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THE HAWES HORROR

BY

MAJOR GOLDSMITH B. WEST

CALDWELL
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BIRMINGHAM, ALA.

THE

HAWES HORROR

AND

BLOODY RIOT AT BIRMINGHAM

A TRUTHFUL STORY OF WHAT HAPPENED

BY

GOLDSMITH B. WEST

FIRST EDITION

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THE HAWES HORROR.

CHAPTER I.

A VERY SHORT ONE—WHAT DISCREDITED LAW IN BIRMINGHAM.

Away out in the Rocky Mountains Jim Bridger, the famous scout, once remarked that when he came to that country, "Pike's Peak was a hole in the ground!" It may be said with equal exactness that in 1871 Birmingham was an "old field"—which in the South means abandoned, worn out ground.

Near by, the old town of Elyton, with its county importance, used to break the monotony of a journey from Huntsville to Tuscaloosa; and travelers were glad in olden days to rest in its hospitable offerings of provincial, and very primitive plenty. In *ante-bellum* days there were county families of cult-

ure and wealth to give the locality something more than the importance of a stage station; but all this had vanished in the course of reconstruction and the ruin that inevitably followed that exotic system of Southern evolution toward the old flag and the prosperity of the present.

Some ancient red clay fields, long innocent of the tickling of husbandry, formed the site of the present city of Birmingham, and the locality remained a virgin wilderness to all intents and purposes until the town was laid out in 1871–72. In 1872 there were, perhaps, 1,200 souls in the settlement. "Booms" in the South were not plenty in those days, and in 1878 the population had not grown to exceed 2,500. In 1883 it was supposed to be 6,000, and in 1885 12,000. Now, toward the close of 1888, it is 45,000, with 10,000 additional in the surrounding suburbs.

The manufacturing interests of Birmingham were nothing a few years ago. Now they include capacity for the production of about 700,000 tons of pig iron per annum, and this necessitates the production, transportation and use of nearly five tons of raw material for each ton of pig iron made. This is only an illustration! All sorts and conditions of industries, based upon the smelting of iron, upon the

mining of coal, the production of coke, and hundreds of enterprises naturally resultant from these resources and facilities have united to render Birmingham one of the most important mining and manufacturing cities in the country, and without exception the most important in the New South. Birmingham is, in addition, the most considerable long leaf, yellow pine centre of the section, cutting about 800,000 feet of superior lumber every day for Northern and Eastern markets; while as a Southern railway centre it is about peerless, controlling as it does the business of the Louisville and Nashville, the Cincinnati, New Orleans and Texas Pacific, the Georgia Pacific, Georgia Central, Kansas City, Memphis and Birmingham, and other leading systems of railway.

All this rapid and remarkable development has led inevitably to the aggregation of a composite population, gathered from the four corners of the globe, and seeking the wealth or employment promised by the rich and rising conditions of this industrial El Dorado.

People who are familiar with the phenomena of growth in new American communities do not need to be reminded that such conditions are surely coincident with the existence of turbulent elements, and

involved with dangers to law and order. With a large local citizenship of more than ordinary good character and cultivation, the temptations to the vicious classes presented by a new city in which fortunes have been made by the hundred, have not been without effect upon the general mass. Besides, when it is remembered that some of the surrounding mines are filled with thousands of contract convicts who are dumped into the population of Birmingham upon the expiration of their sentences, the dangers to the city that might at any time arise from a serious disturbance of the peace, amounting to anything beyond the ability of the civil authorities to cope with easily, may be readily imagined.

The Hawes Murder Mystery created a sensation when it occurred that has been seldom equaled in this section. The more so because, whether rightly or otherwise, the people of the city and State had been growing incredulous as to the ability of the laws, as lately administered, to suppress crime and maintain peace and good government. Within a comparatively short time a young homicide who had deliberately butchered a poor, unfortunate girl, begging piteously for her life the while, had been acquitted on the ground of "emotional insanity,"

and, after a pleasant retreat of a few weeks in a first-class asylum, furnished with all the facilities and comforts of a European *spa*, had been turned loose upon society entirely "cured," to shoot an inoffensive citizen, nearly fatally, and not long afterward to meet his death in an attempt to slaughter another. Only a few days before the community was startled by the awful crime whose history is to be here detailed, another youth, accused of a deliberate murder, in connection with which there appeared to be an entire absence of provocation, was likewise acquitted as being emotionally insane, and is now enjoying the pleasures and retirement of the same well-appointed sanitarium, doubtless soon to be released and returned to the activities of such life as enterprising young men imbued with homicidal mania seem most to enjoy. The masses of the community had begun to think lightly of the criminal law, and rather unkindly of the ease with which learned counsel could save clients who happened to possess money or friends, when the recent horror of horrors was sprung upon the world.

CHAPTER II.

THE PITIFUL LITTLE FLOATER AT EAST LAKE—MYSTERY AND THEORY SUDDENLY CHANGED TO CREEPING HORROR—IDENTIFICATION AND SUSPICION—A FATHER ON HIS SECOND BRIDAL TOUR ARRESTED FOR THE MURDER OF HIS CHILD—SENSATIONAL DEVELOPMENTS.

The Birmingham papers of Tuesday evening, December 4, and of Wednesday morning, December 5, 1888, contained articles which were destined to form the introduction to one of the most absorbing and horrifying sensations that the criminal annals of this country ever presented. Perhaps before the story is finished it will appear that, in some of its aspects, criminal history during modern times can hardly furnish a case of parallel atrocity. The journals in question gave information that on the day mentioned, the body of a small, neatly-dressed girl child, apparently eight or ten years of age, had been found floating in the artificial lake at one of the suburbs of Birmingham known as East Lake.

East Lake is an attractive creation of one of the many land companies that sprang into existence during the late active real estate movement in the Bir-

mingham district. Distant northeast from the city about seven miles, it is connected with the same by a steam motor line, and has been for some time a popular hot weather resort for the toilers of the district, as well as a favorite residence suburb for people of moderate means. Among other attractions offered by the place, an artificial pond of something like thirty acres in extent has been created by the promoters of the enterprise. It was in this placid little sheet of water, until then devoted to the innocent boating and toy-yachting amusements of joyous youths and children, that the unfortunate girl appeared to have lost her life.

On that fateful Tuesday morning two boys were rowing upon the lake when near the eastern bank they were attracted by something floating on the water. Moving toward it they were horrified to find that it was a human body. Too frightened to do more, the lads made at once for shore and gave the alarm. A boat was manned by two residents of the locality who speedily secured the corpse and had it reverently laid out in the summer pavilion. A message was promptly dispatched to Birmingham for the coroner. Before that official could reach the spot a considerable concourse of people had assem-

bled, the news having spread rapidly throughout the neighborhood. According to the *Age-Herald* account, by the time that Coroner Babbitt arrived, numbers of ladies had assembled around the lifeless body and tears fell thick and fast in sympathy for the little one's sad fate. "After the good ladies had wiped the water away from the cold little face and brushed the hair back from the child's forehead, it was seen that the little one was unusually pretty. She had large blue eyes, light, wavy brown hair, was dressed in a neat brown or blue worsted skirt, underneath which was a warm plaid underskirt. She wore buttoned shoes and black corded stockings. She was three feet, eleven and one-half inches in height, and appeared to be about twelve years of age."

An investigation was begun immediately. Between three and four hundred people viewed the remains, among whom not a soul appeared to identify them. A white boy claimed to have seen the child throwing stones into the lake on the Sunday preceding, but in this he was evidently mistaken as later developments proved. It shortly became apparent that the dead girl was a stranger at East Lake. Careful examination failed to disclose any marks of murderous violence. The only thing connected with the appear-

LITTLE MAY HAWES.

Murdered at East Lake.

ance of the body when taken from the lake, that might suggest the possibility of a precedent crime and perhaps furnish a suggestion of motive for murder, was the peculiar fact that while, as has been stated, the clothing of the child generally was comfortable and complete, there was an absence of certain necessary underclothing. The opinions on this point of several physicians were obtained by the coroner, but with one exception they were unable to conclude that there was any justification for the suspicion.

Failing to reach any light as to the personality of the deceased, the coroner had the body removed to the undertaking establishment of Messrs. Lockwood & Miller in Birmingham, there to be prepared for burial and to await possible identification. The narrative of the horrible "find" was fully set forth in the evening papers, and hundreds of Birmingham people, men, women and children called at the undertakers to view the body, but still no one came who could say that he or she had known the little one in life. A rumor had been started that the body was that of one of the little news girls of the city, but all the news girls on the street were brought in and in every case declared that the deceased had never been seen by them. Here and there were people who,

after looking into the casket long and carefully, felt sure that they had seen the face somewhere; but where, when or under what circumstances they were quite at a loss to conceive. Thus the sun went down upon the first day of the mystery, leaving it just as dark a mystery as it appeared at the moment when the small lifeless form had been lifted all cold and dripping from the silent depths of East Lake.

Wednesday witnessed the lifting of the veil which up to this time had covered the secret of the dead, and before night the whole city knew that all the circumstances, patiently being tracked and tried by the energetic coroner and trained officers acting under his orders, pointed remorselessly to the commission of a fiendish crime—perhaps a series of inhuman crimes beyond comparison and almost beyond belief.

From an early hour in the morning a steady stream of people filed silently into and through the undertakers' place, gazing upon the body of the child, as she lay neatly dressed, with folded hands, in her coffin. Curious people, school children, merchants, mechanics, miners, colored persons of all shades and occupations, by hundreds and hundreds, moved by in constant procession, drawn to the saddening spectacle as if by an irresistible magnet. The hours

wore on and still no one identified the remains, until early in the afternoon—about 2 o'clock—W. O. Franklin, a butcher, visited Messrs. Lockwood & Miller's and declared that he recognized in the body a child he had known, and known well; that it was undoubtedly little May Hawes, daughter of Richard R. Hawes, a locomotive engineer in the employ of the Georgia Pacific Railway Company. Mr. Franklin stated that he had last seen deceased on the Saturday preceding, when she had come to his shop for meat, and that then she had told him that her father intended to leave for Meridian, Miss., that night, to be followed by her mother and the three children, herself included, within a few days. Mr. Franklin had learned that by Monday the family had left the house lately occupied by them, and supposed that they had really gone to Mississippi, as the child had said, until he saw the body.

If any doubt could have remained after the complete identification by Mr. Franklin, it would have been speedily dispelled by the corroborative testimony of a number of persons, among whom were many negroes, who promptly recognized the dead child as having been seen by them under a variety of circumstances around the neighborhood of the Base

Ball Park between the city and Lakeview, near by which the Hawes family had occupied a modest cottage.

At the evening session of the coroner's jury the plot began to thicken from the moment the coroner called his court to order. The evidence was pointed and cumulatively startling. First, Dr. Cunningham Wilson testified that he had made the autopsy; that he failed to find any evidences of violence, and that he was satisfied that deceased came to her death by drowning. Dr. H. S. Duncan deposed that he knew the dead girl as a child of a Mrs. Hawes who had lived near the Base Ball Park. He had been called in to attend the mother who seemed to be recovering from a protracted debauch; the little girl was her only nurse. Eliza Johnson (colored) had known the Hawes family, and furnished them with meals for a time; recognized deceased as May Hawes; Mrs. Hawes was a hard drinker. Some other evidence of the same sort was offered, but it amounted to little when compared with what followed.

Charles S. Chapman had some dealings with Hawes, or Mrs. Hawes, in connection with a sewing machine which they had either rented or bought from him on installment. The evidence of this witness

sent the interest in the case to fever heat in new directions. He recognized the body; it was that of little May Hawes. About 9 or 10 o'clock on Monday morning, December 3, he had seen her around the Hawes cottage. He did not see either Richard Hawes, Mrs. Hawes or either of the younger children. Fanny Bryant, a mulatto woman, who appears to have been much around the premises as a helper or what not, informed Chapman that neither Hawes nor his wife were about; that Hawes was in the city at 2313 Second avenue, and that Mrs. Hawes and the two children other than May had gone to Atlanta—but added that he had better ask Hawes about it as the latter "*had dried up one man that morning.*" Witness went Monday evening to 2313 Second avenue where he found a sewing machine which he believed to be his; Hawes signed a lease for it and paid $5.00 that day. The furniture of the Hawes family had been moved from the cottage near the Base Ball Park on Saturday. Hawes said it was to go to the auctioneer's. The mother of the dead child had informed Chapman that she was married to Hawes, but the witness had been told Monday evening that they had been divorced. On being asked where Hawes might be at the present time the wit-

ness said that he did not know, but *understood that Mr. Hawes was to be married this day* (*Wednesday, December* 5,) *in Columbus, Miss.*

Luther W. Randall recognized the corpse. The principal point of interest in the testimony of this witness was his statement that Hawes had informed his (Randall's) brother-in-law, a man named Riley, that Mrs. Hawes had gone to Indiana; that he had given her $500 and still had money in the bank; that he had sent two of his children to a convent and had one here with him. All this Hawes had stated to Riley on Thursday of the previous week.

Fanny Bryant, destined very likely to cut a decided figure in these pages, followed. Her evidence succeeded that of the witness Randall, and is worth reproducing *verbatim.* As printed in the excellent report of the *Age-Herald,* it was as follows:

I knew Mrs. Hawes, but not her husband. She lived near the base ball ground. I lived near there and washed for and waited on her. They passed for man and wife. She was packing up things Friday and Saturday. She said, "Fanny be sure to come back and help me." I went Sunday at 9 a. m. and found the little girl and her father in the house. The girl said her mother had gone off, but she did not know where. "She got mad about papa carrying off Willie and said she was going to Atlanta and bring him back." Mamie came to my house Sunday afternoon and I carried her back. Mr. Hawes asked me to return and help them pack the pictures, say-

ing that Emma, his wife, would probably return. I went back at 7 a. m. Monday and found them there. He said he was going to take May to their boarding house. He asked May what she would do when he brought in his girl, asked if she would call her "mamma?" "Yes, sir, I will call her mamma," she replied. "It will be some time before you see her, however, because I am going to put you in school," said her father. He asked me what I would charge him to work for him and his girl. I helped him fix his room at 2313 Second avenue, where he said he was going to take his girl. I saw May last Monday night after dark. Her father came to my house and carried her off. I sewed buttons on her shoes and plaited her hair. He said he was going to take her to Montgomery at 3 a. m. Tuesday morning and put her in a convent. [The witness described May's dress, which tallied with the dress of the child drowned.] I have not seen Mr. Hawes since. He said he would be back on the 12th with his bride. I saw Mrs. Hawes last Saturday evening. Mrs. Hawes drank whisky. She was fine looking and appeared to be about twenty-six years old. Mrs. Hawes said she had been married ten years to Mr. Hawes. I heard Hawes say on Monday evening that he supposed that his wife had heard he had gotten a divorce. I have heard Mrs. Hawes say that she might go to her aunt in Northport, N. Y. Mamie also said that her father had offered her mother a ticket to her aunt's home in New York if she would go, and said that she agreed to do so. I live in Avondale near the rolling mill. I pay my rent to Mr. Edwards. I live on Thirty-second street between Avenues E and F. James Bryant was my husband and was run over by an Alabama Great Southern train seven years ago.

Fanny Bryant was the last witness examined Wednesday night. What she seemed to the coroner to hold back, rather than what she had disclosed, induced that functionary to hold her in $1,000 bail, in

default of which she was committed to the county jail. This action on the part of the coroner appeared unduly severe to several citizens present, but events of the succeeding hours changed any opinion of that kind. The inquest was adjourned at 9 o'clock. About the same time the *Age-Herald* received a special dispatch from Columbus, Miss., to the following effect:

Columbus, Miss., Dec. 5.—Mr. R. R. Hawes, one of the most popular employes of the Georgia Pacific Railway, and Miss Mayes Story, daughter of Mr. J. D. Story, of this place, were married this evening at 3 o'clock at the residence of the bride's father, the Rev. J. W. Price officiating. They left at once for a visit to his relatives in Augusta, Ga., and a bridal tour through the East. There were no cards, and only a few friends were present.

Remembering that the evidence up to this point had left May Hawes in the company of her father after dark on Monday night, and starting toward the city with him; that her lifeless body had been found floating in the lake at East Lake next morning at 11 o'clock—it will not tax the reader's ingenuity to find a reason why the authorities should be glad to locate Richard Hawes. They were at once apprised of the receipt of the telegram and, as may be imagined,

took immediate measures to secure their man. The train on which Hawes and his bride were reported, would be due at Birmingham at 9:40 p. m. There was just about time to get the warrant and the officials in shape to meet the bridegroom—father of the murdered child; for *murdered* everybody inside or outside of the coroner's court now believed May Hawes to have been.

As the train "slowed up" and came to a stop in the Union Passenger Station, Deputy Sheriff Truss, accompanied by Officers Pinkerton and Carlisle, boarded the cars, and made a hasty survey of the passengers. The first ladies' coach contained the party the officers desired to see. Hawes was readily identified sitting in a seat beside his wife of a few hours. Deputy Sheriff Truss approached Hawes and, touching him on the shoulder, announced in a low voice that he had a warrant charging him with the murder of his child, and must take him into custody. All this was done so quietly that the young wife was left in temporary ignorance of the terrible pall that had so suddenly fallen upon her life and hopes.

Bystanders say that Hawes received the announcement of his arrest as stolidly and coolly as if it had been information regarding the most commonplace

affair. Without the least expression of surprise, and without asking any question respecting the particulars of the charge against him, he stated to his wife that there was a misunderstanding about a certain matter that he should have to go with the gentlemen present to explain; that he might not be able to rejoin her before morning. Asking her to accompany an acquaintance who was present, until he could make other arrangements, Hawes walked out of the car with the officers, with anything rather than the air or aspect of a man held by the law on suspicion of committing an inhuman crime. He wore a neat new suit of black broadcloth, surmounted by a natty light brown overcoat, and a white satin necktie suggestive of his recent wedding. Altogether, on the surface, Dick Hawes looked to be a fair specimen of his well-paid and almost universally respectable class.

Newspaper reporters who accompanied the party from the railway station to the jail say that Hawes displayed not the least surprise or perturbation. He did not even inquire which of his children he was accused of murdering. His situation did not seem to impress him in any way. He did remark, briefly, before reaching the jail that he was innocent, but on being told that the body of his dead little one was

lying not far off in an undertaker's shop, he exhibited neither emotion nor the least desire to see the remains. The sight of the crowd that followed the party to prison was quite lost on him to all appearance. Would it have been so if he could have looked into the future a few days? However that may have been, the prisoner, in respect of his stolidity, impassiveness, nerve, or whatever one chooses to call it, or it may ultimately prove to be, under every and all of the trying scenes and circumstances of the bloody drama, has been and is a complete enigma to every one who has followed the history of the case.

Arriving at the jail a reporter asked the prisoner if he had any statement to make. He replied that he had not, but would answer any questions put to him. The reporter said:

"You know, sir, I suppose, the charge on which you are arrested?"

"Yes, for murder, I believe. It is stated that I have killed one of my children."

"It is your daughter Mamie," suggested the reporter.

"May, you mean, I suppose?" suggested the man deliberately. "She is the one then."

Then, in answer to further questions by officers and reporters, Hawes made the following statement, which, in view of the striking discrepancies between

it and the evidence given by the Bryant woman as to his knowledge of little May's whereabouts on Monday night, must be regarded as of the utmost importance to this narrative. It is given in full, as first published in the columns of the Birmingham *Age-Herald* of December 6, and is doubtless substantially correct:

I saw May last, I think, on Saturday night, at the house on Thirty-second street, near the Ball Park. I brought my boy to the car that evening and sent him to Atlanta by my brother, who is taking care of him. I was away from the house about two hours, and when I returned I found the mother of my children and my two little girls gone. The woman was once my wife, but I was divorced from her in October last, and have not lived with her since. She has taken care of our children since, and I have provided her with money. I have been on the road most of the time since. When I came to town I would stop at the hotels and sometimes went out to see the children. I would frequently see her and always spoke to her. She is the mother of the three children and I am their father. We have been married nine years. May is eight years old on the 31st of next month. I searched for the children on Saturday night and Sunday, and concluded that she had left town with them. I left the city for Columbus yesterday morning at 7 o'clock. I stopped at the Florence Hotel Monday night. I think I returned about 12. I sat around the office and talked with a friend of mine named Wiley for a couple of hours before I retired. I spent the first part of the night with my brother at the depot. He left for Atlanta during the night.

[When asked if he knew a woman named Bryant he replied in the negative. When the woman's first name, Fanny, was

mentioned, he said he did know a woman named Fanny—that she washed for his family. The last time he saw her, he said, was Saturday morning; he denied having seen her Monday night.]

"I have been connected with the Georgia Pacific Railroad for four years, he said. I moved my affairs into Mrs. Fuller's boarding-house last Saturday. Yes, I told my brother that I had given my divorced wife $500 to go to her aunt in Paris, Illinois.

I married my first wife in Atlanta nine years ago, on the 8th day of July. I took out a license. We ran away and were married. She was about eighteen years old. I was married to her twice—the first time at Payne's Chapel by a Methodist minister, and the second time by a priest in the Catholic Church in Atlanta, she being a Catholic.

I got a divorce from my wife in Atlanta last October. I don't remember in what court. My plea was infidelity on her part I filed the suit two years ago, but according to the Georgia law a couple must wait two years before the decree can be granted. The decree of the divorce court gave me the custody of the children. I was going to take the girls off to school in Mobile on Sunday last. I had made all arrangements through Father O'Reilly, of this place, and was to leave them there until they were grown, paying only twenty-five dollars per month for the two.

Yes; the mother of the children drank to excess. That was one reason I left her. She used to send May all over town after liquor. My divorced wife knew that I was going to marry and knew the date. She had known it for months.

I came to this city from Atlanta about a year since. I brought my wife and children with me. My suit for divorce had been filed, but we decided to live together until the decree had been issued. I paid her rent and other expenses. I love all of my children, and I gave up the search on Sunday because I had to leave to fill my engagement in Mississippi. No, I did not have anybody to look for them. I have not been at East

Lake since Fisk jumped from the balloon. My divorced wife's maiden name was Emma Pettis. She was about eighteen years of age when I married her, and our first child, May, was born in about twelve months. The last time I saw May she was at home in bed. The woman Fanny claimed that I owed her a balance on washing, but I did not think so and refused to pay her.

So Richard Hawes was locked up, and the curtain fell on the second day of the Hawes Horror, the full atrocity and fiendishness of which had but begun to be hinted at as barely possible.

CHAPTER III.

PUBLIC OPINION IN FAVOR OF THE SUICIDE THEORY—WHERE WAS THE MOTHER?—HISTORY OF THE PRINCIPAL PRISONER—GROWING AGITATION AMONG THE POPULATION—FEARS OF LYNCHING—COMFORTABLE CONFIDENCE OF LOCAL AUTHORITIES—THE STORY GROWS!

It will not retard a full understanding of the gruesome story that is being given to the reader to consider a little of the public opinions and theories that were current just before the arrest and incarceration of Dick Hawes. Prior to his apprehension it was known that May had been drowned at East Lake, and there was a general impression that she had come to her end by violent means. But there were many people who held the opinion that Mrs. Hawes, being enraged by the thought that her husband intended to to take another wife, had committed suicide after killing her children; or else had taken Irene away with her and abandoned the eldest child, May. So seriously had this theory been adopted that the authorities sent all over the country for traces of a woman answering to the description of Mrs. Hawes, who

might be traveling with children such as the remaining Hawes children were known to be. During Wednesday, from morning to night, the coroner and the police kept the wires busy from one end of the country to the other, communicating with the chief detective services of the great cities, and earnestly seeking for some clue of the missing mother and child. Meridian, to which point the murdered child, May, told Franklin, the butcher, that the whole family was to move, was telegraphed, with the result that no such people had arrived. Paris and Peoria, Ill., whither it had been alleged that Dick Hawes sent his wife and one or two children, were wired and thoroughly investigated by the local police. Indianapolis, Northport, N. Y., New York City and Atlanta, to all of which places witnesses had testified that Hawes had declared he had sent his family, were put under the light; but nothing from any quarter came to justify the theory that the unhappy first wife had departed either with or without the money Hawes said he had given her on going away, about the time of the last day upon which she or little Irene were seen alive in Birmingham.

Up to Thursday morning, when the interviews with Hawes were given to the public, there was a general

REDINGTON PHOTO.

RICHARD R. HAWES.

Alleged murderer of his wife and two children.

hope that the mother and remaining child might be found alive. The statement of the prisoner, appearing on the next morning after it was made, dispelled nearly all of the theories favorable to him, and it may be said that it laid the foundation for the terrible events of the Saturday following more than any one other thing.

At this stage of the history, perhaps, it is just as well to pause for a moment in order to understand who this man Richard Hawes may be, and what can be gathered regarding his personality, antecedents and record. From what little information is now before the public it does not appear that there was anything in the birth or early life of the alleged murderer to distinguish him from the great mass of people who, starting in the world with humble surroundings and associations, have been compelled to make their way as best they could. It is stated that the prisoner was born in Augusta, Ga., where his parents lived for some time, and that he is about thirty-two years of age.

According to information derived from railway sources Hawes has been a "railroader" since he began to earn his living. He commenced as a wood passer on the Selma, Rome & Dalton Railway in 1876 or

1877. Although illiterate, Dick Hawes was regarded as an active youth, and was promoted from the position he first occupied to that of fireman. By all accounts he had been working in this capacity a couple of years when, in Atlanta, he met a pretty girl—said to have been one of the prettiest girls in the city—named Emma Pettis. There are not wanting those who say that the young girl's beauty was her bane. She had many admirers in her own sphere of life, and her remarkable charms of face and form are still well remembered in the Georgian metropolis. Although the position of her family was not exalted there was not a little opposition when Dick Hawes appeared in the role of a lover. Emma ran away with him finally, as the story goes, and they were married, and for a matter of two years or more everything appeared to go well with the young people. Dick became an engineer and was given successive employment on the Selma, Rome & Dalton, East Tennessee and Virginia, Atlanta and West Point, Georgia Central and Georgia Pacific Railways. A year after his marriage to pretty Emma Pettis, little May, the child who is supposed to have been murdered on Monday night, was born. Other children followed. Something like two years ago Dick

Hawes felt that he had cause for jealousy against one Mike Cain, and one night, instead of going out on his regular run, it is related that he returned suddenly to his domicile where he discovered a condition of affairs that justified him in his own opinion in administering a summary castigation to the same Mike Cain there and then, the instrument of correction and vengeance being an iron poker which happened conveniently in sight.

After such an episode it is hardly strange that the husband should have commenced proceedings for divorce. There is evidence, however, that these proceedings were withdrawn after a time; that the "co-respondent" left Atlanta, and that Hawes and his wife decided to live together again. Being at the time a locomotive engineer on the West Point Road, he moved his family to Montgomery, Alabama, where, it is said, the family relations were anything rather than harmonious or decorous. In Montgomery the life of the couple was such that it appeared proper to Hawes, after six months of experience, to seek a new location, and accordingly he brought his wife, May, Irene and Willie to this city.

Thursday morning's paper notified the community that at an early hour the prisoner would be taken

from the jail to the undertaker's to view the remains of the child he was charged with murdering. It may be questioned whether or not such an announcement was judicious, but it is certain that at the time neither the press nor the public had any idea that anything like the disturbances that ensued were in store. At any rate, the result was that people had hardly started that morning for their offices or workshops when a crowd began to assemble in front of the undertakers' shop, where the body of May Hawes lay, and where the coroner was holding his inquest. It was well for the accused that the crowd there collected had not heard what it would have heard had the time been a day or so later. Even as it was, there was a visible feeling of outrage and exasperation among the populace. The developments of Thursday only served to emphasize this feeling, and to warn people, familiar with the inception and growth of popular excitements, that danger to the peace and good order of the community was lurking ahead.

The sensations of the third day began with the compulsory visit of the prisoner to the body of his daughter. As on all other occasions, Hawes was absolutely impassive.

On being brought into the presence of the corpse

he very deliberately stooped down and kissed the little face. Straightening himself, he expressed a wish that the body might be given something better than a pauper's burial. All the time his manner was entirely unmoved. Was his salute of the dead a Judas kiss?

The coroner's jury met at 9 o'clock.

T. A. Grambling, employed in Hochstadter's saloon, swore that he had known Hawes since 1870. Prisoner came to him Saturday and borrowed a dollar to get something to eat. Monday afternoon he came back, refunded the money, and said he was going to Augusta to get married. Grambling asked him if his two children—meaning May and Irene—were not in a convent. Hawes answered that they were.

Mrs. M. E. Black deposed that she had seen May Hawes alive on Monday.

Mrs. G. P. Fuller, boarding-house keeper, at 2313 Second avenue, testified that Hawes came to her on Saturday, and asked for board for himself, wife and a child five years old. He said he had been a widower for two years, but would be married on Wednesday. Board was engaged. The same day a man called and asked if Mr. and Mrs. Hawes boarded at the

house. Mrs. Fuller replied that Mr. Hawes was a widower. Hawes came back on Monday at about 5 o'clock p. m., and said to Mrs. Fuller that she would not see him again until he should advise her as to the day of his return with his bride. Monday morning the woman, Fanny Bryant, came to settle the room that Hawes had engaged. Mrs. Fuller asked her if Hawes was a married man. Fanny replied that he had been divorced for two years; that he had one child in a convent in Atlanta; that the mother had the other child, a girl about eight years old; that she (Fanny) had been looking for the latter and was anxious to find her; that Mrs. Hawes was, she understood, in New York.

Beverley Johnson knew the deceased. He testified to the domestic troubles of the Hawes family. Had heard Hawes say to his wife that he would stamp h—l out of her.

A. B. Jackson testified that he had seen deceased at the house of Hawes in company with a bright mulatto woman on Monday between 12 and 2 o'clock. The mulatto had said that Mrs. Hawes, with the other children, had gone to Atlanta Saturday or Sunday. That they had given her the plunder and left this child with her.

Here Fanny Bryant, that terribly suggestive character in this tale of horror, was recalled. Her testimony is here reproduced from the stenographic report of the inquest. The witness said:

I was at Mrs. Hawes' house last Friday. I did not have any conversation with Mr. Hawes with regard to his and her domestic troubles. When they were packing up their things I asked her what they were going to do. She said Dick was selling out the old furniture to buy new and that they were going to boarding. She said they would board on Twenty-third street and Second avenue. Mrs. Hawes told me that Mr. Hawes had struck her on the head. When I asked about a scar I saw there she pointed to a stick on the fireplace and said he had hit her with that. I washed for Mrs. Hawes. I did it for $1 25 per week. I saw a small amount of blood on a pillow-slip, and she said it had come from the wound that Dick had made on her head. This was Friday or Saturday. I washed these pillow-cases yesterday. The bump on Mrs. Hawes' head looked as though it had been bleeding. The blood had clotted around the wound. The blood was still oozing out on Friday. I am sure this was Friday. The oilcloth at my house was given me by Mrs. Hawes on Friday. It had been in the little room this way. She gave me the carpet on the same day. I took the oilcloth from Mrs. Hawes' house late Monday evening. I never have noticed the blood on the oilcloth. I never have unrolled it since I took it. The little girl May was with me when I got the oilcloth. Mr. Hawes was there Monday and told May to stay there with the things and help me pack up, while he went to town. He was preparing to go then. He left me and May going away to my house when he took the dummy. We had left the yard. She told him to get her a hat. He said he would get her nothing until he carried her to Montgomery. He asked her

if she wanted to go to my house. She said she did. He told her to go down there with me and stay until he came after her. He told her not to play with negroes. He did not like negroes. Did not want them to come to his house. [Witness was here handed the *passementerie.* She said she recognized it as hers, and said the officer had gotten it from her box.] The beads came from one of Miss Emma Hawes' dresses. Miss Emma's hair, I think, is darker than this. I got this out of a vase when I was packing up the things, on Monday. I saw Mrs. Hawes just before dark Saturday evening for the last time. She was at her house. I delivered her clothes. She told me to come up the next day and help her move the pictures. She said nothing about leaving town. I went up about 9 a. m. Sunday. Mr. Hawes and May were there. I went into the house. I met May at the door and she took the pillow-slip I had washed. She said: "Mamma is not here, Fanny. Nobody is here but papa and I." She asked her father if I could come in. He asked who I was. May said it was Fanny. He said come in, and I did so. There was no fire. She said her mother went away that morning. I asked Hawes what it meant—where was his wife. He said she had gotten mad and he supposed she had gone to Atlanta. She was vexed because he sent Will off, he said. He said he had sent Will to Atlanta by Jim, his brother. He said he had not been long at home. He said his wife said she was going to bring Will back from Atlanta. May said her mother carried some clothes and her book with her; that her papa told her mamma he would give her a ticket if she wanted to go to her aunt's. She said she would go. I gave them their breakfast and left at 10 o'clock. There were two mattresses on the floor. They looked as though they had both been occupied. May said she had slept with her father; that her mother had taken Irene, her sister, with her. May and her father said that Mrs. Hawes had gone off that morning. Mr. Hawes came to my house after dark Monday. May had played in the yard all day with a little white boy who lived across the

street. Mrs. Hawes preserved hair of her own, of her sister and of her children. I straightened out Mrs. Hawes' room at Mrs. Fuller's on Tuesday. I did not tell Mrs. Fuller that Hawes left May with me when he went off. I said he had left her with me during the time he was in town on Monday. Sarah Lett, who lives back of the Worthington place, was at my house when Hawes came for May on Monday night. My nephew, Albert Patterson, was there also. Albert works at the Georgia Pacific shops. Albert, I think, saw the father and daughter go out. Sarah Lett, I know, saw them go out together.

After such testimony, and the awful inferences that might be drawn from it, the remaining evidence of the morning seemed tame. Already the coroner, who had been on the *qui vive* night and day from the finding of May Hawes' body, began to show signs of fatigue. Col. James Hawkins, county solicitor, who had not allowed a word of testimony nor a suggestion of a clue either as to May, the mother or Irene to escape him, was looking weary and hollow-eyed.

The mayor, Asbury Thompson, Esq., who had only been sworn in and assumed office Wednesday night, had been on duty continuously from the moment of his assumption of power; but all these officers were as determined and tireless as when the investigation started. Fanny Bryant's latest testimony was more than calculated to excite the crowd which

had been steadily increasing about the place. It should be here stated that the establishment of Lockwood & Miller almost adjoins the Florence Hotel, one of the leading public houses of Birmingham, and not unknown to national fame as the scene of Senator Sherman's race-issue episode. Around the hotel, always a point of concourse, the excitement spread, until by the time the crowd, ominously gathering in the street, had received a fair conception of the character and tendencies of Fanny Bryant's newest statement there was an apparent ferment that boded ill to the prisoners.

This feeling, although not much increased by the evidence offered by the witnesses of the day, subsequently examined, yet was not in any sense allayed. Maria Jones had seen May Hawes at her (Maria's) house, which was next door to Fanny Bryant's, on Monday at 3 o'clock in the afternoon. Maria was nailing some planks on her shed and little May assisted her. The piece of cloth and *passementerie* found in the Bryant cabin, was shown the witness. She said she had seen it on Mrs. Hawes on Saturday. In the Hawes cottage on Monday morning Maria had picked up a lock of hair and laid it on the mantelpiece. May had said it was her mamma's. It was

the same color as that tangled in the *passementerie.* "*It was lying around the floor in bunches.*" On Saturday Mrs. Hawes had told witness that she was going away somewhere, but where she did not know. Here it will be recalled that little May told the butcher, Franklin, that her father was going to Meridian, whither her mother and the children were to follow him. Is it not possible that this was the general understanding in the family those few hours before the tragedy?

There had been tell-tale evidence, mute but bloody, unearthed by the officers, and some of its material results had been exhibited to the witness, Fanny Bryant. Early in the day Deputy Sheriff Truss and a Mr. Robbins had made a careful search of the Bryant cabin on Thirty-second street between Avenues E and F. In a box they had discovered a piece of *passementerie* with hair entangled. The carpet and bedding were strewn with pieces of hair of the same color and appearance.

J. Bronger, who accompanied the deputy sheriff, found a piece of oilcloth with blood on the corners. On the same afternoon (Thursday) Fanny Bryant told witness that the oilcloth came from Mrs. Hawes' house. It was found under the Bryant cabin. Fanny

stated that Mrs. Hawes asserted that her husband had struck her on the head with a club. This assertion was made by Mrs. Hawes on the Friday before the murder.

It is unnecessary to revert to Hawes' decided and repeated assertions that he had not seen his daughter May since Saturday, and that he was ignorant of her whereabouts on Monday.

R. M. Brown, a conductor on the Highland Avenue and Belt Railroad, testified that he recognized the body of May Hawes as that of a child he had seen playing in the vicinity of the Base Ball Park, and afterward in company with Hawes coming into town on a dummy train. Mr. Brown was unable to state positively whether this occurred on Saturday, Sunday or Monday night. W. E. Augur, an engineer in the employ of the Highland Avenue and Belt Railroad, had seen Hawes at Lakeview Saturday night. There was a little boy with him.

Eliza Gordon stated that Fanny Bryant had brought little May to Eliza's room on Monday at about 10 o'clock a. m., saying that Hawes had told her to keep the child until he should get back from town. On Monday night Hawes came and got the child May. Eliza saw him from her door. "As he left

he told the child to *tell Fanny 'good bye,' and went with May toward the dummy line.*" "I live in the same house, in a room adjoining Fanny's," said the witness. "Hawes had on a long black overcoat and black pants. I know it was him; he has a mustache and no beard."

On being recalled Eliza Gordon stated that she saw the Lett woman and Albert Patterson at Fanny's on Monday night; that they remained in the room after Hawes had taken the child May away. Fanny then told her that Hawes was going to take May to *Montgomery to school. Hawes took May away at* 8 *o'clock Monday night.* Albert and the Lett woman remained at Fanny Bryant's for an hour after. Fanny was at home at 10 o'clock. She said to witness that Hawes remarked on Sunday morning that *Mrs. Hawes was gone and would not bother him any more.*

Parelee Gardner, who lived two doors from Fanny Bryant, testified that she had called on Mrs. Hawes Saturday about some money that was due her. Mrs. Hawes had not the money but offered a table in payment. On Monday morning, at 9 o'clock, Parelee Gardner returned to the Hawes cottage and knocked three times before the door was opened. Dick Hawes came to the door. He then went

back to his room, Fanny Bryant being in the hall. In answer to a question by witness, Hawes observed that "she did not stay there any more," the woman Fanny Bryant meanwhile preserving silence on the subject. *Hawes said that Mrs. Hawes had left the night before* (*Sunday night*) *for Atlanta.* Being shown a tress of hair witness said: "I found this hair on the floor by Mrs. Hawes' bed. May held it and I plaited it. I gave it to the officer. It's mighty like Mrs. Hawes' hair. Several locks of hair were lying around when I found this hair. I have seen that *passementerie* lying on Mrs. Hawes' dressing case. Mr. Hawes told May, when he put the last load on the hack, to go down to Fanning's store and stay until he came back."

Other testimony was received not necessary to this narrative, in the course of which we are compelled to consider a great deal of evidence in detail in order to lay a proper and complete foundation for the blood-curdling things to follow. It is requisite to the complete history of the case that we should close this chapter here that the reader may be given the benefit of some of the outside and inside lights which were being rapidly focussed upon the horror and its *dramatis personæ* on this Thursday.

Before the adjournment of the inquest Dr. Duncan, being recalled, testified that last October he had employed Fanny Bryant to nurse Mrs. Hawes, who was ill. Said the Doctor: "The greatest affection I ever have known existed between May Hawes and her mother. One of the negro girls told me that May had come to their house a few nights before and said her mother was dead. They found, though, that she was only sick. The mother told me that the girl sat up day and night to tend her sickness. She said if it had not been for May she would have died. I thought so, too. The affection existing between the two was wonderful."

Although much of the foregoing did not come to the ear of the public until Friday morning, rumor had disseminated the substance throughout the community before nightfall, and as was natural that substance was so intermingled with sensational *canards*, reports, personal theories and suspicions, that many citizens who had witnessed the origin and growth of civic disturbances in metropolitan cities were quite unable to agree with the local authorities in their confindence that no violence, no interference with the quiet course of law and order was to be apprehended no matter what farther might transpire. There are

desolate hearthstones to-day in Birmingham. There are widows and fatherless; bereaved fathers, mothers, sisters and brothers—all monuments to the truth that it is easy to overestimate the power of self-restraint in a composite community like that of this wonderful city, when that community has endured for days the tension of sympathies excited and just indignation aroused by an awful crime, the deviltry of which seemed to reach higher and higher flights with each development.

CHAPTER IV.

SLEUTH-HOUNDS OF JUSTICE ON THE TRAIL—INCREASE OF POPULAR PREJUDICE AGAINST THE PRISONER—THE QUESTION OF THE MILITARY—A BRIDE'S TESTIMONY—ALBERT PATTERSON—NEW HORRORS AND THE WORST NOT YET.

All the while these coils of evidence, developed under the hand of the astute coroner, have been drawing closer and still closer about the necks of the guilty; and, of course, it is by no means a legal certainty as yet who that may be. Nemesis hovers all around the environs of the city in the shape of keen scented detectives, professional and amateur, who are tracing clue after clue patient, pitiless and with the absorption and terrible determination of sleuth-hounds bent upon tracking Murder to its bloody lair. Not much has been yet achieved by these *videttes* of justice, but indications have been reported and all theories now point to a triple instead of a single murder. The detective arm is at length satisfied that Mrs. Hawes and Irene have been done to death as well as little May, else news of them would have been secured, so

thoroughly has the country been stirred up by telegraph, and so there is eager expectation of some new and startling development, and the crowd this Thursday afternoon is growing uglier and uglier in sentiment. Such is the temper of the people in the streets, continually increasing in numbers, that it seems as if they were only waiting confirmation of their fears as to the fate of the mother and Irene to attempt something not at all justifiable under any statute in the code of Alabama. Many influential citizens approached the mayor and sheriff on this matter, and were assured that every preparation had been made to secure the safety of the accused in the jail, still there was a latent feeling that events might justify the greatest degree of preparation.

Major G. B. West, of the Division Staff, telegraphed the situation to the military authorities and, pending any expression from them, suggested to Mayor Thompson that it might be well to have members of the local companies conveniently at their armories during the evening in case their services might be required. The commissioned officers of the infantry companies met with Major West at the Metropolitan Hotel, and it was agreed that members should be notified to assemble at their armories. The

only local company not represented at this conference was the Birmingham Artillery, commanded by Captain Maurice B. Throckmorton (since dead of a wound received in the outbreak of the Saturday following), who was unable to be present as were also his lieutenants. Captain Throckmorton, however, had already notified his officers to have his guns in readiness in case of emergency. These preparations being notified to the Governor, his Excellency ordered Colonel Thos. G. Jones, commanding the Second Regiment, A. S. T., to investigate the situation and to use his discretion as to further movements. In pursuance of the officers' agreement members of the Volunteers, the Rifles and the Guards assembled partially at their armories and were available during the early part of the night. A military call on the fire alarm bell was agreed upon with the police authorities, to be sounded in case of danger to the peace of the city. At about 10 o'clock Colonel Jones arrived from Montgomery and at once interviewed Sheriff Smith and Mayor Thompson, both of which officers assured him so confidently of the absence of any ground for uneasiness that he straightway dismissed the troops subject to his future orders or the call of the sheriff.

Even at this early stage of the movement the mutterings among the people congregated about the streets were justly to be regarded as ominous. It was openly declared by scores of excited persons that if the murdered bodies of Mrs. Hawes and the remaining girl should be recovered nothing could save Dick Hawes and the Bryant woman from the summary proceedings peculiar to the tribunal of Judge Lynch. But although thousands, seemingly, hung about town, around the hotels and telegraph office until a late hour the anticipated sensations failed to materialize and at last, but not until considerably past midnight, the agitated denizens of Birmingham went to their homes and left the streets for once in a condition of solitude that they were destined not to present again for several days.

When Friday dawned it seemed as if the citizens of Birmingham had vied with each other as to who could swallow the earliest cup of coffee and get to the general centre of attraction quickest. The light of this day could not have broken with any ray of cheer upon the accused in his cell. His persistent assertion before and after his arrest that he had been divorced from his wife Emma had been finally disproven by positive information received from author-

itative sources in Atlanta on Thursday evening. This discrepancy alone was sufficient to knock the last pin out of the theory that there could have been no adequate motive to kill a woman who was not legally in the way of a second marriage, otherwise the situation was bad enough. The blood-stained, hair-tangled garments found at Fanny Bryant's; the strong and multiplied evidence that Hawes had taken the child from Bryant's room *somewhere* at 8 o'clock of the night before the morning on which she was found dead in the water seven miles away from the city—all these things were scarcely calculated to produce a cheering outlook for the prisoner on Friday morning. Report has it that East Lake is being drained. Excitement is intense in advance of what the day may bring forth. The multitude understands that the unfortunate girl wedded to Dick Hawes but a few short hours before his arrest is to be brought to the undertaker's, into the presence of May Hawes' body, and there examined as to her knowledge of and connection with the prisoner!

Coroner Babbitt declined to subject the sorrowing young woman to such an ordeal. He sent his jury, one by one, to Mrs. Hawes' hotel and joined them there. Mrs. Hawes was sworn and testified

that she knew R. R. Hawes, the father of the dead girl; that she had been married to him at Columbus, Mississippi, on Wednesday, December 5. When Hawes was arrested they were on their way to Augusta, Georgia.

It would appear that Hawes had been completely reckless in the various statements he is alleged to have made to different people in regard to his family and domestic relations. No two appear to have been alike. As sworn to by his second wife, the story with which he satisfied her scruples was not at all like the others he is credited with. Mrs. Hawes deposed that he told her he had been married, but had been divorced for about two years, and that he had one child, a boy, in Birmingham; that his divorced wife was in Lockport, New York, with an aunt; he said nothing about having children other than the boy referred to. These statements, Mrs. Hawes said, were made to her by Hawes about four months ago. When Hawes was arrested on the train Wednesday night he occupied the same seat with his bride. She did not then know what the trouble was about. A gentleman came in and called him and he left, asking a Mr. Gordon to see her to a hotel. He did not mention the fact that the gentleman who called him

out was an officer. Mrs. Hawes had not held any communication with the prisoner since his arrest. On the evening previous (Thursday) she had received a note from him, to which she had not replied in any way. The note in question read as follows:

My Darling Mayes: What can I say to you for the terrible trouble I have got into. I know how independent you are and only blame myself for not telling you all. For God's sake do not think I am guilty of this terrible thing; try and judge me as light as you can. I loved you so I was afraid to tell you about her. I knew you would not have to be troubled with her as she would be in a convent. Don't believe anything you see in the papers, as not one-half is true. Let me know what you are going to do to me, this eve. This terrible suspense is just killing me. I don't think I can stand it much longer. Oh, my darling, if you only knew you could not censure me too severe, for it will prove out all right. Your broken-hearted and most miserable one, RICHARD.

P. S. You will see me this p. m., if I can get off.

The qualification expressed in the postscript of the note was wise. Hawes did not get off; did not see his broken-hearted Columbus wife, and it is rather probable that she may never afford him another opportunity. Her opinion as to his innocence of the crimes imputed to him does not seem to have been of a nature to draw her closer to the bridegroom. The poor girl, wrecked in heart and spirit, has re-

turned to her father's home, where it is to be hoped she will receive such consolation, love and care as her blighting sorrows demand.

Albert Patterson, who, with Fanny Bryant and Sarah Lett, have been seen in close association with the earlier circumstances developed in the testimony, was the next witness examined. He acknowledged his acquaintance with Fanny Bryant; she was a wife of an uncle, who was killed on the Alabama Great Southern Railway. He had seen her Monday night at her quarters near the Base Ball Park; saw her at same place Saturday about 4 o'clock, when there was no one else present; on Monday Sarah Lett was present; went there about 6:30 and stayed all night. Witness knew Richard Hawes, who was not at Fanny's when he went there Monday night; there was a child there when he walked in. Fanny showed him the "plunder" which she said Hawes had given her. It consisted of some pictures and a carpet. Witness saw Fanny again Wednesday night when Officer Carlisle came to arrest her. On Monday night Albert had a "pain in his breast" and Fanny asked him to stay all night, that she could fix a place for him. This was the night of May's supposed murder.) There was but one bed in the place. Witness de-

nied that Fanny let Sarah Lett and himself out about 10 o'clock. Sarah stayed about an hour and a half; said she was going home; she lives near there. The remainder of Albert Patterson's testimony should be followed closely. It is taken from the published stenographic court report:

If anybody had stated that I was on one side of the room and Sarah Lett on the other when the child was called for that was wrong; I never saw any child there. Fanny told me that Mr. Hawes had left Mamie there in her charge until he could call back in the evening and get her. She told me that Hawes hadn't been long gone. She said that May had kissed her good-bye. This was about 6:30. She said that Hawes was going to take her to the convent next morning at 3 o'clock. She didn't tell me that Wednesday night in the presence of Officer Carlisle, if she did I don't remember it. I didn't tell Officer Carlisle that this conversation occurred after Fanny had come back from identifying the child Wednesday afternoon. I am positive that I did not tell Carlisle this morning that it was Wednesday. I told him it was Monday. I work at the Georgia Pacific shops and fire extra. I have fired for Dick Hawes. I have not fired for him since September last. The last work I did in the shops was Tuesday. I was wiping grease under Mr. Wolf, round-house foreman. I worked there Monday. I quit Monday at 5:30, and same time Tuesday. On Monday night after the whistle blew, I went to Newt Jones', at brickyard near the shop, and got supper. Right after supper I lit my pipe and started off directly to Fanny Bryant's. I reckon it took me fifteen minutes to get there. I was nowhere else that Monday night except at Fanny Bryant's. I know where Nabers & Morrow's drug store

is. I have not been in there this year. I was not in there at 9 o'clock Monday night. I don't know the prescription clerk there. I did not state to any man there, last Monday night about 9 o'clock, that I had been waiting for an hour and a half for a man to come in on the East Lake dummy. Mr. Wolf knows that I worked all day Monday and Tuesday of this week. Wednesday night was the first time that I heard of May being dead. Fanny told me when I went in that they had found one of Mr. Hawes' children at East Lake drowned. I sat and studied how it got in the lake. I didn't know where any of them were. I never saw Mrs. Hawes in my life. I knew all the children. On Saturday evening I saw Mamie and Willie about 4 o'clock. They were on the other side of the Georgia Pacific tracks. They were in a grove after haws at avenue A and B and Twenty-fourth and Twenty-fifth streets. When I got to Fanny's house I found Irene there with a little bucket of water. I am not mistaken about it being Saturday evening. I told Irene that I had seen Willie and Mamie up town. She said, "Yes, mamma had sent them." I got to Fanny's house about 4 o'clock. I staid about an hour. I didn't work Saturday. It was about twenty minutes after the whistle blew on Monday before I left the round-house. It is between one and two squares to Jones'. Pleas Thomas went with me there. He works at the round-house. Supper was ready and we sat down and eat. There were three of us. Mrs. Jones was home. Newt wasn't. It took us about ten or fifteen minutes to eat. Reed's was twice as far as Fanny Bryant's. I left some overalls to Fanny's the night Carlisle came there, to get her to wash them. I took the overalls, an undershirt, a top shirt and a pair of shoes. I am sure there are no blood spots on my overalls and I am sure there are no others at Fanny's. I have known Fanny Bryant since we were children. I lived with her near four years, ever since I have been in Birmingham; I quit boarding with her about the 15th of last month. I had been there three months. I never went to Memphis with her. When I boarded with her she had only

one room. I didn't help Hawes to move. I saw Elijah Gordon and Evans at Fanny's Monday night.

Albert was too well informed, in the opinion of the coroner, not to be available when wanted again, so he was committed to the county jail in default of $1,000 bail. And now, with the force of a steam hammer stroke, came the first of a series of sensations which culminated in the lamentable events of the day after.

John Olsen, a painter in the Georgia Pacific shops, swore that he had known Richard R. Hawes for a year and a half, but had never seen any of his family. Olsen was in Birmingham Monday night, coming in from his home at Avondale (a suburb immediately adjoining the city on the northeast) on the East Lake dummy train at half-past 6 o'clock. He returned by the same line at about half-past 7. Richard R. Hawes, the prisoner, got on the car at Twenty-fourth street. *He had a little girl with him.* Witness had seen the body, but did not recognize it as that of the child with Hawes. He had noticed that the little girl had on a red straw hat. Being shown the hat found in the lake, he was unable to say that it was the same he had seen, but the one worn by the child

was of the same style and shape, and had a ribbon on it. Hawes and the child did not get off at Avondale; most of the passengers did. Olsen judged the child to be seven or eight years old. Hawes got on the front end of the rear car; witness stood on the rear platform. Hawes was dressed in a suit of dark clothes, and had an umbrella and a soft hat; did not speak to Hawes, and had not seen him since.

Olsen's evidence was apparently clinched by that of the next witness, G. W. Warren, prescription clerk for Messrs. Nabers & Morrow, apothecaries.

Mr. Warren was on duty at his prescription desk from 6:30 to 10 o'clock Monday night. Had seen Hawes at Nabers & Morrow's on Monday night at about 9 o'clock; had been to the jail to see the prisoner, who recognized him, and admitted that he (Hawes) had been to Nabers & Morrow's at 9 o'clock Monday night to inquire for some jewelry. A jeweler occupies part of the shop. Witness had told him the jeweler had closed, but that he could get his goods by calling in the morning. Monday night during this conversation, Hawes remarked to Mr. Warren that it was very cold; *that he had been waiting for the East Lake dummy about an hour and a half.* Indications are misleading if it had not been bitterly,

cruelly cold for that poor little one, within a very short time; yielding up her unhappy child life in the chilling, dark waters at the other end of that dummy line. The witness had inferred from what Hawes said that the latter *had just come in on a dummy train, and had been waiting at East Lake.*

James H. Hawes, brother of the prisoner, was next examined. The material part of his evidence was that, being, like his relative, a Georgia Pacific engineer, he ran a train to Birmingham, and started out again Friday morning, but having a collision in the switch yard, was compelled to lie over until Saturday night at 11:15 o'clock. Witness first saw his brother Richard at the car shed between 8 and 9 o'clock Friday morning. The latter then brought his little boy, Willie, for the witness to carry over to Atlanta. He got on the train, but the collision occurring he got off again and took the child away. Saturday night, about 11 o'clock, Dick Hawes brought the boy to the car shed, consigning him to his brother to take home. James Hawes left with the child at 11:15, reaching Atlanta at 6:40 Sunday morning; took Willie home, where he now is. There had been no arrangement to put Willie in a convent. Dick Hawes had told his brother that he

was going to be married and would come through Atlanta on his trip and bring Willie back. Saturday night Dick said that he was going to take the other two children and put them in a convent; that Mrs. Hawes was going to her aunt in New York; that he had given her $500. James Hawes testified that he returned to Birmingham on Monday morning; saw Dick Hawes between 6 and 7 o'clock Monday night. Saw him again about 10 o'clock as witness was on his way to the car shed. Prisoner accompanied him to the shed, and the brothers parted about 11 o'clock. Dick told witness on that occasion that *Mrs. Hawes had gone the same night (Saturday) he brought Willie to the train; he said he did not know where.* He said nothing about the little girls. Witness testified further to the unhappiness of Richard's family relations; that Richard earned from $150 to $200 per month, and that he was not aware that he had any accumulation of money.

While it is a most excellent maxim of law that we must consider a man innocent until he has been conclusively and in due form proven guilty, the testimony next succeeding, being the first taken at the afternoon session of Friday, was damaging enough to constitute a very serious case of circumstantial evi-

dence in connection with the fate of little May Hawes. In view of its importance it is given verbatim:

Reuben B. Butler.—I live on Eleventh street and First avenue, and work at the electric light station. I do not know R. R. Hawes. I went to the jail this evening to see him and had him pointed out to me.' I met Hawes last Monday night at East Lake. I was on the coach and saw him get on and sit down in front of me. It was about 200 yards from the pavilion, and it was about 8:30 o'clock. I did not get off the dummy, but came straight back to town. Hawes was not on the dummy when I went out. We engaged in conversation as soon as he got into the car. He commenced the conversation by saying that he had been waiting for the dummy about one hour. The conductor came in and he said about the same thing to him, the conductor said, "I guess you have, as they have taken off one dummy." During the trip to town, just this side of Ruhama, he began the conversation again, saying that a young lady had been at his house very late during the evening and he accompanied her to East Lake, her home. I said to Hawes that I was getting sleepy and was anxious to get back to town, and told him I was engineer at the electric light works, and he told me he was also an engineer on the western division of the Georgia Pacific. He made no further statement as to the cause of his visit to East Lake. He was in a mixed grey suit, standing collar, black derby hat, wore no overcoat and carried a gold-headed umbrella. I had no conversation with him at the jail. Hawes was brought out of his cell to the jail lobby in the light where I could see him good today. Mr. Thompson went with me. I examined him closely, and told Mr. Thompson he was the man I met on the dummy. The reason I know it was Monday night I met him, I had been asleep all the evening and was out walking for exercise, and was standing in front of Nabers & Morrow's, and re-

marked to a friend, Bob Pegg, that I believed that I would go out to East Lake for a ride. I then boarded the dummy. There were only three of us on the dummy; the conductor, Mr. Hawes and myself.

J. T. Glover, clerk in the law firm of Messrs. Hewitt, Walker & Porter, testified that three months before Hawes had applied at their office to see if the firm could get him a speedy divorce. He said that he had formerly applied to Hoke & Smith, of Atlanta, for the same service and had paid them $25 on account.

Sarah Lett was examined. She knew Fanny Bryant; lived about two blocks from her. Witness went to Fanny's house on Monday night between 7 and 8 o'clock; remained there about two hours. Fanny Bryant and May Hawes were there when she reached the place. (Referring to the corpse): "This child is the one." Dick Hawes came in about half an hour after witness and remained about five minutes. Continuing, Sarah Lett said that when Hawes entered he remarked, addressing little May:

"Daughter, you thought papa was not coming, didn't you?" She said, "No sir, I did not think that you were not coming." Fanny asked him when he was going off. He said at 3 in the morning. Then May kissed Fanny and Mr. Hawes

told the latter to come down in town the next day and clean up his room. Fanny asked when he would be back and he said he did not know, but thought about Tuesday or Wednesday. Just before they started Fanny asked Mr. Hawes if he had heard from Mrs. Hawes. He said he had not heard "hair nor hide of her." He said good night and took May out with him. This hat (the hat found with the dead child was produced) looks like the one May had on that night. They left there after dark. I had had my supper. I can't say what time it was. I have known May about three months. I knew Mr. Hawes slightly. I have talked with Mrs. Hawes. I saw her at her house in passing Friday evening. I did not see any of the children. I stayed at Fanny's about an hour after Mr Hawes and May left. I then went home. A colored man named Albert came in after Mr. Hawes and May left. I understand that his name is Albert Patterson. I left soon after Albert come. I have seen Fanny three or four different times. I was lonely Monday night and went down to have her keep me company.

Rachel Whitfield had known the Hawes family. She testified that she had heard Hawes curse and abuse his wife; had seen him strike her with a shoe, and on one occasion when Mrs. Hawes asked him for money to pay house rent he knocked her down and kicked her. Mrs. Hawes had accused him of throwing his money away and said that was the reason why his children were neglected, ragged and naked. He said he would bring her some money next day to pay the rent but "damn the children!" When Hawes was kicking his wife on the floor, the

witness became frightened and seizing the two younger children, Irene and Willie, carried them away with her.

Jesse Bathelor was conductor of the East Lake dummy train on which the witness Butler rode out to East Lake and returned. Bathelor failed to fully identify Hawes as the man he saw talking with Mr. Butler on the way back to the city. He had seen Hawes in prison and thought his moustache very like, but he seemed to be a heavier built man than the one he had noticed on the car.

Here the testimony for Friday came to a close. Important and exciting as it justly appeared, it was not more so than other things transpiring coincidently, and which will be detailed in the next chapter.

CHAPTER V.

EXCITEMENT INCREASING—RUMORS OF NEW AND HORRIBLE DISCOVERIES—TELL-TALE EVIDENCES OF BUTCHERY IN THE COTTAGE—PLANS OF THE HAWES AND BRYANT HOUSES—HAWES SEEN GOING TO EAST LAKE WITH MAY—A RED HOT TRAIL—THE MURDERED WIFE FOUND AT THE BOTTOM OF THE LAKE AT LAKEVIEW.

If public excitement and agitation had been widespread on Thursday, it was a hundred times more so on Friday. The sessions of the coroner's jury were public to the extent that those who could squeeze in the narrow quarters back of the undertakers' shop did so; and from these a reasonably fair understanding of the testimony going on was transmitted to the crowd on the outside. To persons who are not familiar with the conditions and phenomena of this wonder city of a new dispensation in the Southern States, the character and idiosyncracies of a great concourse of people in Birmingham, can be hardly appreciable. Perhaps, if one familiar with the phases of life in New York, New Orleans, San Antonio, Charleston, Boston, Denver, Leadville, Helena, Memphis, San Francisco, Sitka, Honolula, Shanghai,

Rio Janerio, Berlin, Coblentz, St. Petersburg, Constantinople and Venice, were able to combine the best, and some of the other elements into a formula representing the population and struggle for life in a thoroughly cosmopolitan community, composed of capitalists, merchants, bankers, operators, miners, brokers, adventurers, laborers, sporting men, gentlemen of uncertain antecedents and shady occupation; and present the problem all worked out to the reader, it might be easy for the latter to really feel in touch with the community here, all mixed up and combined on the public squares under the unusual bond of union of exasperation over a horrible and ghastly crime of a nature heretofore generally believed to be below the vicious and bloodthirsty possibilities of the most cold-blooded and pitiless brutes.

The manifestations of public impatience and vindictiveness against the accused, and what appeared to be his negro accomplices, had been bad enough. As the hours of Friday ticked their brief lives away, this feeling, although perhaps not so manifest in words and public utterance, had grown stronger and deeper, and the vengeful feeling of the masses was more dangerously apparent than it had been ever before. The streets of Birmingham are always full

of people; on this Friday afternoon one had to elbow his way through the principal thoroughfares. The county solicitor, the Hon. James Hawkins, a man who has seen as much that requires personal courage in the beholder and actor as any man in the South; one of the coolest men in the community, and with a head full of level wisdom as well as moral courage, admitted as he mixed with the crowds on the streets that it would probably take all the combined sense of all the local authorities to save the city and county from eventualities that might be deplored. Even he little imagined that, in the end, one of his best and bravest friends would be sacrificed in a desperate final struggle to preserve the fair name of Birmingham for Peace and Order!

In the previous chapter it was observed that the detective forces of society had been at work by day and by night running down all possible clues and inklings, and now awful results of the quest were to follow in rapid sequence. Rumor had evolved some horrors that were not to be realized, but, possibly, they were not worse than those that raised their hideous heads in very truth but a little later. It was currently reported on the street that Deputy Sheriff Truss and his party, prodding around in the soil near

the Hawes cottage, had discovered a soft spot in the ground under which were found the butchered bodies of Mrs. Hawes and the missing girl child Irene. This report proved to be unfounded. Mr. Truss accounted for it by stating that while several of his party were searching in the neighborhood of the Base Ball Park near Lakeview they came to a place not far from the Hawes cottage where a displaced plank showed drops of blood. Attached to a splinter of the plank was a small piece of ribbon: "The ground thereabouts had served the purpose of a potato patch for some time past, but the break in the fence had allowed hogs to get into it, and the surface of the earth was broken on all parts of the patch. It struck us all, at once, that the opportunity to bury a body here so as to avoid discovery was tempting in the extreme, and we commenced to investigate. We punched the earth all over the patch to learn where the soft places were, if any existed, and we did find one that was most suspiciously soft. I thought that it must be a grave. We sent for spades and dug the earth away, but found nothing. Nothing had been buried there."

Another party visited the house recently inhabited by the Hawes family. The report of this *reconnoissance*

CAPT. E. H. KERNAN.

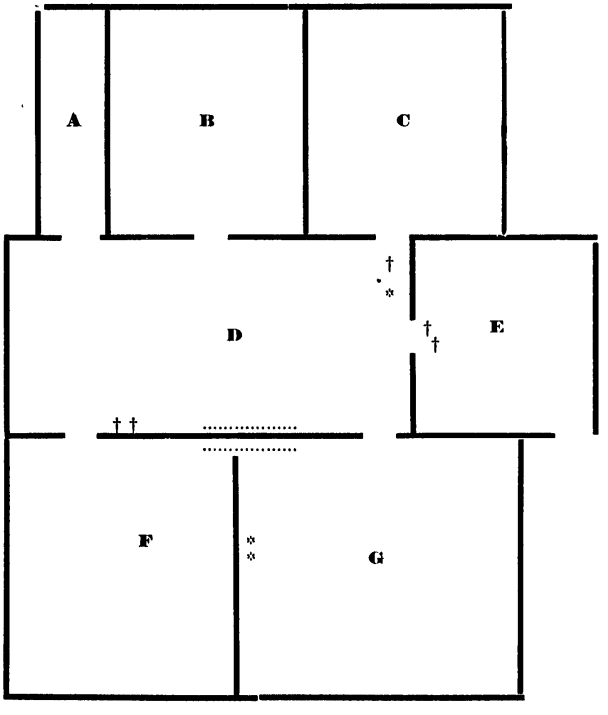
Chief of Kernan's Detective Agency, Birmingham.

stated that the halls and rooms of the cottage were strewn with books, papers, odds and ends, all evidencing hasty departure. A reporter who accompanied the officers stated that one of the first things to attract attention was an ugly looking club about four feet long and two inches thick. Ostensibly it had served the purpose of a window prop; but an old colored woman who followed the party into the house asserted that it had been Mr. Hawes' favorite weapon when, on more than one occasion, it had pleased him to beat his wife. With an old broom, found on the premises, the hall floor was swept enough to disclose a number of unmistakable blood stains. The *Age-Herald* report has it that "In addition to the stains on the floor, there are two upon the wall of of Mrs. Hawes' bed room and another upon the wall beside the doorway leading from the hall into the kitchen. The hall side of the kitchen door also bears evidences of the same character. How they came to be there, and to what extent they may portend the fate of the unhappy mother and her baby child, is as yet a mystery to be solved by the patient labors of the agencies of law. The most affecting scene was presented in the room designated as the 'children's room.' Scattered about the floor were a lot of

broken playthings, and in the center of the room lay a piece of card board, bearing upon it the peculiar scrawl of a tiny and unpracticed hand, no doubt that of the pretty child whose sad fate has wrung the hearts and purturbed the spirit of the entire community. A pair of baby shoes and another of larger size, showing considerable wear, spoke of little feet that may now be speeding along the paths of a more joyous life.

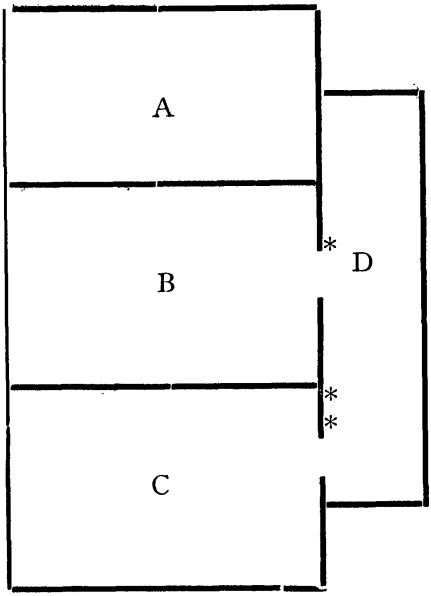
As they may prove convenient for reference to the reader, diagrams are here given of the Hawes cottage and of the quarters in which the mulatto, Fanny Bryant, had her room :

THIRTY-SECOND STREET.



Ground plan of the Hawes cottage [from the *Age-Herald*].

A—Porch entrance.
B—Sewing-room.
C—Children's bed-room.
D—Wide hall.
E—Kitchen in which was found the stained oil-cloth.
F—Parlor.
G—Mrs. Hawes' bed-room.
†—Small pools of blood.
*—Blood marks on wall.
††—Blood marks on door.



THIRTY-SECOND STREET.

Ground plan of the house in which Fanny Bryant lived.

[From the *Age-Herald.*]

A—Vacant room.

B—Elisha Gordon's room.

C—Fanny Bryant's room.

D—Long covered porch.

*—Where Elisha Gordon stood when he witnessed the departure of Hawes and Little May.

**—Where Hawes and little May were standing when the latter bid Fanny Bryant good-bye.

Friday night there was an unusual degree of sleeplessness about town. Quiet citizens who are wont to go home and spend their evenings with their families, were to be seen gathered in knots discussing the all absorbing topic, while large contingents from the suburban towns and surrounding mining and manufacturing centres were recognized as they began to pour into the city by every train. What the detectives had been doing during the day was quite generally known along the crowded streets. Almost everybody felt confident that another day would bring to light the bodies of Mrs. Hawes and Irene, or one of them at the very least. There seemed to be a consensus of opinion uniting all classes that such a discovery would settle the matter, and among hundreds who were freely expressing extreme views around the hotels, saloons and other places of general resort, there were suggestions that certain elements of society were only waiting for some such finally conclusive development to take the law in their own hands, or at any rate, make an attempt of that kind. Generally speaking the moral atmosphere while placid enough on the surface gave indications that again caused grave uneasiness among the friends of law and

order. When Birmingham did finally go to bed that night it was to dream of harrowing things to come, with next day's Sun. God help the guilty, they came with a vengeance!

It is Saturday morning December 8, 1888, a date that will be remembered as long as Birmingham and Alabama have any annals, or are remembered or spoken of among men. Damning evidence and ghastly developments are sweeping along like a prairie fire and the public temper is rising far and fast above a normal or a wholesome heat.

To keep this narrative closely to events in the order of their occurrence it is necessary to attend to the evidence before, the coroner this morning before joining the hunt, now in full cry on the hottest sort of trail, outside. The inquest was continued at 9 o'clock a. m.

C. F. Brown, a locomotive engineer on the Georgia Pacific Railway, testified that he had known Hawes, twelve or thirteen years. Met him at the Georgia Pacific shops on or about the morning of November 27, last. Brown and Hawes came up town together. The latter said he wanted to see Rosser the auctioneer about selling some furniture. They went to Rosser's and Hawes made arrange-

ments with the auctioneer to meet him at his (Hawes') house the same afternoon at 4 o'clock. On the way up town witness asked Hawes if it was true that he intended to get married? Hawes replied that it was. Witness then asked him if he had obtained a divorce from his first wife. Hawes declared that he had done so, and that he had obtained the divorce in Atlanta. Witness asked him how many children he had and was told that he had three; asked him if he intended to keep his children with his new wife and if not where would he leave them. Hawes said he would not have them with his new wife; he should take the two older children and put them in a convent at Mobile, and that his brother Jim would keep the youngest until he should get straight, and that then his intended wife would take care of it for him. He did not say whether it was a boy or a girl. Witness did not see Hawes again until last Monday or Tuesday morning. It was at the office of the Georgia Pacific master of trains, Mr. W. T. Newman. Hawes was talking with Mr. Newman's son Charlie. Witness asked Hawes if he had been to Mobile and taken his children to the convent. Hawes said: "*I have got them both there.*" Witness said he was glad,

and remarked to Hawes that the latter had made a quick trip of it.

Charles L. Newman bookkeeper at the Georgia Pacific shops was sworn and said: "I have known Hawes for four or five years. I saw Hawes last Monday morning about 10 o'clock. Mr. Brown came in at the time; this was at my office. When Mr. Brown came in and asked if Hawes had been to Mobile, and Hawes said yes. Brown said, 'You made a quick trip of it.' Hawes said, 'Yes, and I had to buy each one of the children a knife and fork and napkin ring and a uniform.' There had been a conversation between Hawes and myself about a month before that about his children. He said he had seen a Catholic priest about putting his children in a convent at Mobile. I don't know any of the family except him.

J. A. Fanning, a conductor on the East Lake dummy line, testified that he was running a train on Monday evening; left Birmingham at 6 and at 7:30 o'clock. At the end of the second run got to East Lake at 8:10 and went into the shed. On one of these runs saw a man get on at Twenty-fourth street with a little girl. Witness thought he got on the front end of the rear coach. They took seats in the

end of the car and then moved up to the stove; was attracted to the child because at first he thought from the hat she had on that it was a little girl who sold newspapers; soon after saw that it was not and did not pay any further attention. Being shown the hat picked up in the lake, witness said it was the same kind of a hat worn by the little girl on the car, and just like the hat he saw at East Lake when the child was taken from the water. He could not say that the child found in the water was the same he saw in the car; thought that the man and little girl got off at East Lake but was not positive; knew they went some distance because there were but few passengers and most of them got off at Avondale. Witness thought he had seen the man since; had gone up to the jail with Captain Kernan, and, as he stepped in, saw a man standing in the door behind the bars that looked very much like the same man. His features were like those of the man and he believed him to be the same. No one called his name or directed witness' attention to him. There were several men standing around and witness picked him out of the crowd.

O. L. Willis, a rental agent, and agent for the cottage occupied by Hawes and his family testified that

he knew Hawes who had a year's lease on the cottage up to October 1st, last, and had lived in it until recently. Mr. Willis had occasion to visit the premises and knew that Hawes had a wife and three children; two girls aged respectively about ten and eight, and a little boy about six. Witness went to the house one day last September and was met at the door by the eldest child, May, who said that her mother was very sick, and wanted to see him. Mr. Willis entered and found Mrs. Hawes in bed. Her face was very much swollen, her eyes black and blue and badly blood-shot. She said she wanted witness to see her condition so that he would not attach her furniture. She said that one of her arms and one rib were broken; that her husband had knocked her down, jumped on her and stamped on her. Witness asked her why Hawes had done this, and she replied that she believed he was trying to get rid of her; that she had some property in Atlanta that he wanted to dispose of; that she would not consent, and would die before she would agree to it.

The reader has drawn his or her own inferences from the narrative of the blood stains in the Hawes cottage! Every one who has followed this history to the present point will have formed some theory in

the connection. From the statements of the officers who conducted the hunt starting from the Hawes cottage it appears that they evolved a very settled theory, in the working out of which the results now are about to show. Deputy Sheriff Truss and his assistants concluded that evidences of a bloody struggle in the cottage pointed indubitably to a murder, or a double murder, committed there, and that the body or bodies of the victims must have been carried out on Saturday night and some way disposed of. We have already seen the pointed significance of the blood and torn ribbon on the palings of the park. Working on this clue the detective officers early on the day before had suspected that the body or bodies might have been carried from the house and taken to the lake at Lakeview, only a short distance away. The comparative ease of getting them to that point, the solitude of the place at night, and the convenient depth of the water, all tended to draw the minds of the officers in this direction. One of the remarkable episodes in connection with the examination of the Hawes house was that while the officers found blood in stains on the walls, pools on the floor and the imprint of a bloody hand in one of the rooms, when they returned to the premises a few hours later there had

been an evident attempt to remove these marks. The blood on the floor had been partially washed away and it was evident that somebody had endeavored to cut away the bloody hand with a chisel or some other sharp instrument. It is much to be regretted that when these tell-tale discoveries were first made, a guard was not put over the house. The tampering with the silent witness of the gore on the floors and walls of the cottage is too suggestive to require comment. The only question is; who did it? That, it is satisfactory to state, will be brought out later.

Toward the middle of the day the trail from the cottage was again taken up. A blood stained oat sack and an axe were found near the broken paling, and from this point toward the lake it was evident to the officers that some heavy body had been dragged through the weeds to the point where the fence of the park proper begins. Two panels of the park fence were found displaced, in the direct line of the trail, and there were blood stains on them. At this point, according to the report of an *Age-Herald* reporter, who accompanied the party, Mr. J. B. Marshall made a startling discovery and called the attention of the remainder of the party to the condition of the

fence about fifty yards from where the exit had been made from the ball park. A large stone had been used in an unsuccessful attempt to batter down the top plank. The planks of the fence were bespattered with blood, and the top edges of the two lower planks showed the impress of clay from the feet of the person or persons who had pulled the ghastly load across. Crushed weeds and broken brush now clearly indicated the route, straightway to a gate opening upon the road leading to the lake. It was now plain that the trail must lead to the park gate. There was no longer any doubt that the murdered wife, and probably little Irene, had been dragged to the lake and there sunk in anything from twelve to eighteen feet of water.

The chief actors in this horrible wholesale murder appear to have entertained a surprising predilection for deep water. All the victims of their fiendish crime were fished out of lakes sooner or later. The place to which the indications pointed as the grave of Mrs. Hawes and little Irene, is worth a moment's notice. To the outside reader it may be interesting to understand that Lakeview is to Birmingham what Central Park is to New York, or Druid Hill Park to Baltimore.

The property of the Elyton Land Company, Lakeview has been improved and embellished to a point leaving little to be desired. A large artificial lake, with a flower-capped island in the centre, is only one among a number of attractions. Overlooking the water is a handsome hotel, while on the surrounding heights are a number of ornate cottages. A casino, with refreshment rooms, ball and billiard rooms, bowling alleys, and a huge swimming bath, occupies a prominent place by the shore. Altogether, Lakeview, with its facilities, and with its dummy line going all around among the fine residences of the mountain into town, is a place notable enough to attract attention in any community.

It was to such a place that the latest searching party believed the murderer and his accomplices had dragged the bodies of their victims. As to one part of their theory they were to be suddenly justified. We have shown how the hot trail led to the park fence. It led from this directly to the road running from the Ball Park to the lake. When the party reached this road it was met by a messenger going in breathless haste toward the city with the information that *the battered body of Mrs. Richard R. Hawes had been just fished out of the lake at Lakeview,*

MRS. R. R. HAWES.

Murdered and sunk in the Lake at Lakeview.

On Saturday morning Coroner Babbitt authorized Detective Kernan to drag the lake, and that efficient officer, with two assistants, at once proceeded to do so, working with nets and hooks until about 11 o'clock without result. At that hour Detective Robbins came out with a fresh party and joined the search. Detective Robbins had learned that Hawes had spent a good part of Sunday at Lakeview, and felt confident that the lake held an important secret connected with the case. At about half-past 12 the Robbins party struck something on the bottom of the lake, near the southern end of the little flower island, and about twenty yards from the boat house. Hauling on the hook, the body of Mrs. R. R. Hawes was brought to the surface. The body had been anchored by means of a piece of railroad iron, weighing at least fifty pounds.

In his report of the find the *Age-Herald* reporter gave a vivid description of the appearance of the body such a description in fact that the city was horrified. The skin of the woman's face was drawn in wrinkles by the action of the water and had been bleached a witchly white. Emma Hawes had been a woman of more than ordinary attraction in her class; but her greatest admirer could hardly have recognized the

beauty that used to stir the hearts of the railroad men, in the gruesome body dragged from the weeds and wasting water. Consistently with the fact that this was a domestic tragedy, domestic tools had been used all around as it appeared. We have seen that a window stop had been used to beat the wife over the head; we now have the opportunity to observe that another home-like facility was used to place the murdered wife where she would do the most good. The railroad iron was hitched by a curtain cord to her neck, waist and heels. The woman's skull had been crushed by a terrible blow on the back of the head. Bystanders who saw the body brought out declared that the features of the corpse, rigid as they were in death, had preserved a look of freezing terror that, if it signified anything, signified the consciousness of impending murder. If those orbs, stretched abnormally open in terror, could have been photographed as the *retinæ* of many such have been, and successfully, what a tale they might have told. Lakeview is the centre of the most fashionable suburb of the city and the greatest and crowning development of the case not only brought out the aristocracy of the highlands to view the corpse, but afterward sent its contingent into town to swell the crowds and in-

crease the excitement already something beyond what civil authorities should regard with equanimity. How they really did feel about it will appear in the next chapter.

CHAPTER VI.

THE GATHERING GLOOM—FATUITY OF THE AUTHORITIES—CROWDS INCREASING AND THE MINES POURING IN THEIR MULTITUDES—UGLINESS AND PROOF SPIRITS—PREPARING FOR THE SHEDDING OF INNOCENT AND PATRIOTIC BLOOD—JUST BEFORE THE BATTLE.

While the reader has been patiently following the course of the evidence, and of the efforts of the detectives, it should be understood that the situation on the streets and in every place where it was possible for people to congregate was growing more serious and dangerous every minute. On Saturdays Birmingham always has its population temporarily increased by accessions from a dozen tributary mining and manufacturing towns, the denizens of which come in to the city for their Saturday shopping, marketing, amusement and dissipation. Considering the excitement which had preceded the event it was very unfortunate that the body of Mrs. Hawes should have been brought to light at such a time. The miners and laboring people of this district are just as good and respectable on the average as the same class anywhere else; but they are very like their pro-

totypes elsewhere; they are easily moved from the emotional standpoint and are apt to be ugly when they unite in the belief that a fiendish crime has been perpetrated under circumstances and conditions leading them to believe that there is any chance for the criminal or criminals to escape punishment.

The crowds that surrounded the undertakers' establishment of Lockwood & Miller all day Saturday, as well as other crowds that congregated around the corners of every principal street, were not vicious crowds; but, one and all, they presented evidences of a disposition to take desperate means to reach a desperate case in the event that their worst fears should be realized. A number of citizens, familiar with urban outbreaks, had been more than worried from early in the morning; but when the news reached the masses that the body of the butchered wife had been found, all loaded down with rope and iron, and all bloody from the cruel blows that had murdered her, there was at once such a movement upon the streets as, anywhere else, would have been the signal for turning out every element of repressive force that the community could command, or evolve or borrow.

Colonel Jones, who had left Birmingham for

Atlanta on Saturday morning, confident under the assurances of the civil authorities that no trouble was likely to occur under any conceivable circumstances, was startled as he sat at a dinner party in Georgia's metropolis by having a telegram handed him from the governor of Alabama, repeating a message which the state executive had just received from Major G. B. West at Birmingham. This message was identical with others sent to the Adjutant General, and the General of Division, as soon as it was known that the body of Mrs. Hawes had been found. It stated that the excitement was beyond anything that had been seen or expected, and that the staff officer who signed it was unable to agree with the mayor of the city that his citizen guards concentrated at the jail were sufficient to guarantee the peace and good order of the city. In his report of the operations of the military in connection with the riot which followed, Colonel Jones does not refer to these dispatches, which, however, are understood to have caused the military headquarters at Montgomery to prepare at once for what appeared a probable call for most of the effective troops in the state. Colonel Jones at once wired the governor that he should return to Birmingham by the first

train. The narrator understands that cautionary orders were conveyed to the officers of these splendid *corps d'elites*, the Montgomery Greys and Blues, and, by dark it was generally believed at the state capitol that there would be an *émeute* at Birmingham before the night should be over, which would cause the memory of the hitherto famous Posey riot at the same place, five years before, to pale into insignificance. Notwithstanding the censure, both locally and from his military superiors, which had been visited upon Major West for his insistence upon the mobilization of the Birmingham military on Thursday night, that officer again busied himself throughout the entire day of Saturday to impress the authorities and the officers of the troops stationed here of the importance of being ready, and availably and thoroughly ready, in case of an emergency.

At 3 o'clock, and again at 5 o'clock, the mayor was solicited to call out at least one company of troops, with the assurance that such a uniformed force would, while daylight lasted, prove sufficient to clear the streets, and to patrol and hold the distant approaches to the jail.

There is not the least intention in this history to criticise the mayor of Birmingham, because he did

not accept and act upon military advice. He stated, and unquestionably believed, that a show of military force would only exasperate the populace and bring about the disturbance that every good citizen was endeavoring to avert. Since the trouble is long past and gone, it is understood that the sheriff was favorable to calling out the military. That officer at least says he was; but it is only necessary to say that the mayor was opposed to calling out the military up to the time of the outbreak, and that they were not called out until after midnight, but fortunately were at their armories, where they were in readiness for service, as it may be said that the citizen soldiery of Birmingham always have been.

Prominent among the military forces of Birmingham, Captain Throckmorton's battery of artillery had been always counted upon as one of the most efficient commands in the district. The organization had been sadly neglected by the county and city governments and, for some time, had been without a place in which to drill or securely store the valuable Gatling and Howitzer attached to the battery. Captain Throckmorton had been compelled to *corral* his Gatling underneath his residence to secure it against the weather and the possibility of illegitimate use. One

of the last things the unfortunate young gentleman did on the evening of his fatal wound, was to arrange with Major West the details of his bringing his battery into a safe place, convenient to service if required. Within two hours of his being shot, he had stated that he had heard from his First Lieutenant, Mr. White, who is one of the best artillerists in the state service, and that Mr. White would have everything in readiness by 10 or 11 o'clock if necessary. Captain Clarke, the popular commander of the Jefferson Volunteers was absent from the city, but was telegraphed for and arrived early in the evening. The Rifles and the Guards, respectively commanded by Lieutenant Weakley and Captain Wooldridge, were rapidly getting in shape for service. Although the authorities had resolutely declined to call out the military the latter were in fact out, at their armories, and it is very fortunate that they were so.

Even at dark it appeared to many citizens that trouble might yet be avoided by a show of force and determination. One of the counsel for one of the prisoners requested a staff officer to accompany him to the mayor to explain to the city executive the ease with which the streets could be cleared and a riot avoided by a display of bayonets and the picketing of

the approaches to the jail. It was evident that the entire population had opinions which each individual expected the mayor of Birmingham to recognize and follow. Among the most confident were a number of gentlemen who, never having witnessed a first-class riot in a large city, found it difficult to believe that anything of the kind could really occur. It was very evident that a large majority of the people who volunteered their advice to the city executive were fully convinced that it would be a deplorable thing to allow the citizen troops of the community to appear upon the streets in their modest coats of blue. People of this shade of opinion appear to have impressed the Mayor with the idea that he would be acting improperly and against the interests of the municipality should he consent to a call for troops "except in the last extremity."

So descended the shades of night on a city whose every principal street was crowded with humanity. It would be wrong to say that the crowds were disorderly, but there was that about them that minded cool-headed people to circulate among the congregations and to urge the necessity for maintaining law and order. As in all times of excitement there was a good deal of steady drinking. At one time the

Mayor had considered the propriety of closing the saloons, but was unable to find authority for such action in the law or the city ordinances.

Train after train poured its living freight into the city as the darkness gathered. Rumor after rumor added to the existing excitement. Convenient and covering gloom made people free to say things and advocate measures that had been only spoken in whispers while the light of day shone upon the concourse. At length, and that early too, it became apparent to the most skeptical that the situation presented serious danger of an attempt to take the alleged murderer and his supposed accomplices from the jail, and to dispose of them all in the summary manner usual in such cases. No attempt, however, was made to disperse the crowds; all efforts were directed to defensive measures at the jail. Again the authorities were urged to call out the military, but declined to do so. At the jail all was in a state of active preparation. Sheriff Joe Smith assisted by City Marshal Pickard was in possession with a number of deputies all armed with rifles and shot guns. Mounted couriers were kept moving from the jail to the places where crowds were reported as organizing

and back again. So the situation remained until about 10 o'clock.

That any assailants of the jail might not reach there without due notice to the defenders, guards had been stationed at the corners of Third avenue and Twenty-first street and Fourth avenue and Twenty-first. The entrance to the old wing of the jail was barricaded and made as defensible as possible. Entrance to the new part of the building, the part containing the prisoners in the Hawes case, could only be had by passing up a blind alley that extends from Twenty-first street to the rear of the prison. The door of the new jail opens on this alley and in front of that door is a small stone platform with walls, not more than large enough to comfortably hold a couple of men. This small platform is likely to live in local fame for it was upon it that "little Joe Smith," the sheriff, proposed to and did take his station in command of the defences. Guards were stationed in the alley near its street end, others were posted in windows commanding the alley and the several fronts of the position, while still others were placed upon the roof of the edifice in position to command every approach. Looking over the ground after the terrible calamity, it would appear that the

SHEPHERD, PHOTO.

JOSEPH S. SMITH.

Sheriff of Jefferson County, Alabama,

defensive arrangements were entirely adequate to repel a considerable assault, even if that assault had been carefully planned, fully organized and intelligently led by trained soldiers. The reader is referred to a ground plan of the jail published in this book, for a better understanding of its location and approaches.

The history of the succeeding hours would be incomplete without a sketch of one of the leading actors, and for a time the most notable man in Birmingham: Joseph S. Smith, Sheriff of Jefferson County, Alabama, was elected to the office he now fills at the regular election last August. Mr. Smith is thirty-five years of age and a native of the county. His father, the late Colonel John B. Smith, was killed at the head of his regiment before Vicksburg. Sheriff Smith was born near Elyton, and spent his earlier years on the family plantation, leaving it for the store of his uncle, Dr. Joseph R. Smith, Sr., and, after that gentleman's retirement from business, being connected with his brother, T. S. Smith, in mercantile operations until his election to the shrievalty. Sheriff Smith has had the reputation of being a man of determination, mettle and nerve, and the knowledge that he possessed these qualifications satisfied

all who knew him that should there be any attempt to take the prisoners away from him, there would certainly be some shooting, and not any at all with blank cartridges. It is a lamentable reflection that there were a great many people in the city on that Saturday night who were acquainted neither with the sheriff nor with that fact.

* * * * *

From Mr. Connolly, the park keeper at Lakeview, it was learned that on Sunday morning he discovered that the boat house had been tampered with, the staple which had held the padlock of the boat "Estelle" had been drawn and the lock itself taken away. One of the many amateur detectives who visited the scene claimed that he found several strands of long hair tangled in one of the oar locks, presumably caught when the body was lowered over the side of the boat. All the circumstances pointed to the haste and terror which must have marked the movements of the murderer or murderers on Saturday night. While two of the searchers, Messrs. Givhan and Olmstead, were examining the Hawes premises in the morning they discovered a lot of bloody clothes under the house, beneath a fresh ash heap. These

garments were just about such as would have been worn by the missing child Irene, for whose body the lake was dragged all day without result. Surely this awful day wended toward its end with a full meal of sickening sensations ; but the worst was yet to come.

CHAPTER VII.

THE ATTACK ORGANIZING—WILD WORDS AND BAD PASSIONS AT THE GAS HOUSE—THE MOB AT THE FLORENCE HOTEL—THE MAYOR TRYING TO AVERT TROUBLE—A TERRIBLE FUSILADE AND KILLING AND WOUNDING OF CITIZENS—SHOOTING OF CAPTAIN THROCKMORTON—CHARGE OF THE VOLUNTEERS—THE BIRMINGHAM TROOPS CLEAR THE STREETS.

From 8 o'clock Saturday night to a time after the outbreak and killing in front of the jail what the people did, and did not, on the streets is difficult of solution. It seems probable that there were very many in the various crowds who were only there for the sole purpose of begging the rest to preserve order and the fair fame of the city. That such citizens deemed it necessary to urge their fellow men not to violate the law, would appear much as if there were some danger that order might be disturbed; yet it is notable that after the *emeute*, every man known to have been in the crowd which marched to the jail did so for the sole purpose of keeping the others from going there. A distinguished officer who visited the scene the day after, remarked that if all these patriotic

peacemakers had stayed at home the streets would have been deserted.

This remark was putting in the way of epigram something very nearly the truth although not quite the truth. As early as 8:30 o'clock it was reported that an ugly mob was in process of formation at the gas works. The locality is well removed from the centre of the city and is yet on one of the principal avenues. The ease with which a determined mob might form at and march from the place named, appealed strongly to a number of conservative citizens, and at the suggestion of several leading people two or three of the gamest and most influential young gentlemen of the town started down to see what there might be in the rumor, and in case there was anything in it, what might be accomplished in the way of preventing mischief.

Prominent among the citizens who undertook this mission was Captain George S. Obear, Jr. It was considerably before 9 o'clock when he reached the gas works. He found a crowd of 150 or 200 people assembled there, without organization or leaders. It was evident that whisky rather than human gore was at the bottom of the meeting. While a vast amount of bloodthirsty language was being indulged in among

the idlers about, Captain Obear failed to find that there was any serious intention to commit any breach of the peace. He circulated through the crowd, and by the time he left it, at about 9 o'clock the general opinion appeared to be that everybody there present was making an ass of himself and would do infinitely better to start home and go to bed. It is the settled conviction of Captain Obear and others who were with the gas works crowd that the same melted away and became merged in the crowd about the Florence Hotel and the public fountain, long before that concourse of people took up the march for the jail. This is also the opinion of Ex-Mayor Jeffers, who likewise visited the gas-works crowd without seeing anything about it calculated to promise real trouble.

Reports were current all the evening that mobs were forming here, there and everywhere. One able-bodied rumor had it that a first-class dynamite crowd was being organized in the vicinity of the Birmingham rolling mills. Nearly every one of the furnaces were credited in turn with being the scenes of turbulent and vengeful gatherings. All this time the Mayor and the Sheriff were moving around among the people and doing everything that their personal influence could effect to assuage the popular ex-

citement and to induce citizens to disperse and leave the authorities to carry out the law in a proper manner. However much anyone may have felt justified in criticising either of these local officers, after the event, and whatever may have been their errors of judgment in not making arrangements to meet the impending trouble other than they did, it was and is patent to all who had any opportunity to know of the exertions put forth by Mayor Thompson and Sheriff Smith during the hours preceding the riot, that those officials did everything in their power, according to their lights, to avoid trouble and to preserve order. It does not matter that in the opinion of the narrator and other officers and citizens, bloodshed would have been certainly avoided by a course different to that which was adopted. The Sheriff and the Mayor were the responsible persons in the matter. There can be no possible doubt that they did what their experience and knowledge of such matters suggested they should do, and if any error was committed it certainly did not arise from any lack of courage or patriotism.

But the evening is getting on, and in the numerous saloons all around the principal thoroughfares the

clinking of glasses is punctuating the expressed views of orators not generally in that line of business.

At the same time there is the old and permanent crowd around the public fountain, constantly growing greater and more impatient of the situation. The tone of conversation in this locality is not agreeable. There is too much talk of timbers and crowbars, sledge-hammers, and even dynamite! Cool and gallant Fred Ferguson, who in other days has held a whole division of Federals at bay with his howitzer, mounts the wall of the fountain and warns the people not to trouble the jail or the authorities unless they wish to get riddled with bullets. Unhappily his advice is jeered at, and he goes home disheartened. Captain Throckmorton has sent his lieutenant to get the men in readiness for service. For himself he is working constantly with the Mayor and Sheriff to induce a better feeling among the people. Mr. Oscar Underwood, Colonel George S. Obear, Sr., and other prominent gentlemen are doing the same. Little seems to be accomplished by their efforts. Colonel James Hawkins, Mr. Robert Warnock, popular men among all classes, are out on the streets talking with everybody, and begging their acquaint-

ances to stand up for the right. It is all to no purpose.

At 10 o'clock a courier gallops to the jail and reports to the officer in charge that the crowd has ceased to be quiescent; that it is advancing and will soon be in front! Then began those strenuous efforts that will be long remembered, to avert the calamity that, too late, everybody saw was coming.

The Mayor, Mr. Warnock, and others breasted the crowd from the start, and by argument and exhortation kept it back so that, although but a few blocks distant from the jail, the catastrophe did not occur for nearly two hours.

It has been related that the local military companies had been assembling at their armories during the evening. If the municipal authorities had remembered to ring a military alarm on the fire bells in the event of trouble, there would have been more troops to respond to the call of the Sheriff when it came at last. When the news of the first movement of the crowd was communicated to the jail and the armories, Captain Clarke and Mr. Shepard, of the Volunteers, made a last appeal to the Sheriff to allow the military to secure the approaches to the position, but Mr. Smith, perhaps in view of the expressed

objection of his colleague to that course, declined to take the responsibility. It goes without the saying that there was considerable excitement among both guards and prisoners in the little fortalice on the corner of Twenty-first street and Fourth avenue. Pickets were being strengthened; picked men being told off to occupy commanding positions in windows and on the roof of the jail buildings. The Mayor made a last visit and urged the Sheriff to hold his position at any cost. It was agreed among the defending party that the line of the alley front leading from Twenty-first street up to the entrance of the new jail should be regarded as the "dead line," beyond which should the mob advance after due warning, the firing would begin. Now that the whole affair is over, opinions differ as to how much notice was given anybody that the alley front was to be considered a "dead line." It would appear however that the most stupid of crowds must consider itself bound to *take notice* that a private blind alley, the sole approach to a building which had been threatened with attack for hours could not be approached, much less entered, without serious results! Every ex-soldier in the crowd, if there were any such, must have known this, and as

for the rest the most ordinary common sense should have been sufficient.

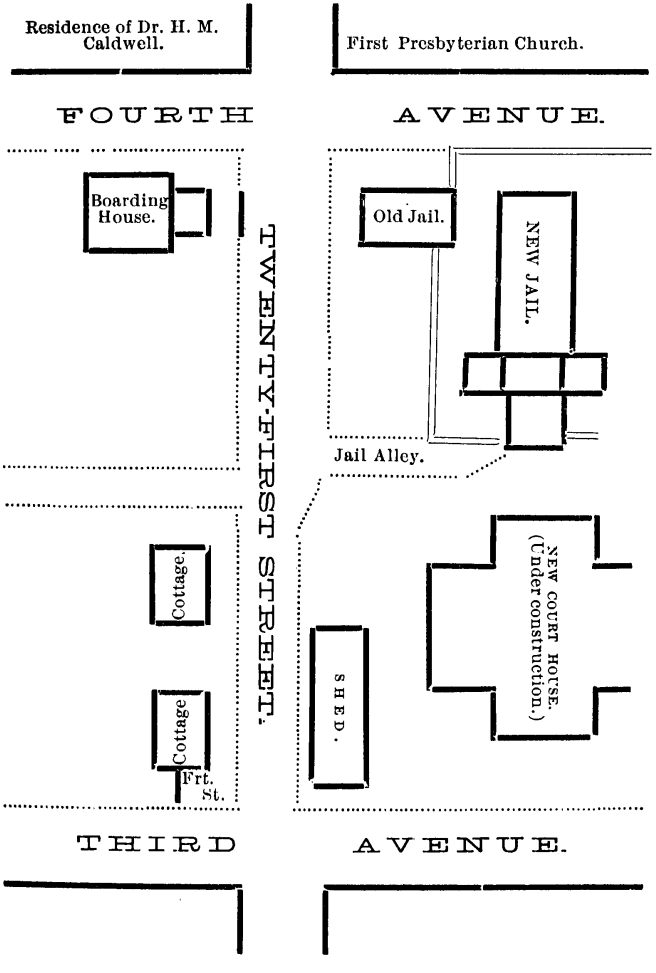
But, while we are considering these things, the thousands are moving slowly but steadily along Second avenue toward Twenty-first street, and up Nineteenth and Twentieth streets to Third avenue, thence from those several points toward the jail, which, as has been explained is on the corner of Twenty-first street and Fourth avenue. At every step the Mayor, the Sheriff, Mr. Warnock, Captain Throckmorton, Col. Hewitt and a number more, are endeavoring to keep the movement back. Every argument that can be thought of is being used! Appeals to local pride, and to love for good government are brought to bear. The mob is warned that there are forty men in the jail, armed to the teeth with Winchesters and shotguns, who will shoot to kill if they are interfered with. It is "whistling down the wind." There is a foolish notion, common enough among mobs by the way, that the officers will not shoot, or if they do shoot that they will do so with blank cartridges. The crowd seems to believe that the guards in the jail are rather in sympathy with them than otherwise. There has been a great deal too much drinking any way and the mo-

tive power of the march, as well as the reason why the mob will not listen to the voice of the city executive and his friends, is whisky a good deal more than it is intentional lawlessness. But the black mass of humanity blocking three of the principal streets of the city, moves on steadily, occasionally cheering the Mayor as he frantically works to stem the tide and cheering, geering, chaffing, Captain Throckmorton, Mr. Warnock and the rest, and sweeping them along in the crush. At the corner of Second avenue and Twentieth street Mayor Thompson attempted to make head against the torrent; he was forced along and was unable to free himself from the dense crowd until it had reached Third avenue.

Eleven o'clock had come and the *videttes* of the Sherift's posse were face to face with the mob. They challenged and fell back, that course appearing to have consisted with their orders. By this time the Mayor was in the thick of the crowd at the corner of Third avenue and Twenty-first street. He was still urging and entreating the people to keep away from the jail and repeatedly warning them that the mouth of the alley was a dead line to cross which would surely involve firing from the guards. As has been remarked before, there was a foolish belief in

the blank cartridge theory which all the earnest efforts of the Mayor and a dozen leading citizens, who stuck to it to the end, were insufficient to dissipate. As the last hour of the day wore along the tension was something awful. The Sheriff's couriers were bringing in final reports that there was no longer any doubt of a determination to attack the jail. The guards were standing to their guns in breathless expectation. At the armories the infantry commands were under arms, chafing at absence of orders to clear the streets. Slowly and ponderously the crowds were closing in until as the stroke of midnight approached the gloomy castle of the law was completely invested. As if by accident, which it probably was, a single pistol shot was discharged from the roof of the jail. The large residence of Dr. H. M. Caldwell, President of the Elyton Land Company, occupies a corner diagonally across from the jail. Dr. Caldwell had been home some time when this shot was heard, and he lost no time in removing his entire family from the front of the house to the remotest part of the rear. He states that nothing more was heard excepting the shouts of the mob for the space of fifteen minutes, when such a fusilade broke loose that he as well as many others who were at the scene believed

that a Gatling gun was in action. According to the testimony Sheriff Smith was standing on the small platform outside the door of the new jail, as the crowd pressed into the mouth of the alley. He ordered the people back and warned them that he should fire unless they retired. Seeing that no notice was taken of this caution, and that the alley was filling in front he first called out; "I will fire at three!" and then counted. "One! two! three!" Still the fire was reserved, and once more the Sheriff called out: "I will fire at five, 'one—two—three—four—five'—Fire!!" The simultaneous explosion of forty Winchesters and shotguns followed, and a scene of wild panic ensued. If there had been doubt as to the determination of the Sheriff's posse to fire to kill, all that was dispelled. Restless spirits who had been only too eager to press close to the front in the advance of the crowd, were now equally anxious to reach places of safety. Dead and dying men were seen to be lying in the street and on the sidewalks. As the firing ceased after a duration of from a half to three-quarters of a minute, a yell of horror ascended from the multitude as the extent of the slaughter began to be realized.



Ground plan of the County Jail and surroundings.
[Reduced from the *Age-Herald* diagram.]

.....FENCE.--(That around Court House, 6 feet in height.)
═══Brick walls 14 feet in height.

Weary with efforts to check the advance of the mob Captain Maurice B. Throckmorton had halted on the corner of Fourth avenue and Twenty-first street, just in front of the boarding-house shown on the diagram, and directly across the street from the old jail. This was considered a fairly safe point as it seems to have been generally believed that the shooting would be confined to the line of the blind alley. Captain Throckmorton was standing by and talking with Mr. Phil Givhan when the volley opened from the defences. The very first fire appears to have struck him. He fell in the arms of Mr. Givhan, exclaiming: "Oh! that I should be killed in such an affair as this!" As soon as the firing had ceased he was carried into the boarding-house and cared for at once. His family physician, Dr. Luckie, was summoned immediately and found that the wounded officer had been shot in the lower part of the stomach, the ball passing entirely through his body. His young wife was summoned from Lakeview, where they resided, and joined him in half an hour, ministering to his wants and soothing his last hours as only a wife can. The last consolations of religion were administered by the Rev. Mr. Thos. J. Beard, of whose parish (the Church of the Advent) the dying man was a member,

Between 8 and 9 o'clock on Sunday morning, the soul of gallant young Captain Maurice B. Throckmorton was reported for duty to the Great Captain of us all.

As soon as Mr. Givhan had seen his wounded friend safely in the boarding-house, he started for the jail. In the few minutes that had elapsed since the shooting, friends of the dead, dying and wounded had picked up the fallen and were conveying them rapidly to surgeon's quarters and to the Charity Hospital, assisted by the police patrol force and by numerous volunteers who impressed hacks and whatever could be found on wheels at the hour, for the purpose. Witnessing these efforts to relieve the sufferings of the victims, the crowds, which were again pressing around the neighborhood in increased numbers, seemed to be exasperated beyond expression over what appeared to many an unnecessary killing of citizens. In an instant Hawes and his murdered wife and child were forgotten, and the popular fury was turned against Sheriff Smith, City Marshal Pickard and everybody concerned in the shooting. Mr. Givhan found Sheriff Smith in the jail on the point of going out to summon the military, but dissuaded him in view of the temper of the populace, which by this time was indulging in curses and shouts

of "hang Smith!" Mr. Givhan himself took the order from the Sheriff around to Captain Clarke, who was acting in command of the local companies. Instantly ordering out the entire force, Captain Clarke sent the Jefferson Volunteers, his own company, at this time only twenty-two strong, under command of Lieutenant Plosser, to clear Twenty-first street if possible. This the gallant little company did with promptitude and splendid *elan.* Breaking from column into line on Twenty-first street the Volunteers charged bayonets at double time, and the crowd melted in their front. The troops did not fire a gun, neither use a bayonet on anyone. The Rifles and the Guards, commanded respectively by Lieutenant Weakley and Captain Wooldrige, charged the streets in various directions until they had been cleared from Second avenue to Fourth, on Twenty-first street, and from Twentieth to Twenty-first on Third avenue. Here Captain Clarke established his lines and guarded them successfully until relieved by Colonel Jones on Sunday morning.

The full list of killed and wounded, so far as can be given in the absence of any official record, is as follows:

KILLED.

MAURICE B. THROCKMORTON: Thirty years of age; native of Louisville, Kentucky. Captain Battery "B," Alabama Artillery, and Postmaster of Birmingham. Shot through the stomach. Died of his wound, Sunday morning, December 9.

J. R. MCCOY: About thirty years old; employed at Birmingham Fire Brick Works; fell at first volley; killed instantly.

A. B. TARRANT: Machinist at Louisville and Nashville shops; shot in back while lying down to escape bullets; died in a few minutes.

A. D. BRYANT: About thirty years of age; bookkeeper for Messrs. Amelung & Phelan; shot through the heart at first volley; died instantly.

C. C. TATE: Forty years old; painter; shot through hips; died some days later.

CHARLES JENKINS: Twenty years old; carpenter; shot through head at first volley; died Sunday at 10 o'clock a. m.

—— BRANDEN: Supposed to live at Gadsden; shot in thigh and abdomen; died Sunday morning.

FRANK CHILDS: Shot at first volley; died Sunday.

J. W. GILMORE: Shot through bowels; died a week after.

COLBERT SMITH (colored): Shot through right lung; died Sunday.

Unknown Negro: Lungs; died Sunday.

WOUNDED.

—— BERKELEY: Shot through both legs; serious.

JOHN H. MERRITT: Shot through calf of left leg.

MATT KENNEDY: Shot through both legs; serious.

J. W. OWEN: Shot through right thigh; serious.

W. A. BIRD: Shot through right shoulder; serious.

R. REICHWEIN: Right ankle shattered, also flesh wound.

LAWRENCE FITZHUGH: Shot through shoulder.

CHARLES BAILEY: Shot through head; probably fatally.

A. J. SCHIDE: Shot through left side, below shoulder; likely to die.

J. W. MONTGOMERY: Slight wound in left jaw.

ALBERT SMITH (colored): Shot in back; serious.

Negro Boy (name unknown): Shot in right leg.

CHAPTER VIII.

A SAD SUNDAY MORNING—TROOPS ORDERED TO BIRMINGHAM—COLONEL JONES PLACED IN COMMAND—HIS PROCLAMATION—MEETINGS OF PROMINENT CITIZENS—THE TROOPS BIVOUAC IN A FREEZING RAIN—ARTILLERY TRAINED UP AND DOWN THE STREETS—CAPTAIN THROCKMORTON'S FUNERAL—VERDICT OF THE JURY—HAWES HELD FOR THE MURDER OF HIS FAMILY—BRYANT AND PATTERSON HELD AS ACCESSORIES—FINDING LITTLE IRENE'S BODY.

When the citizens of Birmingham woke on Sunday morning and read the graphic account of the tragedy printed in the *Age-Herald*, it is not too much to say that a pall of sadness fell upon the community that it took days to lift. The crowds of the night before had hung around town until 3 o'clock in the morning, and it was not more than fairly light when other crowds assembled. All around the hospital, on the streets in front of the principal hotels, and pressing close to the sentries at the military lines, large concourses were gathering. The streets of Birmingham, full enough of people on ordinary occasions, fairly teemed this morning with moving masses of humanity. Colonel Jones, commanding the

Second Regiment, Alabama State Troops, had left Atlanta in haste the night before, being summoned by the Governor to take command of the post, and had arrived early in the morning.

In his official report to the Governor, Colonel Jones gives a vivid description of the feeling in this city on Sunday morning. He writes: "On leaving the cars, I learned that shortly after midnight, Saturday, December 8, a mob of several hundred men had advanced on the jail with the avowed purpose of lynching Hawes, and had been repulsed by the Sheriff's posse and police force, with the loss of six men killed outright, and from twenty to twenty-five wounded, some of them mortally. Satisfied that the shock of the repulse had stunned, for some hours at least, all power to organize further offensive efforts against the jail, I mingled with the groups which, having deserted the streets after the attack, again gathered and increased on the streets as day dawned, to ascertain as far as possible their temper and immediate designs.

"Personally unknown to most of the people, and being without my uniform, which had not yet arrived from Montgomery, I had ample time to ascertain the true state of affairs. Excitement was intense and

prevailed all classes in the city. The resentment and anger manifested by the groups and crowds on the streets against the Sheriff and his posse was appalling. Most of those whom I then met on the street were thirsting for vengeance on the officers, indulging in threats, and denouncing the defense of the jail as a savage butchery.

"After talking with persons in these groups for some time I made known my orders, and urged them not to cause further bloodshed, but to co-operate with me in preventing it; and made many personal appeals to particular individuals, who seemed to have influence with the crowds, to aid in allaying the excitement. I was very often answered that the officer who came there to aid the Sheriff was not better than the other 'butchers,' and deserved like treatment with them. Here and there men muttered threats to burn the Sheriff's house.

"Seeing on the streets at this time a few prominent citizens whom I knew—men who in ordinary times would stand as bulwarks in defense of law and order—I appealed to them to mingle with the excited groups, and counsel and enforce moderation. I was generally answered by violent denunciation of the Sheriff, and sometimes advised not to mingle with the

crowds. How many hours longer this tempest of passion, fanned into flame by the wild language of prominent men in the hearing of excited groups, would abstain from further violence could not be foreseen."

* * * * *

"About 10:40 a. m. Company A (Montgomery Greys), Captain Jones; Company D (Montgomery True Blues), Captain Bibb; Troop A (Montgomery Mounted Rifles), Captain Wiley, and Battery A (Montgomery Field Artillery), Captain Clisby, with one Gatling gun—all under command of Captain Clisby, the senior officer—reported to me. They were about one hundred strong and were immediately marched to the jail and put in position around it. Major Steiner reported with Company C (Greenville Light Guards), Captain Peagler, and Butler Rifles, Captain Bricken, at 11:30 o'clock; Company F (Warrior Guards,) Captain Foster, at 6:30 p. m.; the Anniston Rifles, Captain Caldwell, about 8 o'clock p. m.; with Company H (Lee Light Infantry), Captain Dean, and a detachment of men belonging to the Montgomery companies, under Captain Amerine, reported about 11 p. m. In addition to these were the local companies; Company K (Birmingham Rifles), Lieu-

tenant Rowley; Company G (Jefferson Volunteers), Captain Clarke; Company E (Birmingham Guards), Captain Wooldridge; Battery B (Birmingham Light Artillery), Lieutenant White, with one three-inch rifle gun and one Gatling gun. All these companies belong to this regiment, with the exception of the Butler Rifles, Captain Bricken, which belongs to the First Regiment, and the Anniston Rifles, Captain Caldwell, which belongs to the Third Regiment. Owing to the suddenness of the call, the companies, with the exception of the Anniston Rifles and Warrior Guards, had a slim attendance, and the aggregate strength of the entire command was 405, rank and file.

"As fast as they arrived, the troops were ordered to positions previously determined on, and proper dispositions were made for guarding the jail and a large gun-store, and for affording such protection as might be found for the electric light, gas and water works, and some private residences, and to thoroughly patrol the city and adjoining territory. Scouts were sent out, and other arrangements made, to obtain prompt information of anything which might occur. The situation was such that I felt compelled to keep

the main body of the command in the immediate vicinity of the jail."

Colonel Jones continues that the arrival of the troops had a reassuring effect upon the community. Once or twice it became necessary to disperse crowds, but after a strong show of force had been made the turbulent elements of the city quieted down and came to the conclusion that Colonel Jones and the authorities held the situation safely in hand. The troops were without shelter, blankets, and nearly without overcoats, and suffered considerably in the pouring rains of Sunday and Sunday night. All these discomforts were borne with complete cheerfulness by officers and men. His Excellency the Governor reached the city Monday evening, remaining until the following night.

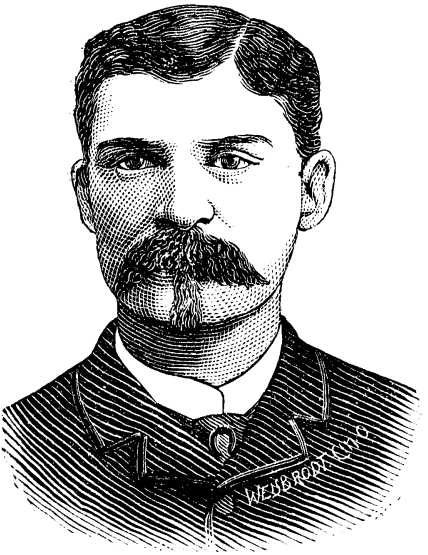
Immediately after his arrival Colonel Jones had issued a proclamation warning the evilly disposed that swift punishment would follow any infraction of the law or the peace. It was with the greatest difficulty that he could get this printed, but he finally succeeded, and the effect was at once apparent and excellent. A strong proclamation was also put out by the Mayor. In his report the Colonel acknowledges the hearty co-operation of many Birmingham

officials and citizens, prominent among whom were Judges Greene and Sharp, Solicitor Hawkins, Colonel D. S. Troy, Honorable Goldsmith W. Hewitt, Captain Fred Ferguson, Captain W. F. Smith, Mr. David Brown, Mr. T. C. Thompson, and others. As to the headquarters staff the report says: "Lieutenant Colonel Comer, Major Steiner, Surgeon Hill, Assistant Surgeon Watkins, Captain Saffold, adjutant, Captain Holt, quartermaster, did their whole duty and were constantly at their posts. Major Goldsmith B. West, of General Whiting's staff, volunteered for duty on mine, and rendered valuable service. Captains M. H. Amerine and P. B. Bibb, former captains respectively of the Greys and Blues, rendered efficient service in collecting men here and reporting to me. There being several vacancies, I gladly availed myself of the services of these trained soldiers and put them on duty as officers. Captain Saffold also volunteered, and was assigned to duty as adjutant. The non-commissioned staff, Sergeant-Major R. O. Waller, Quartermaster-Sergeant Mike Graham and Sergeant Owen E. Courtney, bugler, discharged their duties faithfully, and to my entire satisfaction. Master Crawford Blackwood,

a soldierly youth of the Birmingham Rifles, acted as courier and deserves special commendation."

One more occurrence, and the military episode, as far as it can be of interest to the reader, is over. Monday afternoon the Church of the Advent was thronged with the relatives and friends of the late Maurice B. Throckmorton, captain of Battery "B," Alabama State Artillery, and postmaster of Birmingham. An escort, detailed by the Colonel commanding, formed in front of the church, and after the impressive services of the Anglican communion, marched with the *cortege* to the cemetery. When all that was mortal of the late husband, friend and comrade had been consigned to Mother Earth, and the last prayer had been said, the three volleys that mark the interment of the soldier dead, rang out in the cold winter air. As the firing party recovered arms, Chief Trumpeter Courtney, of the Second Regiment, standing by the side of the grave, came to attention, and sounded the wierdly plaintive call of "Lights out!" The last honors had been paid.

Thursday morning, the last of the outside troops were withdrawn and Colonel Jones and staff departed also, leaving the local troops on duty in command of Captain B. L. Wyman.



SHEPHERD, PHOTO.

MAURICE B. THROCKMORTON.

Captain Battery "B," Second Regiment Alabama State Troops.

Postmaster of Birmingham.

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The deceased postmaster, whose funeral has been described, was still a young man, with more than usual promise of a happy, prosperous, successful and useful life. Born in Louisville, in 1858, Maurice B. Throckmorton was a cadet of a distinguished Kentucky family, closely connected with the history of his native State and city. He came to Birmingham in 1880 as agent of the Southern Express Company. In 1882 he married a grand-daughter of the late Judge Mudd, of Elyton, and soon afterward took the position of ticket agent at Birmingham for the Louisville and Nashville Railroad. He resigned this office to enter into private business enterprises a couple of years ago. Some time later he was appointed postmaster by President Cleveland. In the last named position he won golden opinions from both the public and the Postoffice Department, the Government inspectors repeatedly testifying to the perfect and thoroughly organized condition in which they invariably found his office.

Before returning to the work of the coroner's jury, and the persistent search for the body of little Irene, it should be remarked that days elapsed after the shooting at the jail before the public feeling against the Sheriff, Marshal Pickard and their officers calmed

down. Sheriff Smith was repeatedly arrested on warrants charging him with unlawful killing, and as often made bond and was released and returned to duty. On these occasions, and before his bonds were completed, the office of Sheriff was temporarily filled by Coroner Babbitt, whose duties and labors throughout the entire case appear to have been as multifarious as he has shown himself zealous and tireless.

* * * * *

Two statements published as having been given to the *Age-Herald* by different citizens will serve to reintroduce the main branch of this sad story to the reader's attention: The first is stated to have come from a Mr. Hammond, a stenographer, who got it from his cook, an old negro woman who sometimes did washing for the Hawes family. This old "aunty" told Mr. Hammond that the Saturday morning before the disappearance of Mrs. Hawes and the children, she went to the house and found Mrs. Hawes sick in bed. Mrs. Hawes showed her a terrible wound on the back of her head and said that her husband, Dick Hawes, had inflicted it with a club. This colored woman predicted to her em-

ployer, that when the body of Mrs. Hawes should be found it would be found with a "gash behind the ear." The prophecy was verified to the letter. The second story comes from a Mr. Adams, a young man who collected rents for Mr. Willis, agent for the Worthington property, of which the Hawes cottage is a part. To an *Age-Herald* reporter he is reported as saying that he had been going out to the Hawes house every week for about two months. The family were always behind with their rent, the only collection he had been able to make being $15 paid him by Mrs. Hawes some weeks ago. When he would ask for the rent she would usually tell him that Mr. Hawes was away on his run and had left her no money. For several weeks recently Mrs. Hawes had been barefooted and rather poorly clad. Speaking of the rent one day she said she had no money to buy shoes or clothing. Mr. Adams several times attended to errands for her in the city, because she said she could not go anywhere barefooted. Mr. Adams found her one morning with her arm in a sling and a number of bad bruises on her face. She told him that her arm was broken. From the neighbors he learned that the woman had been beaten with a stick by her husband. Several times Mr. Adams

noticed that the children were poorly clad, and evidently badly treated. Mrs. Hawes told him one day that her husband often treated her very badly. Mr. Adams was out at the cottage a few days before the disappearance of Mrs. Hawes, but she said nothing to him about leaving the city. The *Age-Herald* says "It seems to have been generally known among the neighbors of the Hawes family that he often whipped his wife cruelly, and they were seldom, if ever, on good terms. Two men passing the house one day saw Mrs. Hawes run out into the yard with her children and called a neighbor who lived next door. She asked him to come and protect her, as her husband had threatened to kill her and the children."

Sunday morning after the tragedy at the jail, Fanny Bryant was reported as having added to her various stories about the case, one to the effect that she had last seen Mrs. Hawes alive on the Saturday evening, supposed to have preceded the murder by a few hours; that she had carried home some washing to her and talked to her; that she returned to the house on Sunday morning and asked little May if her mother was in her room. Being answered in the affirmative, Fanny declared that she started to go in, when May endeavored to prevent her. Fanny

opened the door, however, and discovered that Mrs. Hawes was not there, but that Hawes was.

Nothing much of an especially pertinent character transpired up to the reassembling of Coroner Babbitt's jury on Tuesday morning, when the physicians who had examined Mrs. Hawes' body were called upon. Dr. C. Wilson deposed that he had found two scalp wounds on the head and that the brain on one side was contused. Neither wound produced fracture of the skull. Dr. Wilson thought that the wound on the left side might produce death, though probably not immediately.

Dr. W. W. Ransom corroborated Dr. Wilson as to the location of the wounds. The wound back of the ear might produce instant death; at least it would render the victim unconscious in any event.

Jeff Brown (colored) was examined. He said he had found a trunk on Brown's Hill, about a mile and a half from Lakeview; was out hunting at the time; found it in the woods near the stone quarry; it was standing on end and open; there were a lot of papers and shoe pegs in it. A pile of ashes, apparently fresh, was near the trunk. Witness took the trunk and started to town with it. Tuesday evening he was warned by another negro that the trunk was

"abused and no account," and might get him in trouble if he was found with it. Witness worked at odd jobs when he could get them; did not work Saturday. Much more of this witness' testimony was suggestive of a deeper knowledge of the genesis of the trunk than he could be gotten to tell, but is too tedious and little to the point to give in detail.

Another negro, Henry Martin by name, claimed to have once owned the trunk, which he had bought at an installment house in Birmingham. He had left it for safe keeping at the cabin of a man named Morrow, over the Red Mountain. Had been told that Jeff Brown had found a trunk near Amanda Brown's house; it was his and was to have been returned to him Tuesday. The principal point of interest connected with the finding of the trunk is that a number of slips of paper contained memoranda of train trips between Birmingham and Columbus, Miss., and were dated last August with Hawes' name on each as engineer, and different persons as firemen.

W. T. Newman, master mechanic of the Georgia Pacific Railway, expressed his opinion that the writing on the slips was like that of R. R. Hawes, with whose chirography he was to some extent familiar.

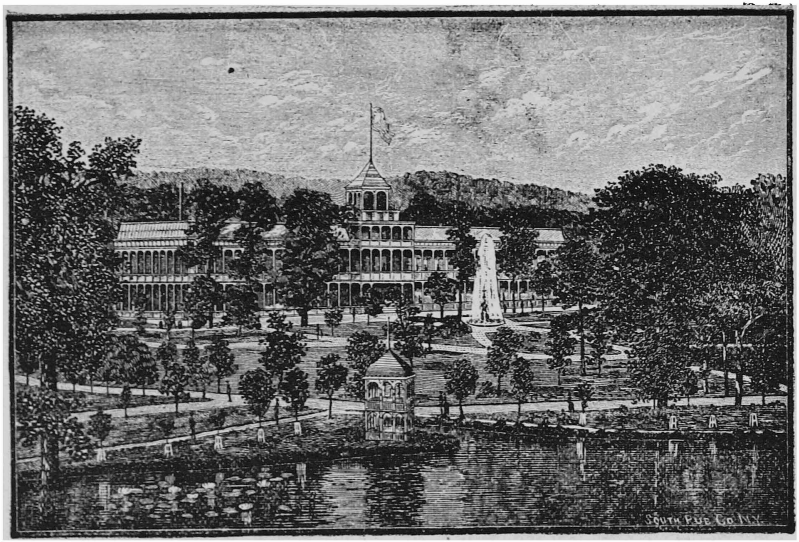
George Boswell testified to seeing Henry Martin with an unusual amount of money in his possession on Sunday night. Witness boarded with Henry Martin. On Saturday night Henry had gone out early, returning after 11 o'clock. The evidence of some other colored witnesses was unimportant.

On Wednesday, December 12, the coroner's jury found a verdict in the case of Mrs. Hawes, charging with murder her husband, the prisoner, R. R. Hawes, as principal, and the mulatto, Fanny Bryant, and the negro, Albert Patterson, as accessories. In the case of May Hawes, the jury found that she came to her death on Monday evening, December 3, at East Lake, at the hands of her father, and charging R. R. Hawes with the murder.

The story is rapidly drawing to a close. For three days, by permission of Dr. Caldwell, president of the Elyton Land Company, the lake at Lakeview is being emptied. By Saturday morning most of the bottom was exposed, the exceptions being several large pools over which the search is being still prosecuted by Detective Kernan and Deputy Sheriffs Truss and Robbins. It had been the settled theory of these officers from the start that the bodies of mother and daughter would be found here, and veri-

fication in the case of Mrs. Hawes made them all the more confident as to the child. So, although they had been dragging the lake with seeming thoroughness but without result for days, they were not in the least swerved from their original opinion.

It was in the neighborhood of 11 o'clock, Saturday morning, when Deputy Sheriffs Truss and Robbins were in a boat near the centre of a large pool, about thirty feet southwest of the island and the same distance west of the spot where the mother's body was found. According to the *Age-Herald* account of the discovery, "in striking around in the water, Mr. Robbins' hook struck into something, and he pulled it to the surface. It was the body of the lost baby, and the cruel hook of the big-hearted officer had caught the fleshy part of the little girl's right lower limb. When the gentlemen had drawn her into the boat they found that she had been weighted down to the bottom with heavy irons of the same character as those which had been attached to the body of her mother, and which are known as curve-braces. There were two of them attached with ropes in front of her chest, and her body had, of course, fallen face downward and lay that way on the bottom. The rope had first been tied around the girl's neck,



LAKEVIEW AND SURROUNDINGS.

brought around to the rear, carried under the shoulders and tied to the weights under the chest. When the body had been rowed to the shore and placed on the bank, it was inspected by quite a number of citizens, among them Mr. James Hawes. As soon as the brother of the alleged villain saw the child he exclaimed, 'It is the body of Irene, Dick Hawes' second daughter.'"

The scene at the lakeside when the dripping corpse of the unhappy child was brought ashore is graphically told by the *Age-Herald* representative who was present.

He writes: "In front of the pavilion stood a crowd of men, women and children. The latter were crying as though their hearts would break, and even some of the strong men were seen to wipe away the tears that could not be forced back. In the centre of the group lay a little wet something on the ground, covered with a sheet, and the people stood around as though in awe of the sacred object the white covering hid from their view. The reporter stepped forward, lifted the sheet, and disclosed a pitiable spectacle. There on the ground lay the lifeless and decaying body of little Irene Hawes—just two weeks since the fair-faced, merry-hearted little seven-year-

old girl who called Dick Hawes 'papa.' When the kind-hearted ladies and children gazed on the sad spectacle, their emotion got so much the better of them that a heartrending sob instinctively broke from the crowd, and the remains had to be covered again for fear some of the frailer spectators would be driven into convulsions of grief.

"After the ladies and children had been removed, the body was again uncovered, and the reporter got an opportunity to view it critically. It was in a remarkably perfect state of preservation, considering that it had remained under water for two weeks, excepting a few hours. The features were very natural, although the coloring matter had been washed from the skin by the water. The flesh of the hands was badly drawn and wrinkled, and the skin on the limbs of the child was shriveled and cracked. The face was remarkably natural, and the resemblance to little May Hawes, the older sister, who met a similar fate in the waters of East Lake, was very marked. There were some slight bruises on the baby's face, very similar to those on the face of the other sister, May; and the theory was suggested by many that she, too, had been chloroformed shortly before her body was thrown into the water. It was evident that the child

had passed through some very trying ordeal just before her death, for, in the intensity of her suffering, she had caught her lower lip between her teeth, and bitten it entirely through.

"The upper part of the baby's body was covered with a brown woolen sack and two light undergarments, but the lower part was entirely exposed. Her lower limbs were covered with black stockings similar to those worn by her sister, and on her feet were a pair of new button shoes. Irene was a prettier child than May; in fact, during life, she must have been lovely. Her complexion was evidently very clear, her eyes a beautiful blue, and her hair a very dark auburn, almost black. She had long fine lashes, a pretty mouth and a shapely, well-developed figure for a child of her age. Although almost two years younger, she was very little smaller than her sister. In fact, they were enough alike to have been taken for twins. While the body was lying on the bank, Dr. J. C. Dozier drove up and made a hasty examination of the remains. He said that he had discovered no injuries on the person of the girl, except those on her face, which were trivial."

As soon as Coroner Babbitt was notified of the finding of Irene's body he empanelled a jury who

found, without loss of time, that the poor, tortured child had been killed by her father, Richard R. Hawes, and that the killing was unlawful.

Hawes was seated on his bunk in the cell when a deputy sheriff, accompanied by a member of the press, entered and announced to him that Irene's body had been found. Without a tremor the prisoner looked at his informant steadily, and, in his usual deliberate voice said: "Have you a cigarette?" After smoking for a little time in silence, he enquired: "Where was the body found?" Hawes listened to the details of the discovery, which being finished, he walked to the rear of his cell and buried his face in his hands. In answer to a question as to whether or not he desired to make any statement, a curt "No" was his only answer.

* * * * *

The tale is told as far as it is possible to tell it in advance of the materialization of new evidence, the existence of which is more than suspected, and the action of the forces of law. The grand jury will meet in January, and a trial may be had some weeks thereafter. Hawes will be ably defended, his counsel, Colonel E. T. Taliaferro, being one of the ablest, most resourceful and successful lawyers in the

Southern States. Reader and narrator alike will wish that they could pierce the veil of the future to see the *finale* of this most strange and ghastly drama; but that cannot be, and all that one can do for the present is to hope that the murdered ones have found the pity and kindness at the hands of their Heavenly Father that they lacked so wretchedly here below; and that all the guilty perpetrators of these foul and brutal deeds may meet with the just punishment of their awful crimes, at the hands of outraged justice.

THE END.

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