

In The Circuit Court of Page County, Virginia.

The Joint and Separate Answers of Eliza J. Suthard, Lula A. Roudabush, and R.T. Roudabush, her husband, and Hortense Huffman and Frank W. Huffman, her husband, Defendants to the Bill of Complaint exhibited against them in the Circuit Court of Page County, Va, by W.T.G. Snyder et als, Complainants:

These respondents demur to the bill of Complaint and assign as the ground of their demurrer that the last will and testament of James P. Snyder, dec'd, having been duly probated on the 2nd. day of Feb. 1911, before the clerk of the Circuit Court of Page County, Va, and there having been no appeal taken from said order of probate within one year thereafter, that it is too late now to file a suit raising objections to said probate, as the same is final and the bill in equity to disturbé the same will not lie, and relying upon said demurrer and not waiving the same respondents answering say:

That James P. Snyder, dec'd, departed this life on the 26th. of January, 1911, after he had duly made and published his last will and testament, which is in his own handwriting, dated the 21st. day of May, 1908, and will be treated hereafter.

Respondents further say that Calvin Suthard with his wife removed, more than 40 years ago, to the Snyder farm, which was then owned by John Snyder, the father of the testator, and after the death of the father of the said testator the said James P. Snyder became the purchaser of the farm, and Calvin Suthard and your respondent, Eliza J. Suthard, remained on the said farm, receiving one half of the crops which were raised and this continued until the death of the said Calvin Suthard, which occurred December 3rd. 1900.

Respondents further say that after the death of the said Calvin Suthard, William Suthard, his son, continued the rental arrangement with James P. Snyder for the benefit of his mother, and this rental arrangement continued until the death of the son, which took place on the 16th. of

July, 1904, when he was at the age of 32 years.

Respondents further say that after the death of Wm. Suthard, F.W. Huffman, who married Hortense, one of the daughters of the said Eliza J. Suthard, took charge of the farm and received as compensation for his work 50¢ per day and his board, and turned over one half of the proceeds of the farm to Eliza J. Suthard, one of your respondents, and the other half to James P. Snyder, and this rental arrangement continued until the death of the said James P. Snyder, on Jan. 26. 1911.

Respondents further say that James P. Snyder, dec'd, reserved one room up stairs in his house and boarded with the Suthard family and paid the sum of \$5.00 for said board, washing and mending of his clothes.

Respondents further say that the children as represented in the bill were born on the Snyder place, and were the children of Calvin and Eliza J. Suthard. Respondents further say that it is true that on the 2nd day of Feb. 1911, they offered for probate the last will and testament of the said James P. Snyder, dec'd, before the clerk of the circuit court of Page, Co., Va, and it is further true that no notice was given to complainants of the intention of the parties interested to probate the said will, but at the time of the probate the subscribing witnesses thereto, C.G. Bailey and W.M. Rosser, appeared in person and made the usual oath as to their signatures and that of the testator and as to the competency of the testator, and which said will, which appears in the handwriting entirely of the said James P. Snyder, dec'd, was duly admitted to probate and was recorded in the Clerk's Office of Page County, Va.

Your respondents further say that it is true, as the will itself shows, that all of the property of which the said James P. Snyder, dec'd, died, seized and possessed, was bequeathed and devised to Eliza J. Suthard, for her life and after her death to her children, Lula A. Roudabush and Hortense Huffman. At the same time, Eliza J. Suthard, who was nominated under the said last will and testament of said James P. Snyder, dec'd, qualified as executrix, after having executed bond in sufficient security before said Clerk, entered upon the discharge of her duties as such executrix.

Your respondents further say that it is true that in referring to Eliza J. Suthard, the said testator speaks of her as "my heir", but why

this was done your respondents do not know and have no concern.

Your respondents deny that at the time of the execution of said will the said James P. Snyder was not competent to make a will, in as much as "the mental infirmities of age had crept upon him", but say to the contrary that the said James P. Snyder was thoroughly competent at the time make his will and did so not only in his own handwriting but precisely as he desired to make and execute his will. It seems that after the said will had been written, where your respondents do not know, the said James P. Snyder sought as subscribing witnesses the said C.G. Bailey and W.M. Rosser, who were entirely competent and dis-interested witnesses and were then as now living in the town of Luray, which was ^{eight nine} ~~four~~ or five miles from the home of the said James P. Snyder, dec'd.

Your respondents further deny that the said James P. Snyder was eccentric or that he was tainted with any streak or strain of insanity in himself or through his family, but on the contrary state emphatically that he was a man of strong mind and fairly good education and possessed fine business ability. Your respondents further say that less than one year before said James P. Snyder died he had sixty hands, who were engaged in gathering fruit for him which he shipped and that he had the personal supervision of the shipment and the payment of all his hands, and, in addition to this the said James P. Snyder seeded ten bushels of clover seed the Spring before he died. Your respondents know of no insanity in the family of the said James P. Snyder, except that there was some question as to the mental condition of his sister, who is now living and is the widow of David Koontz, a former Treasurer of Page County.

Respondents deny that the said James P. Snyder was engrossed with the Koran or the writings of Mohammendanism and became crazy or openly asserted his faith in their teachings and held that the Savior of the World was an impostor, but respondents say that they never have seen a copy of the Koran or any of the writings referred to in the possession of the said James P. Snyder and none have been found with his property since his death.

Respondents also say that the said James P. Snyder attended church and was present at the ministry of the Word, and so far as they know or have ever heard he believed not only in God but he believed that the God of the Universe was the only true God and frequently talked on question

of religion with ministers of the Gospel.

Respondents also deny that the said James P. Snyder suffered from hallucinations and was apprehensive that someone would murder him and that he frequently locked himself in his room, etc, but they state that on the contrary, one of your respondents, Frank W. Huffman, frequently not only remained in the house at night, but slept in the same room with the said James P. Snyder, dec'd, and never saw or heard or had any intimation even from any quarter of any such hallucinations, bodily apprehension or that the said testator was heavily armed. Respondents admit that there is a stone wall built around the family burial place, ^{with} in which wall was buried the father, mother, brother, sister ~~and sister~~ of said James P. Snyder, and the reason that the said wall was built was because the burial place was in the middle of a field and the wall was to prevent the incursions of stock which were grazing in the field and to prevent any and all desecration of the said graves.

Your respondents further deny that the said James P. Snyder was the willing victim, or was under the influence of one of your respondents, Eliza J. Suthard, and they also deny that the said James P. Snyder was any fonder of their daughter, to whom reference is made in the said bill, or that he educated her or that she had any influence over him, but say to the contrary that she was educated at Dayton, in Rockingham Co, Va, and the expense of her education was borne by her parents exclusively. This daughter was 25 years of age when she died, and died on the 4th. of May 1898, she was well educated, pure and good woman, who never endeavored to exercise any influence over the mind of the said James P. Snyder.

Your respondents also deny that Eliza J. Suthard exercised or had any undue influence or power over the mind of the said James P. Snyder, or that she poisoned or attempted to poison his mind against the kin or relatives of the said James P. Snyder.

Respondents further deny that they used any influence whatsoever of any character or description so as to prejudice the mind of the said James P. Snyder against his relatives, but James P. Snyder stated at different times before ~~with~~ a number of people who were prominent and entirely reputable that he did not propose to leave any of his property to any of his kin who had manifested no interest in him or affection for him.

This can be and will be shown if it becomes necessary by the introduction of these dis-interested witnesses who will corroborate this statement.

Respondents also deny that one of the Suthard girls stated that James P.Snyder was afraid of being poisoned by his relatives as a reason for not attending a dinner to which they were invited, and further say that the said James P.Snyder was not known or called by them as, "Uncle Jim".

Respondents also deny that the will was framed or executed at the direction and under the influence of the said Eliza J.Suthard, and was kept by her in her own possession and that all of the papers of the said decedent were in her possession at the time of his death and no one was allowed to examine or inspect the same, although request was made to that effect after the burial, which was refused by the said Eliza J. Suthard and the parties were even refused admittance to the house. But your respondents say none of these statements are correct and there is no semblance of truth in any of them. Respondents further state that they had no knowledge that the said James P.Snyder had made or executed his last will and testament until after his death, and that then this last will and testament was found in his wardrobe which was locked and which contained a wooden box, which was also locked and in this wooden box was found the last will and testament with other papers of the said James P.Snyder, dec'd, the keys to which were found by Frank W.Huffman on the person of James P.Snyder after his death.

It is true that C.G.Koontz and others directly after the funeral of the said James P.Snyder called Messrs.Roudabush and Huffman out of the house and stated that the relatives would like to see the papers of the said James P.Snyder, to which request Mr. Roudabush said it was then late and it was such a sad burying and they did not feel like looking for the papers then, and also stated that as the next day was Sunday he believed it would be illegal to look for the papers then, but he remarked to said C.G.Koontz and the others, if there is a will found it will be promptly attended to, and if no will is found then you know the place and his property belong to his heirs, and, after saying this was all right, they left.

Respondents also deny that any officer was called over the phone

and request made to have them come to the home of your respondent, Eliza J. Suthard, for protection, but it is true that there were some reports or threats which caused the said respondents or some of them to have some of their neighbors to remain at their home on the night in question.

Respondents further say that when C.G. Koontz and the others called at the house and say they were refused admittance, that they did not see Mrs. Suthard or her daughters, and in fact she said, they said nothing and did not even know what was the object of their visit until after they had left, and, as a matter of fact, at that time all of the doors of the house were open and the wife of C.G. Koontz, and everybody who desired, were on the inside of the house.

Respondents further say that the said James P. Snyder died of apoplexy on the 26th. day of January, 1911, and that Dr. F.P. Koontz, who was called to see him, so stated. Respondents further state that he seemed to have died suddenly as he was coming from the shed where he had been feeding 35 or 40 head of cattle himself and had gotten near the spring, and Mrs. Suthard noticed his condition and caught him falling to the ground.

Respondents further say that James P. Snyder was well read, had a fine business mind, always seemed to be bright and cheerful, was almost perfectly erect in body, and, with his flowing white beard presented a fine picture of a man of his age, being about 81 years of age at the time of his death, with a wonderfully preserved body as well as mind.

Respondents further say that he was a man of strong will power and used his judgment in his business affairs and was so mentally constructed that no one could control him contrary to his judgment or his will.

Respondents further say that they did all they could for the said James P. Snyder in his lifetime to make his home ⁴⁴ happy and bright and provided him with all the necessaries of life, and in appreciation of these things they are satisfied he was induced naturally to be kindly and favorably disposed towards them, and especially so as his relatives paid no attention to him and seemed to possess, from their acts, no regard for his condition in life.

Respondents further say that his treatment of them and the Suthard family was highly honorable and was consistent with his gentlemanly treatment and his bearing and in fact his character, with all with whom

he came in contact.

Respondents further say that his last will and testament, prepared by himself and in his own handwriting and executed without their knowledge, and in fact they were ignorant of the existence of any such paper until hereinbefore described after his death, that said last will and testament truly represents the last will and testament of the said James P. Snyder, dec'd, when he was competent not only to make a will but when there was no influence exercised unduly, either directly or indirectly, in favor of his executing a will of the character which he did execute.

Respondents after denying all of the allegations of the bill, except those expressly admitted hereinbefore, and after further denying all of the allegations of incompetency of the said James P. Snyder, or undue influence from any source whatsoever, and having answered in so far as they are advised is material and necessary, pray hence to be dismissed with the payment of their usual costs in this behalf expended.

And they will ever pray Etc.

Eliza J. Suthard,

Lula A. Roudabush,

R. T. Roudabush,

Hortense Huffman,

Frank W. Huffman

By Walter A. Boy
Attys for Deft.

Pending No. 37 File No. 102

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