

BUT ONE SIDE HEARD

No Evidence Given for the Defence in the Grymes Case.

SENT ON ONE CHARGE.

Examination Waited as to the Other Four Warrants.

FRIENDS ON HIS BOND.

Several Volunteer Their Services--The Evidence of Treasurer Childrey, Mayor Elyson, and Others.

"I wish you would execute those warrants on Mr. Grymes."

The special session of the Police Court had just opened and Justice Critchfield addressed this remark to Sergeant George H. Matthews, of the First District.

That officer pushed his way through the dense crowd that stood to the right of the judge, and advancing to the front of the bar handed five papers to Mr. E. Buford Grymes, who until last Tuesday was the first clerk in the office of the City Treasurer.

This was the step which led up to the beginning of the preliminary hearing in a case of alleged embezzlement of municipal funds which has attracted a great deal of attention and been the subject of universal comment.

The crowd in the dingy old courtroom was not only unusually large, but composed of a different class of people from those who usually throng this temple of justice. Instead of the loafing element it was a concourse of business and professional men upon whom the eye rested.

It was about 11 o'clock when the friends of the accused assembled in the courtroom and all the available space in the room was occupied.

Among the well-known people present were Alderman J. W. Carter, D. C. Richardson, Dr. W. T. Oppenheimer, Louis Rawlins, P. J. Burton, Jackson Bolton, Captain J. H. Robinson, Councilman A. C. Henderson, Fire-Commissioner Joseph L. Levy, Professor S. T. Beach, W. Shirley Woodson, L. A. Graves, John S. Harwood, A. D. Landerkin, Captain Hall, Frank T. Bates, I. Henry, B. M. Baylor, Leo M. Crutchfield, John H. Hensley, J. Charles E. P. Fagg, Robert H. Hensley, J. Charles E. P. Fagg, Jr., Dr. J. B. Wood, W. D. Courtney, Jefferson Wallace, C. I. Phillips, P. W. Rafter, and Richmond Lewis.

A LONG CONFERENCE.

The promptness which usually characterizes this court was not exhibited on this occasion for the reason that the friends and his counsel were holding a conference in the Justice's office and that the Commonwealth's Attorney and the Police Justice were also in consultation.

It was 12:30 when Messrs. George D. Wise, Charles S. Stringfellow, M. L. Spotswood, and A. B. Grimes, counsel for the defence, with their client, and Messrs. Robert T. Grymes, brothers of the accused, entered the courtroom and took seats within the space reserved for members of the bar.

Mayor Elyson and Commonwealth's Attorney Smith occupied seats between the bar and the bench.

Justice Critchfield ascended the bench a few minutes later, and as soon as Clerk Edgar White could finish copying the new warrants that it had been decided to issue there were three gentle taps, and Sergeant Thomas was directed to call the court to order. This he did by commanding silence and asking the gentlemen to remove their hats. The five new warrants were being read by Mayor Elyson, upon whose information they were issued, were signed by Justice Critchfield and handed over to Officer Matthews for service.

The first of these charges that E. Buford Grymes had within six months past, being then and there an agent, employe, and officer of the city of Richmond, and as such having custody of public funds of said city, did unlawfully and feloniously, knowingly misuse and misappropriate \$64.25 in United States currency, the goods, chattels, and moneys of the said city, and did knowingly dispose of the same otherwise than in accordance with law.

The other four are for the four specified bills alleged to have been appropriated--E. Schaefer, \$6.15; Watkins Hardware Company, \$21; James L. Levy, \$18.20; and Thalhimer Brothers, \$23.85.

These warrants differed from those on which Mr. Grymes was first arrested in that they were not made in connection with a distinct charge of felony.

READY TO PROCEED.

When Sergeant Matthews served these warrants on Mr. Grymes, the latter took them in his hand and after reading them carefully handed them to his counsel, Messrs. Wise and Stringfellow, who held a short whispered consultation, and then the Colonel Spotswood inquired of the Court if the warrants were not different from those on which the accused was first arrested. Commonwealth's Attorney Smith said that they were, but that if the defence were taken by surprise the prosecution would be perfectly willing to consent to a continuance.

To this Colonel Spotswood replied that he was not taken by surprise and was ready to proceed.

The witnesses in all the cases were called and sworn.

Mr. Smith stated to the Court that he preferred the case of Thalhimer Brothers should be taken up first. This was agreed to and Mr. Gus Thalhimer was first put on the stand. He stated that the last bill paid by his firm was on February 24th. A young man in his employ named Warriner paid it.

Mr. Warriner was then called to the witness-stand. He stated that he was employed at Thalhimer's and paid their gas-bills for them. The last one he paid was on February 24th.

PAID IT TO GRYMES.

Mr. Warriner said: "Mr. Grymes waited on me in the office. He received the three bills--one for the house, 292 cents, one for 400 cent Clay, and the third for the store, 501 cent store."

"Is this one of the bills?" asked counsel, showing the bill for the store, which was not entered in the Treasurer's office.

"This is the bill," was the reply. "These figures on the back of it represent the bills that I paid, and the sum total is the total amount of the three bills. Mr. Grymes made the figures on the back."

Q. What time was it when you went up to the office to pay that bill?

A. Between the hours of 11 and 2 o'clock.

Q. Were there any other gentlemen in the office at that time?

A. There was one other gentleman in there. I don't know his name; I didn't take any notice of him.

Mr. Warriner was then told to stand aside and Mr. Childrey was called, but before the latter took the seat Mr. Warriner was recalled and questioned again by counsel on both sides but no additional facts brought out.

KEY FOR THE BOOKS.

As soon as the Treasurer was called, it at once appeared that the witness was not to be sent for the Treasurer's books before any headway could be made.

Mr. Childrey explained that it was the last day on which the city bills in the biggest district in the city could be paid, and that to bring down the books would be to virtually put a stop to business and fearfully inconvenience the general public. It was decided that the books were to be taken up on the 24th, and a recess of fifteen minutes being taken.

Q. How many minutes were taken?

A. Fifteen minutes.

Q. Who attended the use of his key?

A. Mr. Childrey.

Q. I mean Mr. R. T. Reynolds.

Q. Then there are five?

A. Yes, sir.

Q. Who is the young Mr. Reynolds that you have mentioned? Is he a clerk in your office?

A. No, he is employed sometimes by Mr. Grymes to assist him.

being asked, "What office do you hold?" replied "City Treasurer."

Q. Do you know Mr. Grymes?

A. Yes. Position held by him?

A. Clerk to the City Treasurer, to which position he was elected by the City Council.

Q. Does he give bond?

A. Yes, sir, and has as quality as a city officer.

Q. Had he so qualified prior to February 25, 1891?

A. I don't know positively, but I think he had. It was not my business to ascertain.

Q. Was he your clerk on February 24th?

A. Yes, sir.

Q. How many of the custom in your office when a man pays a gas bill?

A. We generally enter it on the book.

Q. The gas and water-book. Then we receipt the bill and hold it until we get the money. We have adopted that plan because we are very certain of getting the bills on the book.

Q. Then you answer by saying there is a possibility? Mr. Childrey, have you got the settlement-book in your office?

A. Yes, sir.

Q. Is the settlement for the 24th of that month in the handwriting of Mr. Grymes?

A. I think so.

Heretofore Mr. Grignon, "to refresh the memory," as he said, asked witness if he did not remember showing him (Grignon) the settlement-book and telling him that it was not Mr. Grymes's handwriting?

Mr. Childrey said that he may have done so, but that he had been so busy that he could not remember most anything correctly.

MADE NO SECRET OF IT.

Q. Did you ever re-examine with Mr. Grymes for taking the money out of his drawer and putting a ticket in it?

A. I did, and his reply was that he was appointed by the Council and that his book was responsible for his acts.

Mr. Wise asked the witness if the drawer referred to was Grymes's?

A. Yes, sir.

"Haven't you just testified," asked Mr. Wise, "that other people could go in it?"

Mr. Childrey replied: "We call it his drawer, and then I saw Mr. Turpin, and he kept the money collected on his side in it."

In a rush of business," inquired Mr. Smith, "suppose Mr. Grymes went out, did he lock his drawer?"

A. No, sir. He would ask somebody to take his money out.

Q. If he was there it was his cash-drawer, and nobody else was supposed to enter it?

A. Yes, sir.

SETTLEMENT-BOOK SENT FOR.

While Mr. Childrey was on the stand a subpoena was issued for Mr. R. T. Reynolds, who was the clerk of the City Council.

Mr. Childrey was also told to stop by the City Hall and get the settlement-book for the 24th of that month from the Treasurer's office.

When Mr. Talman returned he stated that Mr. Reynolds had the book, however, which was used later on.

THE BILL CLERK'S EVIDENCE.

Mr. Joseph M. Shelton, the Bill Clerk in the Auditor's office, was called to the stand. His statement was substantially as follows: "I am Bill Clerk in the Auditor's office and have charge of the books from the Inspector, in which are entered the names and state of meters of each consumer."

Q. How many meters in bulk to the Gas Inspector and his men deliver them, before doing this I list them in a ledger, which is the Auditor's office."

By means of the Treasurer's and Auditor's books the names of the meters are listed in the Auditor's office."

Continuing his testimony, the witness said:

"On March 20th, when making out the delinquent list for the district of No. 1, I saw that Bill 56 had been checked in a handwriting which was not that of Mr. Williams, but that of Mr. Grymes."

Mr. Grymes made a memorandum and told the Gas Inspector. It struck me that it was strange that Mr. Grymes should check a bill for the district of No. 1, which I knew he was checking off on the 25th and on the 24th. Mr. Knowles and myself examined the bill and found it correct. I found the bill entered as paid. Mr. Knowles went to Thalhimer Brothers and got their receipt and reported to the Auditor. Mr. Knowles also reported to the Auditor.

Auditor and Clerk.

Shelton. His testimony had no special bearing on this particular case, but more concerned the two offices and the checking-off process.

Mr. Williams, the Auditor's clerk, took the stand and testified as to the Auditor's bill. He said:

"I checked on the 24th. The figures opposite Thalhimer Brothers' name are not mine. No one else had a right to make the figures on that day without my name. The Auditor told me that he knew who made the 24th of Thalhimer Brothers' name. My figures were made on the 24th. I do not remember whether the bill was blank on the 24th or not as there were a great many blanks on the book at that time."

Gas-Inspector W. P. Knowles was next called to the stand, but his statement as to the details of making out the gas bills.

TESTIMONY OF MAYOR ELYSON.

Mayor Elyson being put on the stand took the stand and testified as to the arrest of Mr. Grymes. His account, which was brief and to the point, was as follows: "On the morning of the 4th of March Mr. Grymes called on me in my office at 10 o'clock. I greeted him cordially and asked him to be seated. Mr. Grymes said: 'If you kindly arrange to see me I will be glad to see you. I told him, 'You know you are always welcome to my office.' Mr. Childrey then collected by Mr. Grymes had not been put down on the Treasurer's book, and were marked paid in the Auditor's office. Mr. Grymes said that he had received the bills, and he said he would be glad to see me. They seem to be mine, but if they are I must have made them while asleep."

in that office access to Mr. Grymes's drawer?

A. Yes, sir. Look at the two Thalhimer names and see who wrote the names next under them?

Q. Mr. Childrey, have you examined the books which were handed him?

Q. Who wrote in that? Have you ever seen any of young Mr. Reynolds's handwriting?

A. Yes, sir; it looks like his.

Q. Now look and see who wrote those names under the Thalhimer's?

A. I wrote them.

Q. Who wrote those immediately after them?

A. It looks like young Mr. Reynolds's.

Q. Then there is a man in your office who isn't employed either by you or by the city?

A. Yes, sir; sometimes.

THERE ARE POSSIBILITIES.

Q. Is there any possibility of mistake where three or four different people are receiving receipts in that book?

A. There is a possibility of most anything.

Q. Then you answer by saying there is a possibility? Mr. Childrey, have you got the settlement-book in your office?

A. Yes, sir.

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TESTIMONY OF MAYOR ELYSON.

either fell short or over, the amounts shown by the books ranging from 2 to 3 cents to \$7 or \$8, the shortage for the month being \$46.40.

Q. The shortage or surplus nearly every day?

A. Yes, sir.

Q. Do you know whether Mr. Grymes had any cash on hand?

A. He told me so.

Q. Mr. Grymes's work was such that he never had any cash on hand all the time?

A. Yes, sir. The fact is that so many persons fail to pay their money after getting receipts that he is cash-drawee. Q. The work is so heavy?

Q. So many people are in there that sometimes you don't even get the money?

A. Yes, sir.

No Witnesses for Defence.

At the conclusion of Mr. Childrey's re-examination Commonwealth's Attorney Smith rested the case for the prosecution.

Major Stringfellow arose and made a preliminary statement that simply of an explanatory nature, and of course you look at the matter in a different light from what it is in your position merely to examine and see whether there is a slight rest on and not pass upon his guilt. We do not care to take up the time of the Court in an examination, but we wish to put on a certain testimony. So far as we are concerned we are entirely willing to rest upon the testimony of the witnesses who have been produced after it has been proven that five persons wrote upon these books; after it has been proven that five persons have written upon the books, after it has been proven that the matter is in a different light from what it is in your position merely to examine and see whether there is a slight rest on and not pass upon his guilt. We do not care to take up the time of the Court in an examination, but we wish to put on a certain testimony. 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