Smith Pleads Eloquently to Save Beattie From Death

SMITH PLEADS FOR ACQUITTAL VERDICT

Chief Counsel for Defense Make Brilliant Argument for His Client and Denounces Methods Used to Brand Him With Crime.

Skilfully piecing together the doubtful or beclouded issues of the case of the Commonwealth, and throwing into the shade the more prominent features, Attorney H. M. Smith, Jr., yesterday morning made an eloquent and well-developed plea for the life of his client, Henry Clay Beattie, Jr., at the hands of a jury in the Chesterfield Circuit Court. It was a marvelous presentation of a poor case. Ably he used what points the defense had been able to pick up from day to day in an argument, not of the innocence of his client—that was never once claimed—but that a reasonable doubt had been raised as to his guilt under the evidence, which doubt, under the court's instructions, would suffice to secure an acquittal.

Much time was devoted by Mr. Smith in denunciation of the methods of paid detectives in securing evidence, in interviewing and coaching witnesses and in presenting evidence only as it fit their case.

Might Have Shown Much.

But at the height of his denunciation of their methods Mr. Smith admitted that had he had at his disposal a corps of men as well trained and as vigilant, he could have brought before the jury vastly more that would becloud the issue and serve further to advance his plea of a reasonable doubt. The poor weakling Paul Beattie was held up to derision, and a jury dared to send any man to the chair on his word alone. The motive for the crime, a mere girl, for whom no man could have more than passing regard, was ridiculed, and the weak points in the State's armor were found one after another.

It was his especial grievance that the boys from the Bon Air dance—manly, clean-minded boys, as he was glad to admit—had been coached and trained into giving evidence which all but convicted had it not been for the accidental finding of Kastelberg, the unwilling witness, whom the attorney for the defense himself admitted lied on the stand. Mr. Smith said frankly that he did not believe and did not ask the jury to believe that Kastelberg did not know his woman companion. He boldly charged that the lie was told because Kastelberg feared the husband and the brother of that woman.

Paul Beattie he especially excoriated. Efforts were made to show his venom and animus against his more successful relatives and to show that no man of the evident intelligence and acumen of Henry Beattie could have been such an idiot as to use so weak an instrument to work his ends.

Earnestly asserting his belief in the unreasonableness, the unbelievable qualities of the case the Commonwealth presented, Mr. Smith yet paused long enough to be shocked to his soul by the monster which the charge painted. Asserting that it staggered human belief that a man such as his client could have done such a deed, he asserted boldly that hell held no fiend more brutal than one who would slay the wife of his bosom and the mother of his child with so cold-blooded and deliberate precision, after nights of planning and days of preparation.

Mr. Smith's Address.

When court opened at 9:20 A. M., H. M. Smith, Jr., of counsel for the defense, began at once his closing argument, which occupied about four hours. When he concluded at 1:15 court took a recess for dinner.

"I congratulate you, gentlemen of the jury," he began, "that your arduous labors are nearly over. I thank you for the manifest patience with which you have conducted yourselves—for the fair and diligent attention that you have given to the evidence. What ever the verdict, it will be a fair and conscientious verdict. No one in this county doubts that.

"I congratulate Mr. Carter and myself that the arduous duties, which save for so many weary days rested on our shoulders, are now about to be transferred to yours. His masterly argument has made it unnecessary for me to detain you. I don't think in all my life I ever before heard him speak more than an hour and a half. Imagine my embarrassment when I come before you in a case to which Mr. Carter has already devoted three hours. He was honestly and conscientiously endeavoring to throw light on this case, not appealing to passion or prejudice, but to intellect and conscience. He pointed out to you the path and duty and the path of reason.

No Appeal to Passion.

"I shall not appeal to improper passion or prejudice. This is a case filled with meat—with food for reflection. We know that upright, intelligent, conscientious men may well differ as to certain features of the evidence. We do not anticipate or fear at your hands a conviction. What we fear is a hung jury. Those of you who may hesitate, yet feel that you cannot give your assent to a verdict of not guilty, it shall be my effort to convince you that we are entitled under the instructions and your oaths to such a verdict. It is not for us to point out the guilty man or to vindicate the innocence of this young man, laying his hand on Henry Beattie's shoulder and saying, 'If you, after reviewing all the evidence are not convinced beyond adventure of the guilt of the accused, your verdict under the instructions must be not guilty.' How must you have felt when you heard the evidence of the defense? It shows the danger that many jurymen fall into of making up their minds about the case without hearing all the evidence. Two carloads of boys were coming in from Bon Air. Dairyman Sydnor told of meeting a young man in an automobile with a yellow top. He described the actions of that young man. The accusatory the State attempted to present, guaranteeing you of a chicken with a broken wing leading an enemy from its nest. Mr. Sydnor said he met that auto shortly after sunset going as slow as it could go. We are left to imagine their theory, for the counsel for the Commonwealth has not given us the benefit of their views. In standing opening their case, we have not many of the advantage, but are left to Commonwealth in the dark.

Doesn't Know State's Theory.

Although this young man is on trial for his life we do not yet know the theory of the Commonwealth as to the exact manner of the crime or the relative importance of the evidence. This gives the closing counsel a great advantage.

"I take it for granted that it is the purpose of Mr. Sydnor's evidence to show that this young man went out and hid a gun behind a stump. I cannot imagine why the stump and the tracks leading to the stump have not been put in evidence. This young man has been proved to be an intelligent young man with the benefit of a good education. He is a graduate of McGuire's University School, than which there is no better, and certainly none stands higher. At his early age he has taken charge of and control of the men's furnishing and shoe departments, two of the largest departments of his father's store. He has been the buyer and manager and has conducted the business successfully. You saw him on the witness stand tell every detail of this case under a rigid, merciless, and I may say, heartless cross-examination. He stood it all. He must have impressed you as a man of great intelligence. Yet the theory of the Commonwealth would make this young man out a dunce, an idiot in his preparations for this crime—this brutal scheme of murder. It would make him the greatest brute that has ever disgraced the annals of history.

"No Fouler Fiend in Hell.

"If the charge be true that he did this thing, no fouler fiend exists in hell. They want you to believe that this kind-hearted, intelligent, affectionate young man conceived so dastardly a murder—it staggers human belief.

"We have challenged an investigation of his character along these lines. We throw down the gauntlet so to speak when we put his character in issue. We told them to bring any man of Chesterfield county here to say what manner of man he is. With all the array of detectives at their disposal no attack could be made on the character and integrity of Henry Beattie.

"What manner of man it it that is charged with this crime? The Judge has told you that evidence of good character may in itself raise a reasonable doubt of guilt. We claim acquittal on that instruction.

"This crime was not done in anger. Many good men have lost their tempers. Many men who have proved good reputations have done some act in haste which they have lived to regret. They charge that Henry Beattie, a successful and intelligent man, affectionate son and loyal brother, has conceived and executed a crime that outclasses all the Borgias of ancient Rome; that he slept over it, thought over it, kissed his sister, embraced his father with that thought in his brain; that with a determination to carry out that dastardly crime, he for three days or maybe a week, lived in that God-fearing home with that crime in his brain. It is inconceivable, absolutely inconceivable, and you know it.

"We brought out his home life, his character, his disposition here. Can you believe he planned with fiendish deliberation and executed with brutality worthy only of an American Indian? From all the facts you can't fasten this crime on this boy, face to face with your God, unless you are convinced to a moral certainty that he both conceived and executed this crime—if not so fully convinced your verdict must be not guilty.

Only by an Idiot.

"No one but an idiot could have conceived this crime. He goes out here at sunset and hides a gun behind a stump on the Midlothian Road, the most popular drive out of South Richmond. The man who conceived the crime they portray was no more nor less than an idiot. Leading from this turnpike are many lonely and unfrequented roads; roads not traveled and running through an uninhabited section, accessible and convenient for the purposes of a designing murderer. You are asked to believe that he picked out this popular, much-traveled pike as the scene of his crime—that he courted spectators, planned to have witnesses.

"According to the theory they will present, he goes out to plant this gun, creeps by a man in the road, the dairyman Sydnor, lets Mr. Sydnor get a good look at him, goes beyond him, turns around and comes back by him and gives Mr. Sydnor three good looks at him. He hides a gun behind a stump. If he had conceived this plan—thought it over for a week—why should he have used a shotgun when a pistol could have been more easily procured and more easily concealed?

"Is is the part of common sense to put yourself in the power of another man and not even ask him to say anything about it? There seems to have been a sort of feud on Paul's part against the Beattie family. He is a weakling, easily lead, easily influenced. In a room with a crowd of detectives he would probably sign any statement you wanted. It is absurd that Henry Beattie should have conceived this crime and then put himself in the power of a man with whom he had no relations except that of second cousin. There was a feeling of superiority on Henry's part. Paul was poor. There has been too much harping on that. It shows something was wrong there. He puts himself in the power of another man when there was no need for it.

Ridicules Thought of It.

"Henry, if he planned this crime, is responsible for having paved the way for the police to follow. Think of buying a gun in a pawnshop and leaving it there half a day with the name on it—an old second-hand gun, easily identified. He goes out on this popular thoroughfare and hid it behind a stump. The chances are they measured those tracks Mr. Carter told you about, and found that they were not Henry Beattie's. That's the danger of private detectives, not under the responsibilities of official life. If it took one track to get to the stump and put the gun there and another to get back to the road, it seems to me there should be two more tracks when he got the gun again later.

"We have the proof that he didn't leave his home that night until after 8 o'clock. It was never denied until in the closing hours of the case.

"That Sydnor could not identify him or his machine is positive and conclusive proof that this isn't the man. If it had been, the identification would have been certain, as Sydnor saw him two or three days later at the inquest. They are not entitled to the benefit of the doubt. We are. Was that Henry Beattie out on the pike that night at sunset? With that mass of doubt, we ask what we have a right to, and that you give us the benefit of the doubt.

"They throw a doubt on his being late in getting to Tom Owen's place the night of the murder. The fairest man I ever saw go on the witness stand was Tom Owen, the uncle of this girl. We are willing to rest this case on his testimony. He was the first man to whom Henry told his tale, and Tom Owen says that Henry mentioned then that he had had a 'busted tire.' The first three to whom he told his tale of the hold-up were Tom Owen, Dr. Mercer and Detective Wren, and they all three agree as to what he said. All the discrepancies were discovered in what he is alleged to have told others afterward. Men came here—doubtless honest—in fact, the great majority of the witnesses in this case have told the truth as they thought it was, as they remembered it, but they disagree. If the prosecution had had confidence in the case it had worked up, it would not dwell on these lesser details. They tell us that the fact that he didn't take any others with him that night was a suspicious circumstance. There was no one to go; Mrs. Owen was sick, Tom was with her; Mrs. R. V. Owen had charge of the baby. Is there anything remarkable in that? They might have carried the baby, as they had done before, but the hour was late.

Candy-Buying Incident.

"They go down to have the prescription filled—this murderer they have pictured with his head filled with brutal instincts. He stands outside on the running board talking with his wife. One would have thought that he would have been steeling himself for that dreadful crime. This murderer—whose victim would be alive only a few minutes—for her he bought candy. There is nothing unnatural; yet it is paraded here as a damning circumstance. They left the drug store at 10:27 o'clock. Henry Beattie has said from the beginning that he met three automobiles coming toward town. They were the two Bon Air boys and Kastelberg. They are a very good set of boys, from what I know of them, young and easily influenced, and they have been led to say and to see things which, if they had been left to their own conclusions, they would not have seen. It is very easy to lead a witness.

"Here was the most damning circumstance in this case. When those boys told of seeing a car by the road with a man standing down in front and a woman on the running board—boys whose fathers I had known—boys who I had every reason to believe were telling the truth—the case looked ugly; it looked very black. Mr. Carter and myself were worried, while we didn't believe this testimony. Hnery has said that his wife was not on the running board. He knew there would be ten or a dozen boys here to contradict him; nice, clean-looking boys, whose appearance gave you confidence in their testimony; it looked black.

Kastelberg's Big Part.

"But God moves in a mysterious way. Like a lightning flash from a clear sky came the message that it had been discovered who was on that road that night. Men who knew the secret of that ride, when a human life was at stake, came and told it; told it, even though it did involve the happiness of a home. Kastelberg came here with reluctance. He deserves no credit for coming. He was forced on the witness stand. Richmond would have been too hot for him in after years if he had remained silent when a life was at stake. He was out there in a Knox car, No. D-11, filling the radiator of his car from a pump by a store when these two carloads of boys passed by. I am frank to say I don't believe a word of Kastelberg's story about that woman. I believe he knows who that woman was, who her husband is, and who her brother is. He knows too well, and the safest thing for him to do was to tell you that he picked her up on the street. But I do believe and know that it was Kastelberg's car those boys passed with the woman on the running board. These boys passed but one car. There's the danger of circumstantial evidence. This man might have paid the penalty of crime with his life on that testimony alone if Kastelberg had not been forced to come here. That evidence was damning—almost conclusive. How would you have felt, after this boy had gone to the electric chair, if six months from now some compunction of conscience had made that man or that woman confess on their dying bed? It is fortunate, indeed, in that it shows the dangers of circumstantial evidence.

Certain He Knows Woman.

"All that about his picking up a woman—about his being drunk—about his not knowing the time—that was all done to get peace at home—at his own home, and at some one else's home. I don't believe a word he says about that woman, and I don't ask you to believe it.

"John D. Blair, Jr., came here and said that he had said that night it was a Knox car, D-11, that he had seen in Smith's garage. They did not know Kastelberg. Paschall recognized it. He was in the second car. He saw the number, D-11, and so told Mr. Scherer the next morning. Mr. Scherer said there was nothing in it—that the number of the Beattie car was 820. It was a mere accident that we got hold of that testimony. You have been saved a horrible mistake. The responsibility would not have been upon you, but on those detectives. But you would have had to undergo the suffering consequent on that mistake.

"Some great and good men have refused to sanction the taking of human life for any crime; others will not take it on circumstantial evidence, and they point to sage experience for this. Our mail has been flooded with clippings giving accounts of wrong convictions on circumstantial evidence. The responsibility rests on you jurors individually, not collectively; the mistakes you make by twelve you answer one by one. What we fear is a hung jury. It is better to err on the side of mercy. If you have a reasonable doubt, we have a right to demand that doubt. Better that ninety and nine guilty men escape than that one innocent man suffer.

Strong Circumstantial Case.

"We have already admitted that there was a strong case of circumstantial evidence. Mr. Wendenburg will undoubtedly make a strong picture in closing this case. If you believe that Henry Beattie committed this crime there can be but one verdict. It must be not guilty or murder in the first degree; there can be no intermediate ground. We need not discuss instructions on other than premeditated murder.

"The evidence fails to show a motive. Did he want to kill his wife for that woman they have had in jail and were afraid to trust on the witness stand? We are asked to believe things that stagger belief. They will undertake to show you that he employed Paul Beattie to buy him a second-hand gun. I have asked you to consider whether it is reasonable. The evidence appears to contradict Henry and corroborate Paul as to that Thursday night meeting. The night is immaterial, and that Henry met him for such a purpose is improbable and rests on the sole testimony of Paul Beattie.

"Nobody says there was any incriminating circumstance in the meeting with Paul on Thursday night, even if they did meet. The story of Mrs. Houchens and Mrs. Paul Beattie of hearing a telephone conversation, 'meet me at Short and Main Streets,' is unnatural and improbable. There are many unusual circumstances. Haven't these women got some motive for their statements? They have admitted Paul Beattie was in a terrible fix. Mrs. Houchens said the top of the car was yellow. Nobody doubts but that Mrs. Paul Beattie would have corroborated her. The detectives knew she would fall into the same error, and she admitted having talked with Scherer during the dinner hour. Don't these things make you a little doubtful?

As to Thursday Night.

"I say that all that Thursday night is immaterial testimony. We don't admit it, but even if they met that night there is nothing incriminating in it, and on its face it is unbelievable. It doesn't cut any real figure after all. You have only the testimony of Paul Beattie, and if the testimony involved the stealing of a pig you wouldn't hold Paul Beattie's testimony as sufficient to convict on. You cannot convict in this case unless you believe Paul Beattie. Are you going to take a human life on the testimony of Paul Beattie?

"Henry knew when he went on the stand that he was going to be contradicted, yet a forty-mule team couldn't have kept him from that witness chair. You may call it nerve. It was a consciousness of innocence that sustained him through that ordeal. He couldn't have been contradicted if he hadn't taken the stand. His conduct is consistent with innocence and is absolutely inconsistent with guilt.

"When they undertook to prove Paul Beattie's character Mr. Carter has shown you how they have been contradicted. We boldly challenged his reputation for truth and veracity, and proved by his old grandfather that he was unbelievable. Paul's testimony has grown. He didn't say at the inquest that the gun was taken in three pieces. Now he says Henry got in the back of the machine with the gun, as though to hide it. He told them at Weinstein's pawnshop that he was buying the gun as a watchman on Mayo's Bridge. The Weinstein boy who Paul says wrapped the gun in three pieces didn't know on the stand how to take it apart. How are you going to take a human life on such testimony, when it is changing all the time?

"After the gun was put in the car, according to Paul Beattie, the first man they met was Policeman Green, the officer who refused information to the defense, under instructions from the attorney for the Commonwealth. He fitted his evidence as to the time to fit their case. That's the way this case has been worked up.

State Afraid of Beulah.

"It is very remarkable, isn't it, that Beulah Binford has been locked up for a month. She was in the car that Saturday night. She ought to have known whether there was a gun in the back of the car that night, yet they haven't gotten any testimony against Henry Beattie from her. Why did they visit her twenty-five times and get statements from her? If the gun was in the back part of the car, why was Police Officer Green invited to get in and ride with them? Billy Sampson started to get in the back that night, and he didn't see any gun. No living human being has ever seen that gun in Henry Beattie's possession. We don't even know that it is the same gun.

"We do not say that Paul Beattie is guilty of this crime. It is dangerous to advance theories in a case of this sort. We are under no obligation to do it. The failure of the evidence to disclose any other criminal agent than the accused does not affect us according to the instructions. We are not called on to vindicate our innocence by naming the guilty person. It isn't a burden that rests on us.

"Suppose Paul Beattie did buy that gun to use on Mayo's Bridge? Suppose Neblett is telling the truth that Paul did have that gun on Sunday morning. Suppose some one stole that gun from the cement house, and it got into the hands of some tramp, and that person killed Mrs. Beattie, wouldn't Paul fear to tell that tale for fear he would not be believed? He saw detectives closing in on Henry and threw the weight of his influence in that direction. Suppose that swarm of human bloodhounds had taken a trail against Paul instead of Henry, just imagine the case they would have had against him.

Banks on Neblett.

"He certainly bought the gun on Saturday night at Weinstein's. He told them he wanted it to use on Mayo's Island. He cannot say now he wanted it for his Cousin Henry. On Sunday morning he is seen with a single barreled gun. He denies it, of course, but Ernest Neblett comes forward and says, 'I saw him.' He fails absolutely to account for himself on Tuesday night of the crime. There is no evidence as to where he was except that Rafter said he saw him coming from the river on Monday or Tuesday night. There is a chain of circumstantial evidence even without the relentless pursuit. What is his defense? He says he bought the gun for Henry. The first statement is the one he is bound by—that he bought it for his own use.

"Suppose Henry were to change his statement and say now, I did go over to Richmond to see Paul on Thursday night about some message to Beulah I didn't want made public, that we did take a drink at McEvoy's.

"Let it be your rallying cry that you are not satisfied that Henry ever had the gun in his possession. Paul had it. There is no evidence that Henry had it save the statement of Paul, and he has made unreasonable and conflicting statements.

The So-Called Confession.

"We come to the confession. So far from hurting Henry Beattie, I think it the best thing that has happened or that could have happened. It shows Paul's unreliability, the way in which he is going about this whole case. If this confession was made on Thursday night, as he says, and he on the Saturday following went on the stand and swore to tell all he knew, what is his position? He told his wife on Thursday night about the purchase of the gun, but didn't even tell his wife about the confession Henry had made to him. He says he didn't like to tell on his flesh and blood. Then he told it as his duty to the public. Does that sound like Paul Beattie—'his duty to the public.'

"Remember what Gentry and Belton said Paul told them on Friday; think of a confession made under those circumstances when he had just referred to his blood kin as 'those damned people, who were trying to put this thing on him.' It is a doubtful species of evidence, as the court well says.

"When his wife and mother-in-law said that things looked black for him why didn't he tell them Henry had confessed to him? A man who would come into a courtroom and manufacture a confession is just as bad as one who would commit murder. It is worse. One profanes the temple of justice. The other only shows the degradation of the human kind under certain conditions.

Smith's Final Word.

"I have endeavored to impress on you that where there is any doubt we should have the benefit, that the instructions should be carefully read. The greatest weakness of the Commonwealth case is its lack of motive. I know of no father and no son where the bond of affection was closer. You have been told how the door of hope opened to that old father's heart at the birth of his grandchild. He says it made the world look young and fresh again. This boy has testified that there never was a cross word between himself and his wife. That is his home life. Now what is the motive? It is this girl Beulah Binford.

"I do not and Mr. Carter does not undertake to justify this young man's conduct with Beulah Binford. He shall have no apology at my hands. But admitting every word of it, that doesn't account for this murder.

"The death of this boy at your hands not only means degradation and disgrace to that white-haired father to that stalwart brother, that gentle little sister, but remember that little baby too young to lisp its prayers. Its mother gone now, you are asked to brand its father as the coldest-blooded murderer of the twentieth century. May God aid you in your deliberations and give you wisdom and strength to do your duty."

HOPE SHATTERED AS WENDENBURG BRANDS SLAYER

(Continued From First Page.)

those points on which the defense had relied to save their client. The jury sat cold and silent.

Jury Moved to Tears.

At one time he moved them to tears. His own voice broke, and the vast crowd inside the small court room and all those who could hear him from the courthouse green wept with him. It was when he referred, in a broken voice, to the babe left motherless by the slaying of the woman by its own father's hand. He pictured the feeble cry of the motherless infant, and in words painted a picture of that baby holding out its arms for the hands that never more would fondle it, reaching for the breast on which it can never lie again. And under the storm of words and tears young Beattie cowered. He bowed his head, and for the first time in all the days he has been on trial, showed that somewhere beneath his smile his soul could be reached.

"And, ah!" said Mr. Wendenburg, "they speak of his old, gray-haired father. My sympathy goes out to him. But what of that young woman! Think of her on that dark and lonely night. Think of her when she saw the assassin's gun in the hands of the man who had sworn at the altar to love and protect her. Think of the agony of that moment."

By some grace of feeling the lawyer spared his hearers a further portrayal of that young woman's last moments, and the crowd signed with approval as he drew the curtain over that hour.

Fair Even to Murderer.

Even in the most heated moments of his argument Mr. Wendenburg was fair to the prisoner. He read from the instructions of the court to the jury that part of them which gave the prisoner the benefit of the "reasonable doubt" to which the defense clung from beginning to end. But he asked the twelve men before him how could there be any reasonable doubt as to the guilt of the prisoner. He showed them and haunted before their faces the bloody garments in which Henry Beattie dressed himself for that errand of death. "These mute witnesses," he shouted, "cannot perjure themselves. This shirt shows that Henry Clay Beattie, Jr., did not place his left arm around his dead wife's waist when he took her home. This coat also shows that he did not support her body when he took her home to her mother—dead." And the inference he drew is what the State has charged—that Beattie sat on his wife's lifeless form when he returned with her to Tom Owen's home.

Lines Battered Down.

Adverting to the fact that Beattie had said that he did not know at first that his wife was dead, and that he hurried home because there was a physician, he asked why it was that Henry Beattie stopped, as he had said he stopped, to fix his lights, and yet when they were looking for the gun he said: "To h—ll with the lights," as they went out. Mercilessly Mr. Wendenburg went about his task, and when he had finished the lines of the defense were battered down, and that secret hope on which Henry Beattie has nursed himself had disappeared as the mists before the dawn. Yet, under it all, except for the time when he cowered under the accusing finger directed at him, the prisoner manifested little concern. On whatever his faith relies, it is, it would seem, an abiding trust.

"I am innocent," he has declared, and on this unsupported plea he bases his hope of walking forth some day, a free man, from the Chesterfield county jail. But if he be innocent, the prosecution asks, where is the guilty man? And no voice replies save that voice which Mr. Wendenburg says cries for justice from that blood spot on the Midlothian Pike.

Wendenburg Begins.

When the polling of the jury was finished and the lawyers had taken their seats, Judge Watson announced that he was ready to hear from Mr. Wendenburg, who was to close the argument in the noted case.

"May it please the court and jury," Mr. Wendenburg said, rising, "I wish to congratulate the gentlemen of the jury that the obvious task before them is about to come to an end, and I congratulate the people of Virginia that this case, which was born in iniquity and which has left a trail of slime throughout this fair county, is about to be ended. I hope that the book will soon be closed and that the fair women of our land will greet its close with an 'Amen.' But I do not mean women of the class to which some concerned in this case belong. I mean only those others of whom we speak and whom we know in our daily walk of life.

"Gentlemen, this is one of the most important cases which ever attracted the attention of a jury. The final decision in regard to it, whether from the standpoint of the defendant or of Virginia, hangs upon you, gentlemen of the jury. Upon you hang the sacredness of the law and the sacredness of human life. It is impossible to exaggerate the importance of this case.

"Our people are law-abiding, and theirs is a land of law. Our laws are everywhere as pure as the atmosphere which we breathe. God has declared 'Thou shalt not kill,' and for the violation of that commandment He has said, 'Vengeance is Mine.' And on that edict the law, not you, becomes the agent for the just retribution of that crime which has been committed in our midst.

God Frowned Upon Him.

"When the silence of that fatal night was broken by the screams of that poor, defenseless woman, as she realized that the man who had sworn to protecther was in fact a fiend incarnate, and he silenced that scream with the report of that death-dealing gun. God frowned and the law shuddered. This man was left alone on the scene of the crime, left alone by that pool of blood, with the smoking weapon still in his hands. He threw the gun into the car and the body of his wife after it, like the body of a slaughtered beast.

"The learned and brilliant counsel for the accused have asked you on

PROSECUTING ATTORNEY WHO CONVICTED BEATTIE OF MURDER

L. O. WENDENBURG. (Photo by W. W. Foster.)

Beattie Trial Jury

1. N. W. Farley, foreman, aged thirty-seven; stone quarryman; married.
2. E. L. Wilson, aged thirty-eight, carpenter; single.
3. A. L. Fetterolf, aged thirty-four, contractor and builder; married.
4. Irving M. Bass, Jr., aged thirty, farmer; single.
5. V. W. Fuqua, aged twenty-seven, farmer; single.
6. W. Q. Burgess, aged fifty-two, farmer; single.
7. Melville E. Purdy, aged twenty-seven, farmer; single.
8. Horace C. Robertson, aged forty-four, farmer; married.
9. Thomas A. Hancock, aged forty-four, farmer; married.
10. Lewis Robertson, aged forty-four, farmer; married.
11. W. P. Rooks, aged forty-eight, farmer; married.
12. M. E. Blankenship, aged thirty-eight, superintendent of silk mill; married.