

Led on By His Lawyer, Beattie Gives Story of Murder

BLUNTLY TELLS HOW WIFE WAS MURDERED

Henry Beattie Goes Upon Stand and Calmly Relates Every Incident Under Friendly Guidance of Harry Smith—Crowds Around Court.

As though he were talking to his own friends and telling, briefly as he could, a simple story of his life, Henry Beattie, Jr., went upon the witness stand yesterday morning and told bluntly and without halt all the events preceding the murder of his young wife and all the details of his relations with Beulah Binford, the girl who still remains in the background, a haunting mystery.

On the face of things, Beattie admitted all but the direct charge. So far as his relations with Beulah Binford are concerned he held back nothing. He went upon the stand with the same coolness and calmness he has exhibited ever since the hands of the law were first placed on his square young shoulders. Under the gentle guidance of his own lawyers he told his story simply and well. He seemed anxious to talk. Apparently, he wanted to tell all. He went into explanations at times he was inclined to argue his case himself, and, on the objection of the prosecution, the court had to remind him that he had two capable lawyers who would reconstruct the argument and look well after his interests.

Jam Around Courthouse.

Around him everywhere in the courthouse and outside, on the courthouse green as far as he could see a thousand faces pressed to see him and to hear what he had to say in his own defense. But he talked on undisturbed. There was no nervousness in his glance, and his hands, resting at times in his lap, showed no trace of tremor. As he first took his seat he was asked for a glass of cold water, and Sheriff Gill brought it for him. Thereafter the glass rested on the desk in front of him, close within his reach, and whenever his lips became dry he leaned forward and took another sip. Frequently he wiped his mouth with his handkerchief. These were the only signs of nervousness, if nervousness there was.

The courthouse was filled with spectators at 8 o'clock, and by 10 o'clock the green was covered. It was as if a picnic were at hand, some big carnival to which the whole county and the cities of Richmond and Petersburg were invited.

As fast as they came the people flocked around the little brick jail, anxious to watch Henry Beattie behind the bars. He seemed not to notice them, and went about his preparations for the case with a deliberation that could come only from a man who, under any stress, could rely on himself and face without a quiver whatever fortune might bring him.

Through Lane of People.

As the trial for him, he walked through a lane of people, the crowds pressing close on either side. He had evident fear of photographers, for he held his hat in front of his face until he got within the shadows of the courthouse walls. His father, gray-haired, tall, with the long and thick beard, walked beside him, lending his presence to comfort the son. And as the prisoner entered the courtroom there was a rush for the windows for those who were unable to get through. Among the limbs of an ancient tree to the right of the people, above and below and around, where they gathered, if only to hear one word. But he faced them all, and but for the setting and but for the facts the observer would have thought that he was merely narrating stories to his friends.

Led on by Attorney Harry M. Smith, Jr., of counsel for the defense, the prisoner swore that his home life was perfect, that never a cross word passed between himself and his wife. He said that his relations with Beulah Binford, and his conduct toward her, were characterized as a man who had been watched even in his uncle's store. Paul came there, he said, only to get money and to beg from his father. He himself has never had dealings with him, and as for asking him to buy a gun for him with the purpose in view as he has been charged with, it was absurd.

Denied He Refused Help.

He denied that he had refused to help Detective L. L. Scherer get information after the crime had been committed. He said that he had given all the assistance that he could, that it was he who suggested that the party of officers and detectives go out and look for the gun. And as for his identifying the gun, he stated that he meant only that it was the gun which had been found when Major Patton showed it to him and he said, "Yes, that's the gun."

As to his belated arrival at the home of Tom Owen on the night when the murder was committed, he swore again, and he testified before that he had a punctured tire and that he had to go to the home of J. Preston Carter, where he backed his car into a gateway, where he worked an hour making the repair. He offered to demonstrate how long a time it would take to repair such a puncture as he described, and his counsel offered to let him enter his car and describe the manner in which his wife was killed and how he took her dead body home. But it was agreed in a conference between the lawyers, for both sides during the dinner hour that it would not be necessary for him to give such a demonstration. It was a case of give and take by both sides, and that much was agreed.

Grateful to Witnesses.

He was asked by Mr. Smith if Tom Owen, to whom he first told the story of that night's sad adventure, had not been a fair and impartial witness, and gratefully he answered in the affirmative. To that story he still sticks. The conflicting statements attributed to him he laid to the doors of the detectives who had questioned him and who had worked up the evidence which forced him, a prisoner, to court. In his direct examination there appeared but one discrepancy, and that was as to time. He swore that he left his father's store on the Saturday night preceding the murder, with his cousin Paul at twenty or twenty-five minutes after 10 o'clock, that he drove his cousin home, stopping ten minutes on his way to fix his lights, and arrived at Beulah's home at half-past 10 or a quarter to 11. But that could have been possible, allowing the latitude he gave himself—that is, the time between 10:20 and 10:45 o'clock—twenty-five minutes.

Henry also denied, as Sampson, his

TWO WHO HAVE STOOD GAMELY BY PRISONER IN HIS HOUR OF NEED



DOUGLAS BEATTIE. (Photo by W. W. Foster.) H. C. BEATTIE, SR.

close personal friend, had asserted before, that he brought or asked Beulah to come to Richmond. He said that he did not know she was in the city until he received the telephone call from his friend. When he saw the girl in Norfolk, he swore, he told her positively not to come to Richmond.

And when the question as to Beulah Binford's child was brought before his attention he said that he paid the funeral bill, not because he believed it was a real responsibility, but because of the threat of the girl's mother to bring the child to his father's house. His relations with the girl were known, he said, by his wife, and there was a mutual understanding. He broke off with this girl whose fate seems to have thrown in his path, with a settlement in the office of Attorney N. Thomas Mosby, in the fall of 1908.

Perfectly Cool at End.

When again the question of his regard for Beulah was brought up he said that his actions showed that he was not in love with her, for he helped her as he would help, and as he had helped other girls. The terms of affection which were conveyed in the letter he characterized as nothing more than a push. He made a clear breast of everything in which Beulah was concerned to Detective Scherer, he said, and asked him not to bring her in, as he didn't want to be "mixed up" with her. And the message which Paul conveyed from him to the girl, was simply "tell her not to bother me."

Beattie explained everything as he went along with his story, and when his attorneys questioned him as to his show, or lack of show, of grief on the night of the murder he replied that he composed himself before the detectives and officers, none of whom he knew.

On the direct examination it was a simple story, well told. He was as cool at the end as at the beginning.

Boy's Father Recalled.

When court was opened Mr. Smith stated that he wished to recall Henry C. Beattie, Sr., for a few minutes. He was asked as to what occurred on Thursday night, the night of Henry's alleged confession to Paul. Paul arrived, he said, at half-past 7 or a quarter to 8, and witness stated that he asked Paul what grounds the police had to arrest Henry.

When he saw Paul, he stated, he had no idea that the authorities were contemplating arresting Henry, and knew of no such step until informed later by John C. Robertson. He described the porch on which Paul said that Henry was sitting when he blurted out the alleged confession. It runs all the way around the house, and witness stated that it was filled with people, as was the house, when Paul arrived and before he left. He was not cross-examined.

Motor Car Numbers.

Then Lee Paschall, one of the Bon Air automobile party who saw a machine standing on the side of the road as they returned to Richmond, was recalled. He was asked if he noticed the number of the car he passed and offered to assist. He said it was D-11, the number of Charles H. Kastelberg's car. He was asked if he told Mr. Scherer that this was the number, and replied that he told Mr. Scherer he thought this was the number. Scherer informed him, witness said, that he had called up the man whose license showed that number, and that this man had said none of his cars was out that night. He stood aside to make room for Henry C. Beattie, Jr., the prisoner. Once Henry was interrupted to allow Kastelberg to go on the stand. He said that the number of his car was D-11, but was ordered when he left the stand to remain within reach, as Mr. Wendenburg might want to cross-examine him further.

"Was it before Christmas?"

"Yes, just after she came back from school."

"How long after?"

"It was a few days after when I saw her."

"What month was that in?"

"It may have been in November or December. I don't remember."

"When her child was born it was named after you, wasn't it?"

"I believe it was named Henry Clay."

"When the child died you bought the casket, didn't you?"

"She told you she was married, didn't she, and when you were in Norfolk she told you she was expecting her husband, didn't she?"

"Yes."

"She waited in Norfolk two weeks, and when she arrived here she asked you to join her?"

"No, I didn't know she was here. Billy Sampson called me up and I saw her."

"Billy went to the depot to bring her where you were then?"

"No, I didn't know she was here until Billy called me up."

"What did you do then?"

"Took her out riding and to another place, and then Billy and I went home."

"You saw her after that quite frequently, didn't you?"

"Once or twice a week."

Saw Her Before Murder.

"I saw it more than that. Didn't you see her Monday night, Thursday night and Saturday night? Weren't those Beulah's nights?"

"Those are the nights I went out after I was married. I saw her on those nights the last week before the homicide."

"On Thursday night before the homicide where did you join her?"

"At her house, about a quarter to 9."

"How long did you remain with her that night?"

"Until about 12 o'clock, I reckon."

"Where did you go that night?"

"Out riding."

"What time did you get the car out of the garage Thursday night?"

"About 8 o'clock."

"Where did you go then?"

"To Twelfth and Hull."

"What did you do there?"

"I was talking to the fellows a part of the time."

"Give me some of their names."

"I don't remember."

"What! don't remember any of them?"

"Well, Harry Latham was there."

"Can you give me any more?"

"Well, I can't remember. There were a lot of my friends."

"How many?"

"Well, there might have been a hundred. There might have been twenty-five or fifty."

Remembers Latham.

"And Harry Latham is the only one you can remember out of that number? You say you did not see Paul that night?"

"No."

"You deny that Paul met you at Short and Main that night?"

"Yes, sir."

"When had you seen Paul before that?"

"I saw him about a week or ten days before. It might have been two weeks."

"Did you see him at any time during the week preceding the murder?"

"I might have seen him a week or ten days before. I can't say exactly when."

"Did you ever phone and ask Paul to meet you at Short and Main?"

"No, sir."

"Did you go with him to his home during the week preceding the murder?"

"I protest against such questioning," said Mr. Carter.

"Mr. Wendenburg sharply retorted

him home Saturday night."

"Did you ever go to McEvoy's with him?"

"No. I heard him say we took a drink there. I'm pretty certain I didn't go there, but I wouldn't say."

"On Thursday night, July 13, wasn't also W. R. Hart present at Twelfth and Hull?"

"I don't remember."

"Did you take a drink with him?"

"I don't remember."

"After taking a drink with Hart you went to the telephone and tried to get a number?"

"Yes."

"Whose?"

"Beulah Binford's."

"Did you get her?"

"Denies sending message."

"No, her phone was busy, it came on out and went to Richmond."

"You didn't say into the phone to some one you were talking to, 'Meet me at Short and Main Streets'?"

"No."

"You deny that?"

"Yes."

"And you went on over to Richmond in your car?"

"Yes."

"The ordeal under which this witness is going," suggested Attorney Smith, "is sufficient without having pictures of him taken as he is on the witness stand," referring to an amateur photographer who had perched himself in the branches of a tree just outside of the window of the courthouse.

"Mr. Sheriff," said Judge Watson, "I have forbidden the taking of pictures of the court or any part of it in session. If there is any photographer attempting to get views within the windows in disobedience to this order you will bring him before the court."

Sheriff Gill bustled out, but the photographer hid away again.

Mr. Wendenburg resumed:

"Didn't Hart ask you where you were going, and didn't you say 'Going west—the way you are going,' and didn't Hart state that he had no date for the night?"

Reading From His Notes.

Mr. Smith protested that Mr. Wendenburg was reading from a deposition given by one who had not yet been called as a witness and demanded that it be shown to opposing counsel. On two former occasions Judge Watson had ruled that where Mr. Wendenburg was examining a witness from a written and signed deposition given before the trial the attorneys on the opposite side must be furnished with a copy.

"It might as well have an understanding right here," protested Mr. Wendenburg, "I am examining this witness from certain private notes I have made during his examination in chief. I know of no rule of law that will compel me to hand over to you my own notes, which are prepared solely for my own use and guidance in this case."

Mr. Smith withdrew the objection, whereupon Mr. Scherer, who was sitting between the attorneys, offered to allow counsel on the other side to read Hart's statement taken down stenographically, but not used by Mr. Wendenburg in his examination, though Mr. Scherer had it in his possession along with a mass of papers connected with the case.

Asked About Paul's Ride.

"Didn't you say to Hart," resumed Mr. Wendenburg, at Twelfth and Hull Street, on the Thursday night before the homicide, 'I am going to take you and Beulah and my wife out riding'?"

"I don't remember," answered Henry Beattie. "I often make excuses to the boys when leaving the corner, there by myself to throw them off the scent."

"I don't want to know if you were going with her."

"How's that?" snapped Mr. Wendenburg. "You didn't want anybody to know you were going with Beulah and you went about with her in your machine?"

"It was dark then," answered Henry. "The streets of Richmond, such as Broad Street, are not dark." Commented Mr. Wendenburg. "Didn't you go to her home on West Main Street and leave your car just around the corner in Laurel Street?"

"Yes, but the people there didn't know whose car it was."

"If you were just making an excuse to throw your friends off the scent, why did you use Paul's name?"

Planning Witness Down.

"I don't know that I know anybody else out there."

"Didn't you on that Thursday night before your wife was killed go to John Joseph's confectionery store at Short and Main Streets; didn't you take Paul in your car there; didn't you go on with him to McEvoy's saloon on Cary Street; didn't you meet young McEvoy there and young Mr. Brittain?"

"No, sir, I saw McEvoy out here at the courthouse for the first time in three or four years."

"Do you deny that McEvoy talked to Paul Beattie in your presence that night?"

"Yes, the first time I've seen McEvoy in three or four years was out here."

"You know him?"

"Yes, I used to know him right well. He used to knock around in our crowd."

"Do you deny that John Brittain was present in the bar when you and Paul had a drink on Thursday night?"

"I don't know him. I didn't see Paul on Thursday night. I deny having seen him since that night, except Saturday. It was the only night except Saturday that I saw him."

"So your denial covers every detail as to what you and Paul did on Thursday night?"

"Yes."

Driving Him Hard.

"I want you to be perfectly certain, Mr. Beattie. You deny stopping at Joseph's confectionery, taking Paul in your car, stopping for a drink in McEvoy's bar, and seeing McEvoy and Brittain, and going back to Paul's house, where you dropped him? Is your denial as to these matters just as true as your statement as to how this crime was committed?"

"Yes."

"When it was false, the other was false. You can't deny one without denying the other."

"I object," said Mr. Carter. "It was your method with Paul," protested Mr. Wendenburg.

"If it should be shown," persisted Mr. Wendenburg, "by overwhelming proof that you were at Short and Main Street; if John Joseph were to testify that he saw you there, and others were to say the same thing; if Frank Mason, who was in Joseph's store, was to come here and say that he saw you; if young McEvoy were to testify and John Brittain were all to swear to the same thing, and if Mrs. Nolan, a neighbor of Paul Beattie, and Mrs. Paul Beattie were to come here and say that they saw you bring Paul home in your car that night, would you still stand to your statement that you did not see Paul on Thursday night?"

"I protest against such questioning," said Mr. Carter.

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that the objection was raised to give the witness time to collect himself, and the court ruled that the question was a proper one.

"Well," repeated Mr. Wendenburg, in summary, "if they were all to come here and swear to what I have indicated, would you still say you were not with Paul Beattie that night?"

"Yes, sir. The only night I could have been with him at McEvoy's was Saturday, and I don't think we went in there then. I am sure we did not."

Saturday Before Murder.

"If it should be proved to be a fact, and the jury will have to determine that, that you were with Paul Beattie on that Thursday night as I have described, what could be your reason for concealing it?"

"That is not a proper question," ruled Judge Watson.

"You heard your cousin Paul's testimony? Was that the night that Paul says you gave him instructions to buy the gun?"

"I think it was."

"Now, let us pass on to the Saturday night before the crime," said Mr. Wendenburg. "On that Saturday night Paul came over to your store?"

"Yes. I didn't notice him especially, I just happened to see him there about 7:30 or 8 o'clock."

"What time do you close the store?"

"We always close about 10 o'clock, but then we have to wait on the customers that are in there. It takes ten or fifteen minutes."

"Do you know Indure Fortune, a customer of your store?"

"Yes, I know him as a customer."

"Do you remember waiting on him that Saturday night, sitting shoes on his son?"

"I don't remember."

"Do you deny leaving Mr. Fortune to fit the shoes on his own son while you stepped across the store to speak to Paul?"

"Yes, I didn't see Paul."

"Do you deny Mr. Fortune sitting shoes on his son where I was going? I told him I was going to Richmond, and would take him over. He tried to crank the car and couldn't do it, and I had to get out and crank it myself."

"How many times have you ever taken Paul over in your car?"

"I don't remember ever before having done it."

"Ever take him or his wife out for a ride in your car?"

"No, sir."

"On this particular Saturday night did you take him over to Richmond?"

"Yes, I took him to Richmond."

"Didn't Paul come over to the store often on Saturday nights?"

"Yes, he used to come over to get money from Paul."

"Did he carry packages and messages from you to Beulah?"

"I think he did once about three years ago—I sent it by him just as I would have done by a negro porter."

"You never used Paul to carry any messages for you?"

"No."

"Did you ever carry Paul back to Richmond in your car before?"

"He used to hang around the store. We used to see him, too."

"So you also want to blacken his reputation, do you?"

"No, sir; every clerk had instructions to watch him."

"In the rear at the time of the homicide, you had ever carried Paul back to Richmond before in your car?"

"Well, as soon as he got the money he wanted, he would go away."

"Now, on this Saturday night we were speaking of—you went on across the bridge and up to Grace Street—was that before or after in your car?"

"What did you do that for?"

Took the Easiest Way.

"Every automobile driver goes up to Grace Street because it is smooth paved further down town. It saves him over the cobblestones."

"Well, you went on up to Grace; up Grace to Fifth, to Franklin, and to Fourth and Franklin Streets, where you had trouble with your lights?"

"Yes, that was where we changed them."

"Now, Mr. Beattie, you told Mr. Smith that on the night of the murder you could not see your assailant in the rear at the time of the homicide, because that small lantern was only to show a red signal and show you your way. You didn't tell him you had one of your big front side lamps on behind—that the change you made at Fourth and Franklin is still on the car?"

"He asked me what the rear light of the car was for."

"Didn't he ask you could you see a man distinctly with that rear light, and didn't you say, 'No? Why didn't you tell the jury then that you had taken one of your big side lamps off and put it in the rear?'"

"There was no reason for my telling so. He didn't ask."

"Well, anyway, that big front light that you hitched on behind when you made this change has a very large face and shows a side light two inches square."

"Yes, you couldn't see to run the car by that side light. It wouldn't show two feet at night. The man was standing just to the rear of the light anyway. It reflected the opposite way from where he was standing."

Told Paul to Call Her.

"When you took Paul to his home on that Saturday night, what did you say about his calling Beulah Binford?"

"Yes, I told him to call up Mrs. Fisher—he knew I meant Beulah Binford—and tell her I'd be there in a few minutes."

"Did you tell him to be careful not to telephone if his people were about?"

"Yes, I told him that."

"Then you took Beulah out in your car?"

"Yes."

"Where?"

"Out on the Cary Street loop."

"Did you ever see Beulah Binford's diary?"

"I believe I did see a little book."

"Did you ever see Beulah Binford's

WENDENBURG BEGINS CROSS-EXAMINATION

Takes Beattie in Hand at Afternoon Session and Was Still Grilling Him When Court Adjourns. Ready to Renew Attack To-Day.

Cross-examination of the prisoner was begun immediately after court was opened. Refreshing himself with a sip of water, Henry Beattie took the stand. His face was a little whiter than it had been during the morning, but there was no sign of fear.

"Mr. Beattie," began Mr. Wendenburg, "you have been asked by your counsel questions in regard to testifying before the coroner. Now, under the law, your having testified before the coroner and the testimony you gave there cannot be used as evidence against you. I want to know whether you will waive your right in that matter, and consent that the Commonwealth may use the evidence you gave before the coroner's inquest."

"That question," said Bill Carter, of the defense, "is not only improper, but ought not to have been asked before the coroner. I hope your honor will so instruct the jury."

"When such a right is given the accused," replied Mr. Wendenburg, "that privilege can be waived by him and also by his conduct, by his reference to what he said before the coroner's inquest, and by his consent to the inquest. He having that right, the Commonwealth has the right to ask if he will waive it."

Improper Before Jury.

"If your honor please," said Mr. Smith, "I would like to say a few words in answer to that."

"Before the jury," replied the judge. "The merits of the question have been discussed. This has been just gibbering. The statutes provide that testimony given by a party in a legal proceeding cannot be used in a subsequent legal investigation. The court does not think that the Commonwealth has a right to ask before a jury the accused whether he is willing or unwilling to waive that right. The court will instruct the jury absolutely to disregard the proposition stated by the prosecutor that the witness on the stand and not to draw any conclusions unfavorable to the accused."

"Now, Mr. Beattie," said Mr. Wendenburg, obeying the court's ruling, "I understand that you met Beulah Binford in August, 1907, in the manner you have described. When did you

relations with her begin?"

"About two weeks after I met her."

"Then those relations continued how long?"

"Until she went to Washington in the fall of 1908."

"When did you send her to school?"

"In the same fall. May I explain all about that affair?"

"You may if you wish."

Wanted Her Out of Way.

"Her mother, sister and grandmother were talking about sending her to school, and thought I would help her, and I did, not for my benefit, but to get her out of the way."

"What do you mean by 'getting her out of the way'?"

"Just what I said, to get her out of the way."

"But why get her out of the way? What do you mean by that?"

"Just what I said, to get her out of the way, so I could get her out of the way, so I could get her out of the way, so I could get her out of the way."

"I don't remember," replied the witness. "I thought I had washed my hands of the whole affair in Tom Mosby's office."

"Didn't you write such a letter, as you said, to Mr. Beattie?"

"I don't think I did."

"Is your memory good?"

"I have a very good memory."

Then Mr. Wendenburg produced the letter, first showing it to opposing counsel. Then it was handed to the witness.

"Did you write that letter?" asked the attorney.

"Yes, sir."

"Then I will read it to the jury," said Mr. Wendenburg. "The letter follows: 'Mrs. Binford—You can sign the enclosed with your name and address, and please do so at once, as this is the last time I will comply with this business. (Signed) 'HENRY.'"

(Postscript)—"When you get ready to answer, call me up."

"The letter refers to the adoption of the child," asked Mr. Wendenburg.

"Judging from the contents of the letter, I reckon it does."

"Don't you know?"

Recollection Is Vague.

"I think when the child was adopted she had to sign some paper, and this letter refers to that."

"I couldn't refer to another matter?"

"Didn't you send her a paper to sign?"

"I won't say I did and I won't say I didn't. Perhaps I did."

"When the child was adopted wasn't there a paper to sign?"

"Perhaps there was. That's what I'm

saying."

"After the child died Beulah went away, did she not?"

"Witness named a place where she went first, and then said she went to Danville."

"Then she married, or was supposed to have married, Fisher, the baseball man," said Mr. Wendenburg. "Did you think she was married?"

"To tell the truth, I didn't think she was married."

"She told you she was married, didn't she, and when you were in Norfolk she told you she was expecting her husband, didn't she?"

"Yes."

"She waited in Norfolk two weeks, and when she arrived here she asked you to join her?"

"No, I didn't know she was here. Billy Sampson called me up and I saw her."

"Billy went to the depot to bring her where you were then?"

"No, I didn't know she was here until Billy called me up."

"What did you do then?"

"Took her out riding and to another place, and then Billy and I went home."

"You saw her after that quite frequently, didn't you?"

"Once or twice a week."

"Wasn't it more than that? Didn't you see her Monday night, Thursday night and Saturday night? Weren't those Beulah's nights?"

"Those are the nights I went out after I was married. I saw her on those nights the last week before the homicide."

"On Thursday night before the homicide where did you join her?"

"At her house, about a quarter to 9."

"How long did you remain with her that night?"

"Until about 12 o'clock, I reckon."

"Where did you go that night?"

"Out riding."

"What time did you get the car out of the garage Thursday night?"

"About 8 o'clock."

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"To Twelfth and Hull."

"What did you do there?"

"I was talking to the fellows a part of the time."

"Give me some of their names."

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"What! don't remember any of them?"

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"After taking a drink with Hart you went to the telephone and tried to get a number?"

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Reading From His Notes.

Mr. Smith protested that Mr. Wendenburg was reading from a deposition given by one who had not yet been called as a witness and demanded that it be shown to opposing counsel. On two former occasions Judge Watson had ruled that where Mr. Wendenburg was examining a witness from a written and signed deposition given before the trial the attorneys on the opposite side must be furnished with a copy.

"It might as well have an understanding right here," protested Mr. Wendenburg, "I am examining this witness from certain private notes I have made during his examination in chief. I know of no rule of law that will compel me to hand over to you my own notes, which are prepared solely for my own use and guidance in this case."

Mr. Smith withdrew the objection, whereupon Mr. Scherer, who was sitting between the attorneys, offered to allow counsel on the other side to read Hart's statement taken down stenographically, but not used by Mr. Wendenburg in his examination, though Mr. Scherer had it in his possession along with a mass of papers connected with the case.

Asked About Paul's Ride.

"Didn't you say to Hart," resumed Mr. Wendenburg, at Twelfth and Hull Street, on the Thursday night before the homicide, 'I am going to take you and Beulah and my wife out riding'?"

"I don't remember," answered Henry Beattie. "I often make excuses to the boys when leaving the corner, there by myself to throw them off the scent."

"I don't want to know if you were going with her."

"How's that?" snapped Mr. Wendenburg. "You didn't want anybody to know you were going with Beulah and you went about with her in your machine?"

"It was dark then," answered Henry. "The streets of Richmond, such as Broad Street, are not dark." Commented Mr. Wendenburg. "Didn't you go to her home on West Main Street and leave your car just around the corner in Laurel Street?"

"Yes, but the people there didn't know whose car it was."

"If you were just making an excuse to throw your friends off the scent, why did you use Paul's name?"

Planning Witness Down.

"I don't know that I know anybody else out there."

"Didn't you on that Thursday night before your wife was killed go to John Joseph's confectionery store at Short and Main Streets; didn't you take Paul in your car there; didn't you go on with him to McEvoy's saloon on Cary Street; didn't you meet young McEvoy there and young Mr. Brittain?"

"No, sir, I saw McEvoy out here at the courthouse for the first time in three or four years."

"Do you deny that McEvoy talked to Paul Beattie in your presence that night?"

"Yes, the first time I've seen McEvoy in three or four years was out here."

"You know him?"

"Yes, I used to know him right well. He used to knock around in our crowd."

"Do you deny that John Brittain was present in the bar when you and Paul had a drink on Thursday night?"

"I don't know him. I didn't see Paul on Thursday night. I deny having seen him since that night, except Saturday. It was the only night except Saturday that I saw him."

"So your denial covers every detail as to what you and Paul did on Thursday night?"

"Yes."

that the objection was raised to give the witness time to collect himself, and the court ruled that the question was a proper one.

"Well," repeated Mr. Wendenburg, in summary, "if they were all to come here and swear to what I have indicated, would you still say you were not with Paul Beattie that night?"

"Yes, sir. The only night I could have been with him at McEvoy's was Saturday, and I don't think we went in there then. I am sure we did not."

Saturday Before Murder.

"If it should be proved to be a fact, and the jury will have to determine that, that you were with Paul Beattie on that Thursday night as I have described, what could be your reason for concealing it?"

"That is not a proper question," ruled Judge Watson.

"You heard your cousin Paul's testimony? Was that the night that Paul says you gave him instructions to buy the gun?"

"I think it was."

"Now, let us pass on to the Saturday night before the crime," said Mr. Wendenburg. "On that Saturday night Paul came over to your store?"

"Yes. I didn't notice him especially, I just happened to see him there about 7:30 or 8 o'clock."

"What time do you close the store?"

"We always close about 10 o'clock, but then we have to wait on the customers that are in there. It takes ten or fifteen minutes."

"Do you know Indure Fortune, a customer of your store?"

"Yes, I know him as a customer."

"Do you remember waiting on him that Saturday night, sitting shoes on his son?"

"I don't remember."

"Do you deny leaving Mr. Fortune to fit the shoes on his own son while you stepped across the store to speak to Paul?"

"Yes, I didn't see Paul."

"Do you deny Mr. Fortune sitting shoes on his son where I was going? I told him I was going to Richmond, and would take him over. He tried to crank the car and couldn't do it, and I had to get out and crank it myself."

"How many times have you ever taken Paul over in your car?"

"I don't remember ever before having done it."

"Ever take him or his wife out for a ride in your car?"

"No, sir."

"On this particular Saturday night did you take him over to Richmond?"

"Yes, I took him to Richmond."

"Didn't Paul come over to the store often on Saturday nights?"

"Yes, he used to come over to get money from Paul."

"Did he carry packages and messages from you to Beulah?"

"I think he did once about three years ago—I sent it by him just as I would have done by a negro porter."

"You never used Paul to carry any messages for you?"

"No."

"Did you ever carry Paul back to Richmond in your car before?"

"He used to hang around the store. We used to see him, too."

"So you also want to blacken his reputation, do you?"

"No, sir; every clerk had instructions to watch him."

"In the rear at the time of the homicide, you had ever carried Paul back to Richmond before in your car?"

"Well, as soon as he got the money he wanted, he would go away."

"Now, on this Saturday night we were speaking of—you went on across the bridge and up to Grace Street—was that before or after in your car?"

"What did you do that for?"

Took the Easiest Way.

"Every automobile driver goes up to Grace Street because it is smooth paved further down town. It saves him over the cobblestones."

"Well, you went on up to Grace; up Grace to Fifth, to Franklin, and to Fourth and Franklin Streets, where you had trouble with your lights?"

"Yes, that was where we changed them."

"Now, Mr. Beattie, you told Mr. Smith that on the night of the murder you could not see your assailant in the rear at the time of the homicide, because that small lantern was only to show a red signal and show you your way. You didn't tell him you had one of your big front side lamps on behind—that the change you made at Fourth and Franklin is still on the car?"

"He asked me what the rear light of the car was for."

"Didn't he ask you could you see a man distinctly with that rear light, and didn't you say, 'No? Why didn't you tell the jury then that you had taken one of your big side lamps off and put it in the rear?'"

"There was no reason for my telling so. He didn't ask."

"Well, anyway, that big front light that you hitched on behind when you made this change has a very large face and shows a side light two inches square."

"Yes, you couldn't see to run the car by that side light. It wouldn't show two feet at night. The man was standing just to the rear of the light anyway. It reflected the opposite way from where he was standing."

Told Paul to Call Her.

"When you took Paul to his home on that Saturday night, what did you say about his calling Beulah Binford?"

"Yes, I told him to call up Mrs. Fisher—he knew I meant Beulah Binford—and tell her I'd be there in a few minutes."

"Did you tell him to be careful not to telephone if his people were about?"

"Yes, I told him that."

"Then you took Beulah out in your car?"

"Yes."

"Where?"

"Out on the Cary Street loop."

"Did you ever see Beulah Binford's diary?"

"I believe I did see a little book."

"Did you ever see Beulah Binford's