

A JURY SECURED AT LAST.

Fourth Day's Hearing of the Grymes Case.

IMPORTANT WITNESSES QUESTIONED. Discussion by Counsel, in Which the Judge Takes a Hand—Features of the Trial.

The machinery of the Hastings Court became unlogged yesterday, and the wheels went around with a spirited spin. There were but a few moments in the day when the buzz of mechanism could not have been heard, and the case that is now occupying the attention of nearly the whole of Richmond progressed to a great extent.

It was the fourth day of the trial of E. B. Grymes, charged with embezzling certain public moneys, and the court-room was crowded throughout both sittings of the court.

Public spirit was more manifest that it has been since the trial commenced, and at the afternoon session standing room could be obtained.

Mr. Grymes' mother and wife attended both sessions, and in the afternoon when the books were examined Mr. Grymes betrayed considerable interest.

At 10 o'clock the court began its session, and seven jurors sat in the box. Judge Aiken promptly ascended the bench, and a new and beautiful bouquet was on his honor's desk. Among the spectators was Hon. J. W. Hatcher.

The usual opening proceedings took place, and the monotonous proceedings of selecting jurors began.

Mr. C. H. Sims had formed and expressed a decided opinion from newspaper accounts. Mr. V. Moore could not give the prisoner a fair trial. D. L. Toney's mind was thoroughly made up. D. L. Woodridge knew of no reason why he should not give the prisoner a fair trial, except that he had expressed an opinion, and a decided one. Mr. Holt could not give a fair trial. Robert Jewett had formed an opinion which he thought was a decided one. Herbert Ferguson had a decided opinion.

NUMBER TWELVE. Mr. B. Moore had not formed or expressed an opinion, though he was at the Police Court when the case was investigated. He was accepted, making the twelfth juror.

NUMBER THIRTEEN. Mr. W. H. McLean had read the accounts of the case, but had formed no opinion. He was accepted, making number thirteen.

NUMBER FOURTEEN. James E. Harding knew nothing about the case and was accepted, making fourteen jurors.

NUMBER FIFTEEN. H. H. Miles had read the accounts of the case, but had formed no opinion. He was accepted, making number fifteen.

NUMBER SIXTEEN. D. L. Merritt had formed a very decided opinion. Henry Harshbarger had read a great deal about the case and formed an opinion. John G. Rice didn't think he could give the accused a fair trial. E. B. Brown also stated that he could not give a fair trial. L. P. Jones had expressed a decided opinion. W. F. Fisher's mind was thoroughly made up. Charles T. Stanton had never expressed an opinion, but A. L. Walbridge had formed a decided opinion. W. P. Stein stated that he was exempt from jury service, being a member of a military company. A. H. Perry had a decided opinion. R. L. Roberts had made up his mind. A. H. Thomas had expressed a decided opinion.

NUMBER SEVENTEEN. James A. Jackson had read very little about the case and paid but little attention to what he had read. He was accepted, making the last juror.

The recess ended and proceedings were opened by the judge discharging Mr. Moore. An examination of jurors was then begun again. Mr. W. E. Reynolds was first called and in answer to questions said he had formed a decided opinion.

Mr. J. D. Craig was next called. He said: "I am Deputy Treasurer, appointed by the Treasurer. I have known the prisoner officially for over two years. I remember an occasion in the early part of March. I don't remember the exact date, but the day of his arrest Mr. Grymes touched me on the shoulder and I went with him to the back door. He said to me: 'There are some bills checked in the Auditor's office and they are my figures. Captain Chidrey don't want any one in his office suspected of stealing, and I will resign. I will give the Captain an order for my salary. I must have done this when I was asleep.'"

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1891, in the desk book and said: "The bill (Thalheimer's) I have in my hand was not entered on the desk book at all."

Mr. Shelton then read an ordinance requiring that the Treasurer keep daily accounts and make daily reports to the Auditor.

Mr. Shelton said that the two residence bills were entered on the book, and that the store bill was not on the book. "The handwriting is Mr. Grymes'."

"The checks in these books are made by the Auditor. These books are carried to him every evening by the Auditor, then checks the amounts from my book on this (desk) book."

"The Treasurer or clerk has nothing to do with this system of checking. The Auditor draws a check by writing the figures of the date on the day on which the bill was paid."

"The checks are made by the Auditor. If a bill is not paid the effect on the bill-book will be that there will be no check at the end of the line, and in ten days after the bills are sent out I make out a delinquent list, and after it is signed by the Auditor I turn it over to the Auditor's office. Those names who do not have a date after them are delinquent."

"The Thalheimer bill of \$23.85 is not on the Treasurer's book, but is marked as paid on the bill-book, or in other words, the date is after the name."

Major Stringfellow objected to the testimony, but his objection was overruled by the Court.

"Who made the figures 24 in the bill-book?" asked Mr. Smith.

"I heard Mr. Grymes say he made them," Mr. Shelton said further. "On the 24 of March I was making up a delinquent list, and I noticed that the Thalheimer store-bill check was not in Mr. Williams' figures, but I thought the figures were Mr. Grymes'. I called Mr. Knowles, and he was also struck by the fact that they were not Mr. Williams' figures."

"He then reported the fact to the Auditor and on the next evening he made a thorough examination. The next morning Mr. Grymes, accompanied by Mr. Chidrey, came into the Auditor's office, and Mr. Grymes was confronted with the bill and the books. When Mr. Grymes was asked about the figures in the bill-book he said they were his, and Mr. Knowles or myself suggested that a further inspection be made of the desk books in the hope that the bill had been entered."

"When we began looking, Mr. Grymes said: 'There is no use looking, the bill is not on the book.'"

Major Stringfellow: You say that Mr. Grymes said those were his figures? Independent of his statement do you think they are his best?"

"To the best of my knowledge and belief they are his, but I would not swear they were his. Mr. Williams' figures precede and succeed the figures '24'."

The jury and judge inspected the books, and Mr. Shelton continued: "Yes, I was present when Mr. Grymes came in—Mr. Chidrey, the Auditor, Mr. Knowles and myself. Yes, all were intimate personal friends. I was the one that first discovered the figures, and as soon as I had done so I went to the inspector. Both of us concluded that the figures were Mr. Grymes'. As to arming ourselves with evidence, it was my duty to report the fact to my superior officer, and to no one else."

"How many gas bills were paid on February 24th?" asked Major Stringfellow.

"One hundred and fifteen on that book." "How many persons entered receipts on that day?"

"I should say three—Mr. Grymes, Mr. Chidrey and Mr. Reynolds." "Who made entries above and below the Thalheimer bill?"

"Mr. Chidrey made the one above and Mr. Reynolds the one below." "In whose handwriting is the total of that day?"

"Rather difficult to say. I think one column to be Mr. Grymes', and one to be Mr. Reynolds'. The one added up by Mr. Reynolds contained the Thalheimer bill."

"Did not Mr. Reynolds make that column?" said Mr. Wise.

"Well, that's what Mr. Smith. 'He added up.' 'Well, that's what I mean. Don't let us quarrel. I meant exactly what you said.' 'You say Mr. Grymes said that when he was confronted with the books he said: 'There is something crooked here and it points directly to me.'"

"Did you give that evidence in the lower court?" "No, because I was stopped before I got to it."

"The settlement for that day," said Mr. Shelton, "was in the handwriting of Mr. Grymes."

He was handed a settlement-sheet and testified that the writing and figures were Mr. Grymes'.

"Yes, sir," in answer to Major Stringfellow, "I have checked up a great deal since I have been in the office."

"I did go into the Treasurer's office at night to make an examination. I did so after 3 o'clock."

MR. J. D. CRAIG. Mr. J. D. Craig was next called. He said: "I am Deputy Treasurer, appointed by the Treasurer. I have known the prisoner officially for over two years. I remember an occasion in the early part of March. I don't remember the exact date, but the day of his arrest Mr. Grymes touched me on the shoulder and I went with him to the back door. He said to me: 'There are some bills checked in the Auditor's office and they are my figures. Captain Chidrey don't want any one in his office suspected of stealing, and I will resign. I will give the Captain an order for my salary. I must have done this when I was asleep.'"

MR. W. P. KNOWLES. Mr. Knowles was next called, and said: "I am Gas Inspector. I have known Mr. Grymes six or seven years. On the 24th of March Mr. Shelton came into my office and asked me to go into the Auditor's office, and I then saw the list book for the 24th. I did not know the figures. I am not an expert. He went into the Treasurer's office and failed to find the Thalheimer bill entered on the book. Mr. Shelton then informed the Auditor, and the Auditor's Brothers was put on the delinquent list, and I went to Mr. Thalheimer and saw the receipt for the bill. I then stated to the Auditor that I had seen the receipted bill."

"I was here when Mr. Grymes was brought in the Auditor's office, and Mr. Chidrey said: 'Buford, here are several receipts signed by you and the Auditor says they are not on the Treasurer's books.'"

years ago. I know Mr. Grymes. He was clerk to the Treasurer. Mr. Smith: When did it first come to your knowledge that there were any discrepancies between the books of the Auditor and Treasurer's offices?"

Mr. Chidrey: The fourth of March, sir. You say it was March 4th of this year? Yes, sir. Mr. Knowles called my attention to the discrepancy.

When did you ask Mr. Grymes about them? My first interview with Mr. Grymes was when he came into the office the morning after the investigation. I went into the Auditor's office, and after discussing the matter a few moments, came back and told Mr. Grymes to take his gas and water books and come into the Auditor's office. He did so, and the four bills were handed me.

One bill, The Thalheimer bill, ejaculated Major Stringfellow. Mr. Chidrey: Honor please, said Mr. Smith, it is not fair that the jury should be taken out of the room by the Sergeant, and Mr. Smith said: I think it is but right that I should state my position. I made out that the defense in this case will be made on one or the other of these propositions. The mistake may have occurred without any criminal intent or done innocently by the accused, or the discrepancies are the faults of others than the prisoner at the bar. If the defense is made on either of these propositions, I think that the authorities will bear me out. My object is to show that there has been a systematic course of fraud and embezzlement, and by so doing show that the discrepancies did not exist unintentionally or that anyone else had aught to do with them but the prisoner at the bar. Holding this view, I contend that this evidence to support the charge should be allowed as part of the testimony."

THE JUDGE SPEAKS. Judge Aiken said: It has been held by the Supreme Court that in all cases where criminal intent is shown it is proper and just to allow a witness to be sworn in to prove that criminal intent existed at the commission of crime.

Major Stringfellow: After an offense is proved should be time for other cases to be brought in showing the intent of the prisoner. This case is not a counterfeit coin case, that was decided some time ago. You can easily prove that a man had passed a counterfeit coin, but you have also to prove the criminal intent. This is a case that has not been in law. The statute suiting it was passed in 1880. It is not an embezzlement case nor is it a larceny case. The statute says there must be a willful appropriation of public moneys.

Judge Aiken: I think the jury would have to assume the act a criminal one unless testimony was brought in to prove it, and such should be the case. The object is to throw light on the fact, as to why the testimony was committed, therefore I think other testimony can be heard. For this reason I think the word "knowingly" was put in the statute.

JURY BROUGHT IN. The jury was then brought in and answered to their names.

Mr. Smith: Mr. Chidrey take these four bills. Judge Aiken: Let me see them. Mr. Smith: Each one is signed by the prisoner. Look at the signature.

Mr. Chidrey: They are signed by Mr. Grymes. The bills were then shown to the jury. Mr. Smith: Are these bills entered on the desk book? Look at the book and tell me.

Mr. Chidrey: There is no use looking. There are not on the book. You have made a careful examination and say they are not on the book? They are not.

Are they marked paid on the Auditor's gas-book? I don't know, sir. I have nothing to do with the Auditor's books. "It don't make any difference what you have to do with them for they are being examined outside your official capacity and will serve as general utility man at present."

Mr. Chidrey took the Auditor's books and said: "They are marked paid, sir." Counsel for the defense objected to the testimony, and the point was reserved for future discussion.

Mr. Smith: Did you show Mr. Grymes these receipts? He said yes, and told him to look on his book. He said the entries were not there. I then opened the Auditor's book, and in the Thalheimer case I put my finger on the 24, and he said they were his figures.

He then said he would give me an order on his salary, and also remarked he was in a hole. Mr. Grymes said he could not explain it, and we went into the Treasurer's office. There, with Mr. Craig and myself, Mr. Grymes said he was in a hole.

I asked him to explain the case, and he could not explain, only saying he must have committed the act, whether he was in a hole. Mr. Grymes said he could not explain it, and the matter was explained to Mr. Ellyson. The Mayor said it was a serious matter, and sent for the City Attorney. The matter was then stated to Mr. Meredith. Mr. Grymes wanted to go and Mr. Meredith said he could not, and went for Colonel Spotswood and Captain Gibson.

The witness is with you, gentlemen, said Mr. Smith.

CITY'S MONEY CUSTODIAN. Major Stringfellow: What bond do you give, Mr. Chidrey? Twenty thousand dollars, sir. Are you not responsible for the Treasurer's office? I suppose I am; I am the custodian of the city's money, and pay it out on warrants drawn by the Auditor.

Major Stringfellow then read the ordinances to the jury hearing on the Treasurer's office. When this was concluded Major Stringfellow, addressing Mr. Chidrey, said: Do you know Mr. Grymes' handwriting? I think I ought to be well acquainted with it, replied Mr. Chidrey.

Are the figures in this bill Mr. Grymes'? They look like his, but I would not swear to the figures of anybody. You are the custodian of the public funds. How are they kept? During the day they are kept in the two drawers. No, they were never locked. Mr. Reynolds, Mr. Chidrey and myself, including Mr. Grymes, six persons had access to the drawers.

Suppose he was out of the office, could not five persons go into Mr. Grymes' drawer? Yes, sir, five persons might have done so. How many of you received money and entered it on the Auditor's book? Mr. Grymes, Reynolds and myself. Did not one person receive money and some one else enter it on the book? No, sir, I never said so. It is a fact, though, that it was done? Yes, sir. It might have occurred. But look at the Auditor's book and tell me how many persons entered bills on the 24th of February? Three persons.

Do you remember whether your cash was over or short on that day? It was over \$5.44. Is it rather strange that the cash should have been over? No, sir, the balancing was not any more irregular than at banks or any place where money is handled rapidly.

I have been a bank director for twenty-five years, and have certainly not been any case, remarked Major Stringfellow. Can you show me the state of your cash for the days preceding and succeeding the 24th? Yes, if I had the book. I wish you would get the book. Mr. Smith: And get the Greenhow desk book, too, please.

Mr. Wise: I don't care what you want. I'm sending for the book. I'm not going to put in your evidence. Mr. Chidrey got the book and stated that on the 16th the cash was 37 cents short, 17th, 19 cents short; 18th, even; 19th, even; 20th, 99 cents short; 21st, \$1.48 short; 23d, \$1 over; 24th, \$5.44 over; 25th \$8.23 short.

Major Stringfellow: So from the 13th to the 23d, the cash was right at night only two days? SHORT AND OVER. Yes, but if you had to run those books and the major you would be short and over every day, Major.

Major Stringfellow: No question about it—mistakes are the easiest things in the world to make. Mr. Smith: Lets argue the case later, Major. Mr. Chidrey, who made the deficiencies good to the city? Mr. Grymes would make them up frequently at the end of the month? Young Mr. Reynolds has been allowed to who employed him in your office? Mr. Grymes. He was very competent and I had no objection to the arrangement. Yes, he had full access to the cash drawer. Did the money paid by Thalheimer, Wal-

kins-Cottrell Company, Schaffer and Levy go to the city's credit? No, sir, the city has never gotten the money. If the money was put in the cash drawer and failed to be entered on the book, if everything was conducted rightly, what would be the state of your cash at the end of the day? I don't quite understand you? I am asking a simple question. We are not criticizing your office, but trying Mr. Grymes. "The cash would have been over," said Mr. Chidrey.

The deficit, then, in the case of these bills can be shown by a comparison of the general cash-book and the desk-book? Mr. Wise: You mean that those little books are cash-books; pointing to what are known as blotters.

Mr. Smith: Let us teach Mr. Wise something he don't know. Go in and get the cash-books. Mr. Chidrey went out and returned with a book, and then explained the blotters.

For a description the blotters were used for the purpose of each day making a statement as to what the receipts were received for—whether for water, gas, licenses, etc. There were two blotters, and the aggregate of these ought to agree with the aggregate of the cash-books.

The latter aggregate was then put on the general cash-book, and the deposit made on the next day agreed with the general cash-book.

In answer to a question Mr. Chidrey said: Mr. Grymes made up the deposits for the bank every morning. As to the blotters, we never paid any attention to them, otherwise than as a common blotter. I never considered their records. The entry on the general cash-books was usually made by Mr. Grymes, and he also made out the deposit blanks.

Did Mr. Grymes always make his reports to the Auditor correctly? He did, sir. Yes, sir, it was his duty to merge the blotter accounts and make the additions as regard the desk books.

Mr. Wise: You call those little books blotters. I don't care what you call them, but what were they kept for? One shows Mr. Greenhow's settlement and one Mr. Grymes'. The amounts represent the money received. Yes, they are in Mr. Reynolds' handwriting. Yes, Mr. Grymes on the 24th he had \$3.24 in his pocket.

This excess was not explained at the trial yesterday, but it is probable that it was caused by money being taken in for some bill and the bill not entered on the book. It has nothing to do with the alleged Thalheimer shortage.

AN ACCIDENT. Mr. Smith asked Mr. Bondar to take the stand, and the latter stated he was an accountant. I have been employed to make an investigation of the Treasurer's office.

Major Stringfellow: I object to this witness' testimony entirely. Mr. Smith: I think the defense had better wait until I ask a question before they object.

Judge Aiken allowed Mr. Smith to ask the question and then noted Major Stringfellow's objection. Mr. Smith said he wanted to show that the city was losing \$60 or \$70 a day.

Mr. Bondar stated that in the cash settlement books and the desk books for January 16th there was a deficiency of \$80 lost by the city of Richmond. On February 24 the blotters (settlement books) showed an aggregate of \$1,661.28, and the general cash book showed \$1,617.77, making a discrepancy of \$33.51 lost by the city of Richmond. On February 6th the blotters showed \$1,979.26 and the cash books show \$1,969.36, and the loss to the city was \$9.90.

On February 25th the loss was \$9, and on March 20th \$10.35 was lost. December 17th the discrepancy was \$10. October 30th shows \$10. Mr. Grymes on that date received \$12.39 as evidenced by his writing, and he wrote on the general cash book \$2.42. Yes, Mr. Bondar, on the blotter, was right, and Mr. Grymes was wrong, and the city loses \$10. September 25th, showing that the receipts were \$1,876.46, and the entry on the general cash book was \$1,856.33, making a discrepancy of \$19.33 lost by the city of Richmond. On September 14th the receipts were \$1,611.35, and the entry on the general cash book was \$1,601.57, making a deficit of \$9.98.

At this juncture the court adjourned until 10 o'clock this morning. Mr. Bondar gave all of his evidence by consulting a table before him. He was then asked to stand that all Mr. Grymes' blotters that were used before July 5, 1890, have disappeared and no one has been able to find them.

The jury took dinner at Murphy's yesterday and were quartered there last evening. Mr. Grymes also took dinner with a deputy at Murphy's.

Judge Aiken and Judge Witt yesterday were dining by Colonel Frank G. Ruffin. While one of the Manchester jurors was being examined some one in a whisper said that one of "the people" from over the river had bought a new suit of clothes to serve in. The jury, however, was not accepted.

One of the Manchester jurors accepted was discharged after taking his seat, it being alleged that he had served a term in jail. Mr. Bondar did not conclude his testimony yesterday. He will be the first one on the witness stand to-day.

IN THE COURTS. United States District Court.—Judge Robert W. Hughes is in the city and an adjournment term of the court will begin this morning, at which time the criminal case of J. Lewis Peyster will come up. Peyster is charged with using the mails for unlawful purposes. It is alleged that he mailed a letter to John D. Shankst at Greys, on the 15th of August, which was a skull and cross-bones. Judge Hughes will also hold a term of the Circuit Court for the trial of several civil cases.

City Circuit Court.—Suit was instituted yesterday by the National Bank of New York against Levy Brothers & Co. Action of trespass on the case. Damages \$2,000.

Police Court.—Charles Jackson (colored) was arraigned yesterday on the charge of being disorderly and throwing rocks in the street. He was fined \$2 and cost.

William McClair (colored) had to pay a similar fine for the same offense. William Morris (colored) had to pay \$2.50 and cost for fighting on the street.

W. T. Ryan, R. J. Ryan, William Richardson and William A. Disney had to pay a fine of \$10 each and cost for breaking open the door to the house of Bettie Smith, creating a disturbance there and abusing the inmates.

The case was continued until next Saturday. Ross Atkinson, S. T. Evans and Daniel Manser were fined \$2 each and cost for being drunk.

John T. Ryan was charged with being a suspicious character. He was sent to jail for thirty days in default of \$100 security.

Laid on the Table. A called meeting of the Common Council was held last evening to take action upon the resolution passed by the Board of Aldermen Monday guaranteeing the 6 per cent. interest on the \$50,000 loan for the Virginia State Agricultural and Mechanical Society.

About the only visitor present was Colonel A. S. Buford, the president of the society. Mr. W. W. White moved, as there were not a sufficient number of members present to pass it, that the resolution be laid upon the table until the next regular meeting, and Mr. Stratton moved to amend so that it could be called up at either a special or a regular meeting. The motion as amended was adopted.

Jury as Guests of Lee Camp. The splendid oil portrait of General John B. Cooke, which is now on exhibition at West, Johnston & Co.'s, will be presented this evening at 7 o'clock. This picture was paid for by members of the Camp. The presentation speech will be made by Major N. V. Randolph and it will be accepted by Colonel A. V. Archer. The presenting promises to be very interesting. Colonel Archer is one of the veterans in the Grymes' case, and is enabled him to receive the picture the Sergeant and his deputies will take the jury to the hall, where seats will be reserved for them apart from every one else. The Hollywood, Oakland and Hebrides Memorial Associations will also attend the meeting.

Indorsed by the Union. Mr. James J. Creamer, president of the National Machinists' Union, has returned from Pittsburgh, as he made the delegates, Messrs. John Ruth of Richmond and George Sturdivant of Manchester. Mr. Creamer addressed a meeting of the strikers at Odd-Fellows' Hall yesterday, and informed them that their position was indorsed by the National Union.

RICHMOND'S BUSINESS MEN.

Meeting of the Board of Directors of the Chamber.

TWENTY-ONE NEW MEMBERS PROPOSED. Reports from Various Committees Read—The Maps Recently Printed and the Cost of Them.

The monthly meeting of the board of directors of the Richmond Chamber of Commerce was held yesterday evening at 6 o'clock.

Mr. H. E. Holmes, on behalf of the committee on manufactures, in the absence of the chairman, reported to the board that the maps of Richmond and the vicinity had been completed at a cost to the Chamber of about \$700 for the issue of three thousand.

Mr. H. A. Tabb suggested that some of the maps should be properly backed and mounted, which question was referred to the committee on manufactures for their decision.

Mr. S. W. Travers, chairman of the committee on inland trade, reported the satisfactory explanation and adjustment of several questions relating to traffic over the Atlantic Coast Line, the Norfolk and Western and the Richmond and Danville, which had been brought to the attention of the several sub-committees for those lines. He also stated to the board, as has been mentioned already by the city papers, that Colonel Purcell and he had visited Petersburg on Tuesday last and arranged for a conference between a committee of the Petersburg Chamber of Commerce and a committee of the Richmond Chamber to be held at an early date in Richmond for the purpose of discussing the steps which could be taken to promote the construction of the Virginia and Carolina railroad.