

# ROBBERS DECLINE TO MAKE PLEA

## DECLINING TO ANSWER JUDGE WADDILL ORDERS PLEA OF NOT GUILTY.

### FIGHT FOR DELAY

#### Court Agrees to Postpone Trial Until April 20th, to Give Counsel Time to Confer With Prisoners and Their Friends.

RICHMOND, VA. — Special. — Eddie Fay, alias Fred Cunningham, and Richard Harris, alias Frank Chester, alleged postoffice robbers and supposed criminals of national notoriety, "stood mute" in the United States District Court Saturday morning, and following a venerable rule of the law, Judge Waddill therefore entered a plea of "not guilty" in their behalf.

This unusual turn in the case was rendered still more unusual by Attorney Harry M. Smith, counsel for the accused, who excepted to the action of the court in entering the plea of "not guilty."

And Mr. Smith knew what he was doing, too, for it is his purpose to take advantage of every technicality. His objection to the course pursued by Judge Waddill was due to the fact that he did not desire any sort of plea to be recorded against the prisoners until they had had, at least, a few days in which to communicate with their friends and make definite arrangements as to their legal representatives.

But the court was tired of waiting for Fay and Harris to get down to business with their lawyer or lawyers. In order to be absolutely fair, however, Judge Waddill finally consented to a postponement of the trial. Yesterday he intimated that he would like to go into the case Monday, but today he consented to continue it until Wednesday, April 26th.

This concession was intended as a courtesy to Mr. Smith rather than a favor to the alleged criminals. The lawyer is chock-a-block with engagements for the next ten days, and cannot possibly get ready before April 20th.

This morning's procedure will be readily understood by all lawyers, but it is not so easy to make it clear to the laity. It means that Fay and Harris have lost their chance to put in any dilatory pleas—that is, demurrers or pleas as to jurisdiction.

In other words, the plea of "not guilty" goes to the merits of the case—the real questions at issue. The immense throng of spectators who were in court today, and who were somewhat confused by what occurred, and could draw but few deductions from what they heard, Mr. Smith's course, however, seemingly indicates a purpose to fight and to fight hard. And the indications are that he would not break his heart if other delays were to occur.

After Judge Waddill had indicated his purpose to enter the plea of "not guilty" for the accused, Fay and Harris were made to stand up so that the lengthy indictment, which contains five counts, could be read to them.

This document covers ten pages of typewritten matter, but by consent of counsel, the reading of a part of it was dispensed with. As it was, however, the prisoners were kept on their feet for ten minutes, during which time they were the cynosure of all eyes.

Fay Wouldn't Commit Himself. Then Fay was called upon to answer that awful interrogatory which has rung in the ears of so many thousands of offenders—"What say you, guilty or not guilty?"

To this query, which was pronounced by Clerk Brady in a resonant voice, Fay, whose blue eyes looked as gentle as those of a woman, replied in a low tone: "I haven't any plea to make."

And then the court formally entered the plea of "not guilty," in pursuance of the policy of law long fixed in such cases. While this procedure is prescribed by all the works on criminal law, as well as by usage, it seldom that occasion arises to put it into practice.

Attorney Smith, following Judge Waddill's action, said: "I desire the record to show that they stand mute." The court accordingly dictated to the official stenographer a technical minute of the incident, the case goes to an appellate tribunal.

A few minutes later, after a conference as to the date to be set for the trial, Fay was removed from the court room and a little later Harris was taken out.

Everybody Stared at 'Em. The prisoners, if they are the least bit sensitive about being stared at, must have suffered tortures today, for nearly everybody got a good, long look at them. And had photographers been on hand, the faces of both men "in repose" could easily have been caught by the films.

When the accused were taken back to the Henrico jail in two big automobiles, they had to pass through an immense throng which numbered probably a couple of hundred people at the Seventh Street entrance of the postoffice. People of all classes and conditions, including women and children, stood on the sidewalks to catch a glimpse of the "celebrities."

It was perfectly evident today that all had done Fay and Harris an immense deal of good, when they appeared as fresh as panies when they appeared in court, and their linen and clothing looked as if it had been arranged by a valet.

The pair were in better spirits, too, and more than once the faint flicker of a smile could be noticed on their features.

But assuredly they were mute in more senses than one, for not an unnecessary word did either man say. Nor did the accused look to the right or the left. Once they were seated they turned their faces towards the south and hardly batted an eye.

Like figures of wax they seemed—

this pair whose bins must have been seething with conflicting emotions of hope and fear.

Judge Waddill's form was the object on which they set their gaze and not for an instant did they remove it. Even when Fay and Harris were compelled to take to their feet they maintained the same stolidism, nor did they show the slightest sign of nervousness.

What Their Affidavits Said. Shortly after the men had been brought before the judge for their arraignment Mr. Smith announced that he was to offer two affidavits which would require the signatures of Fay and Harris.

He requested permission to take the prisoners into the office of Clerk Brady, before whom the necessary oath was to be made. The court granted the request.

Ten or fifteen minutes was consumed by this, and meanwhile the crowd wriggled and squirmed with the restlessness of unsated curiosity. Nobody knew what Mr. Smith was up to.

When he recited, they were "unwilling to plead to this indictment."

Sparring for Time. Mr. Smith, after the reading of the affidavits, said:

"I merely wish to confirm the references that are made to me. I have been spoken to from New York in regard to this case, but I have failed to get the party who first spoke to me right before last. I was told that he was out of town. I have assurances, however, from an individual who is here in the city of Richmond that as soon as the New York party comes back, he will call me up."

Judge Waddill, in a voice showing some vexation, remarked:

"This plea would leave the matter indefinitely open. The night as well have stayed in New York."

Mr. Smith here interjected a remark to say that the papers which had been read were meant as mere affidavits—not pleas. Then he added:

"I presume your Honor will allow them to remain in the city in which to employ counsel. Friends will assist them if they are allowed reasonable time."

Judge Waddill replied:

"This is not a case in which only people of this town are required as witnesses. Others will be inconvenienced. Now, of course, the defendants don't know what they want to plead, the court will have to plead for them."

"As I said yesterday," remarked District Attorney L. L. Lewis, when asked his views, "I have no disposition to reasonably delay these prisoners for trial. It is my opinion, however, that the case should be tried without unnecessary delay. I had hoped twenty-four hours would be time enough in which to make up their minds. I am very anxious to try the case, and we ought to know what the plea is as soon as possible. I suppose it goes without saying that the parties are entitled to a reasonable time, but each case, in this respect, depends upon its own merits. I had thought twenty-four hours was a reasonable time—I still think so."

Some further parleying ensued, after which Judge Waddill said:

"I ruled yesterday morning that the parties should be arraigned this morning, and announced that we would endeavor to go on with the trial on Monday. I regret how Mr. Smith would be embarrassed to follow this plan, in view of his engagements, but I think the accused ought to be arraigned. The court will plead 'not guilty' for them."

Mr. Smith explained at some length the plea as intended to include the writing of the majority report in the Virginia Polytechnic Institute investigation involving Dr. Barringer. The trial was accordingly set for Wednesday, April 26th.

It has not yet been indicated whether the accused will enter their defense. Possibly this plan will be followed. While a great many people in this city profess to have seen Harris, alias "Little Dick," in this city, it does not appear that any have identified Fay. It may be, therefore, that with a skillful lawyer as his counsel he will wiggle out of his present predicament.

The United States postoffice inspectors who came here to testify in the trial, left this afternoon. They simply won't say anything about the case, nor will they even comment on what took place in New York. Just before this morning's proceedings ended, two of them held a whispered conversation with Harris, who seemed much interested in what they were saying.

Taken From Jail. A motley crowd, numbering probably 200 souls, and comprising people of all kinds, conditions and ages, surged about the Henrico county jail this morning when Eddie Fay, alias Fred Cunningham, and Richard Harris, alias Frank Chester, were removed from the county prison to the Federal building, anxious to catch a glimpse of the men now prominent in the public prints.

Upon several occasions it was with the greatest difficulty that the county constabulary, numbering about a score of officers, augmented by several of Richmond's finest, kept the surging mass from breaking through the ropes which had been stretched across the entrance to the jail yard, and charging into the jail proper, so eager were some of them to get a good look at the cracksmen.

The prisoners were hustled from their cells, through the sheriff's office, to the street, where three automobiles were in waiting to transport them to the scene of their recent depredation, with the same lack of ceremony that has characterized their transportation from one part of the city to another since their advent into Richmond yesterday morning.

As Fay emerged from the building the men in the watches which were raised to his face, to guard against any possible kodak fiend or newspaper photographer who might be in the crowd.

The prisoner, who, judging from the modus operandi employed to hide his features, apparently does not relish anything that savors of the ostentatious.

The handkerchief was not removed from his face from the time he left the jail until he entered the automobile, as soon as everything was ready, he walked him to the United States District Court.

Other than hanging his head, Harris made no attempt to conceal his features as he was marched, directly behind Fay, from the jail to the street. It was observed, however, and the fact commented upon, that he nervously raised his eyes from one side of his head to the other.

Both Fay and Harris left the jail securely manacled to officers, nor were the handcuffs removed after the autos were entered.

Fay was seated in the first car, the closed one, and Harris in the second, which was driven by Chauffeur Howard Wagner.

Harris entered the second car, which had as its driver John Alsop, in which order the cars hurried up

Main Street to Seventh and, turning right on Seventh, stopped at the western entrance of the postoffice building.

A third car, carrying Government inspectors and guards.

### P. O. ROBBERS IN JAIL

RICHMOND, VA. — Special. — Exceeding all the speed limits prescribed by municipal ordinances and whirling through space almost with the celerity of meteors, the two alleged robbers—Eddie Fay, alias Fred Cunningham, and Little Dick Harris, alias Frank Chester—were landed in the Henrico jail Friday morning about 8:10 o'clock.

About six minutes before they had been yanked off the train at the Byrd Street Station, pushed, jammed and squeezed through an immense crowd, hurled into a huge Stevens-Duryea automobile and sent flying up Seventh Street and down Main at a rate calculated to make ordinary mortals shudder.

It is hardly probable that the colossal motor car took more than three minutes to make the trip. It outdistanced three other machines that trailed behind it and landed the two accused behind the bars so quickly that Richmond hardly knew what had happened.

In the auto with Fay and Harris rode four postoffice inspectors and a giant of a deputy marshal, who clung to the prisoners as if they had the power to snap the hawsers of an ocean steamer.

The sight would have been spectacular had it lasted long enough. But things happened so fast that even the photographers could not snap the scenes that shifted before their cameras.

In a Pitiable State. As for Fay and Harris—well, they were in a pitiable state. Both men looked completely crushed.

Something strangely like tears glistened in the eyes of Fay, the larger man of the two, when he was dragged off the car in which he had spent the night.

Harris was more phlegmatic, but hardly less sorrowful.

There was no chance for dignity or effrontery on the part of either man. One was handcuffed to the other, while detectives clung to their arms and pushed them along in a fashion that admitted of no delay.

Either through sensitivity or a desire to escape cameras, Fay seemed particularly anxious to hide his features. When the train paused for a moment at Elba Station, he hid his face in a silk handkerchief, nor did he look back until the final stop had come. Then the use of the handkerchief was impracticable.

It is difficult to conceive how the postoffice inspectors and police could have managed things better. No human power, less than a battalion of armed men, could have rescued the accused. Every possible hitch was anticipated and no loafers or hangers-on were allowed to approach the party of detectives and their prisoners.

How the Two Men Look. Common report seems to depict Fay, the larger man, as the more desperate criminal. He is about 35 years old, admitted that he does not strike the beholder thus. He has rather an open face and the look of a man who has great courage and determination. His most striking feature is a high upper lip—not the humorous upper lip of the Italian, but the stern, suggestive firmness and will power. He weighs about 160 pounds, and has a trim figure. His coat sits him well on his shoulders and gives him a stylish air.

Little Dick Harris looks prosperous and successful, but not attractive. One would not expect to see a man who is as agreeable—perhaps crudely cunning—as his face does not indicate an egotist. He hardly has the milk of human kindness. He is about 25 years old, and evidently has been a sea dog through life without doing any real work. His hands are small and well kept—the hands of a man who has not lived by the sweat of his brow.

But certainly there is nothing in his appearance that suggests the feared criminal, for he, too, has soft, well-kept hands.

Harris is the less emotional man of the pair. He is about 30 years old, and his hair is sprinkled with gray. In every way he answers the descriptions of him which have been sent broadcast throughout the country.

Fay's photographs have not done justice to his good looks. Or, to put it differently, his appearance does not suggest the crook.

Thoroughly Searched. As the prisoners walked into the jail proper, Sheriff Kemp, Deputy Marshal Pinkley, Deputy Marshal Cunningham, Marshal Smithers, Deputy Marshal West, Deputy Sheriff Lane, Deputy Sheriff Snyder, Detective Sherer and Detective Angie followed.

"Search them," said the sheriff, and three men went at that task. They were Deputies Lyne, Snyder and Detective Angle. The prisoners were made to strip, and every thread of their clothing was carefully examined for hidden snags, anything else that would in any way aid in identifying the steel bars. Nothing was found. The men were allowed to don their clothing and then the steel doors were closed and the bolt shot into the fastening.

The men were placed in separate cells and will be under the supervision of officers from now until after they have been tried and sent to the Federal prison. Not a moment while they are here will pass when an officer will not have his eye on the two men. The cells they occupy are near the office of the jail, and no one is allowed to see the men unless they are in company with an officer.

Searched Their Belongings. When the marshals and the jailers and detectives emerged from the cells they brought with them all the possessions of the two men. Fay had about \$128 in cash, and Harris had less than \$10. Both had on fine gold watches—one a Tiffany make, the other a Swiss make. They are of solid gold and each had a gold watch guard. These were taken by the sheriff and receipt given for the same, being placed in the safe of the sheriff of the county.

A bundle of clothing which the men had was also examined. They carried nice quality underwear. There were the finest linen shirts, collars, cuffs and other articles. One thing developed—the men evidently had many names or they had appropriated clothing belonging to many other men. The shirts bore the letters "J. W. R.," "E. C.," "C. R.," and the cuffs were distinguished by "K. N.," as were also one or two of the collars and one of the shirts.

The detectives searched in vain for the mark on the watches which the men wore. They looked inside and out, but not a mark of any sort was to be seen. The cuffs were taken, and a record made. These will be used to trace the operations of the men, and it is possible that they will figure in tracing another robbery to their doors.

Will Be Closely Guarded. "Harris and Fay will be kept under the closest guard," said United States Marshal Smithers, "and I do not believe a moment will pass when one of my men will not be on the job. There will be a county officer, and the Chief of Police, will see that

is no loafing around the jail side the street.

The sheriff tells me that there will be no visiting of the men by any person who is not known to him. If any person wants to see the men, they will have to get a written permit to that effect, and when he presents the permit he will be accompanied by an officer, and whatever conversation there may be will be in the presence of the officer.

Fay and Harris, however, are not to be tried, but if they get away from here they will have to be stronger than the steel bars, quicker than the eye of the eagle, and swifter than the telephone graph. And I will be right glad when they shall have been sent somewhere else, for the quicker I can get rid of such men the better I will feel.

Three hours after their arrival in Richmond, the alleged postoffice robbers, Fay and Chester, were brought before the bar of the United States District Court of the Eastern District of Virginia, to answer the indictment against them.

Harry M. Smith, Jr., although not presently employed as counsel to represent the accused, has been in communication with their friends. Under the circumstances Mr. Smith acted in behalf of the prisoners today.

He explained to Judge Waddill that Fay and Chester had as yet had no conference with him, and therefore maintained that it was unreasonable to require them to plead so soon after reaching this city.

"Your Honor will understand," said District Attorney L. L. Lewis, in reply, said:

"I shall very earnestly urge the court to let the trial of this case take place at the earliest practicable moment. The crime with which the accused are charged, is the most conspicuous bank robbery that has ever taken place in this country—one of those cases that the public interest requires should be tried as soon as possible. Therefore, I conceive it my duty to urge a speedy trial."

Judge Waddill a moment later said from the bench: "These defendants were arrested Tuesday before last—more than a week ago—and they have been under arrest ten days. This is a case that must go on. Too many people are connected with the Government are involved and their business cannot be delayed. The case, in other words, must be pursued with promptness by reason of its character and the number of people involved. I give the defendants until tomorrow morning to prepare their pleas. Unless some good reason is offered, the case will be tried Monday."

This finished the court end of the business until tomorrow, when the formal arraignment of the accused will take place. Later Judge Waddill consented to postpone the trial until April 20.

TO JAIL FOR ASSAULTING WIFE AND NEIGHBOR. ROANOKE, VA., April 9. E. D. Dickerson, a butcher, was sent to jail for ninety days and fined \$50 for assaulting his wife and Mrs. N. E. Maxey, who lives in the same house, while on a drunken spree.

WILL MAKE GREAT MINERAL EXHIBIT. RAILROADS WILL TRANSPORT JAMESTOWN DISPLAY TO RICHMOND. RICHMOND, VA. — Special. — The Norfolk and Western, the Chesapeake and Ohio and the Atlantic Coast Line Railroads have informed Governor Mann that they will comply with his request and transport to this city from the grounds of the Jamestown Exposition all the mineral and timber exhibits displayed there during the exposition.

The companies agree to transport all the stuff without any cost whatsoever to the State, an order from the State Corporation Commission giving permission for this, having been secured on application by the Governor.

The exhibit has been stored on the grounds since the exposition was closed, and has been under guard since that time, the State paying the watchman for his services. Governor Mann said today that he believed the exhibit worth at least \$50,000.

Not only have the railroads complied with the suggestion of the Governor, but one of the roads has declared its willingness to appropriate the necessary money to properly install the exhibit after it shall have been brought to this city. The matter is now the subject of some correspondence between the Governor and the roads, and if they shall agree to see that the exhibit is placed in the annex to the library building at an expense to the State it will be a big feather in the cap of the roads.

The exhibit is one that benefits all the roads in the State. The display represents the mines, the forests and the fields of the State, and is perhaps the most complete ever assembled by any State. There is coal, iron, sulphur, zinc, tin, pyrites, copper. There is timber of oak, pine, poplar, cedar, walnut, hickory, gum, birch, maple, cypress, locust, ash and other kinds.

Captain W. W. Baker, who was one of the State's commissioners at Jamestown, has been named by the Governor to go to Jamestown and arrange for the shipping of the display. He will go to Norfolk during the week and will be there for several days to superintend the loading of the stuff in the cars.

Governor Mann said today that he did not think that there was the least doubt about the entire display being in position and ready for the inspection of the public by July 1st. The Norfolk and Western Railroad has consented to allow Mr. E. A. Schubert, an expert mineralogist and timber expert, who has had wide experience in arranging such displays, to come here and attend to the installation of the exhibit on its arrival.

The Governor is now seeking, with the consent of the Department of Agriculture, to have the management and control of the display committed to the State geological department of the University of Virginia, which has to deal with the subject of minerals and the like. The Governor falls within the province of that department, and that it would be proper to have the direction of the department under the control of the board, which is most familiar with the exhibit.

The room in which the display will be made is one of the prettiest in the city. It is of good pitch, well lighted, dry, comfortable and attractive. It is large and has a wide gallery around its four walls, and makes one of the most desirable places for an exhibit that can be found.

# ROYAL FRATERNITY MEN IN TROUBLE

## ROANOKE CONCERN CLAIMED MILLIONS IN TREASURY AND HAD ONLY \$200.

ROANOKE, VA. — Special. — Warrants were sworn out Friday by Insurance Commissioner Joseph Sutton, for the arrest of J. W. Elliott and W. L. Peters, charging them with violating the State insurance laws in conducting a fraternal insurance business without a charter from the State Corporation Commission and for failure to obtain a license from the Insurance Bureau. Elliott is supreme royal commander and Peters supreme national secretary of the Royal Fraternity, with headquarters in Roanoke.

The Royal Fraternity issued health, accident and death benefit policies, the premium being \$1 per month. One hundred and eleven policies had been issued to persons residing in Virginia and West Virginia. The concern advertised resources of \$200,000, but the State examiner found only \$206 in the treasury. The penalty for violating the insurance laws is \$100 fine. Each policy issued constitutes a separate offense, making their probable fines \$11,990. Colonel Sutton announced that he will prosecute them also on the charge of obtaining money under false pretenses. Elliott surrendered last night and was bailed for a preliminary hearing.

Kisses, Policeman's Pay. NEW YORK. — Special. — "Oh, but you are a darling policeman," exclaimed the mother of thirteen-month-old Nettie Markowitz, of 746 Rockaway Avenue, Brooklyn, last night, and holding her arms around the neck of William Seckinger, of the Brownsville station, she kissed him smack, smack on the lips. Her sister indulged in the same demonstration to the utter confusion of the policeman who struggled and protested.

Policeman Seckinger was kissed after he had been complimented by Dr. Madden, of St. Mary's Hospital, for having saved the life of the Markowitz child. She had been poisoned with iodine administered in mistake for medicine. Screams of the frightened women brought the policeman into the Markowitz home. Seckinger quickly determined the trouble and used sweet oil and milk as an antidote, while an ambulance was rushing to the scene.

"Your treatment saved the child's life," said Dr. Madden. Then the kissing began.

SHOT MAN HE ACCUSED OF INSULTING HIS WIFE. NEW YORK. — Special. — Believing that John Hanna, a young milk dealer of 235 Delphi Street, Brooklyn, had insulted his wife, Henry E. Broer, a hardware merchant of 5515 57th Avenue, Brooklyn, shot Hanna in the abdomen Sunday night. It is charged that Hanna, while in the Norwegian Hospital and in expectation of death, was quickly determined the trouble and used sweet oil and milk as an antidote, while an ambulance was rushing to the scene.

"Your treatment saved the child's life," said Dr. Madden. Then the kissing began.

Always on Time. He never was absent from his home after 6:30 o'clock he was at his place of employment. All of the numerous burglaries charged up to him were committed in the early hours of the evening. A fondness for good society is one of the characteristics of Spencer, revealed by his arrest. He also had a love for photography, for time after time he suddenly appeared, armed and with drawn revolver in the midst of a card party or other gathering, sternly commanding compliance with his orders. Under such circumstances he seemed to enjoy the situations which he thus created as much for the sensation as for the money which he surprised as for the loot which he took. There is nothing to indicate that he ever tried to dispose of his booty, for he hid in his pockets, and he had never seen them. They were found in a box in the trunk of a car, and six pieces of jewelry and six watches were taken by the gentleman burglar as never quite as his associates today to try to identify these articles.

An "Up of Hell." Spencer's story shows him to be "a veritable imp of hell," as a Springfield newspaper recently characterized the man guilty of the depredations. He declared to the police that he was utterly devoid of conscience, and that he never felt the least compunction in using a revolver to attain his ends. Spencer made the further assertion that he had pursued his career of crime simply as a pastime and not because of a desire to benefit from the results of his robberies.

The young man was arraigned in the Springfield Municipal Court today, and was not allowed to plead to the charge of murder that had been preferred against him, and his case was continued until April 15th. His confession follows:

"I suppose that within the past two years I have committed more than twenty robberies.

"Practically all of the 165 articles of jewelry that were found in my house were the results of these robberies. My conscience has never troubled me in connection with my crimes. So far as I know I have no conscience. I have lived at home with my wife and gone to my work daily without seeing any such thing as a ghost of my crimes arising before me. Neither have I felt any compunction at the injury that I have done anyone. While last Thursday night was the only time that I was ever called upon to kill anybody, yet I have been compelled sometimes to use force to accomplish my ends. Such a thing as fear I do not know. I have gone into houses where the people had opportunity to attack me and effect my arrest and yet such a thing as being taken into custody or being shot never entered my mind.

Feared Nothing. "I have never been afraid of the result of my criminal acts. The only thing that has worried me has been the losing of that locket. That gold locket which contained a picture of my mother and my sister, and on the case of which was my monogram 'R. G. S.,' has really proven the cause of my downfall, as I have sometimes feared that it might.

"But I have not been afraid of the result, and I am not afraid now. I did not commit these robberies for gain. I did it as a mere pastime. Somehow or other there was a thrilling attraction for me in the experience of surprising a person, filling him with fear and compelling him to hand over his values. I've had a number of narrow escapes from capture, but this only added to the zest of the game. It was a great experience to be able to read the stories in the newspapers of how the police were trying to trail the man, filling him with fear and compelling him to hand over his values. I've had a number of narrow escapes from capture, but this only added to the zest of the game. It was a great experience to be able to read the stories in the newspapers of how the police were trying to trail the man, filling him with fear and compelling him to hand over his values. I've had a number of narrow escapes from capture, but this only added to the zest of the game. 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