

William C. Wilkinson went to the city jail and brought him out at 5:30 o'clock, and had him in the court of the Police Justice before the coroner had gathered to any extent. Cluverius was met by his counsel, Judge W. W. Crump, Beverly T. Crump, and A. Brown Evans.

A short consultation was held, and then Cluverius was taken into the prisoners' box. He sat apart from the other prisoners in a retired part of the box, avoiding as much as possible the gaze of the crowd. As soon as he was into the box his counsel came into court and took their seats within the bar.

After while the case was reached, and Sergeant Chalkley commenced to call the witnesses. Owing to the fact that a large number of those who had never recognized to appear, because their statements had not been made at the time the case was continued by the court, there was some delay in calling the witnesses, and considerable time was occupied before they were all sworn.

While this was being done counsel for the accused sat watching quietly the proceedings. Cluverius sat between Judge Crump and his son, Beverly, and frequently in a whispering conversation with them. He looked more anxious than at any time he has been brought before his accusers. Sometimes he would throw a glance at the dense crowd of lookers-on that occupied every inch of the court-room, and when he did it was plain that his efforts at composure were unavailing.

At the proper time Mr. S. B. Witt, Commonwealth's attorney, arose from his seat and said: "If your Honor please, before proceeding further with this case, I would state that since my last calling of the case in this court I have ascertained that the defendant is a relation of mine. I have examined the question thoroughly, and find that all the circumstances, as well as the connection, would make it unjust to him as well as to myself were I to conduct the prosecution. I know your Honor appreciates the position. I shrink from any responsibility as far as my future actions are concerned, and under the circumstances I feel bound to retire from the case. I have obtained the consent of Mr. Charles V. Meredith to represent the State in the case, and I am sure, sir, that the interests of the Commonwealth will not suffer in his hands."

Mr. Meredith was asked by counsel for the defense if he was ready to go on with the case. He replied that he would let counsel know in due time, and addressing the Court (Justice D. C. Richardson) asked that he would designate some other magistrate to hear the examination. Mr. Meredith said that Justice Richardson had been active in investigating the case, and it might on this account be well for some other magistrate to hear the evidence, especially as he desired to introduce Mr. Richardson as a witness for the Commonwealth.

Justice Richardson replied by saying that Justice J. E. Holmes was the senior Justice of the city, and would sit in the case, after which he withdrew from the bench and Justice Holmes took the case. Then Mr. Meredith was ready for the Commonwealth.

Mr. Meredith made this statement to Mr. A. B. Evans, of counsel for the defense, addressed the court. He said: "If your Honor please, the case is doubtless aware of the facts and circumstances surrounding the calling of this case on Friday week last. The minutes of the court will disclose that the case was continued upon a motion of the Commonwealth. It is additionally true that the prisoner himself had been recently arrested, and that King and Queen, considerable distance remote from the city of Richmond, and that his counsel were here on that occasion upon the shortest notice and under circumstances of some inconvenience and effort on their part."

"Your honor is aware of the prisoner's arrest in the county of King and Queen, and that any witnesses who might be relied upon by the defense residing in that county would necessarily be subject to great inconvenience, and considerable cost, in coming to be here at any time during the progress of this trial. In view of this fact, and in consideration of the additional one relating to the restricted jurisdiction of this court, that if the prisoner was discharged upon this examination it would not constitute an estoppel or bar to the power of the prosecution to arrest him upon an indictment of the grand jury of the city of Richmond, and likewise because of the fact that in order for us to be prepared with testimony in behalf of the prisoner, we would, as I have but a few moments ago remarked, have been under the necessity of bringing witnesses from King and Queen, a great uncertainty and considerable degree of inconvenience and expense, it has been determined by the counsel for the defense to waive this examination and submit to the consequences of having the prisoner sent on to the Hustings Court."

Mr. Dunstan has been living at his present residence. So far as Mr. Dunstan or any one of his family knows, neither accused nor deceased knew of his address. That makes the leaving of the shawl on his premises all the more strange. The shawl was found by Mr. Dunstan on the inside of his front fence, and near where his front fence joins the division fence—that is, the fence separating the front yards of the two houses.

Mr. Dunstan bears a good character, and has freely allowed himself to be interviewed by any newspaper. Mr. Dunstan's daughter, who is seen wearing a red crocheted shawl before either she or they moved away from King William county. That shawl and that item published in the Dispatch about the Madison clothes-bag induced the girls to go to the almshouse to see the dead body, and they were the first known to identify the body, and that, too, when five or six other witnesses were swearing that the dead woman was Fanny Mays.

Not only is "the old man" and the messenger-boy missing from this case, but there was missing from the body—and still unaccounted for—deceased's plain gold ring, her hand-satchel (a little satchel worn on the wrist), and her money. Also the note to which the one she wrote Cluverius (not delivered) was an answer.

Not only is the note to which the one she wrote Cluverius (not delivered) was an answer. The note, of course, she may have destroyed before she ever left the American Hotel, at which place, by the way, she did not pay her bill.

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By John T. Goddin. Real Estate Agents and Auctioneers. Corner Eleventh and Bank streets.

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