motor Company. Is that true?
3 A That is right.
4 Q You work for Luck exclusively now, do you
5 not?
6 A That is right.
7 Q What is your base pay now?
8 A I make $2.25 an hour.
9 Q Now, I believe that would be $2.25 an hour
10 for thirty hours?
11 A I am not positive whether I am paid for the
12 half hour that I take for lunch or not.
13 Q Do you ever work any overtime?
14 A No.
15 Q Have you ever worked more than 30 hours a
16 week?
17 A No, sir.
18 Q Ma'am?
19 A No, sir.
20 Q Now, you stated you have got some stocks and
21 you have got dividends from it. Where did the stock come from?
22 A When I inherited I would say around $4,000.00
23 from my father's estate, I believe it was the year my husband
24 went into private business, and he had -- at his previous job,

had been many months without an income, and we lived on my father's inheritance until he became established, and there was $800.00 left, and I invested it in stock.

Q In answer to my question then the money that you bought the stock with came from your father 's estate?

A That's correct.

Q And the bonds you had prior to that time, is that right? Prior to your marriage?

A I am almost positive they were prior to my marriage.

Q Now, where did you get the money for your two savings accounts?

A The savings accounts, the first one is -- in February after my husband left -- when he left in October, he gave me no personal money to live on. And so when he left in February I could foresee no personal income, so I withdrew what was left in our savings account and put it --

Q Would that have been --

MR. BLANTON: Wait a minute. She isn't through.

A (Continued) And put it in my name.

Q You took money out of your joint account and put it in your account?

A Yes, sir.

1 Q Was that $2,818.45 that belonged to both of
2 you?
3 A I believe it was.
4 Q That belonged equally to you and to Mr. Jones?
5 A That is true. Prior to my changing it.
6 Q Now, on this exhibit that you introduced in
7 Court at the hearing, there are many things on here, and in one
8 of them you admit that it is much less than you stated it was.
9 Now, I want to ask you some questions about some of the other
10 things.
11 A All right.
12 Q I believe you stated that you had a maid one
13 day a week for six hours. What do you pay this maid an hour?
14 A I pay her $10.00 for the six hours she works.
15 Q So that would be $45.00 a month?
16 A Yes. We need a pencil and paper.
17 Q How many times have you paid the dues at
18 Hanover Country Club?
19 A I have paid them twice.
20 Q So, generally, those things are paid by Mr.
21 Jones, aren't they? The dues to the Country Club?
22 A Not -- he has not paid any of the bills since
23 we had the hearing in January.
24 Q Have you been paying the club dues since

1 January?

2 A Yes.

3 Q You have been paying that out of the money

4 Mr. Jones has been giving you?

5 A Yes.

6 Q How about real estate taxes?

7 A I have not received this.

8 Q You have not paid that, have you?

9 A No, sir.

10 Q What about the dancing lessons for the child?

11 Who pays that?

12 A The agreement was that she was to pay it out

13 of her own little small savings account. She pays twice a year.

14 I failed to withdraw the first $25.00, so I paid it myself. I

15 have just paid it recently, and I withdrew $25.00 from her

16 account.

17 Q Is it $50.00 a year?

18 A I think around $50.00.

19 Q Well, then, how do you get $8.00 a month for

20 dancing lessons?

21 A She has a recital which is very expensive.

22 She has clothing. And it may be more than $50.00. I don't

23 have my records here. It is certainly no more than $65.00.

24 But I don't have it.

1 Q Certainly no more than $65.00 what?

2 A Tuition.

3 Q But she has her money and she has paid part

4 of that herself?

5 A That is correct. And she paid all of it

6 last year.

7 Q So then this $8.00 a month isn't an expense

8 of yours, is it?

9 A This $8.00?

10 Q A month for dancing lessons is not an

11 expense of yours?

12 A Well, half of it was an expense of mine.

13 Q I understood you to say that your daughter

14 took it and paid for the entire amount last year and you forgot

15 to take out $25.00 this year, so you paid that and that is the

16 extent of what you have paid.

17 A It isn't. It isn't. I bought her I believe

18 a $9.00 pair of ballet slippers and a dancing costume.

19 Q That would not be included in the $100.00

20 clothing that you have claimed?

21 A No. That was separate.

22 Q You bought her a pair of ballet shoes for

23 $9.00?

24 A I believe it was.

1 Q What was the dress?

2 A I don't recall. I bought them sometime ago.

3 Her most expensive dancing item is the recital.

4 Q What is expensive about that?

5 A Well, we have to rent costumes.

6 Q What does that cost?

7 A I wish you would ask Mrs. Jarvis because she

8 is much more up on this than I am. But I would say $20.00 at

9 least.

10 Q You have paid $20.00 for the recital?

11 A I have not -- this has not --

12 Q But that is included in this $8.00 a month?

13 A Yes.

14 Q You paid $20.00 for the recital and paid

15 $9.00 for a pair of shoes. You have paid $25.00 for the lessons.

16 Unless my figures are incorrect, that is $54.00?

17 A I don't know what I have down here.

18 MR. BLANTON: I think she testified to $65.00,

19 did she not, as to the tuition?

20 THE WITNESS: I said no more than $60.00.

21 I am not positive.

22 BY MR. SMITH: (Continued)

23 Q So you just picked this $8.00 figure out at

24 random, didn't you?

1 A I did not. Mrs. Jarvis, who has had a
2 daughter in dancing, in the same dancing school for eight years,
3 I asked her advice, and that was her advice, that it would cost
4 $8.00.
5 Q This is hearsay.
6 MR. BLANTON: Let her finish.
7 MR. SMITH: I thought she had finished.
8 BY MR. SMITH: (Continued)
9 Q This is a figure Mrs. Jarvis told you to put
10 down?
11 A As an honest -- as it cost her own daughter.
12 And their expenses are the same. See, my daughter has not been
13 there but two years.
14 Q Your daughter pays part of her own expenses
15 though, doesn't she?
16 A Huh?
17 Q Your daughter pays part of her own expenses?
18 A She has, but her bank account is depleted to
19 the point that she cannot continue to do it.
20 Q You have got $20.00 for drugs a month. That
21 is $224.00 a year?
22 A I would say that is a very reasonable figure.
23 Q What types of drugs?
24 A Well, my 15-year-old is taking two different

1 types of medicine for an acne problem. And, of course, whenever
2 my daughter is ill she has medication.
3 Q And your daughter's bill will run about
4 $25.00 a month?
5 A Average, I would say, yes.
6 Q Yours generally would run $10.00 a month?
7 A Yes. For the --
8 Q Do you have any receipts or anything to show
9 this, Mrs. Jones?
10 A Not with me.
11 Q When was the last time you went to a doctor?
12 A The first of February.
13 Q That was the last time. When was the last
14 time you had one of your children to a doctor?
15 A Let's see. My son went the last time. He
16 went, it has been about three weeks ago.
17 Q What was that for?
18 A For a physical examination so that he could
19 play baseball.
20 Q Did the school pay for that?
21 A No.
22 Q You paid for it?
23 A I received the bill.
24 Q Now, I understand that you only have one life

1 insurance policy and that is $1,000.00, and it is paid up, is
2 that correct?
3 A Yes, sir.
4 Q Who is this life insurance that you pay $12.00
5 a month on?
6 A My two children.
7 Q They each have a life insurance policy?
8 A Yes.
9 Q What is the amount of life insurance?
10 A I think it is $1,000.00 each.
11 Q And you pay that, do you not?
12 A I have since January 19.
13 Q Hospitalization of $30.00 a month. Do you
14 have hospitalization that you pay for yourself?
15 A No.
16 Q You do not?
17 A No.
18 Q But you have a $30.00 charge here that you do
19 pay it.
20 A Well, I was not aware when I made that up
21 that my husband, supposedly, is required to pay this for one
22 year.
23 Q School fees, $61.25. Do you pay that?
24 A Yes.

1 Q Have you paid it?
2 A Yes.
3 Q How about the note to your sister? Have you
4 paid that?
5 A You mean personally out of my own income?
6 Q Yes, sir.
7 A No.
8 Q Well, that is not a chargeable expense that
9 you have, is it?
10 A Well, no. This was -- this was an expense
11 that either my husband or I had to take care of, and I didn't
12 know what the future held, and this is an expense that has to
13 be taken care of.
14 Q How many other things down here do you have
15 on this list that your husband pays, Mrs. Jones?
16 A Well, at the present he is paying the Blue
17 Cross-Blue Shield.
18 Q What is this miscellaneous? What does that
19 cover?
20 A All the little fifty cents and dollars you
21 dole out when you have children.
22 Q For example?
23 A For example? Well, just last week my daughter
24 brought home a reading schedule for books for the summer, and --

1 Q Would that be included in your --

2 MR. BLANTON: Mr. Smith, she didn't get

3 through. She said "and," and you interrupted.

4 A And I think it was $2.50, and I paid for that

5 out of my own income. No, that is not in the school expenses.

6 Q It is not included in the school fee?

7 A The $61.25 is tuition and a bus trip home

8 each afternoon.

9 Q Did you pay the tuition for the children?

10 A I am now, yes, sir.

11 Q When did you pay it?

12 A I paid it and it came due after the 19th of

13 January.

14 Q How much did you pay?

15 A I believe it was $61.25.

16 Q You paid $61.25 since January?

17 A No. I paid the tuition twice, but I called

18 the school to get the correct figure. That was the figure that

19 --

20 Q Was that for a year?

21 A No. That is monthly.

22 Q $61.25 a month, you pay?

23 A Yes.

24 Q How many months have you paid?

1 A I paid March and April.

2 Q Now, you stated that this "miscellaneous"
3 includes fifty cents here and fifty cents there for the
4 children. As a matter of fact, doesn't Mr. Jones give the
5 children an allowance?

6 A I don't believe he does regularly. He does
7 not see my daughter weekly so I don't think he gives to her
8 regularly. And I did not know that he would continue to do
9 that either.

10 Q Mrs. Jones, you stated that Mr. Jones made
11 $19,000.00. That was his gross, wasn't it?

12 A Yes, it was.

13 Q That was before any deductions for his
14 pension plan or anything of that nature?

15 A As far as I know. I am not -- Mr. Jones and
16 I have not discussed his financial status.

17 Q You looked at the tax returns, didn't you?
18 You are not saying that the $19,000.00 is what he took home,
19 are you, Mrs. Jones?

20 MR. BLANTON: I think, here again, Mr. Smith,
21 she testified three different times that to the best
22 of her knowledge it is a gross figure. They will be
23 introduced in evidence.

24 MR. SMITH: I understand. But I want to know

if she thinks that is the amount of money he takes home.

THE WITNESS: Not if it is gross.

MR. SMITH: I have no further questions at this time.

REDIRECT EXAMINATION

BY MR. BLANTON:

Q Mrs. Jones, when do you estimate the first time that you and Mr. Jones had serious marital trouble?

A Serious?

Q I think you testified he left on two occasions before this last time.

A I would say in June of -- I guess, I believe it was '71.

Q What was the difficulty at this time?

MR. SMITH: Was that June of '71?

MR. BLANTON: She thought so, yes.

THE WITNESS: I am not sure it was '71.

BY MR. BLANTON: (Continued)

Q It has been more than a year-and-a-half ago, hasn't it?

A Yes, yes.

Q What was the difficulty at this time?

1 A Well, I had noticed my husband's disinterest
2 in me, disinterest in his home, and to some degree disinterest
3 in his children. And he told me when I approached him about
4 this that he thought he had lost jest for this type of thing.
5 MR. SMITH: He had lost what?
6 THE WITNESS: Jest.
7 BY MR. BLANTON: (Continued)
8 Q So you are saying at this time indifference?
9 Is that the word you used?
10 A Yes, indifference.
11 Q At this time did he say anything to you about
12 cutting back on the amount of drinking you were doing?
13 A No, sir.
14 Q He left at this time for how long a time?
15 A He didn't leave at this time.
16 Q I thought you said this was at the time just
17 before the first time.
18 A You asked me when the major problems arose.
19 Q How soon after the major problems arose did
20 he leave?
21 A He left in October of '71.
22 Q Do you know why he left?
23 A Well, going back to June -- I don't know why
24 he left this first time. I think day in and day out I realized

his disinterest and our complete lack of communication, and I discussed this with him. I got very little encouragement from him, and I think we both thought we should separate temporarily.

Q. How did this disinterest or difference show itself?

A. By his lack of enthusiasm for my activities and his lack of appreciation for my maintaining the home and lack of giving me comfort at times when I wanted to share the children's problems with him.

Q. So then he left in October of this year, is that right?

A. Last year.

Q. How long did he stay away?

A. He stayed away until I went into the hospital on December 5 at his request.

Q. And then he came back into the home?

A. Yes.

Q. How long were you in the hospital?

A. I was in the hospital from December 5 until December 24.

Q. Did you all resume your marital cohabitation then?

A. For one month.

Q. Why did it not continue after that?

A I recognized my husband lapsing back into a disinterest. And I felt that he was not doing the necessary things to promote happiness.

Q Such as?

A Well, such as in October when he left he closed our joint checking account. And I asked him why, and he said he was afraid that I would spend that money foolishly. And I don't believe under oath he can ever say in 25 years of my marriage that I ever spent money foolishly.

Well, when I came home on Christmas Eve and we both attempted to rebuild our marriage, the very first part of February he came in one night -- no. Prior to that, the latter part of January, sitting at the table after having dinner I approached my husband about our financial situation and asked was he getting paid, and he refused to divulge any of his financial status to me. And then in February he came in from work and he had I believe a savings book in his pocket, and I asked him about it, and he was very indifferent. He went back to change his clothes, and he normally puts all the things out of his pocket on the dresser. The checkbook was not there, and he admitted that he tried to hide it from me.

Q Was there anything else that occurred to prevent you all from living together longer than a month after this?

1 A Yes. When I went into the hospital on the
2 5th of December, I went on very short notice. As a matter of
3 fact, within two hours or less. I called my sister-in-law in
4 Washington and told her I was going into the hospital and would
5 it be convenient for her to come down and stay with my daughter
6 while I was gone because my husband had stipulated that I should
7 go to the hospital and remain there as long as Dr. Brooks saw
8 fit to keep me. And I didn't know whether it would be a month,
9 two months, or how long.
10 Q How long had you been seeing Dr. Brooks?
11 A I had been seeing him since fall.
12 Q For what reasons were you seeing Dr. Brooks?
13 A It was on Dr. Friedenberg's advice that as he
14 did not see the problems were resolved by seeing my husband and
15 me he felt that we should see separate psychiatrists.
16 Q So you and your husband had been seeing Dr.
17 Friedenberg?
18 A That's correct.
19 Q When did you all go to see Dr. Friedenberg?
20 A In June.
21 Q Of that same year?
22 A Yes.
23 Q Why had you all gone to see Dr. Friedenberg?
24 A Because I had been very concerned about my

husband's behavior toward me and lack of interest, but I had not -- I don't believe I had ever shared it with anyone at that particular time.

Q What behavior were you concerned about?

A His disinterest as a husband and as a home-owner.

Q You say disinterest as a husband. Were you all sleeping together?

A We were sharing the same bed.

Q Were you having sexual relations?

A Very rarely.

Q When you say very rarely, what do you mean?

A I would say maybe once a month.

Q Do you of your own knowledge know whether or not your husband was seeing anyone else?

A No, I do not.

Q Was there anything to indicate why there was this lack of interest?

A Yes. Well, it was, in my estimation, because his secretary called me. My husband was home sick with bronchitis.

Q Don't say what anybody else said to you. Did you, yourself, see or notice anything that would have led you to know why there was this lack of interest in you sexually?

A I have seen in his closet a bag of pornographic books.

Q When did you first notice this?

A Beg your pardon.

Q When did you first notice this?

A During this period that I am talking about.

Q You say pornographic books. What do you mean?

A Books with obscene pictures and pornographic pictures.

Q Was there anything else to indicate activity along this line?

MR. SMITH: Let me interrupt just a second. I want the record to show that I object to the phrase "pornographic" because that is a legal conclusion. She has not told what she thinks is pornographic, so I would object.

BY MR. BLANTON: (Continued)

Q Describe this a little more in detail if you will, Mrs. Jones.

A They are paperback books.

Q What are in these books?

A They are pictures of both nude men and women. And I have merely scanned them, but they are literature that I

1 think is rather obscene.

2 Q Did you confront Mr. Jones with this?

3 A Yes.

4 Q What was his explanation?

5 A I confronted him and told him that I was

6 concerned, and I suggested he see a psychiatrist.

7 Q Did he do so?

8 A Yes.

9 Q Did he say why he was interested in this

10 kind of material or was reading this kind of material?

11 A No.

12 Q Have you seen anything else along this line

13 that would indicate to you why he was disinterested in you?

14 A It is my firm belief that I have witnessed

15 him masturbate.

16 Q More than on one occasion?

17 A Yes.

18 MR. SMITH: I am going to object to that.

19 She says she believes she saw him. She did not say

20 she saw him, and her belief is not evidence.

21 BY MR. BLANTON: (Continued)

22 Q What did you see, Mrs. Jones, to make you

23 feel that way?

24 A On numerous occasions after I have gone to

bed and my husband was sitting up watching TV, various times I would walk into the den, and I discovered him with his robe open and he had an erection, and each time quickly removed his hand and threw the robe over him.

Q Was any of this literature that you have described there with him?

A I did not see it.

Q Do you know whether your husband has taken any trips out of town in connection with such literature?

A No, I don't.

Q Is your husband a member of any club dealing with such things?

A He was a member of the Select Club.

Q What is that?

A All I know about it is a card that I saw that said it offered magazines, parties, contacts and trips.

Q I believe you said, Mrs. Jones, that you all lived together after December 1971, for about a month.

A That is right.

Q And then what happened?

A Well, as I told you, my sister-in-law came to stay with my children while I was away. My husband knows that on her visits to our home she frequently over-stays in visitation, and I told my husband in the car on the way home

1 from the hospital, and my son heard me, that I had felt that my
2 head had been on a chopping block, that I had missed my children,
3 and that I did not feel like having a guest indefinitely. And
4 that was for two reasons: My daughter had to give up her
5 bedroom and she was frequently sick, which added to my problems.
6 Q Who was sick?
7 A My sister-in-law. And he assured me that
8 this would not be a problem, that she would not stay there
9 beyond the holiday season.
10 Q Was she taking care of your children after
11 you came home?
12 A No. I did.
13 Q You took care of the children?
14 A She entertained my daughter but I prepared all
15 the meals, did all the laundry and all the household duties.
16 Q So you are saying that her continued stay was
17 a source of irritation to you?
18 A Yes. And to my 15-year-old particularly.
19 Q How long did she stay?
20 A She stayed I believe until the second week in
21 February.
22 Q What made her leave at that time?
23 A I asked her if she would leave, and she left
24 on very amicable terms.

BY MR. SMITH:

Q On what kind of terms?

A Very amicable terms with me.

BY MR. BLANTON: (Continued)

Q How long after this did your husband stay there?

A I think he left the latter part of February.

Q After your sister had left?

A Yes.

Q Your sister-in-law. How long was he gone this time?

A He was gone until the middle of May.

Q Were you seeing Dr. Brooks at this time?

A No.

Q Was he seeing Dr. Friedenberg?

A Not to my knowledge.

Q Until the middle of May. And then you all resumed your cohabitation?

A Yes.

Q Did things get back to normal, more or less?

A More or less for about fifteen days.

Q And then what happened?

A Then my husband was -- well, he was working seven days a week. He was coming home and eating meals and

1 staying very much to himself and not being a part of the family.
2 And about that time -- well, when he came home he told me he
3 wanted me to live an independent life, not to rely on him. That
4 in itself is rather discouraging to a woman who has been
5 married 25 years.
6 At that time, also, he came in the kitchen one
7 morning and announced to me that the sham was over and that he
8 would no longer kiss me good-by. So, very shortly, I realized
9 that in his eyes I was merely a housewife and -- merely a
10 housekeeper and a nursemaid.
11 Q Did he say whether or not he loved you?
12 A He told me he did not love me. He did not
13 love me when he left. He did not love me when he came home.
14 He did not love me now.
15 Q You all remained together then until September
16 of the same year?
17 A Yes.
18 Q I think you said in your cross examination
19 by Mr. Smith that you all lived for a period on your father's
20 inheritance. Was there any other time during your married life
21 that you supported your husband?
22 A Yes.
23 Q When was this?
24 A When we were married. My husband was in

college. When we were married the last two years he was in college, and I worked and we lived almost exclusively on his GI insurance and my income.

Q You testified to having withdrawn $2,818.00 from a joint savings account. What did you do with the money you withdrew?

A I paid I believe $1,500.00 in bills that were incurred in our home. Doctors, food, et cetera.

Q Bills that you jointly incurred?

A Yes.

Q Was there another savings account to the credit of both of you at this time?

A No.

Q This was the only savings account?

A Yes.

Q Do you feel that the domestic help that you have now is sufficient now that Mr. Jones is not in the home?

A No. I used to have a maid twice a week, and it was during the period when my husband indicated that his income was low, so I gave up the maid one day a week. I used to get my hair done at the beauty shop every other week, and now I only do it six to eight weeks and only for a haircut.

Q Does this sum that you have on your list of expenses include the Social Security money paid to the help?

1 A No.

2 Q It does not? Now, in the event that Mr. Jones
3 were to continue to pay such items as the real estate taxes,
4 the Country Club bill, the hospitalization, the note to your
5 sister and brother-in-law, then you would not need these as
6 monthly expenses, isn't that correct?

7 A Yes.

8 Q I believe you testified to the fact that he
9 is now paying the note to your sister of $100.00 per month?

10 A That's correct.

11 Q Is it fair to say, Mrs. Jones, that the fees
12 that you have testified to earlier before Judge Simpkins and
13 that you now confirm are based on your estimation and
14 experience?

15 A Yes, I think so.

16 Q How much money does your daughter have? You
17 testified about her paying for her own dancing lessons.

18 A I would say she has less than $100.00.

19 Q How old a girl is she?

20 A She will be eight on Sunday.

21 Q Why is she paying these?

22 A To the dancing lessons? Well, it was my
23 husband's and my policy that when the children had these
24 extracurricular activities that we could not normally afford

that we felt the children could at least pay some from their own account. My boys have paid their own way to camp on numerous occasions.

Q Are you at this time sharing any other expenses of the children's rearing with Mr. Jones?

A Beg your pardon.

Q Are you at this time sharing any other expenses or costs of rearing those children with Mr. Jones?

A Well, Tuesday, my husband called me and asked me what I was going to do about my daughter's birthday, and she had spoken with me and told me that she would like to have a bike. And so I told him that was what she wanted. And he said, well, that he had priced them. I believe he said $46.00, and he could not afford to pay the entire amount, if I would pay half he would pay half. I agreed to do that.

Q Has Mr. Jones ever been hospitalized during your marriage?

A No -- oh, yes.

Q When was that?

A He has a history of kidney stones and he has been in the hospital when he has had these kidney attacks.

Q Has Mr. Jones himself ever been emotionally disturbed?

MR. SMITH: I don't think she is qualified to

1 answer that. It would take an expert to answer that.
2 MR. BLANTON: I believe you asked that
3 question, didn't you?
4 MR. SMITH: (Indicating in the negative).
5 MR. BLANTON: Didn't you discuss with her
6 whether she had been in for alcohol or emotional
7 disturbance?
8 MR. SMITH: That was herself. But I don't
9 think she is qualified to say whether anybody else
10 is emotionally disturbed. I would object to it.
11 MR. BLANTON: We are not asking it in the
12 technical sense.
13 BY MR. BLANTON: (Continued)
14 Q Has your husband ever been depressed?
15 A Yes.
16 MR. SMITH: I would object to that. I would
17 make my objection to any question requiring a medical
18 opinion a continuing objection.
19 MR. BLANTON: The term depression is not a
20 medical term.
21 BY MR. BLANTON: (Continued)
22 Q Mrs. Jones, in what way did you find him
23 depressed or for what length of time? When was this?
24 A I first recognized it after he had to commit

his sister to a mental institution.

Q What year was this?

A I could not be positive.

Q Was it one year, two years, three years?

MR. SMITH: I am going to object to counsel leading and suggesting the time period.

BY MR. BLANTON: (Continued)

Q Answer the question if you will.

A Within the last four or five years.

MR. SMITH: Charlie, is this rebuttal?

MR. BLANTON: Yes, I think it is. No, it is not rebuttal. It is in answer to your cross examination of her general behavior and what happened in the marriage. You opened it up with the drinking and her behavior. This is explanation as to why this situation deteriorated as it did.

BY MR. BLANTON: (Continued)

Q For what period of time was he depressed, Mrs. Jones?

A I would say a year.

Q Was this discussed at all by you and/or him in your contact with Dr. Friedenberg?

A Yes, I discussed it with Dr. Friedenberg and Dr. Ray Smith.

1 Q Who is Dr. Ray Smith?

2 A He was our family physician and he is now an

3 internist and heart specialist.

4 Q Mr. Smith made reference to your doctors'

5 bills. Do you all have more than one doctor?

6 A Including our family, yes.

7 Q What doctors are attended by you and your

8 children?

9 A Pediatrician.

10 Q What is his name?

11 A Dr. Richard Lee. My husband, I know,

12 recently has seen Dr. Ted Staples. I have previously seen him.

13 I have had discussions with my obstetrician.

14 Q Who is that?

15 A Dr. Washington Winn. And Dr. Ray Smith.

16 MR. BLANTON: I have no further questions.

17

18 RECROSS EXAMINATION

19 BY MR. SMITH:

20 Q You stated that the first serious problem

21 between you and Mr. Jones was in June of '71, and he had lost

22 interest in the home, in you, and to some degree in the children.

23 You characterized it by saying you thought he had lost his jest.

24 A I quoted him.

1 Q You quoted?
2 A Yes.
3 Q Who?
4 A My husband.
5 Q Oh, he said he thought he had lost his jest?
6 A Said that to me.
7 Q Then you separated in October, or he left, is
8 that right?
9 A Yes.
10 Q I believe you said, and I quote you now, "We
11 thought we should separate." So it was a mutual separation,
12 wasn't it?
13 A (Pause). I suppose so.
14 Q Now, you stated that you went to the hospital
15 in December because he requested you to. That was because of
16 your drinking, wasn't it?
17 A No, sir.
18 Q Wasn't that the time you went in when you had
19 been drinking?
20 A I had drinks from the time Dr. Brooks called
21 me until I left, which was within an hour, I would say.
22 Q You stated that Mr. Jones could never say
23 that you had spent money foolishly. Has he not complained
24 bitterly during your marriage that you were spending too much

1 money on alcoholic beverages?

2 A No, sir.

3 Q He never complained about that?

4 A No, sir.

5 Q Well, didn't he limit your charge of beer at

6 the grocery store?

7 A Yes.

8 Q But he never complained about it?

9 A He never discussed it with me at all.

10 Q You stated that he had some pornography

11 there. Mrs. Jones, do you call pictures of nude women and nude

12 men pornography?

13 A When it is attached with obscene literature,

14 yes.

15 Q Well, would you say stories on sexual acts

16 between various people would be what you are referring to when

17 you say attached to literature?

18 A Yes, sir.

19 Q Have you ever seen Playboy Magazine?

20 A Yes.

21 Q Would you say that was pornographic?

22 A If so, to a much, much lesser degree.

23 Q Well, would you say it was pornographic?

24 A I really haven't read it that much to make a

1 decision.

2 Q Well, have you seen enough --

3 MR. BLANTON: I don't want to interrupt you

4 on your recross, but you objected to her typifying

5 this material as pornographic, so it is evident that

6 you feel she cannot describe it as pornographic, so

7 you had not better say what type it is.

8 BY MR. SMITH: (Continued)

9 Q Have you seen Playboy Magazine enough to

10 know they have nude women and nude men in those?

11 A Yes.

12 Q They have stories relating to sex acts?

13 A I know this is in these magazines, but I think

14 it is done on a very high level.

15 Q There was one question that Mr. Blanton

16 asked you about the $45.00 that you paid the maid. Did that

17 include Social Security? You do not pay her Social Security,

18 do you?

19 A No, sir.

20 Q You do not pay anything except her salary?

21 You do not withhold withholding tax, do you?

22 A No.

23 Q You do not withhold Social Security or

24 anything. You complained about the sister-in-law overstaying

her stay every time she came. Did I understand you correctly when I thought I heard you say you were the one who called her in Washington, you were the one who asked her to come down and take care of the children?

A Yes. Because my little daughter is very fond of her, and I could -- I did not want to go to the hospital. I was doing it merely to try to salvage my marriage, and I wanted her to live in an environment that she could be contented in.

Q The question is you are the one who invited her to your home?

A Yes, sir, I did.

Q You stated that one morning Mr. Jones got up and he said the sham was over, I am not going to kiss you good-by.

A That is right.

Q Had you all had a rather strong argument the night before over your drinking?

A I don't recall that.

Q Do you deny it, Mrs. Jones?

A Well, it is awfully hard to deny something you cannot recall. I don't recall it.

MR. SMITH: I have no further questions.

BY MR. BLANTON:

Q. Mrs. Jones, it is true that Mr. Jones limited your charging in many areas, didn't he, at this point?

A. I was at liberty to charge where we had charge accounts, but in my marriage I had access to our joint checking account, and I did my grocery shopping at three different stores, and I felt that I made a tremendous savings by doing that. I was no longer allowed that privilege because I had no money to do that.

MR. SMITH: I have no further questions.

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HARRIET HALE JONES, the plaintiff herein, having been first duly sworn, deposes and states as follows:

DIRECT EXAMINATION

BY MR. BLANTON:

Q Will you state your full name and your address.

A My name is Harriet Hale Jones, 106 Race Course Street, Ashland, Virginia.

Q You, of course, are the same Harriet H. Jones who is the plaintiff in this case?

A Yes, sir.

Q Have you and Mr. Jones lived together as man and wife at any time since September 27, 1972?

A No, sir.

Q Do you think that you are apt to reconcile your differences and live together as man and wife?

A No, sir.

Q I believe you are receiving monies, are you not, now from Mr. Jones under court order?

A Yes, sir.

Q That sum is $350.00 per month?

A Yes, sir.

Q Is that sum adequate for you and your children?

MR. TAYLOR: I object to that on the grounds that it calls for conclusion of law. The Court has already determined that it is adequate.

Q Have you been able, Mrs. Jones, to meet your expenses and to live on the money that the Court has ordered?

A I cannot meet my bills mon hly, and only as far as I have done with the assistance, financial assistance from my sister.

Q How much has she given you over the course of this period that he has been gone?

A I have no record to substantiate it, but I, as she said, I estimate $50.00 a month.

Q You, of course, heard her testimony and you would corroborate that or confirm that?

A Yes.

Q How many children do you have living at home with you?

A I have two children living at home.

Q What are their ages now?

A I have a son age 16. I have a daughter age 8.

Q What is the position in school of your 16-year-old son?

A My 16-year-old son is a Junior at Patrick Henry High School.

Q Of course he has yet to do his senior year.

A Yes.

Q Your daughter is in what grade?

A My daughter is in the third grade at Henry Clay Elementary School.

Q Do you work, Mrs. Jones?

A Yes.

Q Where do you work?

A I work at Lucks Motor Company in Ashland, Virginia.

Q What is your position there?

A I'm a bookkeeper and secretary.

Q Do you work regularly?

A Yes, sir.

Q Do you work full time?

A No, sir.

Q What are your hours?

A My hours are from 8:30 in the morning until 3:00 in the afternoon, with one-half hour for lunch.

Q Do you have any extended time off in the summer?

A No, sir. I revamp, I did revamp my hours

last summer so that I could be at home one full day with my daughter, but my working hours did not change. I work longer hours the other days.

Q Are you paid as a flat weekly or semi-monthly salary or are you paid by the hour?

A I'm paid bi-weekly.

Q What do you gross bi-weekly?

A I have my W-2 form at hand.

Q All right. May I see that?

A This is for 1973.

Q What does that show that you made for 1973?

A My gross income in 1973 was $3,944.87.

MR. BLANTON: I am not going to offer that into evidence, Mr. Taylor, because we have to file some returns.

Q Mrs. Jones, I show you a copy of what purports to be the wage and tax statement for 1973. Does this set forth the monies you were paid and the monies withheld?

A This sets forth my gross income less my tax deductions.

MR. BLANTON: I would like to enter this into evidence as the next exhibit for the plaintiff.

NOTE: W-2 form for 1973 is marked and filed as Plaintiff's Exhibit A.

Q Mrs. Jones, has it been any change in your living condition at home to change your feeling about custody of your children?

A Would you repeat that?

Q Has there been any change in your living condition at home to change your feeling about custody of your children?

A I find that it is impossible to live financially as we were accustomed to living.

Q Do you still want the custody of your children?

A Yes, sir.

Q Do you find that you are able to take care of your children?

A Physically, mentally and hopefully financially, yes.

Q While you work, how is the small child cared for?

A During the winter months I take her to school and leave her at the front door of the school. When she arrives home in the afternoon I am in my home, unless I have made previous arrangements for her to have a sitter or visit in someone else's home.

Q In the course of your husband's time away from you, has he seen the children?

A Spasmodically and at his convenience.

Q He does not then see them on a regular basis?

A No, sir.

Q Does he see them weekly?

A I would not say so.

Q You all have an older child, do you not?

A Yes, sir.

Q His age and occupation is what?

A He is 21 years old, and he is in his second year in the School of Pharmacy at the Medical College of Virginia.

Q I believe Mr. Jones pays for that?

A To the best of my knowledge, yes.

Q Is this child living at your home at any time?

A He spent some part of Christmas vacation at my home. He has spent a few nights there. He comes in at will, and he has a sandwich, or doesn't. But he does reside in Richmond with two other Med-students.

Q Mrs. Jones, I hand you a sheet and ask you to identify that if you will.

A This is an account of the expenses that

occur in my home and I have substantiated each and every one that I could.

MR. BLANTON: I would like to introduce this into evidence as Plaintiff's Exhibit B.

NOTE: The above identified account of expenses is marked and filed as Plaintiff's Exhibit No. B.

Q Previously, Mrs. Jones, I believe you entered a similar exhibit in the pendente lite hearing, is that correct?

A Yes, sir.

Q Is this sum in excess of that?

A Yes, sir.

Q Can you tell the Court why that is so?

A Well, I think everyone here knows that the cost of food, the cost of clothing, the cost of gas, the cost of fuel oil has definitely risen over the past year.

Q Was the item fuel oil included in on your past exhibit?

A No, sir, it was inadvertently left off.

Q Do you ask that the Court provide you as alimony and support this sum of $1,163.22 a month?

A Yes, sir.

Q Do you ask that this Court at this time grant you a divorce from the bond of matrimony?

A Yes, sir.

MR. BLANTON: Answer any questions now that Mr. Taylor may have of you.

CROSS-EXAMINATION

BY MR. TAYLOR:

Q Mrs. Jones, regarding the money you say Mrs. Selepak has paid you in the last year, was that a gift to you?

A Would you define what you mean by gift?

Q What do you mean by gift?

A You are asking me the question. I want to know --

MR. BLANTON: Just do the best you can with what he has asked you.

A A gift -- What Mrs. Selepak has given me is money that she felt that I needed to operate my home and to maintain my children somewhat in the condition they were previously accustomed to.

Q What arrangements do you have to pay back this money to Mrs. Selepak?

A I have no arrangements.

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(TR 25) Q. According to this you made $230.62 gross monthly at the time of the last deposition, which would be in April of 1973. Was that correct then, is that correct?

A. It is awfully hard to figure on a bi-weekly basis.

Q. Bi-weekly means every two weeks.

A. Every two weeks, yes, sir.

Q. How much does your check amount to every two weeks at this time?

A. I don't have a voucher, but less taxes my check amounts to $218.90 bi-weekly.

Q. Two hundred eighteen dollars ninety cents?

A. Yes, sir.

Q. After taxes?

A. Yes, sir. Bi-weekly.

Q. You listed your income as being $230.62 gross per month.

A. I believe, sir --

Q. Previously, and one hundred eighty-six dollars twenty-two cents net per month, previously.

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(TR 47) Q. But up until this time Mr. Jones has proceeded to care for you, has he not?

A. Yes, sir, he has.

Q. Under the Court order?

A. Yes, sir.

Q. You have listed expenses for clothing of $150.00 per month. Would explain how you arrived at that.

A. Yes. I think there is no question that

$150.00 -- clothing has gone up that much in the past year.

Q. That is $1800.00 per year, Mrs. Jones. Do you spend $1800.00 per year on clothing for yourself and your two children?

A. I certainly would think so.

Q. You do? You have listed school fees of $61.25. That would be school fees for the two children?

A. Yes, sir.

Q. How is that constituted? What do they do?

A. School books, materials --

Q. Excuse me. Do they go to private schools?

A. No, sir.

Q. Aren't books furnished by the County?

A. Excuse me. No. Well, they have to supplement school books with other books.

Q. You mean like notebooks and tablets.

A. Notebooks, tablets, frequently they will have to get a book that is not available in the public school.

Q. That comes to $61.25 a month?

A. And fees, any sports that my son enters there is an additional fee.

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(TR 54) Q. Isn't it also true that you drive a Chevrolet automobile provided for you by Luck Motor Company?

A. The car I am driving is temporarily provided by Luck Motor Company, but I purchase my own gas and I have a very good reason for doing it. May I say so? I have a 16-year old who was thurst into a broken home, and my ultimate aim was to keep this child stable. His friends either have a car or have access to their parents' car. And it has inflated his ego more than anything else

to be able to have a car to drive sometimes. He is in a car pool. He only drives to school, I believe, one day a week. And in turn I have an eight-year-old. He dates and, of course, he wants to go out at night, and I do not feel safe being at home without a car or any way to get my child or myself to a doctor or any other emergency that arises, and this is a temporary basis. I do not own the car, and this is the agreement I have, and I expect to go back to my own car, a car some day very soon.

Q. How long have you been driving the Chevrolet provided by Luck?

A. I believe since last summer.

Q. Since last summer?

A. Yes, sir.

Q. What year model car is it?

A. My guess it's a '72, but I wouldn't be sure.

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W. F. TERRY REISTER, a witness called by the defendant, first being duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Would you please state your name?

A I am W. F. Terry Reister.

Q What is your address?

A My address is Box 384, Narrows.

Q What is your profession?

A I am the pastor of the First Christian Church of Narrows.

Q Are you familiar with the parties in the suit styled Harriet H. Jones versus Walter Kidd Jones, Jr.?

A Am I familiar with the parties? I missed a word.

Q In the suit styled Harriet H. Jones versus Walter Kidd Jones, Jr.

A Yes, I am familiar with Mr. and Mrs. Jones.

Q How long have you known Mr. and Mrs. Jones?

A Since May of 1967.

Q In what capacity did you come to know them?

A I was the pastor of the Ashland Christian Church from May of 1967 until May of 1973.

Q. Did Mr. and Mrs. Jones attend the Ashland Christian Church during that period of time?

A. Yes, they did.

Q. Did you reside near Mr. and Mrs. Jones in Ashland?

A. Yes.

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(TR 5) Q. Would you state with what frequency you would see Mr. and Mrs. Jones?

A. The frequency would depend on what period of time you are speaking of.

Q. Between 1967 and 1973.

A. I saw them very frequently.

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(TR 11)Q. What was her attitude about her hospitalization?

A. I feel that Harriet resented being in the hospital. I could well understand that as being normal.

Q. Did she admit any responsibility concerning her hospitalization?

A. No.

Q. Did she attempt to blame anyone for her being in the hospital?

A. Yes.

Q. Who did she blame?

A. It was my feeling at the time that Harriet felt she was in the hospital as a maneuver; that she was there

because she felt this would be useful in her relationship with Brother, rather than a feeling that she was there because she really thought she was sick.

Q Did she make any particular statements to you to give you reason to believe this?

A Yes.

Q What statements did she make to you?

A Statements such as, "Brother ought to be here instead of me."

Q Did she appear to be getting along fairly well in the hospital in October of 1971, that is from a physical point of view? Was she, for instance, coherent and had her faculties, and so forth?

A Yes, I would say that she was coherent. She treated me very well on all of these visits.

Q Had she been admitted voluntarily to the hospital?

A To my knowledge, she admitted herself both times and made that point to me.

Q Approximately how long did she remain in the hospital on the first occasion?

A I am not absolutely sure. It was a number of weeks, a couple of weeks.

Q Was she again admitted to the hospital on a voluntary basis at a later period of time?

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1 saw her in the hospital, for instance?

2 A In the hospital?

3 Q Yes.

4 A Oh, while she was in the hospital, I didn't

5 notice that she was ever under the influence of alcohol.

6 Q Now, did you have occasions to visit the Jones

7 residence on Race Course Street in Ashland during the period

8 of time during the winter and spring of 1972?

9 A Oh, yes.

10 Q And would you tell the Court with what frequency

11 you would visit the home?

12 A I was there several times during this period

13 that you are referring to, more frequently immediately after

14 her release from the hospital than later on.

15 Q What was Mrs. Jones' attitude at that time

16 concerning her marriage?

17 A After her coming out of the hospital, she was

18 very discouraged, despondent, about her marriage.

19 MR. BLANTON: Excuse me, Mr. Taylor, would you

20 mind putting that in a time reference? You said after

21 her stay in the hospital. You are speaking about the

22 first stay or after both stays?

23 MR. TAYLOR: After both stays.

24 Q After December of '71, this would be a period

25 of time in the winter and spring of '72 that I am talking

about, you say that she was despondent. How did this despondency manifest itself?

A Well, she was drinking very heavily at that time, after her hospitalization.

Q Did you have an occasion to see her in states of intoxication?

A Yes, I did.

Q When and how many times did you see her in this condition?

A The first time when this became an apparent problem was when her eldest son, Craig, called me and asked me to come and talk to his mother. This was very soon after the first hospitalization, and it was late at night. I don't recall the exact hour, but it was well after 10:00 o'clock at night, and I was at that time very close to Craig, and I went to the Jones home. He had asked me at that time not to tell his mother that he had been the one that called me, and I went to the home, and upon entering the house found Harriet to be very definitely under the influence of alcohol.

Q What caused you to draw that conclusion?

A Well, I would say that she was incoherent; that she had difficulty keeping her balance; staggered, and had the kind of slurred speech which would indicate that she was very definitely under the influence of alcohol.

Q Did you see evidence of empty whisky bottles in

the house?

A Yes, I did. At that point, Craig showed me -- there were periods during that particular visit when Harriet was not in the living room, and Craig had reacted to the drinking -- this was why he had called me, this is why he said he had called me -- and he showed me two different empty liquor bottles that were in the living room, that were hidden, not very carefully hidden but they were put out of view.

Q Where were they?

A One was behind a chair or sofa, another was behind a plant or lamp on a table, and I didn't discover these, Craig lifted them up from their positions, showed me where they were, and replaced them.

Q Would you again tell us approximately when this visit occurred?

A This was sometime early in 1972.

Q Can you give us an approximate month for a time reference?

A For a time reference, this was a time after Harriet came out of the hospital. I believe she came out very close to Christmas, perhaps it was Christmas Eve, and this was not many weeks thereafter. This would have been January, February of 1972.

Q On that particular occasion that you went to the home, did you discuss Mrs. Jones' condition with her?

A Yes, I did.

Q What did you say to her?

A I said something in reference to her drinking. Not a great deal, because I didn't feel she could absorb a great deal.

Q What statements did she make to you on that occasion, if any?

A Statements about her husband.

Q And what were the nature of these statements?

A Statements such as, "How could he do this to me, how could he do this to me after so many years," et cetera. It was not a very rational kind of statement.

Q Did she accept any responsibility for her own state of intoxication?

A No. I don't think at that point Harriet was aware that she had a drinking problem, or was prepared to admit it. She may have been aware of it. We have no way of knowing what someone is aware of, but I don't think--

MR. BLANTON: Just a minute. I object to this. I don't think a proper foundation has been laid to show that she has some sort of a drinking problem. I don't think this man is qualified to express a medical opinion that she has a drinking problem. He can testify what he has seen, but I don't think the record ought to hold that she has a drinking problem.

Q. You were called to the house, you testified, by Craig?

A. That is true.

Q. He is the oldest son, is he not?

A. That is true.

Q. And at this time his age is approximately twenty-one, something like that, is it not?

A. His age in 1972, I don't know what his age was, but he was in college, and he was terribly concerned about his mother's drinking.

Q. When you arrived that particular evening at 10:00 P.M., roughly --

A. Or later.

Q. Or later, were the remaining children, that would be Ashley and Doswell, awake?

A. I don't believe so. Not at that time, not on that visit.

Q. Did you make subsequent visits to the Jones residence on Race Course Street after this occasion?

A. I certainly did.

Q. Did you at any other time have an occasion to observe Mrs. Jones in a similar state of intoxication?

A. Yes, I did.

Q. Would you tell the Court when this occurred?

A. The next time I remember seeing Harriet under the

influence of alcohol, intoxicated, was when she herself called me to come and see her. The first time it had been Craig, as I said. And on this occasion Craig was not there. It was not quite as late, but it was late in the evening, and I went to see Harriet and she had asked me to. Doswell let me in, and while the first visit had occurred primarily in the living room, this second one was in the den, to the other side of the main hall, and Harriet was very upset. She was depressed. She was drunk.

Q What caused you to draw the conclusion that she was drunk on that occasion?

A Well, she spoke again with slurness of speech. She was incoherent. She did not finish a sentence before she began another sentence, and she was not really aware of all she was saying.

Q For a time reference, would you tell us approximately when this visit occurred?

A This was within a few days of the first visit, within a week or so.

Q What time did you say that you arrived at the home on this occasion?

A It was late at night.

Q And that would be approximately what hour?

A This would be earlier than the first visit, but later than I would normally have gone to see Harriet,

1 but she called me and asked me to come. So, I went to see
2 her.
3 Q The other visit you stated was at approximately
4 10:00 P.M., I believe?
5 A It was after 10:00 P.M. That first visit may
6 have been at 11:00. It was an extraordinary late time, and
7 this was also late but not as late as the first time, and as
8 I was saying, I was admitted by Billy Doswell. He came in
9 and out of the den. He was concerned about his mother, too,
10 at that time, but did not stay for the conversation that his
11 mother and I had.
12 Q How long did you stay in the home on this
13 particular occasion?
14 A About an hour, perhaps.
15 Q While you were there, were the children Ashley
16 and Doswell awake?
17 A I cannot be sure about Ashley. I don't recall
18 seeing Ashley on that visit, but Doswell was certainly awake.
19 He came into the den numerous times, let me in and later let
20 me out.
21 Q Did he see his mother in her state?
22 A I don't see how he could have missed it.
23 Q Did you discuss with Mrs. Jones on this occasion
24 her condition?
25 A Yes, I did.

1 Q And what did you say to her on this occasion?
2 A On this second visit, I was perplexed with
3 Harriet's behavior. She would speak of wanting Brother back.
4 She would speak of how good a wife she had been, how good
5 a mother, and raised the issue of her own bewilderment of
6 how Brother could possibly have left her, and said things
7 like, "I desperately need him, I want him to come back."
8 And then, before she could finish that statement of need,
9 she would change her voice tone and speak of how she would
10 get even with him if he did come back, and I said to her,
11 "Harriet, you can't have both. You can't both want him back
12 and want to punish him. You have to decide between the two."
13 She would agree with me for a moment, and then repeat the
14 cycle, the cycle being a statement of needing him back followed
15 by a statement that was a punishing type of statement, and then
16 I would say, you can't have both, and she would agree, and it
17 would begin again.
18 Q Did she say how she would get even?
19 A I don't recall that she said how she would get
20 even, but it was an unusual syndrome in which she expressed
21 both a desire to have him back and a desire to punish him for
22 the great pain that he had brought to her. And I told her
23 at the time that that was not possible, that you can't both
24 love someone and punish them, and I am not sure she really
25 caught that, because while she agreed with me she would repeat

1 the same cycle.

2 Q You have testified that Mr. Jones was not

3 residing at home at this particular time in 1972, and this

4 period of time we are talking about I assume is in January

5 or February of 1972. Is that somewhere in that time period?

6 A Yes, it was early in '72.

7 Q Did Mr. Jones seek your advice?

8 A Mr. or Mrs.?

9 Q Mr. Jones.

10 A At that time, no.

11 Q Did you have an occasion to observe him during

12 that period of time?

13 A Let me think for a moment here. During the

14 period of hospitalization, I saw both Brother and Harriet

15 frequently.

16 Q Did you see Mr. Jones at the hospital visiting

17 his wife in October and December of 1971?

18 A Yes, during both periods of hospitalization.

19 Q What was his attitude toward Mrs. Jones when

20 you saw him?

21 A Hopeful.

22 Q Did he make statements to you at a later time

23 as to his reason for leaving the home?

24 A Not during the early part of 1972. I think it

25 is important to explain that I saw a great deal more of Harriet

than I did of Brother in this early period of their separation, and then, later, I saw a great deal more of Brother than I did of Harriet.

Q At what period of time did you begin to see more of Brother, as you call Mr. Jones?

A When I began to give Harriet less support in her position, she did not seek my counsel.

Q Now, when did you begin to give Mrs. Jones less support?

A After the second or third time that I had seen her drunk and commented to her about her continuing an exaggerated need to punish her husband, and I pointed out to her she could not do both. And I think when she realized that I was not supporting her in her need to both have him back and punishing him, it is my judgment that at that point she did not particularly find my counsel useful, and after that point she did not seek my approval for her point of view, and this took her about two or three months after her hospitalization we did not see each other so often.

I did not see her very much at church after that. She did not call me and plead with me on the telephone, nor ask me to come to see her after I began to point out to her that I felt she did have a drinking problem; that I felt she did have an exaggerated need to punish her husband. And at that point she did not seek my help.

Q Was it around this time that Mr. Jones began to confer with you concerning his wife?

A No. There was a period of some weeks or months when I didn't see a great deal of either of them, but after a number of weeks, as I would see Brother, he would discuss his situation.

Q When did Mr. Jones begin to discuss his situation with you?

A I don't recall, but it was sometime after Harriet had not been seeking my help.

Q Can you give us an approximate month and year? I am not asking for anything exact, but I am asking for an approximate date so that the Court can be aware of the time frame.

A In general terms, April or May of 1972.

Q What did Mr. Jones say to you with reference to a problem he was having with Mrs. Jones?

A He spoke to me of his concerns about his wife's drinking problem.

Q Did he say to you that he had left home on any occasion?

A Yes.

Q Did he say approximately when he had left and for how long he had remained absent from the home?

A In terms of when, I don't believe I ever asked

him exactly when, or that that point was important.

Q Did he say why he had left the home?

A Oh, yes, we talked about why.

Q What reason did he give?

A He spoke of one time in which Harriet had thrown his clothes on the floor and demanded that he leave; times when Harriet in incoherent and drunken states had demanded that he leave the house at once; times when he would come home and she would immediately begin badgering him before he could hardly get into the door, this type of situation that he told me about.

Q Did Mr. Jones come back to the residence on Race Course Street in an attempt to resume matrimonial co-habitation?

A That is my understanding, that he had come back on a number of occasions and made an attempt to save his marriage, and to help Harriet cope with her illness.

Q At some later time, I believe you were transferred to your present location in Narrows, Virginia?

A In May of 1973 I became the pastor of the First Christian Church of Narrows, concluding six years at Ashland.

Q Did you have occasions to see Mrs. Jones at church during periods of time in late 1972?

A Yes.

Q And at what kind of functions would you see Mrs.

Jones?

A In two different functions. As a worshiper, she would come to the services occasionally, and also in the infrequent meetings of the Kiddie Kingdom Committee.

Q Would you briefly tell the Court what the Kiddie Kingdom is?

A Kiddie Kingdom is a day care center housed at the Ashland Christian Church. Harriet has been the leading spirit in the organization and administration of the school, and, really, Harriet brought that school into being by hours and hours of dedicated work to get it going, and has been very active in the affairs of the school.

Q What was her administrative role in the school?

A She presided at all the meetings of the Kiddie Kingdom Committee.

Q How frequently would Kiddie Kingdom have meetings? That is, the Directors and Officers, I assume.

A In 1971 and 1972, I don't believe there were a great many meetings. The committee met infrequently when there was business to discuss and functioned through sub-committees rather than through the larger committee, but it did meet a number of times, three or four times I would estimate.

Q That would be per year?

A Yes.

Q Did you have occasions or an occasion to see Mrs. Jones at any Kiddie Kingdom meetings during 1972?

A Yes, I did.

Q And did you notice what Mrs. Jones' state of sobriety was at these meetings?

A Yes. I felt that at a couple of these meetings that she definitely had been drinking.

Q And what gave you reason to believe this?

A There were times when I smelled alcohol on her breath as she would enter the room. There were times when she had difficulty speaking, and there were times when she excused herself early from the meeting to go home, very early in the meeting. I did have the impression she was drinking. She was not in the same exaggerated state that she was at home, but she had been drinking.

Q Were there others who were in a position to observe her at these meetings?

A I feel that others at the meetings of Kiddie Kingdom might have been able to observe what I have observed.

MR. TAYLOR: All right. That is all the questions I have. Answer Mr. Blanton's questions.

CROSS-EXAMINATION

BY MR. BLANTON:

Q Are you referred to, sir, as Reverend or Doctor?

1 A In the Christian Church we don't use either
2 title. I am called Reverend by some people.
3 Q Do you prefer to be called Mister?
4 A That is perfectly all right.
5 Q How old a man are you, sir?
6 A I am thirty-five years old.
7 Q So, at this time you would have been about
8 thirty-three, thirty-two?
9 A I suppose thirty-three.
10 Q Where did you get your training for the ministry?
11 A At Lynchburg College, Christian Theological
12 Seminary, University of Virginia, The Presbyterian School of
13 Christian Education, the Medical College of Virginia, and The
14 Virginia Institute of Pastoral Care.
15 Q And you have a degree, an undergraduate degree?
16 A Yes, I do. I have a degree from Lynchburg
17 College.
18 Q An A.B.?
19 A Yes, Bachelor of Arts, a full major in religion,
20 a full major in philosophy. In addition, I have a Master's
21 Degree in Christian Education, and I have a certificate from
22 the Medical College of Virginia in clinical training, which
23 pertains to counseling, psychology, and patient care.
24 Q Does this deal with alcoholism?
25 A It deals with alcoholism and all other human

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(TR 32)Q. What did she say the problems were in the marriage?

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(TR 33)A. When she first told me about the problem?

Q. Yes.

A. Well, when she first talked about the problem before her hospitalization, she was vague. I didn't press her for any additional information than she had given me.

Q. She was not drinking then, was she?

A. No, I was not aware that she had any kind of a drinking problem when she first approached the subject of her marital difficulties with me, before her hospitalization.

Q. She just said she had domestic difficulties, but she didn't say what they were?

A. That is correct, she didn't say exactly what they were.

Q. Well, I'll ask it to you in a different way. Did she say that Mr. Jones was preoccupied with pornographic literature?

A. No, she did not.

Q. Did you ever hear that?

A. Yes, I did.

Q. When did you hear that?

A. She had said that to me after her hospitalization

and after she began to say a lot of things condemning her husband for a variety of things.

Q After both hospital stays for the first time?

A When I was encouraging Harriet to think positively, which I was particularly doing during her first hospitalization, she made very few accusations about Brother of any kind. She said she felt that he was concerned about his own age and his own manhood, and this sort of thing.

Q And this is what she said when she first talked to you?

A When she talked to me in the hospital, which would be not the very first time but very close to the first time.

Q Very close to the beginning?

A Right.

Q And didn't she say also he had been observed reading sex magazines within manuals that he was pretending to be reading, seen at his office, particularly?

A I don't think she said that to me that early.

Q When did she say that to you?

A I think this was more the kind of comment she made when she was drunk.

Q Are you any more fond of one party than the other, Mr. Reister?

A Now? Then? When?

1 Q Now.

2 A I certainly know more of Brother's anguish and
3 torment than hers in recent months.

4 Q You know more of it or you can appreciate it
5 more?

6 A I know more of it, and, therefore, I can
7 appreciate it more. I have not been in communication with
8 Harriet for over a year.

9 Q So, in effect you feel that you lost patience
10 with her because she has decided not to come to you any more,
11 is that right?

12 A No, I don't think so.

13 Q Why would you then give her, as you said, less
14 support? Isn't that a part of your Christian duty, to support
15 people in their difficulty?

16 A Not when you determine that they are destroying
17 themselves.

18 Q So, you gave up on her, is that correct?

19 A I could not assist her to destroy herself and
20 her marriage.

21 Q You thought by helping her you were assisting
22 her to destroy her marriage?

23 A By Christian duty, which was your phrase, not
24 mine, I felt there was a certain point in which I had to
25 tell her that she was wrong; that she was trying to punish her

husband instead of trying to really reach out and save her marriage. There are several phases of this counseling period.

Q Why didn't you continue with your counseling? Why did you give up on her?

A I think it was more Harriet giving up on me. Harriet has a dynamic way where she drops people that don't agree with her.

Q I thought you said you gave her less support than you did, did you not?

A Support in terms of agreeing with her when she was drunk and in real error about her situation? You are right. I could not support her in her own self-destruct pattern.

Q You mean you could not agree with the drinking?

A No, I think it is far more involved than that. I couldn't agree with her desire to punish her husband.

Q I see.

A A tremendous pathological, paranoid desire to punish her husband.

Q Instead of helping her over that, you washed your hands of her, did you?

A No, I did not.

Q What did you do otherwise?

A I maintained my relationship with Harriet as long as she made it clear that is what she wanted. And after

that period, she, well, it boils down to this: When I ceased to agree with Harriet and support her in the position that she had taken, she dropped me.

Q I see. Now, a minute ago when I spoke of your Christian duty, I heard you say this was my phrase, "Christian duty". Are you a Christian?

A Certainly.

Q You do believe in helping people up when they are down and have difficulties?

A That is what I am trained to do.

Q Now, at this time, didn't Mrs. Jones tell you also that she was afraid that her husband was seeing other women; that he was taking trips and that he had traveler's checks in his wallet, and this kind of thing?

A (Pause)

Q How is that so difficult for you to remember, Mr. Reister, when you remembered so quickly how many times you had seen her drunk?

A I am trying to remember who said what about the traveler's checks. I don't recall Harriet talking to me about traveler's checks at all.

Q Do you remember her ever saying anything about he and other women?

A Oh, yes.

Q When was this said, that was my question.

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1 A Before her--

2 Q Before the first hospitalization.

3 A Well, I have seen Harriet drinking many times
4 over the entire time that I have known her, but I have not
5 thought that she had a serious drinking problem until, you
6 know, it occurred to me after this.

7 Q Her drinking was like a lot of other people's.
8 It was normal social drinking, what you observed, up to that
9 time?

10 A Yes. Many of my members in the Ashland church
11 drank, and I didn't think that Harriet had an enormous drinking
12 problem until her hospitalization.

13 Q In fact, you didn't think she had any more
14 propensity to drinking than any of your other parishioners
15 who drink, did you?

16 A Well, among my members who drank, Harriet was
17 among those who did and who drank a lot. Whether this was a
18 problem, no, I didn't think it was a problem.

19 Q Do you drink?

20 A Occasionally.

21 Q Socially?

22 A Occasionally.

23 Q How many drinks will you have when you drink?

24 A Maybe two, maybe three.

25 Q Three drinks of whisky?

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MR. TAYLOR: Well, let the record show that I object to further questioning along this line, because Reverend Reister is not on trial and it is not relevant to Mrs. Jones' intoxication, which he has testified to on direct examination.

MR. BLANTON: He has given his opinion many times as though he were an expert, and I think it is relevant that we determine how much three drinks means to him.

Q Mr. Reister, do you know how many drinks Mrs. Jones would have when you would see her, as you say, drunk?

A No. She was usually drunk before I arrived.

Q Is it your thought in your dealing with alcohol that on occasions people can be intoxicated or affected by alcohol with as little as three drinks? Quite a bit of it is determined by their emotional state at the time, isn't it?

A Not to the extent that Harriet was drinking.

Q So, she had more than three drinks when you saw her?

A Yes.

Q Was she on any medication?

A Harriet didn't discuss what kind of medication she was taking.

Q So, you can just answer the question yes or no, or you don't know.

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Q And she was very anxious at that time to preserve her marriage, wasn't she?

A And appreciated the support I gave her at that time, because I at that time didn't see any reason why she couldn't.

Q And she was also at this time admitting at least in part that she could be at fault, wasn't she, and she was saying in effect, I want to change, I want to do what will make this marriage work?

A Looking back on this as fairly as I can, remembering that it has been almost two years, I do not recall her taking any responsibility for the problem at that time. I do recall her saying, "Brother ought to be here instead of me." But I will also say that while she was in the hospital, I never saw her under the influence of any alcohol, and I thought at the time she was trying hard to put her best foot forward.

Q Well, if the hospital records would show, the doctors' notes or the nurses' notes, that she was in effect taking some blame for this and saying that she would be willing to mend her ways and try to make this work, would that refresh your memory?

A They saw her in a different context than I did.

Q You saw her in the context of making the marriage work, didn't you?

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1 the act of pouring the drink, I don't recall her ever doing
2 that, whereas I do recall her drinking.
3 Q As well as you recall you yourself drinking?
4 NOTE: The witness is nodding in the affirmative.
5 Q You also, in testifying as to her vindictiveness
6 that she made a statement to you that she didn't see how
7 Brother could do this to her after all these many years.
8 How many years had they been married at this time?
9 A Somewhere around twenty-five, I believe.
10 Q I think you said that that wasn't a very
11 rational statement. Would you explain that to the Court?
12 A When? At what point are you speaking of?
13 Q I am asking you to explain your statement that
14 her statement, how could he do this to me, was not a rational
15 statement.
16 A Well, she was speaking at that time under the
17 influence of alcohol, in slurred speech, incoherently, and
18 was obviously intoxicated, and that was not a well-termed
19 phrase by any stretch of the imagination.
20 Q But not the thought, not the wonderment how he
21 could do this after such a long marriage, you didn't think
22 that was a strange thought, did you? Isn't that an under-
23 standable statement for a woman who had been married twenty-
24 five years?
25 A I don't really think so. In terms of had this

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Q Do you do a lot of counseling?

A Yes, I do.

Q Did you think that Mrs. Jones was a particularly dependent person upon her husband?

A Yes.

Q Did you think that she felt insecure at this time?

A Yes.

Q Did this insecurity go to how were she and the two infant children going to make it financially and otherwise, without Mr. Jones?

A I don't recall Harriet ever discussing any aspect of her financial fears with me.

Q What did you deem her insecurity to be about?

A Harriet has an exaggerated approval need, as I have said, and Brother had been a very attentive type of husband, and it spoiled her a great deal, in terms of the way he treated her over the time that I knew them.

Q And he was changing this, was he not? He was not as attentive at this time, was he?

A He wasn't there.

Q So, he couldn't be attentive, could he?

A No. He had at that time been out of the house. He had left the home.

Q Was he attentive prior to leaving home?

******

1 A Oh, yes, I do. I was close to both of them,
2 and during the time when they were together, when he was
3 living at home, he was a very attentive husband. He was the
4 kind of husband who would light her cigarettes and run and
5 fetch this and that, and as far as the observations that any
6 outsider can make in terms of a marital situation, I would
7 surmise that he was unusually supportive. He spoiled her
8 very much and took very good care of her, and that was the
9 only impression I ever had until the day that she came to my
10 office when she was hospitalized, to give me an altogether
11 different point of view.
12 Q That is frequently the case, there are two
13 sides to a coin, aren't there?
14 A I don't follow exactly what you are saying at
15 this point, two sides to the coin.
16 Q Her views and his views.
17 A Right, of course.
18 Q You spoke of unusual syndrome. What is a
19 syndrome, sir?
20 A Condition, the behavior condition.
21 Q You thought hers was unusual?
22 A In terms of her need to punish her husband,
23 I felt on the second or third visit to her home after her
24 hospitalization that she had a pretty unusual behavior
25 characteristic.

Q. You haven't had any psychiatric training, have you?

A. Yes.

Q. Psychiatric or courses in psychology? You have no medical training, have you?

A. I was in the Department of Patient Counseling at Medical College of Virginia, as I have already testified.

Q. But not in a medical school, not in a medical program?

A. Yes, it was a part of the curriculum at the Medical College of Virginia.

Q. But you were not striving for a medical degree, you were not striving to be a psychiatrist at any point of your life?

A. Certainly not. However, I am a pastoral counselor.

Q. During the times of her hospitalization, you said you began then to see Mr. Jones frequently?

A. During the time of her hospitalization?

Q. Yes, sir.

A. During the time of her hospitalization, I do not believe I saw one more frequently than the other.

Q. That wasn't my question I asked you. It was, if you saw Mr. Jones frequently.

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A That is true.

Q And built it up from some ten or so to sixty or so?

A That is a pretty big organization. A lot of people had a part in that building up, but Harriet had a major part, particularly in the establishment of the school.

Q I think you said she was involved in other activities in the church, isn't that right?

A Yes, I did.

Q She was a good, diligent church worker, wasn't she?

A Diligent is a curious word. Harriet was an active member of the church. She was a full participant in a lot of things that went on in the church. She was the Church Clerk. If you really want to get down to diligence, that is another issue.

Q Well, maybe we will say a hard worker?

A Yes. Harriet was the Church Clerk, and although that was more a title than a job, certainly I have nothing but praise for Harriet's involvement in Kiddie Kingdom. What I am trying to tell you, is, as far as her commitment to the church itself, that would be one story, but her commitment to Kiddie Kingdom was another. She was a dedicated, valuable leader in Kiddie Kingdom.

Q Which was a big activity in your church at this

time?

A Which was probably in the long run the best thing the church ever did.

Q Would you say she is a good Christian woman?

A I have never been in a position where I had to classify anybody as a good Christian woman or a good Christian man, and I am not about to do that right now.

Q So, you tell the Court that you can't say what a Christian is?

A No, I wouldn't say I couldn't define the term.

Q Well, do so, if you will, please.

A If you want to define the term in terms of Harriet's theological impressions of God, whether or not she was a believer, certainly she was a believer. If you want to speak of her being diligent, hard-working, in terms of the affairs of the church, she was not. But she was very diligent and hard-working involving the day care center, and in there, I certainly have nothing but the highest respect for the kind of efforts she made, particularly in the first year that school started from the scratch.

Q Isn't she a human being like you and I, who makes mistakes as she goes along?

A Absolutely.

Q And actually the only thing that you know yourself that is detrimental to her is that you have seen her

1 drunk on occasions, and that she, to you, appeared vindictive
2 to her husband for his spurning her. This is what your testi-
3 mony is directed at today, isn't it, her excessive drinking,
4 according to you?
5 A I think that reduces it. I think my testimony
6 has indicated that the drinking is a symptom of something
7 larger, but certainly that is the most tangible thing I have
8 said.
9 Q This larger aspect would go to her not being
10 able to accept his spurning of her?
11 A The larger aspect of what I have been attempting
12 to say is that she has evidenced in my view a pretty terrific
13 need to punish her husband, and that while her drinking has
14 certainly contributed to the collapse of the marriage, I am
15 not convinced that her need to punish him would not have
16 collapsed the marriage without the drinking. I just don't know.
17 That is a judgment no one can make, but I think that is a
18 possibility.
19 Q Did she ever tell you how she proposed to
20 punish him?
21 A No. No.
22 Q Did she use the words, I am going to punish
23 him, or what did she say?
24 A No. No.
25 Q Well, it was a subtle thing, wasn't it?

1 A Yes. Yes, it was. It was a need expressed
2 to seek revenge.
3 Q How did that come through to you, sir?
4 A In various comments she would make, sentences
5 that she would phrase.
6 Q What, for instance?
7 A I can't recall them exactly.
8 Q You just had an opinion, a feeling that she was
9 not going to forgive and forget?
10 A She made that pretty clear that she both wanted
11 him back and wanted to destroy him. It was a curious combina-
12 tion of two unmixables.
13 Q I think you should be able to tell the Court
14 how she conveyed to you she wanted to destroy him. What was
15 she going to do to destroy him?
16 A Well, she wasn't specific in terms of some kind
17 of a plot, but it was, when he does come back I am going to
18 insist that he do this or not do that.
19 Q Stop reading the pornographic material, you
20 mean?
21 A No, she didn't refer to the pornographic material
22 at that point.
23 Q What did she say? He will have to walk the
24 line or behave himself? What was she saying?
25 A I don't recall exactly what it was.

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DR. MILTON DAVID FRIEDENBERG, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Dr. Friedenberg, tell the Court your full name, please.

A Milton David Friedenberg.

Q What is your address?

A My office address is 1805 Monument Avenue.

Q What is your profession?

A I am a psychiatrist.

Q What are your qualifications to practice psychiatry?

A I graduated from medical school at the Medical College--

MR. BLANTON: Excuse me. I would stipulate his expertise.

DR. FRIEDENBERG: Thank you, sir.

MR. TAYLOR: All right.

Q Dr. Friedenberg, did you have an occasion to see either Harriet Jones or Walter Jones in your professional capacity?

1 A Yes, I did.
2 Q When did you first see them and what was the
3 nature of the visit?
4 A May I refer to some notes that I have with me?
5 Q Yes, sure.
6 A I saw Mr. and Mrs. Jones together on July 14,
7 1971, and this was because of some problems in the marriage;
8 some difficulties that they were having in their relationships.
9 Q Was that the first time that you saw them?
10 A That was the first contact I had with them,
11 yes.
12 Q How did they come to see you?
13 A They must have been referred by someone, but
14 I don't remember who referred them at the time.
15 Q What was the nature of your first session with
16 them on July 14, '71?
17 A It was a discussion of the problems that they
18 were having in their relationship.
19 Q What did they say their problems were?
20 A Well, Mrs. Jones felt that Mr. Jones had been
21 under a great deal of strain, had had what was called "nervous
22 exhaustion", and she felt that there had been some behavior
23 changes with some periods of depression.
24 Q And what did Mr. Jones say?
25 A Mr. Jones stated that he had come really

1 primarily to pacify Mrs. Jones, and felt that there were times
2 when she would become irrational, and really felt that the only
3 way she would come would be if he came with her.
4 Q Did Mr. Jones complain of excessive drinking on
5 the part of Mrs. Jones?
6 A The notes I have here indicate that at that
7 time he felt if she had even two drinks he could tell the
8 difference in her voice; that she would repeat things and
9 be forgetful. I don't recall at that time any mention
10 specifically of excessive drinking.
11 Q Was the first visit primarily a fact-finding
12 session and help-giving session?
13 A Really just to assess why they were there.
14 Q And when you saw them on other occasions, would
15 you tell the Court when and what the nature of the sessions
16 were?
17 A All right. I saw Mr. Jones alone on July 20th,
18 and at that time he indicated that he was in to see me mainly
19 to have Mrs. Jones come, felt that he did not need any particu-
20 lar care for himself, and it was my plan at that time to see
21 her alone after that and then see both of them together.
22 Then, I saw Mrs. Jones on July 27, 1971. She
23 felt at that time that the relationships were better; that
24 Mr. Jones was paying more attention to her and was more like
25 himself, and she stated that while she was depressed, alcohol

would affect her more severely than it normally would, but that it was no problem at that time.

On August 5, 1971, I saw Mr. and Mrs. Jones together. They both admitted to me that they were rather stubborn but would try to be less so. They seemed to be more comfortable with each other. The relationship seemed to be better, and I think the three of us decided at that time that we would not make any further appointments unless something particular came up.

Do you want me to go on with the visits?

Q Yes, sir. Did you have an occasion to see them after August 5, '71?

A Yes, I did.

Q And when did you see them?

A I saw Mrs. Jones on September 7, 1971, and she was upset at that time because of what she described as some of her husband's behavior.

Then, I saw Mr. Jones on September 24th, and at that time he told me that Mrs. Jones had been upset with him, and he felt that he needed to discuss the situation with me. He did indicate that Mrs. Jones had been depressed over the sudden death of her older brother, and at that time I felt that both Mr. and Mrs. Jones should be seeing someone, and that I would like to make a referral of one of them to someone else -- have me see one and someone else see one -- and

1 I suggested Dr. George Brooks as the other psychiatrist to see
2 one of them. It turned out that I referred Mrs. Jones to Dr.
3 Brooks.
4 I saw Mr. Jones on October 12, 1971. At that
5 time he said that Mrs. Jones had been drinking but that he had
6 not, and I was really not sure of the accuracy of either story,
7 really.
8 On October 19, 1971, I saw Mr. Jones, and he
9 appeared to be doing all right, did not seem particularly
10 depressed at that time, and we had a discussion of how he
11 should behave toward Mrs. Jones.
12 On October 27, 1971, I saw Mr. Jones. He was
13 concerned about Mrs. Jones and told me that she had said some
14 irrational things while she was not drinking, and she had
15 become very angry with him the night before he came to see me.
16 On November 4, 1971, I saw Mr. Jones. At that
17 time I felt that he was depressed, and started him on some
18 medication for the depression.
19 On November 10, 1971, I saw Mr. Jones. He told
20 me that the situation between him and his wife was worse, and
21 he thought that she was drinking, and he was considering
22 leaving and going to a motel at that time. I made a note that
23 I would talk to Dr. Brooks about referring both Mr. and Mrs.
24 Jones for family therapy, to be seen together by a family
25 therapist.

1 I saw Mr. Jones on November 15, 1971. He
2 did not feel that he needed medication, and he did not seem
3 particularly different on the medication, so I felt that
4 there was no need to continue it. He was at a motel at that
5 time. He felt that Mrs. Jones was continuing to drink, and
6 she was to see Dr. Brooks the following day.
7 On November 22, 1971, I saw Mr. Jones, and he
8 did not feel at that time that he should go back home.
9 On December 10, 1971, I saw Mrs. Jones. At
10 that time she was hospitalized at St. Mary's, and I saw her
11 in consultation at the request of Dr. Brooks, and I agreed
12 with Dr. Brooks' diagnosis of adjustment reaction of adult
13 life, and she appeared quite alert, cooperative, and seemed
14 to have understanding of her behavior at home, and expressed
15 her hope that the marriage could continue and wanted to work
16 towards that.
17 I saw Mr. Jones on December 22, 1971. He felt
18 that Mrs. Jones was suspicious of him, and felt that she was
19 making some contradictory statements, and I again recommended
20 family therapy for both of them, and I have not seen either
21 one since that time.
22 MR. BLANTON: Excuse me, what was that last date,
23 Doctor?
24 DR. FRIEDENBERG: December 22, 1971.
25 Q Dr. Friedenberg, did you form any opinions as to

these parties during this period of time that you saw them, what seemed to be the problem in a nutshell, if you can say so?

A Well, I am not sure that I can put it in a nutshell, but there did seem problems in communication. They seemed unable to work out a compatible relationship for much of the time that I was seeing them. For some of that time, apparently things did go better and they were more comfortable, but they just did not seem to be able to work together towards making a good relationship in the marriage. That's why I recommended family therapy.

Q Was one of Mr. Jones' main complaints about Mrs. Jones her excessive drinking?

A That did come up several times. Now, I never observed Mrs. Jones drink, I never saw her when I thought she had been drinking.

Q Did Mrs. Jones make a statement to you in the hospital in December of 1971 concerning her use of alcohol?

A She did. You have it in the consultation note.

Q What did she say to you in the hospital?

A She indicated that at times she had been depressed enough to perhaps use alcohol injudiciously.

Q In other words, she admitted that she at times used alcohol injudiciously?

A According to my notes she did, but I have no

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1 or advance to her for long periods of time.

2 Q Along this line, did she say anything to you

3 about his reading of pornographic material?

4 A She mentioned that to me, that there was some

5 material that she considered pornographic. I really don't

6 know the details of what the materials were.

7 Q Did she tell you what she thought his habit

8 was as to when and how he read this?

9 A I think she felt that the material was at his

10 office, primarily.

11 Q Did she say that he would try to obscure this

12 within a trade journal as he sat at his desk?

13 A Now, that I don't recall.

14 Q Did she say that she was concerned because of

15 his abstinence with her sexually, that he was involved with

16 another woman?

17 A I don't recall her considering that as the

18 reasons. Now, there was a time when she became upset because

19 he had lunch with a younger woman, but I don't know that there

20 was any reference to sex.

21 Q Do you know who the woman was?

22 A No, I do not.

23 Q At this time, was she concerned about excessive

24 spending on his part?

25 A She felt that he was not handling money properly,

1 and that he might be spending money excessively.
2 Q Did she say anything about him carrying excessive
3 money in his wallet, traveler's checks?
4 A Yes, she told me on one occasion that she had
5 found $200.00 in traveler's checks in his wallet.
6 Q Would generally this be what she was talking
7 about when she said he had changed his behavior?
8 A That was my impression.
9 Q I think you testified, maybe, on September 24,
10 1971, you saw him, and at that time he, Mr. Jones, said that
11 Mrs. Jones was upset. Did he say about what?
12 A I can refer to my notes and see. September
13 24th?
14 Q Yes, sir.
15 A He stated that she told him that three people
16 had called her to say that he was showing behavior unbecoming
17 a married man, but later she admitted that she had fabricated
18 that story, but tried to justify it, and she was upset because
19 he had had a drink at a friend's home instead of being at home
20 with her. That is all I have here, as to why she was upset.
21 Q I think on October 12th, you said that Mr. Jones
22 said that she was drinking, but that he was not drinking?
23 A Right.
24 Q Did this indicate to you that he was trying to
25 abstain from drinking during this period, or that he had any

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1 A He indicated to me that he was.

2 Q By saying that, or you could determine this

3 from what he did say?

4 A Well, I think he said that, and he did seem

5 concerned about Mrs. Jones, but I was not sure how much he

6 really wanted the marriage to work. One of the reasons I

7 suggested the family therapy was because I felt this might

8 be a better way to make the marriage work.

9 Q I believe I heard you say that you felt Mrs.

10 Jones was suffering from a lack of being able to adjust, I

11 believe?

12 A Adjustment reaction.

13 Q To adult life?

14 A Yes.

15 Q Did you feel Mr. Jones likewise was having

16 difficulty with that?

17 A I didn't make a definite diagnosis in those

18 terms, but I did feel that this was a reaction to his situa-

19 tion. You could call it an adjustment reaction.

20 Q If one were actually reading this type of

21 literature in the business context which Mr. Jones was in,

22 and family context he was in, and if one was spending exces-

23 sive moneys and if this person would be seeing other women

24 clandestinely, would you say this was a manifestation of an

25 adjustment of adult life?

A Not necessarily.

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DR. GEORGE K. BROOKS, JR., a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Dr. Brooks, would you tell the Court, please, your name?

A George K. Brooks, Jr.

Q What is your address?

A Home address?

Q Business address.

A 5700 Old Richmond Road.

Q What is your profession?

A Medicine; practice of medicine.

Q How long have you been practicing medicine?

A I graduated in 1942, and I guess you would say I have been practicing since.

MR. TAYLOR: Do you also stipulate Dr. Brooks' qualifications as a psychiatrist?

MR. BLANTON: As an expert witness.

MR. TAYLOR: Well, as a psychiatrist?

MR. BLANTON: Are you going to put him on for expert testimony?

MR. TAYLOR: That is my choice to make.

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(TR 89)A. I saw no evidence of intoxication during my forty-odd visits with Mrs. Jones.

Q. And those visits would be in your office, I take it?

A. Office and hospital.

Q. Did Mr. Jones complain to you of her excessive drinking on the two visits that he had with you in November and December?

A. Yes, he did.

Q. What were his statements to you?

A. That she drank too much.

Q. Did you find that Mrs. Jones would minimize her alchohol consumption?

A. I suppose that would be an appropriate word.

MR. BLANTON: I did not hear the question.

MR. TAYLOR: Did he find that Mrs. Jones tended to minimize her alchohol consumption.

Q. And your answer to that was?

A. That I suppose minimize would be an appropriate term to use.

Q. Why do you select the term "minimize"?

A. Well, she did not think that she drank too much, Mr. Jones said that she did. So I would say that that maybe an

1 appropriate word. I cannot say for sure.
2 Q In the discharge summary I have, signed by
3 you, on December 24, 1971, you stated: "It would appear that
4 at times she does drink to excess."
5 A That was from Mr. Jones' history.
6 Q I see. You did not base that on anything that
7 you had observed yourself?
8 A Nope.
9 Q You diagnosed Mrs. Brooks as having an adjustment
10 reaction of adult life, did you not?
11 A Not Mrs. Brooks, Mrs. Jones.
12 Q I am sorry, I mean Mrs. Jones. You did?
13 A Yes.
14 Q What does that mean, Dr. Brooks?
15 A Well, a woman having problems due to marked
16 stress.
17 Q Does that include a diagnosis of paranoia or
18 schizophrenia, or anything like that?
19 A It could conceivably. It did not in this
20 particular case.
21 Q What was the stress that you observed, if any,
22 in order to reach that diagnosis?
23 A Well, she gave the appearance of being pretty
24 upset by Mr. Jones' reported lack of interest in her as a
25 wife.

1 Q Were you aware that Mr. Jones was seeing Dr.
2 Friedenberg during this period of time?
3 A I am not aware of precisely when he did see Dr.
4 Friedenberg. I knew that he had seen Dr. Friedenberg, and I
5 believe Mrs. Jones talked to Dr. Friedenberg, also.
6 Q Did you find it necessary to put Mrs. Jones in
7 the hospital in October of 1971?
8 A Well, I did put her in the hospital, yes.
9 Q And for what reason did you put her in the
10 hospital?
11 A Because she was upset.
12 Q Was that the only reason you put her in?
13 A Well, she was somewhat depressed about the
14 deterioration of her marital relationship.
15 Q Well, do you put all of your patients into the
16 hospital when they are depressed and upset?
17 A When they get depressed enough, yes.
18 Q In other words, she had reached a degree of
19 depression?
20 A She was pretty unhappy.
21 Q How many of the patients do you find that you
22 see in this kind of a situation that it becomes necessary
23 in a state of depression to place them in the hospital?
24 A Is that a matter of fact now or a matter of
25 opinion?

Q A matter of fact.

A Would you state the question again, then, if this is a matter of fact?

Q Well, I gather from your testimony that she had reached a rather acute state of depression.

A She was depressed, no question about that, weeping and crying.

Q I mean frequently we all get depressed over things. I am sure you get depressed at times, I get depressed at times.

A Well, I can't speak for you, of course.

Q We all get depressed at times, don't we, to some extent, over various things in life?

A Maybe you would like to define your use of the word "depressed". Do you mean melancholy?

Q Well, how do you define depression, because I may not have a correct understanding.

A Well, in response to Mrs. Jones, which is what I am using, she was sad, unhappy, crying, weeping, upset. I do not remember that she was suicidal, but sometimes people who are depressed get suicidal.

Q And it was for that reason, primarily, that you put her in the hospital in October of '71?

A Yes.

Q Now, was it for the same reason that you put her

into the hospital again in December of 1971?

A. Because she was depressed, yes.

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(TR 94)Q. So, there is a notation in the hospital record that refreshed your memory that she was drinking on the day of her admission to the hospital?

A. That is what the nurse's note indicates.

Q. Doesn't the nurse's note also indicate that she had a slurred speech and repeated herself in conversation, and appeared to have been drinking?

A. That is what I said, I think.

Q. Yes, sir. But the nursing note --

MR. BLANTON: Just a minute now. I object to this line of questioning. The doctor is your witness, Mr. Taylor, and you can't impeach your own witness.

MR. TAYLOR: I am not impeaching him, I am just refreshing him.

MR. BLANTON: The effect of it is that if he does not answer the way you want him to, you are stuck with his answer. I object to your impeaching your own witness.

Q. The nursing note you are referring to, I take it, is the one on December 5th, is it not?

A. "Husband said she had been drinking." Let's see. "Slurred speech, repeated herself, appeared to have been drinking."

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(TR 98)Q. In March of 1972, was she on medication?

A. I believe so.

Q. And would that be Valium and Elavil:

A. I would think so. Those would be the ones that I continued, had her on.

Q. Do you recommend that a patient drink alchoholic beverages while taking that medication?

A. That depends on how much they drink. With one or two drinks I don't think it would make much difference.

Q. If you have more than one or two drinks?

A. It might make some difference.

Q. What difference might it make?

A. You become more easily intoxicated sometimes.

Q. You become intoxicated quicker, can't you?

A. I said more easily. If you prefer more quickly--

Q. Intoxicated on less consumption of alchohol?

A. That is said to happen. I have never seen it happen with these particular drugs, but I am always concerned that it may happen with drugs of this class.

Q. Do you advise your patients not to drink alchohol to any excess if they are taking this kind of medication?

A. Yes.

Q. Did you advise Mrs. Jones not to drink to excess.

A. Yes.

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1 saying it. She also said that -- now I can't remember whether
2 this was the first visit or from later visits -- she also
3 said that he was involved in reading obscene literature; that
4 he was taking some other girl out to lunch, and later, it seems
5 to me, she told me that he had separate bank accounts she had
6 learned of inadvertently, that did not include her as to be
7 able to write checks on.
8 Q Did she say anything about excessive spending
9 on his part?
10 A She thought he was spending excessively,
11 really depriving her and the children of some of the things
12 that were needed. But I did not pursue this particular line
13 of questioning with her.
14 Q Did she say anything to you at this time about
15 a change of pattern on his part about the amount of money he
16 carried around with him?
17 A I don't remember that.
18 Q Did she ever tell you that he had told her he
19 didn't love her?
20 A He told her somewhere along the line, I cannot
21 place it exactly, that he thought the marriage was impossible,
22 and that she could no longer rely on him, and that she would
23 have to fend for herself so to speak.
24 Q Did you ever treat Mrs. Jones for excessive
25 use of alcohol?

A. No, and I must comment here, the nursing note did indicate slurred speech. I did not see her until the morning, the next day after admission, and she showed no signs of alchoholism at that time.

Q. When you last saw her, did you find her adjusted to the marital situation, such as it was?

A. No.

Q. Did you find her better able to cope with it?

A. As I recall, she was pretty upset about things, but she seemed to feel at that time that divorce was inevitable.

MR. BLANTON: I have no further questions.

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MARY RUTH LITTLE, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q. Would you tell the Court your name, please?

A. Mary Ruth Little.

Q. Your address?

A. 7102 Coachman Lane, Richmond.

Q. Where are you employed?

A. St. Mary's Hospital.

Q. What is your capacity there?

A. I am an Associate Director of Medical Records.

Q. In that capacity, are you familiar with patients' records?

A. Yes, I am.

Q. Are you in charge of keeping the records, and also are you knowledgeable of how to read records?

A. Yes, I am.

Q. Are you a Medical Records Librarian as such?

A. Yes, I am.

Q. And you are trained in that capacity?

A. Right.

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(TR 108)Q. Are they the records of St. Mary's Hospital?

A. Yes, they are.

Q. For Harriet Jones?

A. Yes.

Q. What is the admission date?

A. 12-5-71.

Q. And what is the discharge date?

A. 12-24-71.

Q. Now, I am going to call your attention to various Nurse' Notes and notations made on the records, and I call your attention first of all to the December 5th date, to the Nurse' Notes in the record. What time does it indicate in

1 the Nurses' Notes that Mrs. Jones was admitted to the
2 hospital?
3 A Well, it is on the front sheet, at 10:00 o'clock
4 P.M.
5 Q On what date?
6 A 12-5-71.
7 Q And is that Nurses' Note made at 10:25 P.M.
8 on December 5, 1971?
9 A Yes.
10 Q What does the Nurses' Note read?
11 A "Forty-four year female admitted to Room 748,
12 accompanied by husband. Blood pressure 120/80, temperature
13 98, pulse 100, respiration 24, states no known allergies,
14 no special diets, appeared depressed. Husband stated she
15 had been drinking. Patient was very cooperative."
16 Q Is there a note made on the 4:00 to 12:00 shift
17 on December 5th?
18 A Yes.
19 Q What does the note on the record say on that
20 shift?
21 A "Talked with patient at length. Fairly hostile
22 about being here. Slurred speech and repeated herself in
23 conversation. Appeared to have been drinking. Stated she
24 and her husband had been separated recently but he still
25 comes to the house any time he wants, and she prefers a total

1 and legal separation to this. Also stated she feels he should
2 be hospitalized instead of her."
3 Q Did you start reading right here? (Indicating)
4 A Right here and then here.
5 MR. BLANTON: I also object to this line of
6 testimony on the basis that it is leading, counsel
7 for Mr. Jones is pointing to particular parts in the
8 record for his witness to read from, and that is by
9 way of leading her to particular points he wants. I
10 think it is highly improper. Also, I further object
11 to it again on the basis that all this does is build
12 up the record and subjects the parties to possible
13 payment for surplusage.
14 Q On December 7, 1971, on the 8:00 to 4:00 shift,
15 would you read the Nurses' Note?
16 A "Patient talked about being impatient and
17 impulsive, and that otherwise she wouldn't be here. When
18 questioned about how you go about making a rational decision
19 she was unable to answer. Says she is here because her husband
20 said he would come back home and be home when I get there.
21 Nursing history obtained. Patient stayed in her room the
22 rest of the day, reading."
23 Q Would you read the Nurses' Note on the 4:00 to
24 12:00 shift on the same date, December 7th?
25 A "Played bridge most of P.M. Husband visited

1 this afternoon and they talked. A little concerned tonight
2 about the impression the staff had of her when she was
3 admitted as she was intoxicated."
4 Q On December 9th, there is a Nursing Note on the
5 8:00 to 4:00 shift. Would you read that?
6 A "Patient talked about her past stay here and
7 how everything was going wrong at home while she was out.
8 She said she returned to the hospital because her husband
9 promised to come back home if she did this. Now states she
10 is working on understanding herself so she won't make the
11 same mistakes as before. She said she had gotten snappy
12 and crabby and was concentrating on her children and not
13 on her relationship with her husband. She feels this
14 hospitalization is profitable because her husband is showing
15 more interest, has more loving and their relationship is
16 better than it has been in months."
17 Q Would you read the Nursing Note on December 11th
18 on the 4:00 to 12:00 shift?
19 A "Returned from pass accompanied by husband
20 and daughter. Stated she had an enjoyable time and feels
21 that things between husband and self are beginning to look
22 better. Talked about her last visit and all of the hostility
23 she held within herself during her stay and after she left.
24 Appeared in good spirits."
25 Q Would you read the Nursing Note on December 12th,

1 on the 4:00 to 12:00 shift?

2 A "Appeared in good spirits. Husband, sister,
3 daughter and brother-in-law visited. Played cards and ping-
4 pong. Stated she feels as if she is just recovering from an
5 operation. Said hands had been soaked from perspiration.
6 Offered no complaints."

7 Q Would you read the Nursing Note on December 14th,
8 on the 8:00 to 4:00 shift?

9 A "Patient had to be awakened at 8:10 A.M. She
10 blamed this on the football game she watched last night. In
11 family group she said that in order to make her marriage work
12 she would have to submit to her husband's wishes. She feels
13 he will want her to take 90 per cent of the blame for this
14 problem and while he only takes 10 per cent of the blame.
15 She says she is willing to do this no matter how she really
16 feels. Went shopping this afternoon."

17 Q Would you take a review through the Nurses'
18 Notes, beginning on December 5th and ending on December 24,
19 1971, and tell the Court the number of times it is indicated
20 in the record that Mr. Jones visited Mrs. Jones, and refer
21 to the date.

22 A Right. 12-5-71, "Patient was admitted and
23 accompanied by husband." On 12-7--

24 Q What does the note indicate?

25 A Husband visited this afternoon and they talked.

1 Here is a note that says, "Family visited in P.M., and patient
2 out with family for a few hours."
3 Q What is that date?
4 A That is on 12-11, and then also on 12-11, "Patient
5 returned from pass accompanied by husband and daughter." 12-12,
6 "Husband, sister, daughter and brother-in-law visited." On
7 12-18, there is a note that "Patient left with husband about
8 2:30 P.M." On 12-23, "Friends and husband visited." And that
9 is all.
10 Q All right. I call your attention now to the
11 record for the hospitalization beginning October 28, 1971,
12 and ask you to identify that record.
13 A Yes, it is the record.
14 Q When was Mrs. Jones admitted to St. Mary's in
15 October of 1971?
16 A She was admitted on the 28th, discharged 11-5-71.
17 Q Would you read the Nursing Note on October 28th,
18 on the 4:00 to 12:00 shift?
19 A "Forty-four-year-old female admitted to unit
20 with diagnosis depression, accompanied by husband. She
21 stated she did not want to see the unit tonight. Blood
22 pressure 128/88. Pulse 100, respiration 20, temperature 99.
23 No" -- I don't know what that word is.
24 Q That is all right. If you don't know, just
25 read what you can.

1 A "No" -- something -- "or medications. Allergic
2 to sulfur drugs. Husband concerned and stated he would inquire
3 later about visiting privileges. Patient went to bed."
4 Q Would you indicate by your testimony what
5 visitations were made by the husband to Mrs. Jones during
6 that period of hospitalization, if the notes so indicate?
7 A Okay. The first would be on the 28th, when
8 she was admitted. On the 29th, it indicates "Family visited."
9 On October 30th, "Husband visited." That's all.
10 MR. TAYLOR: All right. Answer Mr. Blanton's
11 questions.
12
13 CROSS-EXAMINATION
14 BY MR. BLANTON:
15 Q Miss Little, you identified yourself as Social
16 Director of Medical Records. By this, are you a nurse, also?
17 A No, sir.
18 Q Have you and Mr. Taylor discussed your testi-
19 mony prior to today?
20 A No, sir.
21 Q Do you know Mrs. Jones?
22 A No, sir.
23 Q Have you ever seen her before?
24 A I don't think so.
25 Q So, you didn't participate in her convalescence

in any way?

A No.

Q Do you know the nurses who wrote the notes you read from?

A I know Mrs. Redford. She is the only one in this one. (Indicating)

Q How many did you read from, how many different ones?

A One.

Q She was the only one?

A Yes.

Q Is she still at the hospital?

A As far as I know. I know her when I see her.

Q Would you know how many you know from these records of this other stay?

A I will look at it. I don't know any of these.

Q How many are they?

A Do you mean how many different people?

Q Yes. Four, five?

A Well--

Q Do you know whether they are still at the hospital?

A I really don't know. I don't recognize any of the names.

Q All right. Now refer, if you will, to the

1 second sheet of that group of records. It is a blue sheet
2 down in the front. Do you see two pencil marks in the margin
3 on the right?
4 A Yes.
5 Q Who made that report?
6 A This was dictated by Dr. George Brooks.
7 Q Read the sentence wherein that mark is contained
8 at those two places, if you will.
9 A "Her husband seems to have some type of
10 emotional difficulties also, and they have, as noted, had
11 marital problems."
12 "She was seen in psychiatric consultation by
13 Dr. Milton Friedenberg who agreed with the undersigned's
14 evaluation. She and her husband seemed to resolve matters
15 some, and she certainly has settled down and depression has
16 cleared."
17 Q Let me see. What you have done is simply
18 read from the record. You know nothing about these records
19 as such?
20 A No, sir, just read.
21 MR. BLANTON: All right. Thank you. I have no
22 further questions.
23 REDIRECT EXAMINATION
24 BY MR. TAYLOR:
25 Q Miss Little, the nurses at St. Mary's Hospital

1 come and go, don't they?
2 A Yes.
3 Q And you are familiar with the names of most of
4 the nurses, aren't you?
5 A Well, I am not really.
6 Q Are you familiar with what percentage of the
7 nurses of the hospital, by virtue of you reading records and
8 being familiar with the record--
9 A I would recognize a lot of names.
10 Q If these nurses were still at the hospital,
11 would you probably recognize their names?
12 A I couldn't say that I would, because I do not
13 know that many nurses on the seventh floor.
14 Q All right. All of these notes were made in the
15 regular course of business at St. Mary's Hospital, were they
16 not?
17 A Yes, they were.
18 Q Would you read what Dr. Brooks wrote in the file,
19 in the personal history, in the record for the admission on
20 December 5th, in the last paragraph?
21 A "Mental status examination following readmission
22 indicated a patient with the complaints as noted. She did
23 complain of depression and she had the appearance of some
24 depression. She is quite certain that her husband has lost
25 interest in her and she rather suspects 'a friend', and in

this area her thinking at times almost becomes paranoid. Orientation was intact."

MR. BLANTON: Are you going to introduce that in evidence now?

MR. TAYLOR: Yes, I will introduce the whole record.

MR. BLANTON: All right.

NOTE: The complete record is marked and filed as DEFENDANT'S EXHIBIT 1.

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EXCERPTS FROM DEFENDANT'S EXHIBIT NO. 1
(Medical Record)

(1) PERSONAL HISTORY: St. Mary's Hospital...Jones, Harriet Hale... "...She minimizes alchoholic consumption in general, although she did state that on the night of admission she was very upset emotionally and did take several drinks..."

"...She is quite certain that her husband has lost interest in her and she rather suspects 'a friend', and in this area her thinking at times almost becomes paranoid..."

"Initial Impression: Adjustment reaction of adult life.

/s/ George K. Brooks, Jr. M.D."

(2) REPORT OF CONSULTATION: St. Mary's Hospital...Jones, Harriet... "...but pt. voluntarily indicated that she had behaved in an irrational way on many occasions. She also states that she had used alchohol in an injudicial way and had used alchohol for relief from her severe depressive symptoms..."

"...She expresses hope that the marriage can continue & indicates that she will behave differently when she returns home. This, of course, remains to be seen.

EXCERPTS -- continued

Would agree with diagnosis of adjustment reaction of adult life.

/s/ M. Friedenberg, M.D.
Signature of Consultant "

(3) ST. MARY'S HOSPITAL, RICHMOND, VIRGINIA, MENTAL HEALTH NURSE'S NOTES, Harriet Jones...

"...12/5...4-12 talked c̄ pt. at length. Quickly hostile about being here. Slurred speech & repeated herself in conversation appeared to have been drinking. Stated she & her husband have been separated recently but he still comes to the house anytime he wants & she prefers a total (and legal) separation to this. Also stated she feels he should be hospitalized here instead of her..."

"12/7...8-4 Pt. talked about being impatient and impulsive and that otherwise she wouldn't be here. When questioned about how you go about making a rational decision, she was unable to answer. Says she is here because her 'husband said he would come back home and be home when I get there'..."

EXCERPTS -- continued

"12/7...4-12...Husband visited this afternoon & they talked. A little concerned tonight about the impression the staff had of her when she was admitted as she was intoxicated..."

"12-8-71...8-4...Feels she has given her situation at home enough thought and that she has seen her mistakes and how to correct them. Feels she will never become completely non-impulsive..."

"12-9-71...8-4...She said she returned to the hospital because her husband promised to come back home if she did this. Now states she is working on understanding herself so she won't make the same mistakes as before. She said she had gotten snappy and crabby and was concentrating on her children and not on her relationship with her husband. She feels this hospitalization is profitable because her husband is showing more interest -- he's more 'loving' and their relationship is better than it's been in months..."

"12-10...4-12...Talked about relationship w/ husband & love letter she has written to him. Was overheard reading it to him on phone..."

EXCERPTS -- continued

"12-11...4-12...Returned from pass accompanied by husband & daughter. States she had an enjoyable time & feels that things between husband and self are beginning to look better. Talked about her last visit & all of the hostility she had within herself during her stay and after she left..."

"12-12...4-12...States she feels as if she is just recovering from an operation. Said hands has been soaked from perspiration..."

"12-14...8-4...In family group she said that in order to make her marriage work she will have to submit to her husband's wishes. She feels he will want her to take 90% of the blame for their problems while he only takes 10% of the blame. She says she is willing to do this no matter how she really feels..."

"12-16-71...8-4...States she is really working on her problems which she didn't do during her last hospitalization..."

"12-24-71...8-11...Discharged per amb. @ 11·$\frac{00}{A}$ accompanied by family..."

HILL C. RIDDLE, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Would you please state your name?

A Hill C. Riddle.

Q What is your address?

A 131 Beverley Road, Ashland.

Q What is your profession?

A Clergyman.

Q With which church?

A St. James The Less Episcopal Church.

Q How long have you been there?

A I have been there six years.

Q Do you know Mrs. Harriet Jones and Mr. Walter Jones?

A Yes.

Q And in what capacity have you come to know them?

A Socially as friends in the community. I have also served on the Kiddie Kingdom Board on which Harriet was Chairman.

Q Did Mrs. Jones come to see you during the latter part of 1972 concerning matrimonial problems?

A (Addressing Mrs. Jones) I can't remember if you came to see me. I remember talking to you. I went to your house once. You asked me to come by.

Q Do you remember her calling you to come by the house?

A Yes.

Q And that would be?

A That was the end of 1972, maybe early '73.

Q Do you recall the time of the day it was that she called you to come by?

A No, I don't.

Q What was her condition when you came by to see her?

A I felt she was highly upset.

Q What was her state of sobriety?

A I felt that she had had maybe a couple of drinks, but certainly control of her faculties.

Q Have you ever seen Mrs. Jones in a state of intoxication?

A Can you define "state of intoxication"?

Q I am asking you to define it.

A All right. I felt like she had several drinks, but completely was able to carry on an intelligent conversation and in control of the situation.

Q How do you define intoxication?

A I felt she had a little bit -- perhaps a little bit slurred speech, slow talking.

Q Is she ordinarily that way?

A No.

Q What did she discuss with you?

A She discussed the fact that her husband had left her, and that she was upset and was having a hard time adjusting herself to this fact, and also a hard time trying to run the house and keep the children happy and support them.

Q Have you seen people drunk before?

A Oh, yes.

Q Have you seen people intoxicated before?

A Yes.

Q Was Mrs. Jones intoxicated?

A She was intoxicated, I don't think she was drunk.

Q Have you seen Mrs. Jones on any other occasion while she was in this same state?

A Yes. I have continued to see her at the Board of Kiddie Kingdom and would see her at work or talk to her at work.

Q And she would be intoxicated on these occasions?

A No. No.

Q Have you seen her on any occasion other than the one you testified to already when she was intoxicated?

A No, I have not.

Q Have you talked to her over the telephone at a time when her speech was affected?

A Yes, I think I did.

Q When did that occur?

A I think that was Christmas Eve, '72, she called me that night.

Q Did you find that unusual for someone not a communicant of your church, to be calling you on Christmas Eve?

A No, I didn't.

Q What did she want to talk to you about?

A She was upset over the divorce and the fact that she was home by herself. It was Christmas Eve, and I, from the conversation, felt that she had a hard time to be alone.

Q Did you go to her home and see her on that occasion?

A No, I did not.

Q You are an Episcopal priest?

A Right.

Q Mrs. Jones was a member of the Christian church in Ashland, was she not?

A Right.

Q Has she ever attended St. James The Less?

A I don't think so. Her son belongs to my Youth

1 Group.

2 Q You are not her priest then?

3 A No, I am not.

4 Q And you came to know her in your capacity as

5 a Board member on the Kiddie Kingdom?

6 A Right, plus we would see each other at parties.

7 MR. TAYLOR: That is all I have.

8

9 CROSS-EXAMINATION

10 BY MR. BLANTON:

11 Q Mr. Riddle, was Mrs. Jones' own minister always

12 available when you counseled with her? Did that church have

13 a minister?

14 A They had a minister, yes.

15 Q All the time?

16 A Yes.

17 Q I believe you said that her son was in your

18 Youth Group. Did she ever talk with you about depression of

19 his?

20 A Excuse me, I didn't understand you.

21 Q Did she ever talk to you about her son's

22 depression?

23 A Yes.

24 Q Did she ever talk to you about her own depression?

25 A Yes.

Q Did she say what it is caused by?

A The separation.

Q Has she ever told you that her husband has told her he didn't love her and wanted a divorce?

A Yes.

Q In your work, Mr. Riddle, have you found Christmas a lonely time for some people?

A Very lonely.

MR. BLANTON: I have no further questions.

REDIRECT EXAMINATION

BY MR. TAYLOR:

Q What was Mrs. Jones' attitude toward her marriage?

A Her attitude?

Q Yes.

A I felt that she would certainly like to keep the marriage together.

Q Did you find any degree of selfishness on her part?

A Selfishness? I felt a concern for herself, in that she was having to manage by herself.

Q You felt that she was overly concerned for herself?

A No.

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JAMES W. ELLIS, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Tell the Court your name.

A James W. Ellis.

Q What is your address?

A My address is 110 Stebbins Street, Ashland, Virginia.

Q What is your profession?

A I am a minister.

Q And where are you working in that capacity?

A At First Baptist Church in Ashland.

Q And how long have you been so engaged?

A About four and a half years.

Q During that period of time, did you come to know Mrs. Harriet Jones?

A Yes, I did.

Q And in what capacity did you come to know her?

A As my secretary in the church office there.

Q And for what period of time was Mrs. Jones employed in that capacity?

A My memory is a little hazy about the exact time

of this, but I think it was about a year and a half.

Q And that would be beginning approximately when, and ending approximately when?

A I can tell you the ending better than the beginning. Ending about June 1, 1972.

Q And beginning approximately a year and a half prior?

A A year and a half earlier, yes.

Q So that would be somewhere -- would it be fair to say around January of '71, or December of '70?

A For me to make that statement would really be a guess, because I am not clear. My memory is not clear, but I am clear about the time she left our employment.

Q During her employ at First Baptist Church, what were her working hours?

A To begin with, I believe they were 9:00 to 12:00, and then at some later time, which I am uncertain of now -- records could be looked up and this determined -- they were 9:00 to 2:00.

Q What was her rate of pay?

A I am uncertain about this. It would be somewhere in the neighborhood of $3,000.00 a year, I believe. About $250.00 a month, something like that.

Q And that was for working between 9:00 to 12:00 and 9:00 to 2:00 at some later time?

A. Of course, there was a difference in rate of pay when she worked 9:00 to 12:00 and 9:00 to 2:00. I believe the $3,000.00 per year was probably when she worked 9:00 to 2:00, and a lesser amount when she worked 9:00 to 12:00.

Q. All right, sir. As time went on, how was the quality of her work?

A. Harriet was a very efficient secretary at the beginning of her employment with us. However, in time I think her efficiency did decline to some extent, and toward the end it was not too good.

Q. Would you elaborate for the Court in what way her decline of efficiency was mainfested to you?

A. Well, she was somewhat nervous, in some instances she would get facts mixed slightly, and this kind of thing.

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A Not regularly. Some of them may have been there occasionally as they came with their friends, but I do not consider them to be parishioners of ours.

Q You do know them though, do you not?

A Yes, I do.

Q When Mrs. Jones talked to you about her marital problems, were the children and their welfare part of the problems?

A I am sure this entered into the conversation to some degree, but I would say it was a lesser degree than her relationship with her husband.

Q Do you think the work deteriorated because of depression? Did she ever cry?

A I think she suffered some depression. She didn't cry on the job as such I don't think. I think it would be fair to say that. But I attributed her decline in work to the fact that she was having marital difficulties at home which would upset her.

Q More or less preoccupied with those?

A Yes.

Q From your observations, have you seen anything to indicate that she is not a good parent to her children?

A No.

MR. BLANTON: I have no further questions.

REDIRECT EXAMINATION

BY MR. TAYLOR:

Q What opportunities have you had to observe Mrs. Jones with her infant daughter Ashley, and her teen-age son Doswell?

A My observation has been very limited. I have observed her with Ashley on a few occasions around the community, and maybe once or twice at the church when perhaps Ashley came in. I really have not seen her in relation to Doswell, I think, very much.

Q Have you ever been into her home?

A On one occasion.

Q On one occasions?

A Yes.

Q Have you ever been to her home at nighttime?

A No.

MR. TAYLOR: That is all.

MR. BLANTON: Just one question, if I may.

RECROSS-EXAMINATION

BY MR. BLANTON:

Q When you were in her home, did you see anything any different from any other home you have gone into?

A No.

MR. BLANTON: I have no further questions.

AND FURTHER THIS DEPONENT SAITH NOT.
SIGNATURE WAIVED BY AGREEMENT OF COUNSEL AND THE WITNESS.

1
2
3 LOUISE GILLIAM HOPKINS, a witness called by the
4 defendant, having been duly sworn, deposes and says, viz:
5 DIRECT EXAMINATION
6 BY MR. TAYLOR:
7 Q Would you tell the Court your name?
8 A Louise Gilliam Hopkins.
9 Q What is your address?
10 A 124 South Snead Street, Ashland.
11 Q You are a friend of Mrs. Jones, are you not?
12 A Yes.
13 Q And you have known Mrs. Jones for how long?
14 A Since fall of '68, winter of '69.
15 Q Do you serve in any capacity with the Kiddie
16 Kingdom?
17 A I am on the Board.
18 Q And Mrs. Jones is on the Board also, is she not?
19 A Yes.
20 Q And the two of you all have served in that
21 capacity together for how long?
22 A I am not sure. I think I went on in the winter
23 of '69/70.
24 Q And at that time, was Mrs. Jones on the Board?
25 A Yes.

Q In fact, she was President of the Kiddie Kingdom, was she not?

A Yes.

Q And she was the chief executive officer of that, was she not?

A Yes.

Q And would it be fair to say that you served on the Board with her from '69 to the present time?

A I think that would be right.

Q Did you attend meetings of the Kiddie Kingdom Board with Mrs. Jones during that period of time?

A Yes.

Q How frequently would you have meetings?

A I am sorry, it is hard to recall. It is every few months, I should think.

Q Did you see Mrs. Jones at any of these meetings in a state of intoxication?

A No.

Q Did you see her at any of these meetings under the influence of alcohol?

A No.

Q I remind you you are under oath.

A I am under oath and I know it.

MR. BLANTON: Just a minute. She knows that, Mr. Taylor. That is an improper question, Mr. Taylor.

Q Have you seen Mrs. Jones at any of these meetings when she had alcohol on her breath?

A No.

Q Have you ever smelled alcohol on her breath?

A No.

Q Have you ever been into Mrs. Jones' home?

A Yes.

Q Have you ever seen her with alcohol on her breath in her home?

A Not that I know, certainly.

Q Have you ever noticed her in any unusual condition, physically?

A No.

Q As far as you know--

A Excuse me, what do you mean by "physically"?

Q Have you ever noticed her walking unusual, her speech affected in any way?

A No.

Q Her eyes bloodshot?

A No.

Q Would it be your testimony that Mrs. Jones has good drinking habits?

A What do you mean by "drinking habits", I mean?

Q You have testified that you have never seen her in a state of intoxication.

A As far as I know and as far as I remember, yes.

Q And you have never seen her under the influence of alcohol?

MR. BLANTON: She has answered that question before.

A Not that I know.

Q Have you ever seen her take a drink?

A Yes.

Q In what capacity and when?

A I had a party to welcome a childhood friend to Ashland. I invited all of the neighbors. Mrs. Jones and Mr. Jones lived across the street, and Mrs. Jones attended. We served drinks, we also served soft drinks and coffee, and I assume Mrs. Jones had a drink. Most people did. I don't remember.

Q Was that the only time you have seen her take a drink?

A We belong to an organization that every other year has a dinner and has a cocktail party before the dinner. I cannot truthfully say whether Mr. and Mrs. Jones attended some of those parties, because I just can't remember. If they did and she drank, I assume I saw her.

Q These meetings would be held at the Christian church, would they not?

A All except one.

1 Q All except one?
2 A That I attended.
3 Q The pastor of the Christian church was Reverend
4 Reister during that period of time, was he not?
5 A Yes.
6 Q And he would be at these meetings, too, would
7 he not?
8 A Most of the time. He often came late.
9 MR. TAYLOR: That is all I have.
10
11 CROSS-EXAMINATION
12 BY MR. BLANTON:
13 Q Mrs. Hopkins, you had a daughter in Kiddie
14 Kingdom?
15 A Yes.
16 Q And Mrs. Jones did, too?
17 A Excuse me. You said I had one at the same time
18 Mrs. Jones did?
19 Q Yes.
20 A Yes.
21 Q Have you visited in her home?
22 A Mrs. Jones'?
23 Q Right.
24 A Yes.
25 Q Has your child been in her home?

A Yes.

Q Does your child ever visit in the home now?

A No, because the child actually is a year older than Louise, and those of you who have children know that if one is off a year of another one, they go to separate schools and live in separate neighborhoods, and their relationship usually drops off. They are in Brownies together and go there once a week.

Q There is no reason that you don't let her go to Mrs. Jones'?

A No, other than Ashley and Louise aren't interested in each other any more.

REDIRECT EXAMINATION

BY MR. TAYLOR:

Q Did you ever see Mrs. Jones come to meetings at the Kiddie Kingdom and leave early?

A I think once or twice she took Ashley home or had to go home because of the children being at home.

Q What time would she leave? What time would the meetings start, ordinarily?

A They were usually scheduled for 7:30 or 8:00 o'clock. Sometimes we started on time, sometimes it would be the night of Mr. Reister's choir practice or something else, and we would usually, quite often, wait for him before

we could start. I just can't tell you, I am sorry.

Q And you have seen her leave early on a couple of occasions?

A I think so. I think it was usually the children. I have left early on a couple occasions, too.

MR. TAYLOR: That is all I have.

AND FURTHER THIS DEPONENT SAITH NOT.

SIGNATURE WAIVED BY AGREEMENT OF COUNSEL AND THE WITNESS.

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A Yes.

Q I want to call your attention back to 1972 -- this is 1974 -- approximately two years ago, and I want to call your attention to a night in February of 1972.

A Well, I will do the best that I can. I have a poor memory.

Q I want to ask you whether or not you ever saw Mrs. Jones strike Mr. Jones?

A Well, not really strike. I just saw her punch at him, but not really haul off and wham him upside the head or something.

Q What do you mean by "punch"?

A Well, you know, just walk up behind somebody -- he was sitting down and, you know, that type of thing.

Q And how did she punch him?

A Well, she just, you know, sort of shook him like this.

Q She shook him by the shoulders?

A It wasn't something that would have hurt him. It wasn't anything that would have hurt him.

Q She shook him by the shoulders?

A Yes, I would say so.

Q And grabbed him from behind and shook him by the shoulders?

A Well, now I don't know about the grabbing, I just

1 know that it was just sort of a push and a shove, and he was
2 sitting down.
3 Q Did it knock his glasses off?
4 A That I cannot remember.
5 Q You don't remember that?
6 A No.
7 Q Had she been drinking at that time?
8 A She may have had a couple of drinks, she was
9 not what I would call overintoxicated or anything like that.
10 Q She was not overintoxicated?
11 A Well, she had a couple of drinks. I wouldn't
12 say that she was extremely intoxicated.
13 Q Was she under the influence?
14 A Well, sir, I would say again that I don't know
15 how many drinks she had. I got there later in the evening,
16 but she had some drinks. But she was not drunk.
17 Q Have you seen her drunk before?
18 A Well, I have been drunk with her before.
19 Q You have been drunk with her before?
20 A Yes.
21 Q Where were you drunk with her?
22 A Many, many times in Ashland.
23 Q Many times?
24 A Many times.
25 Q And was that in 1972?

1 A No, that was about fourteen years ago.

2 Q Fourteen years ago. Were you drunk with her

3 any in 1972?

4 A No, I was not. I didn't have a drink with her

5 in 1972.

6 Q But you have seen her drunk many times?

7 A No, I have not seen her drunk many times. You

8 asked me if I had ever seen her drunk, and I said, yes, I had

9 been drunk with her.

10 Q What did you mean by that, that she was drunk,

11 too?

12 A We had a group of friends that had parties, and

13 we drank, and some of us got drunk, and I did and she did, and

14 quite a few others.

15 Q Did Mrs. Jones come to live with you down in

16 Mathews?

17 A Live with me?

18 Q Stay with you?

19 A She visited me.

20 Q In 1972 she did?

21 A Well, she came one Thanksgiving.

22 Q Did you get concerned about her drinking too

23 much?

24 A I was concerned about the whole situation.

25 Q You have been concerned about the marriage breakup?

A Yes, I have.

Q And you have been concerned about her drinking too much?

A I have not been in Ashland enough to tell you how much Mrs. Jones has been drinking or if she has been drinking at all. Now, she came down to my house on Thanksgiving. She had no drink at all, none whatsoever.

Q Was that in 1973, this past Thanksgiving?

A No, that was in 1972, I think.

Q Did she come down to your house at any other time during 1972, other than on Thanksgiving?

A I think Harriet came down on Thanksgiving, and maybe one more time, but I can't remember when.

MR. TAYLOR: That is all I have. You answer Mr. Blanton's questions.

CROSS-EXAMINATION

BY MR. BLANTON:

Q Mrs. Lewis, is Mrs. Jones a good mother?

A A good mother? She was a superb mother.

Q Have your children played together?

A Yes, indeed, many times.

Q Do you know why she punched at Mr. Jones?

A I think she was a little infuriated with him.

Q Have you ever seen Mr. Jones drunk?

1 A He has been drunk with me just like Harriet
2 has.
3 Q Did you ever meet Mr. Jones at the door of his
4 home when you may have said, Brother, how are you?
5 A Oh, my goodness, I think I have said that many,
6 many times.
7 Q In his home?
8 A Well, he lived down the street from me.
9 Q My question is, were you ever in his home when
10 he came back to his home, and did you ever greet him at the
11 door?
12 A Yes, I think I did once.
13 Q Do you remember what he said when you did?
14 A We spoke, we greeted each other, we were friends.
15 Q Did he say, "I am drunk?"
16 A No, he didn't say that he was drunk.
17 Q But you have seen him drunk many times?
18 A Well, this "many" bit is, I think, just a minor
19 word to use. We were young people and we had a group that
20 went around with each other. I hope that you experienced it
21 and had as many friends as we did. And we were intoxicated
22 from time to time. The Joneses were neighbors of mine. I
23 can't count how many times Brother was drunk, or I was drunk,
24 or Harriet was drunk. We just all got drunk, that is just all
25 I can tell you.

MR. BLANTON: No further questions.

REDIRECT EXAMINATION

BY MR. TAYLOR:

Q When did all that occur?

A When we were very young, and when we first moved to Ashland, Harriet and Brother were living at the time in Lexington. He was in W&L, in school.

Q That would be about twenty years ago, wouldn't it?

A Yes, that is right.

Q Is that the last time you saw Brother drunk?

A Well, I wouldn't say Brother was really knocked out that night, either.

Q You haven't seen Brother drunk for twenty years, have you?

A No, I haven't seen Brother for a long time.

Q On this night in February of 1972 that we were talking about, when Harriet went up and shook Brother, did she throw his clothes on the floor?

A That night?

Q Yes.

A Yes, his clothes were on the floor.

Q She threw them on the floor?

A Not where I was, in my presence.

******

(TR 149)Q. What seemed to be the problem to you?

A. Well, they were having great difficulty. Well, I don't know, there were obvious personality conflicts between the two of them, and I don't know, I don't think I could even identify the exact area that they were having trouble with. I don't think it was a third party involved, for example, although I heard.

Q. Do you recall telling Brother that you were concerned about her shape; that she was in bad shape?

A. Yes. Yes, I told Brother that I thought she was in bad shape, emotionally upset. Yes, I did.

Q. That was in 1972?

A. That is about right, yes.

Q. And by being in "bad shape", what did you mean by that?

A. I meant that the girl was obviously upset and emotionally.

Q. And how was that mainfested? How was that apparent to you?

A. Well, tears, drawn face, the usual signs of stress and strain.

Q. And that was on her visits to your home?

A On her visits to my home.

Q In Mathews?

A Yes.

Q Was it manifested in any other way?

A Well, you see, my exposure to her at that time was confined to her visiting my home, and one time I stopped by their house when I thought they were there, to see them, but Harriet was the only one there, and I think Brother called on the phone at that time. But, in other words, the amount of time I spent in their presence was limited.

Q Was she drinking on that occasion?

A No, she wasn't drinking on that occasion.

Q So, you have really seen them only roughly two or three times in 1972, is that fair to say?

A Well, I don't know how important the question is, see. My off-the-top-of-my-head answer would be, yes, that is correct. I don't know whether I could go back and really go over and think about the thing and maybe come up with another time. I don't even know what year we went to the Camptown Races. I mean, it seems to me that two or three times was all I saw either one of them. I saw Brother, I know, twice, I think, and I think I saw Harriet twice or possibly three times.

Q And you did come to Brother and discuss her shape, her condition, that would be fair to say?

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CATHERINE HARRIS CUMBIA, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Would you tell the Court your name, please?

A Catherine Harris Cumbia.

Q Your address?

A Route 3, Box 12, Ashland.

Q Do you know Harriet Jones?

A Yes, I do.

Q Do you know Walter Jones?

A Yes, I do.

Q How long have you known them?

A Well, I was in school with Walter Kidd, and I have known Mrs. Jones I would say within the past five years.

Q Are you neighbors of theirs in Ashland?

A Within the town, yes, not close neighbors.

Q You don't live close-by?

A No.

Q Are you associated with the Christian church in any capacity?

A Well, not actually the Christian church. The

1 nursery, which is on the premises of the Christian church,
2 Kiddie Kingdom.
3 Q That is what is called Kiddie Kingdom?
4 A Yes.
5 Q And in what capacity are you associated with
6 that?
7 A I am the cook. I do the lunches for the
8 children.
9 Q Kiddie Kingdom is a nursery, is it not?
10 A That's right, nursery school.
11 Q And Mrs. Jones is the Executive Director of that,
12 is she not?
13 A (Addressing Mrs. Jones) Well, I presume that is
14 your title. I am not sure.
15 Q She is in charge of it, isn't she? Is she in
16 charge of it?
17 A Well, she is on the Board of Directors, if that's
18 what you mean. I don't know.
19 Q How long have you been employed by the Kiddie
20 Kingdom?
21 A Five years.
22 Q You have a daughter yourself, do you not?
23 A That's right, uhm-hum.
24 Q Your daughter is how old?
25 A Nine.

1 Q What is her name?
2 A Cathy Anne.
3 Q Cathy Anne. Is she close to Ashley Anne Jones?
4 A Very good friends.
5 Q They play together frequently?
6 A Yes, sir.
7 Q Do you work every day at Kiddie Kingdom?
8 A Yes, sir.
9 Q And you receive a salary, of course, for doing
10 that?
11 A Certainly.
12 Q Did you have an occasion to see Harriet Jones
13 at Kiddie Kingdom any during 1972?
14 A Well, I presume so. She comes in and out under
15 normal circumstances.
16 Q Would you say that she was in and out quite
17 frequently during 1972?
18 A Well, I can't name none of the times. I don't
19 know. I hadn't thought about it.
20 Q Have you ever seen Harriet Jones under the
21 influence of alcohol?
22 A No, sir.
23 Q Have you ever seen her at times when she had
24 alcohol on her breath?
25 A Not to my knowledge.

Q You have never smelled alcohol on her breath?

A No.

Q Have you ever noticed anything unusual about her, the way she walked or the way she talked?

A No.

Q As far as you know then, her habits of sobriety are perfectly normal, is that a fair statement?

A As far as I know.

Q And you have never seen her in any condition that would cause you any concern?

A No.

Q Have you ever been concerned any about Ashley Anne and her welfare?

A No. She is a very happy little girl so far as I know.

Q Has Harriet brought Ashley to you to keep?

A She has been a guest in my home on a number of occasions.

Q How frequently does Harriet bring Ashley to your house?

A Well, let's put it this way: Ashley is at my house quite often. Not so much the fact that Mrs. Jones brings her no more than on our invitation.

Q Would you answer the question, how frequently is it that she comes?

A Oh, we'll say once every two weeks or so.

Q To spend the night?

A Occasionally.

Q And that would be the extent of the time that Ashley is at your house?

A Well, she comes in the afternoon some to play, this type of thing.

Q Do you think that Harriet is a fit mother?

A As far as I know.

Q Were there any times when you felt to the contrary?

A No.

Q Were there any times when you felt concerned about her ability to look after Ashley Anne?

A No.

Q Do you feel that she is a fit mother at this time?

A I do.

MR. TAYLOR: I think that is all I have.

MR. BLANTON: No questions.

AND FURTHER THIS DEPONENT SAITH NOT.

SIGNATURE WAIVED BY AGREEMENT OF COUNSEL AND THE WITNESS.

JOHN B. TREVILLIAN, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Would you tell the Court your name?

A John B. Trevillian.

Q What is your address?

A 8401 Michael Road.

Q Richmond?

A Richmond.

Q Do you know Walter Jones?

A Yes.

Q Do you know Harriet Jones?

A Yes.

Q How long have you known them?

A Oh, God, close to forty years Brother. I can say I have known Harriet thirty or more.

Q Do you recall approximately when it was that these parties separated?

A I imagine it has been two years.

Q About two years ago?

A As far as I know.

Q That was in 1972?

A I imagine so.

Q Did you have an occasion to be in their home shortly before their separation?

A Now, I don't know exactly when they separated. I had been in their home many times.

Q Do you recall when they did in fact separate?

A I think so.

Q Did they separate in 1972 sometime?

A I think so.

Q Have you ever observed Mrs. Jones in states of intoxication?

A I guess I have had a thousand or so drinks with Mrs. Jones since I have known them. Mr. Jones, too.

Q Will you answer that question?

A I have had drinks with Mrs. Jones and Mr. Jones.

Q But you did not answer my question.

A What did you say?

Q Have you ever observed Mrs. Jones in states of intoxication?

A Well, I guess that depends on what you call intoxication. I would say that I have been intoxicated with Mrs. Jones. I imagine she has seen me, too.

Q When was the last time?

A I don't know.

Q Would it be back before they separated or was it

afterwards?

A Oh, yes, it would be before they separated.

Q It wasn't after they separated that you saw her in that condition?

A No.

Q How many times would you see her in that condition before they separated?

A I couldn't tell you.

Q Do you mean it has been so many times?

A I have been with Mr. and Mrs. Jones since they have been married.

Q So many times, you are not able to estimate it?

A No, I wouldn't say that it would be so many times. I just haven't any idea. It depends how far you want to go back.

Q I am talking about the time they separated. That would be in 1972.

A Have I seen her intoxicated since then?

Q No. I am interested to know how many times in 1972 you saw her intoxicated?

A No, I haven't seen her in 1972.

Q You saw her intoxicated in years before that, then?

A Yes.

Q. What years are you talking about?

A. Oh, I would say 1950's, something like that.

Q. And it is your testimony you haven't seen her intoxicated after the 1950's?

A. Oh, I don't know. I have been to parties. You are going back a lot of years.

Q. I know that you don't want to say anything to hurt anybody.

A. I don't want to say anything to hurt anybody, but I'll tell you the truth, if I can remember.

Q. We are trying to get to the truth in it.

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(TR 161) Q. Have you ever seen Mrs. Jones lose her temper?

A. I think so.

Q. When did you see her lose her temper?

A. Well, now, the dates -- I can't give you the exact dates. I would say the last time I think she kind of lost her temper was the night I was up there. That was about the time they either separated or getting ready to, something like that.

Q. All right, tell us about that.

A. Mrs. Jones called me and asked me to come up there and talk to Brother, and I came up and he wasn't there. I had a cup of coffee, and I guess I had been there about 10 minutes when Brother came in, and I remember her saying, where have you been, and Brother said, in and out, around and about. I remember that answer. Before we left, Mrs. Jones, I think

lost her temper.

Q Tell us how she did, what happened.

A Well, she was talking to him.

Q What did she say?

A I don't remember, I just remember she was talking rather loudly and I got up and said, Brother, let's go, and we left. I guess we were gone about 2 hours when we came back.

Q You drew your conclusion that she lost her temper because she was talking loud?

A She was rather loud, yes.

Q Is that the only reason why you drew that conclusion?

A I don't remember exactly what she said, but, well, I mean I could tell she was angry.

Q That was shortly before they separated?

A Now, this thing took me by surprise. I don't know whether they separated, I don't think they have. Let me put it this way. If I remember correctly, it was sometime in the fall of '72. I don't remember. It might have been. I remember the weather was cold because I was wearing an overcoat.

Q Was Harriet drinking then?

A I had a cup of coffee, she had a can of beer.

MR. TAYLOR: That is all I have.

CROSS-EXAMINATION

BY MR. BLANTON:

Q Mr. Trevillian, you say you have been in and out of the home many times, have you not?

A Yes, sir.

Q And you have had occasion to observe Mrs. Jones with her children?

A I have.

Q Actually, in particular the little girl.

A Yes.

Q Do you think she is a good mother?

A I think she is an excellent mother.

Q Do you see any reason why she shouldn't continue to have custody of these children?

A No, I don't.

Q Did you ever see anything out of the way in her home at all?

A No.

Q Did you ever see Mrs. Jones strike Mr. Jones?

A Never.

Q Has she ever had occasion to talk to you about the problems in the marriage?

A Yes.

Q Did this deal with finances?

A Some.

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A That's a difficult question.

Q I will rephrase it. Do you think she wanted to reconcile the marriage and live with Mr. Jones?

A Yes. I'll say I think she wanted to reconcile the marriage.

Q Did you have occasion, you and Mrs. Trevillian, to visit her when she was in the hospital?

A Yes.

Q How did you find her emotionally?

A She appeared very normal to me.

Q Mr. Stiles is a friend of Mr. and Mrs. Jones, is he?

A I imagine so. I guess so.

Q How long have you known Mr. Stiles?

A Mr. Stiles? I guess forty-five years.

Q He was a part of the circle of friends of all of you then in Ashland, wasn't he?

A Yes, I would say so.

MR. BLANTON: I have no further questions.

AND FURTHER THIS DEPONENT SAITH NOT.

SIGNATURE WAIVED BY AGREEMENT OF COUNSEL AND THE WITNESS.

DR. RICHARD M. LEE, a witness called by the defendant, having been duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Tell the Court your name.

A Richard M. Lee.

Q Your address?

A It is Mount Hermon Church Road, Ashland, Virginia.

Q Do you know Harriet Jones?

A Yes.

Q How long have you known her?

A Let's see. I came to Ashland in 1961, July. So, it would have been about twelve-some years, about thirteen years.

Q Did you know her when she was living with her husband?

A I didn't understand your question.

Q Did you know her or see her when she was living with her husband, Walter?

A Yes.

Q Did you see them socially, then?

A Yes, we saw them socially.

Q Do you remember that they separated sometime in

1972?

A I recall that they did separate, I don't recall the date.

Q Have you and your wife ever been out socially with Mrs. Jones when she was in the company of Joe Stiles?

A Yes.

Q When was that?

A I don't remember exactly. I was trying to think it was about two years ago. I am not really sure, exactly.

Q About the time when Walter and Harriet separated?

A I don't recall exactly.

Q And what was the occasion for you all being out socially, the four of you?

A What was the occasion of us?

Q Yes, sir.

A We were -- I forgotten even what night it was, but it was my wife and I think -- I forgotten really how it came about, but we and Joe Stiles, myself, we said why don't we go out to eat, and it was Joe and my wife, Cynthia, and myself, and somehow Joe said, well, why don't we take Harriet, and I said, all right, and I've forgotten, but we all did go out.

Q Have you been in company with Mrs. Jones and Joe Stiles on other occasions?

A Well, let me see. Yes.

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(TR 171) Q. Well, as you define being under the influence, have you seen Harriet under the influence?

A. Yes.

Q. When was the last time you saw here that way:

A. The last time that I remember -- let's see. Gosh, I don't recall. I can't remember at this Christmas party whether she had anything to drink or not. I don't remember now. I can't remember.

MR. TAYLOR: That is all.

CROSS EXAMINATION

BY MR. BLANTON:

Q. Dr. Lee, you know these people socially as well as professionally?

A. Yes.

Q. Have you been the doctor of their children?

A. Yes.

Q. All of them or some of them?

A. All of them, all three.

Q. You have had occasion to be in and out of her home many times as you practiced medicine?

A. On occasions, yes.

Q Have you seen anything in the home that would make you think Mrs. Jones was not a fit mother?

A No.

Q Did I understand you to say that you saw Mrs. Jones at a party that Mr. Stiles was at that party with his wife?

A Yes.

Q You didn't mean to imply that Mrs. Jones came with them, did you?

A No, I did not mean to imply anything like that. No.

Q I believe your testimony was that one is under the influence of alcohol after one drink, was it?

A Well, it is hard for me to define. It varies with different people.

Q You meant to a degree, did you not?

A Right.

Q At the time you were out at dinner with Mr. Stiles and Mrs. Jones, do you know whether or not Mr. Jones was living at home with Mrs. Jones at that time?

A No, I do not know. I can't answer that.

Q Do you know whether or not Mr. Stiles asked Mr. Jones if he minded?

A I was told that Mr. Jones was called and was asked if Harriet can go out to eat, and that the answer was yes.

Q Is it your opinion, knowing these parties as well and as long as you have, that Mrs. Jones has for some time been concerned about her marriage?

A Now, I didn't quite get that.

Q You have known these parties for a long time?

A Yes.

Q And is it your opinion that Mrs. Jones has been concerned about her marriage for a long time?

A I would say for a few years.

Q When you first knew of her concern, are you of the opinion that she wanted the marriage to work and was trying to make it work?

A Yes. I think she has always been trying to make it work.

Q Do you think at this time she was in a depressed state because of this trouble?

A I have seen her on occasions when she has seemed to have been depressed because of marital conditions.

Q But you know of no reason why she should not have custody of these infant children, do you?

A No, sir, I don't.

MR. BLANTON: I have no further questions.

REDIRECT EXAMINATION

BY MR. TAYLOR:

Q On the two occasions that you all were out eating

together, that is the four of you, whose car were you riding in?

A Let me think, to be exact. I don't know. It seems to me that we were in Mr. Stiles' car. I believe we were. I think we were, yes.

Q Did Mr. Stiles drop you and your wife off, first?

A I can't recall, but it seems to me he probably would have, but I can't recall.

Q Did Mr. Stiles take Harriet home?

A I would think so.

Q How many times have you been in the Jones home?

A How many times--

Q Yes.

A --have I been in the Jones home? Well, it is hard to really count. I would say anywhere from -- I really don't know -- ten to twenty-five times.

Q How many times could you in fairness say that you were in the home in 1972?

A I can't recall.

Q Your estimate of the number of times, is that over the period of years?

A Yes, this is over a period of years.

Q Have you been in the Jones home in 1973 any?

A Let me see. Time goes by so quick. I would say it was either in early '74 or late '73.

Q That was the last time that you were there?

A Was it the last time that I was in the home? I can't recall which it was.

Q What was the occasion?

A Their child Ashley Anne was sick.

Q Previous to that, when was the last time you were in the home?

A It had been a while.

Q Approximately how long?

A Would you like for me to guess?

Q Make an estimate.

A I would guess. Let's see, that is a hard one. I would say three years, four years maybe. I can't answer that question accurately.

MR. TAYLOR: That is all I have. Thank you very much.

RECROSS-EXAMINATION

BY MR. BLANTON:

Q Just one more question for me, Dr. Lee. You are the doctor for Doswell Jones?

A Yes.

Q Does he have any illness now that you are treating him for?

A He has an illness, yes. It is sarcoidosis,

which he is being treated for, and we are following him in the office with frequent blood work.

Q. Has Ashley been critically ill at any time:

A. Yes. She was critically ill one time that I recall. This was about two to three years ago.

Q. Could it have been in the winter of 1972?

A. Yes, it could have been in the winter of 1972.

Q. Do you know whether or not Mrs. Jones was in the hospital at this time or just prior to this time?

A. It seems to me that she could have been in and out of the hospital along this time. I can't recall this exactly.

Q. Do you know how long the little girl stayed in the hospital?

A. Well, I believe that she was in for about three days.

Q. Did her mother have occasion to stay with her?

A. Oh, yes, she was there the whole time, practically.

Q. Did Mr. Jones stay at all in the hospital?

A. Yes, he was down at the hospital.

Q. Did he ever stay at night?

A. Yes, he was there -- let's see -- that first night that we were there, he stayed part of the night, I believe. I don't know exactly.

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EDWARD H. WRIGHT, a witness called by the defendant, first being duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Reverend Wright, would you state your name, please?

A Edward H. Wright.

Q What is your address?

A My home address is 322 Duncan Street, Ashland, Virginia.

Q With which church are you associated in Ashland?

A The Duncan Memorial United Methodist Church.

Q How long have you been so associated?

A This July it will be four years. So, I arrived in June, 1970.

Q All right, sir. In that capacity, did you come to know Harriet Jones and Walter Jones?

A Yes. They came to me for marital counsel.

Q At what time in your tenure at Duncan Memorial did they come?

A It would have been late fall. I don't remember the exact date, but it would have been around Thanksgiving 1970, the end of November.

******

(TR 187) Q. What did you find with reference to Harriet's attitude toward Walter insofar as his seeing other women, or insofar as his associations with other people were concerned and that sort of thing?

A. Well, we discussed several incidents, one other couple, and a few parties at which Harriet became highly incensed about Walter's attention to another woman. We, you know, talked it over and thought it through. Harriet felt she still had some basis, but that she had overreacted in her flare of jealousy.

Q. What was Walter's attitude toward this complaint?

A. Walter's attitude was almost, and I don't mean to say callous amusement, it wasn't callous, but it was kind of an amusement thing. I don't see how you can even make that out of what that is. He did not perceive it at all the way she was relating it.

Q. Did he deny any improper behavior?

A. Oh, yes. And Harriet, you know, when she thought it through further, really was saying the jealousy from her perception, then removed sometime, and in that setting in which we were discussing it, that she would like more attention from Walter herself. It wasn't really highly improper of him with the other women, then.

(TR 188) Q. Approximately when did you last see these parties?

A. It would have been spring of '71. I would say

mid-spring perhaps, April, May. Probably April.

Q. How did the parties seem toward one another at that time?

A. Things were not as hostile on the one hand, or as cool on the other. Slight improvement in feelings about the marriage relationship.

Q. Did you have hope for the marriage at that time?

A. I had hope, but left the door open to needing to continue with some kind of counseling, and had suggested some other possibilities other than myself.

Q. Did you suggest psychiatric counseling for the parties?

A. I raised that as a question. I didn't really make it as a suggestion. I raised it as a possibility. I did suggest some other kind of pastoral counseling with heavier psychological orientation than mine.

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(TR 191) A. I wasn't aware of it in September, '72, but I became aware of it shortly after that.

Q. Has there been any reconciliation between these parties since that date?

A. Not to my knowledge.

Q. Has there been any resumption of cohabitation between them as husband and wife?

A. Not to my knowledge.

MR. TAYLOR: All right. That is all I have. Answer Mr. Blanton's questions.

CROSS-EXAMINATION

BY MR. BLANTON:

Q. Mr. Wright, you are not any kin to either of these parties, are you?

A. No, sir.

Q. Do you remember who came to you first? Mrs. Jones or Mr. Jones?

A. Yes, Mrs. Jones came to me first.

Q. Do you know whether there was any reluctance on Mr. Jones to come to see you?

A. She suggested that there was some reluctance and, you know, I suppose in the sense that he did not feel the problem as keenly as she, but he became very cooperative

when he came.

Q You said, I think, that she expressed her difficulties as being, or as having a lack of communication with Mr. Jones, and wanted more time from him?

A Yes.

Q Did she make any other complaints of him at that time?

A That seemed to be really one of the basic ones, the feeling like, you know, why are we living together as husband and wife when we are not really behaving like husband and wife. We are not giving each other that kind of time and affection.

Q You spoke about some incidents and accusations as to women. Did she say anything to you about his obsession with pornographic material?

A She made some passing reference, didn't talk about it as an obsession.

Q How did she refer to it?

A But that did come up in our conversation together at one point. Well, in terms of some of the books, magazines, and in terms of sort of an apparent interest, and some concern about the children, you know, discovering the materials.

Q Did she say anything about an excessive spending on his part going on?

A Excessive spending in what line?

Q Trips, excessive money in his pocket, traveler's checks, anything like that?

A I am very honestly trying to recall that. I cannot recall that. We talked in terms of spending but not in terms of going on trips and traveler's checks and stuff like that. I don't recall that.

Q Did she indicate he was spending a lot of time away from her?

A Yes. Even at home, that was part of her complaint.

Q At home he was--

A At home he was doing things around the house.

Q But other than that, was he taking trips? Was he away from home a lot?

A There was some passing reference, but that didn't seem as big an issue than when he was home what he was doing with the time there.

Q Did the incident that you made mention of occur at Virginia Beach?

A You are talking about one of the parties?

Q Yes.

A Yes, that was one. There were some attentions to ladies, I don't know was it a cocktail party or wedding reception or what, but some affairs like that in or around

1 Ashland, too.

2 Q Did the Virginia Beach incident involve a Mrs. Lipsey?

4 A I don't recall that the name of the lady ever

5 came up.

6 Q Do you know a Mrs. Lipsey in Ashland?

7 A Yes, I do. Uhm-hum.

8 Q Do you know her to be a friend of Mrs. Jones?

9 A I think I would remember it, therefore, if the

10 name had come up. I would have at least recalled it.

11 Q Do you know Mrs. Lipsey to be a friend of the

12 Joneses?

13 A Yes, you know, just having seen them sometimes

14 at social functions around town.

15 Q Was there a mention of Mr. Jones and this

16 particular woman at the Virginia Beach drinking too much that

17 night?

18 A Yes.

19 Q Do you remember anything else about the incident?

20 A The two of them being away from the rest of the

21 crowd for a period of time.

22 Q At night?

23 A Yes, and then returning. About her suspicion as

24 to what could have taken place while they were gone away from

25 the rest of the crowd, and also her embarrassment that her

husband had gone off with another woman and she was still there.

Q I think you said you were trying to help her work through the jealousy part as opposed to saying whether or not the incident happened or didn't happen?

A Yes. See, in counseling, my kind of counseling, the issue isn't did it happen or not. The issue is what are the feelings the two have about it, and are those feelings proper between them.

Q I think you testified to the fact that Mrs. Jones also was interested in trying to make her marriage work?

A Oh, yes.

Q Do you see her now in your work?

A No, I have not seen her in terms of counseling or work but social functions, basketball games and things like that.

Q You see her around Ashland?

A Yes.

Q And you do know her children, the little girl?

A Yes.

Q Do you know her to be a good mother?

A So far as I know, she has been a good mother.

Q You don't know of any reason why she shouldn't have custody of the children?

A I am not aware of any.

MR. BLANTON: I have no further questions.

REDIRECT EXAMINATION

BY MR. TAYLOR:

Q Mr. Wright, concerning Mr. Jones' statement to you concerning the pornographic material, what was Mr. Jones' attitude concerning that accusation?

A That she had blown it out of proportion.

Q What did he say? What were his statements concerning that?

A Oh, gosh. If I will put it in quotes, I would be lying to you.

MR. BLANTON: I think he testified he didn't remember that much about it.

A You know, all I can remember is that he protested that it was blown out of proportion, it wasn't that much, and that is about the best I can recall on it.

Q And concerning this supposed party at Virginia Beach--

A Oh. Oh, excuse me, may I go back?

Q Yes.

A Not only that the pornographic material issue was blown out of proportion and was exaggerated, but that there was some degree of normalcy to it. I mean, it wasn't an

obsession, the way he talked about it.

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WALTER KIDD JONES, JR., the defendant, called in his own behalf, first being duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Would you tell the Court your name, please?

A Walter Kidd Jones, Jr.

Q What is your address?

A I am presently living at Eagle Point Farm, Hanover County, Virginia.

Q What is your age?

A I am fifty.

Q Are you the defendant in this suit?

A Yes, I am.

Q Would you tell the Court, please, when and where you and Harriet Jones were married?

A We were married at St. Paul's Church in Hanover, Virginia, December 27, 1947.

Q Have you been domiciled in, and are and have been an actual bona fide resident of, the Commonwealth of Virginia for more than one year next preceding the commencement of this suit?

A I have.

Q Where did you and Harriet Jones last cohabit

as husband and wife?

A 106 Race Course Street, Ashland, Virginia.

Q Are both you and the plaintiff members of the white race and over the age of eighteen years?

A We are.

Q Were there any children born of the marriage, and please state their names and ages?

A Yes, there were three. The oldest is Walter Craig Jones, age twenty-one. The second is William Doswell Jones, whose age is sixteen. The third is Ashley Anne Jones, who is nine today.

Q Did you and Harriet Jones separate on September 27, 1972?

A Yes, we did.

Q Has there been any resumption of cohabitation between you as husband and wife since that date?

A No, there has not.

Q Has there been any reconciliation between you and Harriet Jones?

A No, there has not.

Q Do you believe that a reconciliation is probable?

A No, sir.

Q Would you tell the Court in your own words what justification you may have had for leaving the matrimonial domicile in September of 1972?

A Mrs. Jones was drinking excessively. She was extraordinarily and unjustifiably jealous. I guess that about puts it in a nutshell.

Q All right. By drinking excessively, could you characterize that in more particular terms?

A She was drinking to the point that we could not discuss our problem, or I could not explain any actions to her over which she appeared to be jealous or stated she was jealous.

Q Would Mrs. Jones become under the influence of alcohol at times?

A Very definitely.

Q Would you state for the record with what frequency?

A Well, it increased over the weeks until it was almost daily at the time I left.

Q And that would be in September of 1972?

A Yes, sir.

Q Did the amount of drinking or the rate of Mrs. Jones' drinking increase over the period of time between 1970 and 1972?

A Definitely.

Q And could you tell the Court with what degree it did?

A Well, as I said, toward the end she had gotten up

to the point that she was intoxicated almost daily.

Q How did this affect her household duties?

A Well, at times she would go to bed with the remains of dinner left in the kitchen, and even with the meal prepared, and I would have to clean it up. Once or twice she went to bed before the children were fed.

Q How did it affect your relationship with her as husband and wife?

A Well, as I said, it made it very difficult to try to solve our problem.

Q Would you tell the Court why?

A Well, it appears that she would accuse me of something ridiculous such as doing something morally wrong because I was 10 minutes late coming home from work, and I tried to explain that I left late because the parking lot was crowded, or I stopped to get cigarettes, or stopped to get gas or something, and I just seemed like I never could get through to her with any explanation acceptable to her.

Q Did you find that Mrs. Jones became unduly suspicious of your activities?

A Yes, she did.

Q How did her consumption of alcohol affect the children?

A Well, on occasions she would be fussing at me at the dinner table, and I remember one instance particularly

when Craig said, Mama--

MR. BLANTON: Whoa, whoa, whoa. You are going to advise him about that, Mr. Taylor.

Q Don't say what anyone told you. You may say what you did as a result of what someone told you.

A Well, she upset them to the extent that Craig told her to shut up, and he and Doswell left the table.

MR. BLANTON: Just a minute now. I don't think he understands what it was you said, Mr. Taylor.

Q You may not repeat hearsay statements made by other parties.

A I didn't repeat any statement, I just made the statement that they left the table because they were upset.

MR. BLANTON: You said what he said, and that is improper.

Q Just say what you said.

A I didn't quote him. I mean, I said he told his mother to shut up.

Q Were there times when the children became concerned about their mother?

A Yes.

Q When did they show concern?

A What do you mean, "when"? What dates?

Q Approximately when was the concern shown?

A Well, I would say maybe within the last month

before I left.

Q And how was their concern shown?

A Well, they voiced their opinion to their mother.

MR. BLANTON: Whoa, whoa. When people voice their opinion, that is hearsay. We can't do that now. I don't want to keep on interrupting, but if you want the children to testify, we can bring the children in here. But we can't have hearsay.

Q Did you and Mrs. Jones have discussions concerning her consumption of alcohol?

A Yes, we did.

Q Approximately during what duration of time did these discussions occur?

A I would say between the time I came home from a previous separation, May 21, 1972, until I left on September 27, 1972.

Q Were there discussions concerning her use of alcohol before May 21st?

A Yes, there were.

Q You are testifying that there was another separation. Would you tell the Court when and how often you have separated?

A On three occasions.

Q Would you tell the Court the approximate time? You have already given two times, September 27th and May 21st.

A. I believe it was November of 1971 I left. I came back at that time on -- I believe it was December 5th. No, around the first of December, I don't know the exact date.

Q. 1971?

A. Yes.

Q. Were there any other separations?

A. Yes. I left the following latter part of February and came back on May 21st, on the condition that Mrs. Jones would quit drinking.

Q. Now, why did the separation in November 1971 occur?

A. Well, we had an argument, and as I recall, she had been drinking. I don't recall that I can honestly say she was drunk, but it was the same old jealousy bit.

Q. Was this during a period of time that you and Mrs. Jones were seeing Reverend Wright for marriage counseling?

A. No, I believe it was after that. This was after we had seen Dr. Friedenberg.

Q. Was this then during a period of time when you and Mrs. Jones were being seen by a psychiatrist?

A. We had been seeing Dr. Friedenberg. I don't remember whether Mrs. Jones had seen Dr. Brooks before I left or not.

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(TR 109) Q. And what was the frequency at the time you separated?

A. Oh, I don't think we had intercourse for several months.

Q. What was the reason for that?

A. Well, this constant pressure that she was putting on me. As I told her, the whole time I was home I felt like I was walking on egg shells. To me, intercourse is a very intimate thing where you more or less give yourself up, you are in a vulnerable position, and I did not feel that way to Mrs. Jones because she kept me in a constant state of upset.

Q. How would she go about doing that, causing you upset?

A. Just picking on little things and blowing them up like being 10 minutes late coming home from work, or stopping by to see a neighbor, or something like that.

Q. Now, Dr. Friedenberg has already testified, and you saw him during a period of time beginning in July of '71, and Dr. Brooks has testified that Mrs. Jones saw him beginning sometime around October 1971. Why did you feel the need to consult with a psychiatrist, you and Mrs. Jones?

A. Well, I had two reasons. I thought that Mrs. Jones had an emotional problem. If it took this to get her

there, I would go. Secondly, I told myself that if I am insane, who is insane that realizes it, and an insane person would be the last one I would think to realize he is insane. So, maybe I should go, maybe I was crazy.

Q How was Mrs. Jones emotional problem manifested to you?

A Well, what I termed insane jealousy at first, and then, later, by her drinking. I felt that she was drinking to relieve herself from her emotional problem, and in my opinion that was just the wrong thing to do.

Q There was a separation, you testified to, in November of 1971. How does that relate in time to Mrs. Jones' first hospitalization period?

A Well, her first hospitalization period?

Q Yes.

A As to relating time?

Q Yes.

A I think I left there not more than a few days after she was released.

Q Why did you feel the need to take Mrs. Jones to the hospital in October of 1971?

A Do you mean physically transport her?

Q Yes.

A Because I was interested in her. I wanted to get it straightened out and see if we couldn't save our

1 marriage.

2 Q What was her condition at the time of her

3 admission to the hospital?

4 A On the first admission?

5 Q The first admission.

6 A Well, she was upset.

7 Q Did you drive her to the hospital?

8 A Yes, I did.

9 Q Did you see her while she was in the hospital?

10 A I had helped her check in. I carried her bag

11 to her room, I stayed with her a few minutes.

12 Q And did you make visits to the hospital during

13 the first period of hospitalization?

14 A I was up there every day during the first

15 period.

16 Q And how long was she in the hospital at that

17 time?

18 A The best I recall, it was about eight days.

19 Q What was her behavior like after leaving the

20 hospital on the first occasion?

21 A Not changed much.

22 Q And did that give rise to your separation in

23 November of 1971?

24 A Yes.

25 Q Now, Mrs. Jones went to the hospital again in

December of 1971. Was that at a time when you were residing at home?

A No, sir.

Q You testified that you had returned home about the first part of December, 1971?

A I returned home on the condition that Mrs. Jones would go back to Dr. Brooks and re-enter the hospital, and stay until discharged by Dr. Brooks, and the reason I made that condition was that Dr. Brooks had told me that--

MR. BLANTON: Whoa, whoa.

Q Well, don't repeat what anyone told you.

A Well, she had not stayed in the hospital long enough to solve her problem.

Q Was your coming home around the first part of December, 1971, coincidental in time with her going to the hospital?

A Yes. I told her if she went to the hospital and stayed until Dr. Brooks discharged her of his own will, that I would be at home when she got home, and I moved in when she went back to the hospital and partially took care of the children. My sister came down and helped.

Q What was Mrs. Jones' attitude toward going to the hospital at that time?

A I don't think she thought that it was necessary.

Q What was her condition on being admitted to the

1 hospital on the second occasion?
2 A She was very intoxicated.
3 Q Did you take her to the hospital?
4 A Yes, I did.
5 Q Did you visit with her during the period of
6 the second hospitalization?
7 A Yes, I did.
8 Q With what degree of frequency did you visit her
9 on that occasion?
10 A Almost daily. Some days I didn't go, other
11 days I went twice. I took her out later on when she was
12 allowed to go out on leave.
13 Q Did Mrs. Jones make any promises to you on
14 her release from the hospital in December of 1971?
15 A I don't know that you'd say promises. She
16 wrote me a letter while she was in the hospital that she
17 would try to do better.
18 Q Was it on the strength of that that you chose
19 to remain in the home until February of 1972?
20 A On the strength of the letter?
21 Q On the strength of the letter that she wrote
22 you?
23 A Well, my observation of her in the hospital
24 was that she was more closely back to normal, and I had
25 agreed to be there when she got out.

Q Did she make any representations to you as to what she would or would not do?

A Only that she would try to be a better wife, that I recall.

Q What precipitated the separation in February of 1972?

A Well, more of the same problem, but it was, I guess, precipitated -- the particular incident over which I left? Which separation are you asking me about?

Q February of 1972. You testified you returned on May 21, 1972.

A Well, things got back like they were before she went to the hospital.

Q Can you be more specific for the Court?

A Well, drinking and, well, I guess what I would describe as abusive.

Q Did you seek pastoral counseling at any time?

A Other than Mr. Wright, no.

Q Did you seek pastoral counseling with Mr. Reister who has testified?

A I talked to him about it, but I didn't seek counseling, I just more or less related to him what had happened.

Q Did you ask him to counsel with your wife?

A No, but I knew she had been talking to him.

Q Why did you come back home on May 21, 1972?

A Because I had some hope that we could work the marriage out, or at least exist as a family.

Q What gave you reason to believe that there was any hope?

A Well, I met with Mrs. Jones on a number of ocasions while I was gone. She told me that she could quit drinking; that she would. In fact, that she had almost quit drinking at that time. She asked me to come back and I said I would if she would quit drinking. But all of this, I felt, had killed my love for her, but I would come back and would try to rekindle it.

Q What did Mrs. Jones say to you on that occasion?

A She said that she was very happy that I would come back, and she would quit drinking.

Q Did she quit drinking?

A To the best of my knowledge, maybe for a week or at the most two weeks.

Q What kind of alcoholic beverages would Mrs. Jones consume?

A Beer, whisky and vodka.

Q Would she drink any one particular kind more than another?

A Well, I wouldn't really say so. Toward the end it seemed like she was drinking more beer, at least I would

find more empty beer cans around the house.

Q Would you tell the Court in your own words what transpired between May of '72 and September of '72, occasioning your leaving in September?

A Well, things never did run really smooth after maybe the first week. Mrs. Jones started taking her drink. She had maybe one before dinner, I don't know, but she was drinking before I got home, but it got worse and worse, and I said something to her about it on many occasions, and I think it was about that period I started finding empty beer cans and liquor bottles, gin bottles, hidden around. She started using an excessive amount of Listerine, I suppose to disguise the odor.

Q Did you discuss at that time her excessive drinking with her?

A Yes, I did.

Q What was her attitude towards stopping drinking?

A Well, she said that she didn't think it made any difference, and she enjoyed taking a drink, and she was not going to quit.

Q Was this having any effect on your health?

A It kept me upset all the time, yes.

Q What kind of hours was Mrs. Jones keeping during this period of time between May and September?

A Well, she was home or with me most of the time,

but on two occasions I know of she went out very late at night by herself.

Q When did that occur?

A Well, I know she went two times by herself. I know she went twice with another person.

Q When did that occur?

A And other occasions, too, really. Well, I would say it was in the last three weeks before I left in September. So, it would have been in September of '72.

Q By keeping unusual hours on those occasions, what do you mean by that?

A I meant specifically one occasion that I was sitting around watching TV, and I don't remember the exact time, I would say late evening, and for some reason we had eaten rather late that night and she suggested a couple times that I go on to bed. So I did, and sometime later she came to the bedroom and fixed her face up, sprayed on perfume and what not, and went on out.

Q Approximately what time in the evening was it?

A I would say close to midnight.

Q What time did she return on that occasion?

A I don't truthfully recall. I may have even been asleep when she returned.

Q On the other occasion, what time did she leave?

A As I recall, it was around 1:00 or 1:30, because

we had been out to a dinner party and bridge, and we came home, and Mrs. Jones had said something on the way home that she was hungry, and I thought that was right funny because she ate considerably at this late dinner party, and so we got home, she said she was going down to Speed & Briscoe, which is a truck stop cafeteria on 95, south of Ashland.

Q This was at what time?

A I would say 1:00 or 1:30.

Q In the morning?

A Yes, sir.

Q And how long did she remain gone?

A I can't truthfully say that I recall. A considerable time. She told me she was going to wait up until Doswell got home, to see if he wanted to go with her, but she left before he got home.

Q Did you go home and go to bed?

A Yes, sir.

Q Were you awake when she came home?

A I can't honestly recall. I was awake on one of the instances, but I don't know which one it was.

Q Now, you testified that she went out with another person on an occasion or two during this period of time, and you testified three weeks or so prior to the separation, I think. Who was the other person that she went out with?

A Joe Stiles.

Q And on how many occasions did that occur?

A Well, two that I know of.

Q Would you tell the Court how that occurred?

A I don't know if Mr. Stiles called me. The first time he called, I am quite positive. His wife was in the hospital, and he called and asked would I mind if he took Mrs. Jones out with Dr. and Mrs. Lee, and I said, no, I wouldn't mind, frankly, because it would relieve the pressure on me, for a little while at least.

Q Did Mrs. Jones ask you whether or not this was with your consent?

A I don't recall whether she asked me, but she knew she had my consent, yes.

Q Did you know in advance that she was going out with Mr. Stiles?

A Not until the evening they went, that he called.

Q Did you know in advance that she was going out with Mr. Stiles on the other occasion that she went out with him?

A Not until the day they went.

Q Did she tell you that she was going?

A I don't know that she told me. Mr. Stiles asked me and I told him, yes. She was certainly aware of it that I knew it.

Q Did you and Mrs. Jones have any conversation

about this?

A The only conversation I recall was when she got home she told me she had a good time.

Q What finally precipitated your move from the home on September 27th?

A Do you mean the particular incident that day?

Q Yes, sir.

A Well, Mrs. Jones was intoxicated, and I reminded her that she had promised to quit drinking, and she said she can go on drinking and she wasn't going to stop, and I had told her several times previously that even if she didn't think it was important, that this would be a way of proving that she loved me. And I said that again that night, and she said, well, I am not going to quit. And I said, apparently you love whisky better than you love me, and she said, I guess I do. I asked her did she want me to leave. She said at that time that she did, but she didn't want me to be able to tell the children that she wanted me to leave. So, later in the evening, she came out and said that she wanted me to leave. So, I left.

This is the last separation that you asked me about, is that correct?

Q Yes, sir. And there has been no resumption of cohabitation as husband and wife since that date?

A No, sir.

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(TR 227) A. During June and July of '72?

Q. Well, June through September, that is really the time.

A. Well, as I say, it is hard to pinpoint when a certain thing happened, when it is a general deteriorating situation, but more and more frequently she was leaving food around or dirty dishes or something like that. I remember she complained of roaches two or three times, and dirty plates and partially-eaten food was laying around in the kitchen, and I would tell her, we will always have roaches if you leave food laying around like this.

Q. Was that occuring in June of '72?

A. Well, I think it would be fair to say it may have started around that time.

Q. Was she preparing your meals in September?

A. Most of them. She never prepared breakfast. I always got up and fixed my own breakfast.

Q. Was she, or did you all do this, did she keep your clothes clean, washed them and take them to the dry cleaners, and that sort of thing?

A. No. She washed them what was laundered in the washing machine. I took the clothes that was dry cleaned.

Q. Was she laundering your shirts and that sort of thing in September of 1972?

A. She was washing them, I think the colored girl was ironing them.

Q. How was she caring for the children in September of 1972?

A. Well, I can recall instances when I don't think she did too well, but generally speaking, I can't say she was negligent.

Q. On the particular day that you decided to leave, September 27th, do you feel that she was negligent?

A. I don't recall any instances of negligence on that day, no.

Q. What, again, precipitated your leaving on that day?

A. Well, specifically, she said she guessed she loved whiskey better than she loved me, and that she wanted me to leave.

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Q What is your income right as of this moment? How are you paid?

A Well, I am on a drawing account. Do you want to know the amount?

Q Yes, sir.

A I draw $666.67 bimonthly. That is not to say that the firm is earning that much money.

Q That is twice monthly?

A Yes, sir.

Q Has there been an income and expense statement prepared yet for the quarter ending March 31, 1974?

A For my firm?

Q Yes, sir.

A Yes, there has.

Q Do you have one?

A I believe I do.

MR. TAYLOR: We move to introduce that as Defendant's Exhibit 2.

NOTE: The income and expense statement is marked and filed as DEFENDANT'S EXHIBIT 2.

MR. TAYLOR: We move to introduce this document as Defendant's Exhibit 3.

NOTE: A document entitled Wagner & Jones - Balance Sheet, April 1, 1974, is marked and filed as DEFENDANT'S EXHIBIT 3.

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this gentleman is not a registered engineer, hence he cannot be a legal partner. But he and I participate equally in the profits of the firm.

Q At this time, are you in legal partnership with one other man?

A Yes, I am.

Q Who is an engineer as well, is that correct?

A Yes.

Q What is his name?

A Edward E. Bohannon.

Q Do you share profits equally with Mr. Bohannon?

A No.

Q What is the division?

A Well, at present, Mr. Walton and I are drawing at the rate of $16,000.00 a year, and Mr. Bohannon is drawing at the rate of $14,000.00 a year. Any earnings above that, if there are any, are divided 40 per cent for Mr. Walton, 40 per cent for myself, and 20 per cent for Mr. Bohannon. That is subject to change or review at the end of each year.

Q Is it those profits over and above the base draws that you testified to of $14,000.00 and $16,000.00?

A Yes, the three draws, a total of $46,000.00. So, up to $46,000.00 I would have 16/46, and Mr. Walton 16/46, and Mr. Bohannon 14/46.

Everything above that $46,000.00, if it is realized, it would be divided 40 per cent to Mr. Walton, 40 per cent to me, and 20 per cent to Mr. Bohannon.

Q Has there been any decline of business since Mr. Wagner retired the first of January?

A Judging by the first quarter statement, we are not going to have near as good a year as we had last year. We have no way of knowing what the future holds.

Q How did your first quarter statement compare to the first quarter statement of 1973?

A I hadn't compared it, but I know. I am making about -- my share of the earnings is about what I am drawing, roughly, which means if the last three quarters continue in the same manner, I would wind up with about $16,000.00 this year, whereas my gross last year was $22,000.00. So, on that basis I would be making about $6,000.00 less than last year.

Q Have you had a chance to review the income and expense statement of Mrs. Jones?

A Yes, I have.

Q That was prepared by her and offered in her testimony of last month, I believe?

A Yes, I have. May I refer to my notes I made on it?

Q Yes, sir. Have you found any irregularities in her statement of expenses?

A Well, I think I found several factual irregularities.

Q Would you tell the Court what these are?

A And some that I think are excessive.

Q Would you tell the Court what they are?

A Well, I am not really in position now to tell what Mrs. Jones spends for food, but food and milk, she has got $215.00. I asked the girl--

MR. BLANTON: Just a minute now. We are going to get into hearsay, and I think it is really, Mr. Taylor, more in the way of argument. I think the statements speak for themselves, and I think it is proper for counsel later to argue as to any differences, but I don't think it is going to help the Court any to have Mr. Jones point out anything that he thinks is excessive. He has just testified to the fact that he doesn't know what is going on there now.

Q What was the food expense when you and Mrs. Jones lived together as husband and wife?

A I recall Mrs. Jones cashed a check every Friday for $25.00, and on occasions she would call me at the office to stop and get something, or maybe we were going to have somebody for dinner, I would run uptown and get a steak and something like that. That would not include the milk bill.

Q What was the monthly expense, not including milk?

A Not including milk?

Q Not including milk.

A Maybe $150.00, the best as I can tell. She bought most of the groceries.

Q Well, was that after Craig became emancipated and went to school away to college?

A Well, he was there the summer after he finished until he went to Medical College the following fall.

Q Are you paying for his actual tuition and support in college at this time?

A Yes, I am.

Q How old is he?

A He is twenty-one.

Q How much does that cost you per year?

A Craig's tuition on a monthly basis is $58.00 a month. I don't pay it monthly, but that is what the total tuition for a year divided by twelve is, $58.00. I give him $150.00 a month for the nine months that he is in school, which amounts to $112.50 a month on a twelve-month basis.

Q What is the total amount per year that you contribute toward him in support and education?

A A year?

Q Yes.

A I have to add it up and multiply it by twelve. The only figure I have is by the month.

Q. All right. What is the total amount per month?

A. Well, I will have to add it.

NOTE: Mr. Jones is now adding on a piece of paper.

A. (Continuing) Should I include an estimate that I have for dentist and doctor bills for including him and myself? I am paying his dentist and doctor bills. That is a nebulous figure.

Q. My question is, for his support, his maintenance and his education, what do you pay per month for Criag who is now emancipated?

A. On a twelve-month basis, that comes to $209.06, not including any dental or medical expenses.

Q. What is Craig studying to be?

A. A pharmacist.

Q. What year is he in?

A. He has one year after this one.

Q. Now, going back to Mrs. Jones' expense statement, What other irregularities did you find, and if so, please explain them.

A. Well, she has the water and sewer for $14.00. That, I believe is bimonthly -- semimonthly -- for two months, the two-month charge for water and sewer in Ashland. She has listed that as a monthly expense.

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CROSS-EXAMINATION

BY MR. BLANTON:

Q Mr. Jones, you testified that you all separated in September of 1972, didn't you?

A I believe that is correct.

Q When in actuality you left, didn't you?

A At Mrs. Jones' request, yes.

Q But you did not intend to come back after you left, did you?

A No, sir. I had told her that previously, that if I left again it was going to be final.

Q You also were present, of course, when your witnesses, some eight, ten or so, came in and testified as to the drinking habits of Mrs. Jones, weren't you?

A Yes, I was present.

Q And you heard what they said about their drinking habits, her drinking habits and your drinking habits?

A Yes.

Q And it is a fact, isn't it, that especially during the early part of your marriage, that you drank just as much whisky as she did?

A That is correct.

Q Probably more?

A I wouldn't say that.

Q Men usually drink more than women.

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(TR 245) Q. How much would you say you drink now?

A. Do you mean in ounces, or how often do I take a drink?

Q. Either way you want to do it.

A. Well, I would say during the week maybe twice at home I take one drink before dinner, maybe once a week I drop by a friend's house and have two or maybe three, and on rare occasions as many as four there. On a weekend, depending on what I am doing, if I have Ashley I don't drink anything. If I go out on a date or something, I might drink two or three drinks.

Q. So, it isn't stretching it to say you may drink five nights a week, then?

A. To a degree I drink five nights a week, maybe.

Q. Some nights you have as many as four drinks a night?

A. Some nights. That is way above the average, though.

Q. How many drinks does it take you to get intoxicated, fifty years old?

A. If you define intoxication, I will try to tell you.

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(TR 257) Q. It isn't so unusual to clean up some dirty dishes and clean up some food. Every husband has to do that once in a while.

A. Once in a while.

Q. You said it occurred two or three times?

A. I am saying that it occurred more to the latter part of our marriage, and it occurred more frequently than it was Mrs. Jones' habit.

Q. You were looking for trouble about this time, weren't you? You wanted out, didn't you?

A. No, sir, not until the very end.

Q. You told her it had cooled off?

A. I told her it had cooled off before I came home the last time, but I made a sincere effort over about three years to save this marriage.

Q. When did you stop making an effort, a real effort now?

A I would say between when I came home from the second separation on May 21, 1972, until somewhere between there and the time I left home.

Q. And at that time you had no support left for her, did you?

A. No what?

1 Q Support, emotional support. You didn't love her,
2 did you?
3 A No, sir.
4 Q And you didn't try to support her?
5 A She accepted me back on that condition, though.
6 Q What condition?
7 A That I did not love her. I told her that you
8 have killed my love for you.
9 Q But she was desperately in love with you, wasn't
10 she?
11 A I don't think so. She wouldn't show it. She
12 wouldn't quit drinking to prove it.
13 Q Why was she emotionally upset?
14 A Well, I think that would call for a professional
15 opinion.
16 Q What is your opinion? Why didn't she just turn
17 you loose, then, if she didn't care? You told her you didn't
18 care.
19 A Well, I came back -- well, as I told her, to try
20 to rekindle the love and to try to make a home for the children.
21 Q Well, you just said that the love was gone. You
22 can't rekindle it, can you?
23 A Well, I think you can try.
24 Q You can't live with your wife on a business-
25 like basis, can you?

A I found out you can't, but I had to make the effort.

Q Did you ever kiss her when you got home that time in May?

A Do you mean between my second separation and my final separation?

Q This time in May when she came home from the hospital.

A She didn't come home from the hospital in May, Mr. Blanton.

Q Well, the May date, then, Mr. Jones.

Q When I came home from the second separation, that is what you are asking me?

Q All right.

A Yes, I did. In fact, we had sexual intercourse twice that first week.

Q I see. Any more after that?

A I think we did, not frequently.

Q This was your attempt to make it work, but you found out it wasn't going to work?

A When I found out she was drinking as much or more than she had been drinking after she had promised not to drink.

Q Had you stopped drinking?

A I stopped for two weeks.

Q Two weeks?

A Uhm-hum.

Q If she was drinking so heavily, why couldn't you stop for a longer period to help her?

A I could have.

Q You didn't want to?

A I didn't see any point in her sitting around and getting drunk and abusing me and everything. If I wanted to take a drink, if I was tired or something, I went on and took it, but that was after she had proven to me that she wasn't going to quit. I offered to quit to encourage her to quit, and I did.

Q What was your reason for these people who have come in as your witnesses, not testifying any more than they have to her drinking habits? I haven't heard anybody saying she was a knockdown drunk.

A I didn't say she was a knockdown drunk, either.

Q Well, how do you classify her?

A She, by my definition of an alcoholic, the time I left home for the last time was an alcoholic. She was seeking a solution to her problem by drinking. That is an unprofessional opinion, but that is the way I felt about it.

Q So, she is just like you. You said you came home tired and you felt you wanted a drink, so you had a drink.

A That is right, but I didn't look for an answer

1 to my problems in the bottom of a bottle like Mrs. Jones.
2 Q Where were you looking for yours, if you sat
3 down having a drink?
4 A I was relaxing.
5 Q With the whisky?
6 A I take a drink to relax, yes.
7 Q That is all she was doing.
8 A No, sir, that was not all she was doing.
9 Q I see. Were you not yourself once depressed
10 during your married life?
11 A I didn't feel I was. Mrs. Jones said I was.
12 I think I had good reason to be.
13 Q What was the reason?
14 A Well, the main reason was that I had to have my
15 sister committed.
16 Q For what?
17 A Well, she had been through a very trying
18 experience of having seen her husband murdered, and had to
19 escape from his assailant by pulling her own hair out by the
20 roots, and I think it affected her emotionally, and she
21 started drinking.
22 Q So, she had a drinking problem?
23 A She did at that time.
24 Q Where was she committed?
25 A Westbrook Sanitorium.

Q Did your wife assist you there?

A She assisted me the second time I had to commit her.

Q She supported you during this time, didn't she?

A Yes, she did.

Q Emotionally?

A Yes.

Q I believe this was about the time your mother died, also, wasn't it?

A It was along about generally the same time. I believe the first time was before my mother died, because my sister was living with my mother.

Q Your sister's name is Mrs. McClellan?

A That is correct.

Q And she has stayed in your home frequently?

A I wouldn't say frequently.

Q Weeks at a time when she did stay?

A She stayed a right long time when she came down and helped me to look after the children, when Mrs. Jones was in the hospital on the second occasion.

Q And when Mrs. Jones came back from the hospital the second time, I think she asked you to see if you couldn't in a nice manner have Mrs. McClellan leave, didn't she?

A I don't recall that she specifically asked me,

1 but she did say she wished she would leave.

2 Q You knew she didn't want her there, didn't you?

3 A Yes.

4 Q Did you make any effort to have her leave?

5 A I don't recall making any concerted effort.

6 Q So, she stayed about a month and a half or

7 two months after your wife had indicated she didn't want her

8 there, didn't she?

9 A I don't recall the period of time. I don't

10 believe it was quite that long. No, not after Mrs. Jones

11 said she didn't want her there.

12 Q Well, Mrs. Jones came home before Christmas,

13 didn't she?

14 A Yes, but Mrs. Jones didn't say she didn't want

15 her there the day she came home.

16 Q When did you sense that she didn't want her

17 there?

18 A Oh, I recall a week or two before she actually

19 left. I don't know the date.

20 Q Now, did the fact that you and Mrs. Jones had

21 periods of sexual abstinence sometimes a month or six weeks

22 in any way influence the reading that you did of this type

23 literature?

24 A No, sir.

25 Q You have been doing this all your married life?

1 A Yes, sir.
2 Q What type of books are these?
3 A As I said, they are paperback books, the con-
4 tents of which is sexually oriented.
5 Q Writing, pictures, both?
6 A Very few of them have pictures.
7 Q Some of them did, though?
8 A I recall that at least one did.
9 Q Where would you get these books?
10 A Buy them at a newsstand.
11 Q The same type as you see on the newsstand today?
12 A No, not as bad as what you see on the stand
13 today.
14 Q The writing was just as bad, though?
15 A No, sir.
16 Q How much would you spend on them per week?
17 A I couldn't say, because I didn't buy them per
18 week.
19 Q How often did you buy them?
20 A Oh, I might buy two in one month and none in the
21 next month.
22 Q Where would you read them?
23 A I read them in the home, I read them at the
24 office if I wasn't busy.
25 Q Were you ever apprehended by your secretary

reading them?

A I beg your pardon?

Q Did your secretary ever see you reading them?

A I understand she did.

Q Did she tell you she did?

A No, sir.

Q Did you know that she knew you were reading it?

A I knew that Mrs. Jones told me.

Q Did you read them at your desk, or where would you read them?

A I read them at my desk.

Q Would you try to disguise them by an engineer's journal?

A I had, yes.

Q Would you read them daily?

A No, I was too busy to read them daily, but if I went two, three days when I didn't have anything to do, I would read them, not all day long, on the occasions of three or four days.

Q Do you think this affected your marriage?

A I don't think so.

Q Do you think your wife liked it?

A Well, she never said anything about it until after all this trouble started. If she didn't like it, she kept it to herself.

Q Wasn't all this tied in together with your impression and your lack of interest in her?

A I don't think so, because I had been reading them, as I testified, since 1948, '49.

Q When did you start buying traveler's checks?

A I think it was in 19-- I can't truthfully say, but it was before 1970.

Q Would you have as much as $200.00 in traveler's checks?

A I carried $200.00 around in traveler's checks, I would say for a year.

Q How often would you cash them?

A Very infrequently.

Q Once a month?

A Oh, no. I said I carried $200.00 worth for, I am sure, a year. I got $140.00 worth in my wallet right now that have been there pretty close to a year.

Q Do you know other people that do this, that don't take trips?

A Most people carry credit cards.

Q You were taking some trips at this time, weren't you?

A I have taken trips but very infrequently.

Q You weren't taking an excessive amount then, more than you usually took?

1 A No.
2 Q Where would you go?
3 A Are you talking about business trips or private
4 trips?
5 Q Whatever kind of trips you were taking.
6 A Well, I went on two fishing trips to Myrtle
7 Beach with a crowd of golfers, and I wasn't playing golf that
8 time so I went fishing with a friend I had down there. Would
9 you describe over what period of time you want me to tell you?
10 Q I am talking about this period where she says
11 you were depressed.
12 A Well, this period could be anything.
13 Q Do you remember her saying you were depressed?
14 A I beg your pardon?
15 Q Do you remember her saying you were depressed?
16 A Remember Mrs. Jones saying I was depressed?
17 Yes, many times.
18 Q Over what period of time was that?
19 A Several months.
20 Q Well, that is the period I am talking about.
21 A I believe I went to Baltimore once during that
22 period.
23 Q Who did you go to see?
24 A I didn't go to see anybody.
25 Q What did you do up there?

1 A Well, I got a room in a motel. I went to the
2 race track one day, I went down to the Block a couple of
3 nights.
4 Q What does that mean, "the Block"?
5 A That is a place where they had strip shows,
6 very famous. I am sure you heard of them.
7 Q Did you go to any of those?
8 A Yes, sir, several of them.
9 Q Did you buy any magazines up there?
10 A I don't recall buying any magazines.
11 Q Did you have any dates up there?
12 A No, sir.
13 Q Did you see any women up there?
14 A I saw women in the show, B-girls, I suppose you
15 call them, but I didn't go out with any of them.
16 Q Did you have any drinks with any of them?
17 A No, that is too expensive.
18 Q Has anybody else seen these hidden gin bottles
19 and liquor bottles you made reference to?
20 A Not to my knowledge. Mr. Reister, I believe,
21 testified that Craig had seen a couple of whisky bottles.
22 I have not quizzed Craig about it or Doswell, either, but
23 anybody who has been in the kitchen cabinet would have seen
24 all the beer cans that stayed there for many weeks.
25 Q Did you drink any of that?

A The beer?

Q Yes.

A No, sir, I don't recall it.

Q Well, I ask you again, if she is guilty of all the drinking you say she is, why haven't more people been brought in here to testify to that thing?

A Well, most of the time it was done in the home.

Q Your testimony also was that toward the end of the time that you were in the home, Mrs. Jones was intoxicated almost daily.

A That is correct.

Q What do you mean there by "intoxicated"?

A I mean she had slurred speech, she was unsteady, and she could not seem to comprehend what I would say.

Q All during the day?

A No, sir, I wasn't there during the day.

Q What time was it that you saw her this way?

A Well, I would get home usually at 5:30, sometimes a few minutes later.

Q And she would be this way then?

A On many occasions she was. Sometimes she didn't get that way until after I got home.

Q Would you have some drinks then yourself?

A The first couple of weeks after I returned home, as I said, I didn't, but I did after that.

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that Mrs. Jones was not generally speaking negligent. Do you think she is negligent in the care of her children now?

A I am not in position to observe whether she is or not. I haven't observed anything to show that she is.

Q So, what you see now appears to be all right?

A From what I see now.

Q And you see your daughter how often?

A At least once a week.

Q Do you come to the house?

A I come to the house. I have had her spend the night with me frequently and the following day.

Q Do you come in the house to get her?

A I come into the front hall and the living room.

Q Do you ever see any whisky bottles around?

A Not in the front hall and living room.

Q Do you ever see any?

A Have I ever seen any?

Q No. When you come in to pick up your daughter, do you ever see any whisky bottles?

A No.

Q Do you ever see Mrs. Jones with slurred speech or wavering?

A I saw her once when her speech was slurred. I don't remember her wavering.

Q Since when?

A Since I left.

Q When did you leave?

A September 27, 1972.

Q So, you are saying in about eight months you have seen her once when she seemed like she had too much to drink?

A Yes, but I haven't seen her on many occasions.

Q You see her, she is there when you pick up your daughter, don't you?

A I don't always see her.

Q She is a good mother, though, isn't she?

A As far as I know.

Q And you don't have any objection to her having custody of these children, do you?

A As long as she continues to take proper care of them, I would like to see them in that house.

Q You say you would like to see them in that house?

A I would like to see them in that house, whether I have custody or she has custody.

Q But isn't it a fact you want her to have custody?

A No, I will be glad to, if I can have the house to keep them in. I want this girl to stay in that house.

Q And you want them to stay in that house how long?

A Until they grow up and marry, or they want to

1 leave at their own will. I don't want to throw them out.
2 Q And you are perfectly willing to have her there
3 with them?
4 A If I can't be with them, yes.
5 Q During this time that you were depressed, were
6 you seeing a Dr. Ted Staples?
7 A I saw him on two or three occasions.
8 Q Did Mrs. Jones have any consultations with him?
9 A She told me she did. I don't know it for a fact.
10 Q Is he a medical doctor?
11 A Yes, sir.
12 Q Did he not refer you all to Mr. Wright?
13 A I don't recall that he did. I am not saying
14 that he didn't, but I don't recall that he referred us. I
15 don't recall who referred us. Mrs. Jones came up with the
16 idea, as I recall.
17 Q You were reluctant at first, weren't you?
18 A I was only reluctant in that I didn't think we
19 had that big of a problem at that time.
20 Q You know now you did, though, don't you?
21 A I certainly do.
22 Q Where have you resided other than with Mrs.
23 Gilmer?
24 A Her name is Griffith now. She was a Mrs.
25 Gilmer. Where else have I resided?

1 Q Yes.

2 A Well, I resided on two occasions when I left
3 for a few nights at the Shady Grove Motel in Ashland. I have
4 resided several weeks, as I recall, with my cousin in his
5 house, Mr. Hunter Jones, at his invitation, before I moved
6 to Mrs. Griffith's. On this last separation I lived at Mr.
7 Hunter Jones' homeplace that he has a sister that was living
8 there by herself, and he offered to let me live there so she
9 would have a man in the house.

10 Q Did you pay any rent at Hunter Jones'?

11 A No, sir.

12 Q Did you pay any rent at his homeplace?

13 A No, sir.

14 Q How long after your separation from Mrs. Jones
15 did you stay at the homeplace?

16 A I stayed from when I left in September to
17 Memorial Day of 1973.

18 Q That is when you went to Mrs. Gilmer, now Mrs.
19 Griffith?

20 A Mrs. Griffith, yes.

21 Q And then you began paying rent?

22 A Yes, sir. I might clarify something there. On
23 my second separation I also lived at Mrs. Griffith's for a
24 while, or maybe-- yes, the second separation.

25 Q When you first met Mrs. Jones, I believe you

1 were in college, were you not?

2 A No, sir.

3 Q You were not. During your last two years in

4 college, Mrs. Jones worked, didn't she?

5 A Yes. She worked before that, though. We

6 were married during my Christmas vacation in my sophomore

7 year in college.

8 Q And you lived on your GI money and her income?

9 A My father sent us a little money from time to

10 time.

11 Q Do you remember the respective amounts?

12 A As I recall, the GI Bill, when we first married,

13 was $90.00 a month, and then it was up to $105.00 a month.

14 Q What was her income?

15 A I don't recall what she made working for Dr.

16 Brush. I believe she made $90.00 a month at the bank.

17 Q Who is Dr. Brush?

18 A That is the first job she had when she came up

19 to Lexington to live.

20 Q When did you build your home?

21 A We moved in December 1951.

22 Q You built it when?

23 A Well, we started in about I would say May of

24 1951.

25 Q '51 or '50?

A I believe it was '51. As I recall, when we moved in Mrs. Jones was pregnant with our first child.

Q Where was she working when you began building the home?

A When we began building it? I don't truthfully recall.

Q Didn't she work at Home Beneficial Life Insurance Company?

A I don't believe so. I believe she was working at Guy Motor Company, but I am not sure.

Q Where did you get your loan?

A Rucker & Richardson.

Q They loaned you the money?

A Yes, sir.

Q Not the Home Beneficial?

A No, sir.

Q Did you ever borrow anything from Home Beneficial?

A No, sir.

Q They didn't lend you $11,000.00?

A No, sir, Rucker & Richardson loaned us -- I don't believe it was $11,000.00.

Q Don't you think Rucker & Richardson may have been the real estate brokers who sold you the lot?

A They may have well been, but you asked me who loaned us the money. That is who I paid the money back to.

Q Rucker & Richardson?

A Yes.

Q Maybe as collectors of the note?

A Well, if they sold the note to Home Beneficial -- I think they did.

Q Are you aware that Mrs. Jones feels that she was responsible for your having gotten the $11,000.00 loan through Home Beneficial, because she worked there?

A I don't believe Mrs. Jones was working there at the time. She worked there previously.

Q Did you ever get a loan based on the fact that she worked at the place you got a loan?

A She told me that she talked with somebody down there, and I think they referred us to Rucker & Richardson, and what arrangement Rucker & Richardson had with Home Beneficial, I have no way of knowing. That would really be hearsay.

Q But you don't give her any credit for obtaining that $11,000.00 loan?

A I said she may have had something to do with it. I said she talked with somebody at Home Beneficial, but what influence it had I don't know.

Q Where did you buy your first car?

A My first car?

Q Your first new car after you were married.

A Tinsley Mercury.

Q Was she working there?

A I believe she was at the time.

Q Did you buy the car at cost?

A No, sir.

Q You didn't get anything off?

A I don't recall whether we got anything off. Certainly, we didn't get it at cost.

Q Could you have gotten something off for it because of her working there?

A I would assume Mr. Tinsley would have given her some break.

Q Your father died in 1957, didn't he?

A No, I believe it was '59.

Q You received some moneys then?

A I received $100.00.

Q What time did her father die?

A I believe he died in 1957.

Q She got some income from that?

A Yes, sir.

Q $4,000.00?

A I don't recall the amount, but I guess it was around that.

Q You and she lived off of that, didn't you?

A She helped support the family when I started in

1 business, yes.

Q And you added an addition on your home, didn't
3 you?

4 A We had two on it.

5 Q You borrowed some money both times?

6 A I didn't borrow any the first time.

7 Q The second time you borrowed $11,000.00?

8 A That is correct.

9 Q What kind of interest did you pay?

10 A 5-1/2 per cent.

11 Q Could you get that anywhere else?

12 A No.

13 Q Who did you borrow the money from?

14 A I went to Mrs. Jones' brother-in-law, and I
15 knew he had an account at I believe it was Franklin Federal
16 Savings, but I could be wrong. He was getting 5 per cent on
17 it, and I said, would you like to loan us $11,000.00, I will
18 pay you half a per cent more than you are getting on your
19 money now, and he said, yes. So, Mrs. Jones and I signed a
20 personal note for $11,000.00.

21 Q That is Mr. Selepak?

22 A Selepak, yes, sir.

23 Q Selepak?

24 A With his wife's knowledge.

25 Q And his wife is Mrs. Jones' sister, isn't she?

1 A That is correct.
2 Q When you added on to your house, she was working
3 for the local Frigidaire dealer, wasn't she?
4 A Yes, sir.
5 Q And you got your kitchen appliances at cost,
6 didn't you?
7 A I don't know about at cost, but we got them
8 pretty reasonable.
9 Q Is it not a fact that Mrs. Jones has worked
10 part-time your entire married life, except for the time the
11 kids were real little?
12 A No, she worked full time in Lexington.
13 Q Well, putting it another way, she has worked
14 the majority of your marriage, hasn't she?
15 A Yes.
16 Q She even had a bookkeeping job within the home,
17 didn't she?
18 A With which I helped her, yes.
19 Q So, whatever you said about her drinking, you
20 will have to say that she has helped you financially tremendous-
21 ly in your marriage, hasn't she?
22 A She has helped. I don't know if you would say
23 it was tremendously, but Mrs. Jones stated many times that
24 she worked because she was happier rather than staying at
25 home keeping house.

Q Did you object to her working?

A No, I didn't, because she was happier when she was working.

Q Mr. Jones, were you aware that the Welfare Department in Hanover investigated your home, to see whether or not your wife was a fit mother?

A Yes, I am.

Q Did you have anything to do with that investigation?

A No, sir. What do you mean, "anything"? Did I instigate it?

Q Did you call the Welfare Department?

A I did not.

Q Do you know who did?

A I have an idea. I don't know for a fact. It would be hearsay, if I did.

Q Was it done under the advice of either of your two counsel?

A I beg your pardon, which two counsel?

Q Mr. Taylor or Mr. Smith.

A No, sir.

Q It was done independently of that?

A I didn't do it, so I don't know who told who what.

Q Well, who did do it?

A I don't know.

Q You don't have any idea?

A Yes, I have an idea, but hearsay testimony is not admissible, and what I know is hearsay.

Q I didn't say what they said. I said, do you know who instigated it?

A I do not know. I said I have an idea.

Q Who did you hear did?

A I heard Mr. Reister did.

Q Mr. Reister?

A Yes.

Q Do you know what the outcome of that was?

A I beg your pardon?

Q Do you know what the outcome of that was?

A Well, I assume that the investigation was negative, since nothing was done about it. I know Mrs. Reese at the Hanover County Welfare Department called me and asked me if she found anything amiss, was I prepared to take the children.

Q Did you talk to Mr. Reister before or after it?

A Yes, I believe I did.

Q What did he tell you?

A He asked me if I objected to him doing it.

Q What did you say?

A I said I don't know what the conditions are at

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WALTER KIDD JONES, JR., the defendant, having been called in his own behalf on April 22, 1974, and whose cross-examination is resumed at this point, having previously been duly sworn, and reminded today that he is still under oath, deposes and says, viz:

CROSS-EXAMINATION

BY MR. BLANTON: (Continued)

Q Mr. Jones, I hand you this and ask you if you will identify that.

A It is a copy of my 1973 1040 federal tax return.

Q That has not been introduced into evidence, has it?

A Not to my knowledge.

MR. BLANTON: You have seen a copy?

MR. TAYLOR: Yes.

MR. BLANTON: I would like to introduce it into evidence, then, as Plaintiff's Exhibit C.

NOTE: A copy of the 1973 tax return, consisting of nine pages, is marked and filed as PLAINTIFF'S EXHIBIT C.

Q Mr. Jones, this shows that you had income, other than wages, dividends and interest, of $24,355.26. This would mean that that comes from your business?

A. I believe that is all business. That is before my retirement plan money that was taken out, but I believe that figure, it comes from another schedule or something that is included with the exhibit.

Q. I think you also averaged your income within this return, didn't you?

A. Yes, sir.

Q. It is fair to say, isn't it, looking at that Schedule G, Income Averaging, that 1973 marked for you a taxable income higher than any year previously?

A. I believe that is correct.

Q. By some $1,200.00 or more?

A. I don't know by how much.

Q. I will point the figure out. '73 shows $13,752.00, '72 shows $12,573.00.

A. That is roughly it, $1,200.00, yes, sir.

Q. I think your testimony on direct was that the first quarter this year was not as good as the last of the corresponding quarter of last year?

A. I don't know that I testified exactly to that, but as I recall, I testified that the first quarter earnings of this year, if my earnings of the other three quarters continue in that same amount, that I will wind up with considerably less income this year than last.

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Q. But it is fair to say that 1973 was a good year for you, wasn't it?

A. Yes, it was. Exceptionally good, above average.

Q. And you expect to have more like that, don't you?

A. I don't expect this to be one of them. I don't know what the future holds. It is a very flexible business.

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A Would you mind restating that or stating it again?

NOTE: The question was read back by the court reporter at this point.

A Well, I could claim it as alimony under the old Order.

Q You spoke of having a retirement plan in your tax return, which would indicate that there were payments of $2,160.33 toward this retirement plan, is that correct?

A I can't see the figure from here, but if you are reading it from my return, that is correct.

Q I don't want to fight you now, Mr. Jones. You prepared this return. I think you have been contributing to this retirement plan for how many years?

A I believe it is six.

Q Well, you know what goes into it each year, don't you?

A Yes, but I can't quote you the exact figure out of my head.

Q Well, I don't ask you to give it to me to the penny.

A It is 10 per cent of my income, less a portion that goes as insurance premium.

MR. TAYLOR: Excuse me, do you have a copy of the tax return?

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Q 10 per cent, though, of whatever you made?

A That is correct.

Q So, in effect, another way of saying is you have been able to save 10 per cent each year, is that right?

A Well, I don't have access to it.

Q I didn't say you had access to it, I said at some time you have access to it, don't you?

A Yes, sir, when I am sixty-five.

Q Do you know the total sum you have contributed?

A I think it is something over $10,000.00.

Q So, it is fair to say that you haven't needed all the moneys that you have earned to live on, is it?

A Well, I can't get that money, whether I need it or not.

Q Well, you have the option?

A I never actually receive it, I'll put it that way. It is paid directly to the insurance company.

Q You don't have to enter into this plan, do you?

A I don't know if I do or not, to tell you the truth. I always have. It is something that the three of us decided to get up, I believe it was in 1967.

Q You contribute the maximum allowable every year, don't you?

A Yes, sir.

Q Mr. Jones, what are those two pieces of paper?

A I believe they are -- I don't know the technical name, but the information from the companies in which I own stock.

Q Read the names off of those companies, if you will.

A Inmont Corporation, Weil-McLain, Virginia Chemicals, Incorporated, Standard Oil of California, Supermarkets General.

Q Can you tell me what amount of moneys these investments amount to?

A The ones here?

Q Yes.

A Inmont was-- do you want to know what the dividends were, or how much the stock is worth, or what?

Q Right. How much is it worth?

A Well, I can tell you that as of this morning. I called the broker and got them. With the exception of the Virginia Chemicals, which I got left off, the total value of all the stock I own is $4,930.63, as of the closing of the market Friday afternoon.

Q Do you have any objection to that being entered into evidence?

A No, sir, except it doesn't have the Virginia Chemicals on there.

Q That is all right. Do you have any other stock,

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A I don't believe I have.

Q Will you now?

A If I can remember it. I have given you that information, but I don't believe I testified to it.

Q We want the Court to know, Mr. Jones, how much life insurance you have.

A Well, I can tell you roughly. I have $57,000.00 face amount.

Q How much per policy?

A I have got one for $3,300.00, one for $2,200.00--

MR. TAYLOR: I think we furnished you with all that information already, Mr. Blanton.

MR. BLANTON: Mr. Taylor, I am asking questions, and I think that he has the ability to answer the questions, and I am not sure I am going to introduce them in evidence, but if you just let him answer the question, I'd appreciate it.

NOTE: Mr. Taylor is handing the witness some paper writing.

A One for $3,300.00, one for $2,200.00, one for $3,000.00, one for $4,500.00, one for $2,000.00, one for $5,000.00. My retirement plan has a death benefit equal to the amount-- a minimum of the amount to which I have contributed to it.

Q So, that is an ever-increasing amount, then?

1 A Yes, sir.

2 Q Do you have some additional insurance?

A A $5,000.00 policy on my life that pays to
4 Wagner & Jones, and I have just in the last year, as part of
5 a retirement plan, instead of the contribution going directly
6 into the annuity, a portion of it goes to a life insurance
7 policy which has a face value of approximately $27,000.00. I
8 don't remember the exact figure.

9 Q So, the total of that comes to $57,000.00?

10 A I think so.

11 Q In the $57,000.00, is the retirement plan
12 included?

13 A No, sir, I don't believe so. Or, maybe it is.
14 I am not sure.

15 Q Who are the beneficiaries on these policies
16 now?

17 A Wagner & Jones is one of them. On the rest of
18 them the beneficiary is my children.

19 Q Mrs. Jones at present is not included?

20 A No, sir.

21 Q Do you intend to keep the children as a
22 beneficiary?

23 A Yes, sir, if I can keep up the premium payments.

24 Q On this piece of paper you identified as being
25 dividends on the life insurance, I see Heritage Savings and

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Q Where did you go out of town?

A I went to Washington several times.

Q To Baltimore once, I remember you said, didn't you?

A Not in 1973 I don't believe I did. I may have. I went to Lake Gaston two or three times. Innumerable trips to Richmond.

Q What other breakdown do you have for the Court on your car operation? How much do you figure the 12¢ a mile at 23,000 comes to?

A 23,000 miles a year at 12¢ a mile, I figure comes to $230.00 a month.

Q So, this is just gasoline?

A No, sir.

Q Depreciation and all you are putting in?

A I believe that is a fair cost of operating a car. That includes insurance and everything else. The government allows that and probably is going to allow more since gas has gone up.

Q So, you are saying that you spend about a fifth of your money in car maintenance?

A I don't know if it is a fifth, but it is $230.00 a month.

Q $230.00 over $1,258.00 you put on your automobile?

A Over what?

Q You listed on your exhibit an average gross income of $1,258.00.

A Right.

Q That is a right high ratio, is it?

A I don't know, Mr. Blanton, but if I spend it, I spend it.

Q Well, if you are a businessman you know, Mr. Jones.

A All right. Yes.

Q Do you provide the total of support for Craig now?

A Other than what he earns himself, as far as I know. I don't know if Mrs. Jones gives him anything or not.

Q How much does he make himself?

A I haven't got the vaguest idea. He works two nights a week, something like that.

Q So, you give him this $112.00 plus per month in addition to what he makes?

A Yes, sir.

Q Do you ever ask him what he makes?

A No, sir.

Q Why is that?

A Because when he went to college he did not want to stay at the college. I told him I would give him what his room and board would cost me if he stayed at the college, and

he could live anywhere he wanted to, plus I would pay his books and tuition and fees, which I have done.

Q You give him more than that, don't you?

A I beg your pardon?

Q You give him more than that, don't you?

A I give him other money from time to time, yes.

Q You pay his automobile insurance, don't you?

A That is right.

Q Is this in any way done to keep from paying Mrs. Jones moneys?

A No. I got to pay Mrs. Jones what the Court ordered me, whether I pay Craig or not. But he is my son, I want to take care of him as long as I can.

Q He is capable of making some moneys himself, isn't he?

A Yes, but he is a full-time student in a difficult curriculum.

Q Have you ever inherited any moneys from your family?

A Yes, sir.

Q From whom?

A From my mother, and as I testified before, $100.00 from my father.

Q How much did you inherit from your mother?

A I would guess roughly $20,000.00.

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(TR 317) Q. What is the approximate value of the jointly-owned home?

A. $45,000.00.

Q. What is the approximate equity in that home?

A. $38,000.00. That is joint equity, not just mine.

Q. Is there any indebtedness on the lot that you testified that you and Mrs. Jones own jointly?

A. No, sir.

Q. What is the approximate equity in the lot?

A. I would guess $10,000.00. I believe Mrs. Jones testified she has not paid the taxes on it. So, to the extent of her half of the taxes, that may be included as a -- I don't know what the term would be.

Q. The stock that you have in the Hanover Country Club, what is the approximate value of that?

A. I really don't know if it is selling for $75.00 a share or $100.00. So, the maximum would be $800.00, maybe $600.00.

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MR. TAYLOR: Let the record show that the defendant calls Mr. Sly adversely.

JAMES B. SLY, JR., called by the defendant as an adverse witness, first being duly sworn, deposes and says, viz:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q Mr. Sly, tell the Court your name.

A James B. Sly, Jr.

Q What is your occupation?

A Private investigator, employed by Ethical Investigators, Incorporated, 530 East Main, Richmond, Virginia.

Q Were you employed by Mrs. Harriet Jones?

A No, sir, I was employed by Mr. Charlie Blanton.

Q When did Mr. Blanton employ you?

A On or about the 4th of April, 1973.

Q What did Mr. Blanton assign to you to do?

A To check into the activities of Mr. Jones.

Q Were there any specific activities that you were to inquire into?

A To see if Mr. Jones was doing anything out of the ordinary.

Q. By "out of the ordinary", did you have any particular instructions?

A. Seeing another woman, basically.

Q. Did you follow Mr. Jones on occasion?

A. Yes, sir, I did.

Q. Did anyone else in your firm assist you in this investigation?

A. Yes, sir, one man.

Q. How many times did you and your assistant follow Mr. Jones?

A. Approximately ten times over a period of time between the 5th of April, 1973 through May 11, 1973.

Q. Where were you to follow Mr. Jones from?

A. From his place of employment.

Q. Where is that?

A. The company I do not remember, but it is on Westwood Avenue, just off of West Broad Street.

Q. Where did you follow him to?

A. Several places.

Q. Did you find him in fact doing anything out of the ordinary?

A. No, sir, I did not.

Q. Did you find him with other women?

A. No, sir, I did not.

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A Photographs. I do not recall whether there was the son within the photograph that was furnished me at the time.

Q Your report makes no mention of a photograph of a son, does it?

A No.

Q And it does not identify the male with Mr. Jones as being his son, does it?

A No, sir. I indicated a male person, approximate age.

Q If I were to tell you that I have furnished you no such photograph of Mr. Jones' son, would you still state that you had such a photograph in your possession?

A If you indicated that, I would have to say yes.

Q That you did have a photograph?

A That I did not have a photograph, unless it was furnished in the initial pictures that I received from you.

Q Mr. Sly, I think you said that you had not seen Mr. Jones in any immoral conduct. Did you see him go to any beer joints or taverns or restaurants?

A On one occasion, yes, I did see him go to a tavern.

Q Where was that?

A It is a place called the Squire House on Route 1, in Ashland.

Q How long was he in there?

A Approximately 30 to 40 minutes.

Q Did you observe his demeanor when he went in?

A Yes, sir.

Q Was there anything unusual?

A Nothing unusual.

Q Was there anything unusual when he came out?

A Yes, sir. He came out, he was swaying a little bit from side to side.

Q Do you remember the date of that?

A April 7, 1973.

Q Did you in your report state that he appeared to be loaded as he staggered to his car?

MR. TAYLOR: I object to that. That calls for a conclusion.

Q Is that what your report says?

A Yes, sir.

MR. TAYLOR: Let the record show that I have objected to that.

Q Did Mr. Jones appear to be loaded?

MR. TAYLOR: I object to it again, on the grounds that it calls for a conclusion.

A Yes.

MR. TAYLOR: I move to strike the answer.

Q Did you follow him any more that night?

A. Only when he left the Squire to his home.

Q. You followed him to his home?

A. Toward the place he was living at that time, yes, sir.

Q. Did you observe how he drove?

A. Yes, sir. The car was weaving a little, I wouldn't say too much.

MR. BLANTON: I have no further questions of Mr. Sly.

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HARRIET H. JONES, the plaintiff, called in her own behalf for rebuttal, having previously been duly sworn and today reminded that she is still under oath, deposes and says, viz:

DIRECT EXAMINATION

BY MR. BLANTON:

Q Mrs. Jones, you testified at the last time we were together as to your semimonthly income. Will you tell the Court again what that is, how much money you receive each two weeks?

A Yes, sir.

MR. TAYLOR: I object to this. This is not rebuttal testimony. It has nothing to do with what Mr. Jones has testified to. She has already testified as to what her income and expenses are.

MR. BLANTON: All right. I will move on to something else.

Q Mrs. Jones, did you fix Mr. Jones' breakfast during your marriage?

A Sir, I do not believe that he ever left my home as long as we were married without my preparing a hot breakfast for him, and I do not mean offering him a bowl of cereal. I also testify that none of my three children have

1 ever left my home to go to school without a proper breakfast
2 offered to them, with the exception of when my husband went
3 to the office on Saturday, upon his own request, he said he
4 desired to have breakfast in a restaurant where he could eat
5 leisurely since he didn't have to be there at any particular
6 time.
7 Q Was it your custom to clean the kitchen after
8 the evening meal?
9 A Yes, sir.
10 Q Was it your habit of leaving food out on the
11 plates?
12 A No, sir.
13 Q Have you ever done so?
14 A I wouldn't say on occasions when I was very
15 fatigued that I wouldn't just leave the dishes in the sink,
16 but it was my practice to clean my kitchen before retiring.
17 Q When you did not or were too tired to do so,
18 would Mr. Jones ever assist you in this?
19 A I would say the past year that we lived together,
20 no.
21 Q You heard Mr. Reister's testimony as to visits
22 in your home. Would you agree with his testimony?
23 A Would you further state your question?
24 Q Mr. Reister testified to the fact that he had
25 been in your home, I think he said on three occasions, and

1 found you so intoxicated that your speech was slurred and
2 your physical mobility impaired.
3 A I think he was terribly overexaggerating my
4 condition.
5 Q Had you had anything to drink?
6 A I can't recall every visit he made. I will not
7 deny that I had never, but I don't believe that I was intoxi-
8 cated, and also, at the time I believe he testified he seen
9 me, I was on medication.
10 Q What kind of medication or for what?
11 A I was taking Valium, which is, I believe, an
12 antidepressant.
13 Q Did you ever call him to come over there?
14 A Sir?
15 Q Did you ever call him to come over there?
16 A Did I? Yes.
17 Q Did you all ever have any roaches in your house?
18 A Yes, sir.
19 Q What did you do about it?
20 A I would like to expound upon that.
21 Q Make it fairly brief, if you will.
22 A I will. My husband's mother was one of the
23 most immaculate housekeepers I have ever known and a lovely
24 lady. She kept three full stories and a basement, but she
25 did have roaches in her kitchen. They were in her electric

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A Yes, sir. This is a letter stating your expense from February 9, 1972 to January 1973, your legal expense.

Q For the year 1972 now?

A 1972, yes.

MR. BLANTON: I would like to introduce that into evidence as plaintiff's next exhibit.

NOTE: A copy of the above-mentioned statement is marked and filed as PLAINTIFF'S EXHIBIT G.

Q Would you identify this, if you will? (Indicating)

A This is a statement with the carry-over, I believe, from the last.

Q Beginning with what date?

A Beginning on February 5, 1973.

Q And going through what period?

A And going through April 26, 1974.

Q I believe that has an estimation, does it not, of some time yet to be spent on your behalf?

A An estimated 10 hours more to completion.

Q And that total bill?

A That amounts to $500.00. This is the estimated 10 hours.

Q The total bill, though?

A The total bill is $4,351.18.

Q How much of that have you paid?

A I have paid a $500.00 retainer fee, and I have

since paid $200.00.

Q Do you have the money to pay this bill?

A No, sir.

Q Do you ask the Court that Mr. Jones be made to pay your bill?

A Yes.

MR. BLANTON: I would like to introduce that as plaintiff's next exhibit.

NOTE: The above-mentioned statement, consisting of three pages, is marked and filed as PLAINTIFF'S EXHIBIT H.

Q Mrs. Jones, have you incurred any court reporting fees as such yourself?

A No, sir.

Q Did you have to pay the bill for Miss Taylor?

A I paid $10.53 to Miss Betty Taylor.

Q Has Mr. Jones paid the balance of that?

A I do not know.

Q Did you not ask the Court to ask that he be ordered to pay that?

A Yes, sir.

Q Have you been submitted a bill from Crane-Snead & Associates? Is that bill made out to you?

A Yes.

MR. BLANTON: I would like to introduce that

1 into evidence as the next exhibit.

2 NOTE: The above-mentioned bill is marked and

3 filed as Plaintiff's Exhibit I.

4 Q Do you ask the Court to require Mr. Jones to

5 pay for the costs of transcribing and reporting all these

6 depositions?

7 A Yes, sir.

8 MR. BLANTON: All right. I have no further

9 questions.

10

11 CROSS-EXAMINATION

12 BY MR. TAYLOR:

13 Q Mrs. Jones, in response to counsel's questions

14 regarding Mr. Reister's visit to your home, I believe you

15 testified that you called him and asked him to come over. Is

16 that a fact?

17 A I cannot say that each time he came I called,

18 but I know I have called.

19 Q You have called him on occasions?

20 A Yes.

21 Q And he came at your request, did he not?

22 A Yes, but these were infrequent, not very much.

23 Q And I believe your testimony was that you would

24 not deny that you were ever intoxicated, but you didn't believe

25 that you were. Did I understand you correctly?

A I said I did not think I was intoxicated, no.

Q But you used the statement, "I would not deny it"?

A I don't believe I did.

Q You didn't use that?

A I would have to have it read back.

NOTE: At this point the question and answer were read back, viz:

"Question: Had you had anything to drink?

Answer: I can't recall every visit he made. I will not deny that I had never, but I don't believe that I was intoxicated, and also, at the time I believe he testified he seen me, I was on medication."

Q You heard the answer read back to you. What did you mean by that?

A I thank you for allowing me to hear that again. I was testifying that I will not deny that I had never had a drink when Mr. Reister was in my home, but I do not believe I was intoxicated.

Q Are you denying, then, that you were intoxicated when Mr. Reister visited you?

MR. BLANTON: She has answered that question, Mr. Taylor, just before that.

Q Are you denying that?

A Would you repeat your question?

1 MR. BLANTON: She has already answered that.
2 She said she was not intoxicated, Mr. Taylor.
3 Q Your testimony was that you were not intoxicated
4 when Mr. Reister visited you, is that correct?
5 A Yes.
6 Q Your testimony is, however, that you had been
7 drinking?
8 A I reiterate, that I will not say that I had
9 never had a drink when Mr. Reister was in my home.
10 Q When did you stop going to see Mr. Reister?
11 A I don't recall going to see him but the one
12 time which he referred to when I alerted him that I was
13 entering the hospital.
14 Q When did you stop calling him?
15 A I continued to go to church, and his house was
16 one block from my home, he knew me and my husband well. He
17 did not come to visit me, and my son, Craig, told me that he
18 went to Mr. Reister and asked him why he never visited his
19 mother.
20 Q Your son in fact went to Mr. Reister and asked
21 him to come over to the house on one occasion because you were
22 so drunk, isn't that true?
23 A I asked my son about that, and he told me that
24 I asked him.
25 Q And you don't deny the fact that your son did go

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Q Wouldn't it be fair to say to this Court that you had a rather severe drinking problem two years ago?

A No, sir.

Q You would not?

A No, sir.

Q And everything that the doctors have testified to and other people have testified to regarding your drinking is all fabrication, is that what you are saying?

A I think it was fully--

MR. BLANTON: Wait a minute. I object to that. The doctors did not testify to much drinking if any drinking, Mr. Taylor, and you can't testify by way of questioning.

Q The records show, Mrs. Jones, that you were intoxicated on one occasion when you went to the hospital.

A That is true.

Q And do you deny the record that you heard read?

A I don't deny that.

Q You have also heard the doctors testify concerning your drinking?

A I think it was fully substantiated when Dr. Brooks testified that he never treated me for a drinking problem, and I am sure he sees many ladies and gentlemen with drinking problems and he would have readily recognized it if I needed it.

Q Did Mr. Jones tell you that if you would stop drinking, then everything would be all right, the marriage would work?

A Yes, he did, and I stopped, but his attitude toward me never changed.

Q So, you started drinking again, though, is that your testimony?

A I went back to social drinking. I saw no reason why not. We had done it for twenty-five years.

Q And what you call social drinking is when your son is so concerned about it that he goes to get the preacher?

A My son went on my request.

Q He went on your request?

A I wanted to talk with Mr. Reister.

Q Mrs. Jones, I will question you some about the bill here that has been introduced from Mr. Blanton. It appears to me from the bill--

MR. TAYLOR: Did you introduce it, Mr. Blanton?

MR. BLANTON: Yes.

Q It appears to me from the bill that you called Mr. Blanton on a number of occasions. Did you do that?

A Yes, sir. Well, yes, sir, I did.

Q Just looking at the bill in 1973, I see numerous telephone calls on there. Are they accurate?

A Yes, sir, they are accurate.

Q They are calls that you made to Mr. Blanton?

A And I can substantiate most of them.

Q In fact, you found the need to call him right frequently, did you?

A I have never had any legal entanglement. I was separated, and I had to have legal advice.

Q We haven't been in court in this matter for about a year and a half, have we, up until about 1974?

A We were separated on two occasions, and we were legally separated on January 19, 1971.

Q Well, I am looking at the 1973 bill, and I don't recall going to court in this matter until something like March, 1974. Would you tell the Court what all the telephone calls were about in 1973?

A In 1973?

Q Yes.

MR. BLANTON: Just take your time and read the bill.

A You are referring to '73, from February 5th?

Q The statement dated April 29, 1974, shows charges for 1973, and it starts out with telephone calls from Harriet Jones regarding depositions, and telephone calls from Harriet Jones regarding hospital. Did you call Mr. Blanton all the time that is reflected on here?

A Yes, but I can't recall each conversation without

4-29-74 DHS

January 23, 1973

Mrs. Harriet H. Jones
106 Race Course Street
Ashland, Virginia

Conferring by telephone with Mr. Jarvis, February 9, 1972; office conference with Mrs. Jones and dictate memorandum to file, February 23; conferring by telephone with Mrs. Jones re Mr. Jones' move out, March 6; conferring by telephone with Mrs. Jones re Mr. Jones' letter to her, March 7; conferring by telephone with Mrs. Jones, March 8; office conference with Mrs. Jones, March 9; conferring by telephone with Mrs. Jones, March 14; conferring by telephone with Mrs. Jones, March 15; conferring by telephone with Mrs. Jones and with Mr. Jones re his attorney, March 16; conferring by telephone with Mrs. Jones, March 21; conferring by telephone with Mrs. Jones re questions on support, June 5; conferring by telephone with Mr. Styles, July 19; office conference with Mrs. Jones, August 1; conferring by telephone with Mr. Styles, August 3; conferring by telephone with Mr. Jarvis, August 4; conferring by telephone with Mr. Styles, December 5; office conference with Mrs. Jones and Mrs. Jarvis, review file, conferring by telephone with Mr. Smith, Mrs. Jones and Mr. Jarvis, dictate papers, December 6; conferring by telephone with Mrs. Jones re service of papers, December 7; conferring by telephone with Mrs. Jones re hearing, December 8; conferring by telephone with Mrs. Jones re Answer and Cross-Bill, December 19; preparation for hearing and to Hanover on hearing which was continued, December 20; conferring by telephone with Mrs. Jones, January 2, 1973; office conference with Mrs. Jones, January 9; review file and conferring by telephone with Mr. Smith re hearing, January 12; office conference with Mrs. Jones re hearing, January 16; conferring by telephone with Mrs. Jones, January 18; pendente lite hearing in Hanover, January 19, 1973.

Fee to date	$985.00
Costs	33.75
Total	$1,018.75
Paid	500.00
BALANCE DUE	$518.75

Plaintiff's Exhibit 17
4-29-74 Q148.

LAW OFFICES
BLANTON AND BRAY
BROOKFIELD
6620 WEST BROAD STREET ROAD
RICHMOND, VIRGINIA 23230

RLES A. BLANTON II
EL E. BRAY, JR.
JAM W. MUSE

TELEPHONE 282-9551
AREA CODE 804

April 29, 1974

Mrs. Harriet H. Jones
106 Race Course Street
Ashland, Virginia

Balance from January 23, 1973 statement	$177.68
Sheriff, Henrico County	3.75
Photo copies	4.75

1973
Telephone call from Harriet Jones re depositions, telephone call from Harriet Jones re hospital, February 5; receipt of letter re witnesses available, February 6; telephone call from Harriet Jones re she didn't go in hospital, February 14; telephone call to Betty Taylor re depositions and letters, February 26; telephone call from Harriet Jones re depositions, February 28; telephone call from Harriet Jones re continuance, witnesses, etc., March 14; telephone call from Harriet Jones re subpoenas and work on joint income tax return, March 19; telephone call from Henry Jarvis, March 20; telephone call to Dr. Brooks, telephone call to Dr. Fridenburg, telephone call to Mrs. Hancock and attempt to call Jarvis and review file, March 21; at Hanover and talk with Mrs. Jacobs, telephone call from Harriet Jones re depositions, March 23; telephone call from Harriet Jones re appointment, March 26; At Hanover with Judge Simpkins, subpoena, March 28; letter to Alvernon Smith re new date, March 29; telephone call from Walter Jones re taxes, March 30; telephone call from Harriet Jones re detective and taxes and letter to Mr. Smith, April 2; telephone call from Mr. Smith re tax return, April 3; office conference with Harriet Jones re Mr. Jones' figures and detective, April 4; office conference with detective Sly, telephone call from Mr. Sly, telephone call to Harriet Jones re license, work on income tax and 2 telephone calls to Mrs. Jones, April 5; telephone call from Harriet Jones re detective, several calls to and from detective and telephone call to Mrs. Jones, April 7; 2 telephone calls to Mr. Sly and 2 telephone calls to Harriet Jones re report, April 9; telephone call from Harriet Jones and 2 attempts to call Mr. Sly re his activities, April 12; telephone call from Harriet Jones re call of social worker, April 14; telephone call from Harriet Jones re welfare worker, telephone call from Mrs. Larris and telephone call to Harriet Jones re investigation, telephone call to Jane Jarvis, April 16; office conference with Harriet Jones re hearing and depositions, telephone call from Joe Stiles, preparation for depositions, telephone call from Harriet Jones, April 17; review file and prepare for depositions, his finances, depositions of Jane Jarvis and Harriet Jones and office conference after depositions with Mrs. Jones, April 18; letter to Mr. Smith

re cost of depositions, April 20; receipt of Mr. Smith's letter and telephone call to Mrs. Jones re cost of transcribing depositions, April 25; telephone call from Harriet Jones re costs of suit and detective, April 27; get date for court costs determination, April 28; telephone call to Harriet Jones re welfare department, May 1; receipt and digest of Mr. Sly's report, May 18; return telephone call to Harriet Jones re several matters, May 23; telephone call to Harriet Jones re status, May 24; telephone call from Harriet Jones re detective's bill, May 29; at Hanover Court and telephone call from Harriet Jones re results, May 30; telephone call from Harriet Jones, May 31; telephone call from Harriet Jones, June 6; telephone call from Harriet Jones, June 13; telephone call from Harriet Jones, June 22; read depositions and transmit to Harriet Jones, July 3; telephone call from Walter Jones re his tax return and telephone call to Mr. Smith, July 19; telephone call from Harriet Jones re his new attorney and status, September 26; telephone call from Harriet Jones, October 1; return telephone call to Ed Taylor re his representation of Mr. Jones, review file, preparation for proposal of settlement, October 3; review file and telephone call to Harriet Jones re proposal to Taylor, October 4; telephone call from Harriet Jones re proposal O.K., October 9; with associate re draft of agreement, October 10; telephone call from Mrs. Jones re agreement, October 15; long letter proposal to Ed Taylor, October 16; telephone call from Ed Taylor re agreement, October 23; telephone call from Harriet Jones re Mr. Jones saying he won't do what we propose, October 26; receipt and transmittal of court reporter's bill, November 1; telephone call from Mrs. Jones, November 5; receipt and digest of Taylor letter, telephone call to Mrs. Jones and discussion of proposal and mail letter to Harriet Jones, telephone call from Mrs. Jones re settlement, November 6; 2 telephone calls from Mrs. Jones re counter proposal and long letter to Ed Taylor, November 12; office conference with Harriet Jones and rework proposal, November 16;

1974
Re change in settlement offer, January 21; proof long letter to Taylor, January 22; receipt and transmittal of Taylor letter, February 13; telephone call from Harriet Jones and send letter to Mr. Taylor, February 14; review procedure, March 4; telephone call from Mrs. Jones re notice and move ahead, March 5; review file and preparation to file notice, telephone call from Harriet Jones re taxes on support award, March 6; telephone call to Mrs. Jones re alimony, support and tax opinion and telephone call from Mrs. Jones re nunc pro tunc order, March 7; work on notices and get date re supplemental depositions, March 8; telephone call from Mr. Taylor's office he to have surgery, March 11; telephone call to Harriet Jones re continuation, March 11; telephone call from Judge's secretary re new date, March 12; review notice and transmit, office conference with Harriet Jones re her expense figures and with associate on subpoena duces tecum, March 20;

telephone call from Ed Taylor re referral order and depositions, etc., March 21; telephone call from Harriet Jones re expense figures and telephone call to Ed Taylor, March 27; in Hanover re opposition to Taylor's motion, March 28; supplemental depositions, March 29; at Hanover Courthouse, telephone call to Harriet Jones re results and on draft of order, April 2; study of Mr. Jones' 1973 return, April 9; receipt of Taylor's order and letter to Judge Simpkins, receipt of picture of Craig, April 11; telephone call from Mrs. Jones re witnesses he summonsed, April 13; telephone call from Harriet Jones re appointment, April 15; office conference with Harriet Jones on depositions, April 17; at Ed Taylor's office for Mr. Jones' depositions, April 18; preparation for depositions and to Mr. Taylor's office, April 22; telephone call from Harriet Jones and study of his cancelled checks and financial records, April 25; office conference with Mrs. Jones re depositions and finances, April 26

Fee to date	$3,490.00	
Estimated 10 hours more to completion	500.00	$3,990.00

Associate's time at $25 an hour
work on property settlement agreement, October 11, 1973; conference with Mr. Blanton, March 11, 1974; work on subpoena duces tecum and order and letter, March 20; re service of papers and research into tax of support, March 29; with Mr. Blanton and review of file re order nunc pro tunc, April 1; at Ed Taylor's office looking at medical reports, April 17 — 175.00

Total due — $4,351.18