

MRS. BEUTINGER'S GRIEF HALTS TRIAL

The Falls to Floor as Her Counsel Ends His Appeal to Jury.

MUN TESTIFIES FOR HER

Sister Catherine Says She Brought About Remarriage of Couple.

"Oh I can't—I can't—I can't go on, O God!" This low cry, coming in half choked gasps from the little prisoner, in the trial in Newark of Mrs. Margaret Claire Beutinger for the killing of her husband, brought yesterday's session prematurely to a close.

The big clock in the ducky court room indicated a quarter to four, and Robert H. McCarter, Mrs. Beutinger's senior counsel, was speaking the closing words of his final summing up to the jury.

The spectators, with whom the place was packed, were wondering silently if the case could possibly go to the jury that night, as prophesied. The five children, sitting tired but obedient in a row of seats from the front, were gazing rather more frequently to the tank of filtered water for the drinks which are one of their solaces in a sad drama they cannot understand.

"Don't cry, mamma," says Child. Mrs. Beutinger, sitting beside her junior counsel, Walter G. Brandley, wept quietly during the closing words. Her own handkerchief became quite wet, and Mr. Brandley tucked his big one silently in her hand. Though she seemed to be sobbing, she was not. The children saw, and Marie, the littlest girl, stole away from her aunt and managed to whisper a message in the ear of Miss Mary Kelly, who sat next to her. She sat watchfully behind the prisoner. Miss Kelly bent over Mrs. Beutinger and repeated it.

"Marie says, 'Don't cry, mamma,'" she said. When Mr. McCarter reached the end of his summing up, a most masterly one, he paused for an instant. "Gentlemen of the jury," he said, resting his hands on the rail in front of the twelve men, "the life of the defendant is now in your keeping. December is a sorrowful month in her life. It was in December, ten years ago, that she, a girl of 18, was married to Christof Beutinger. It was in December, one year ago, that she was murdered. Christmas comes, December, Christmas comes. The Christmas tree is ready. Let her go."

Falls to the Floor. In the silence, before Prosecutor Newman could rise with his papers, Mrs. Beutinger's strangled cry sounded through the room. Miss Kelly gathered her into her arms, and the big blue uniformed man who swears in the witnesses pressed water to her lips, but she sobbed on, grasping her throat with her hand as if she could not breathe. Miss Kelly started to lead her from the room, but at the door she fell to the floor, and a male attendant picked her up and carried her to the hospital ward. She lay in a coma, dying away into the silence as the door was closed.

For a minute that staid courtroom was all broken up. The jurors leaned forward spasmodically, looking for the moment but a bit like jurors but just men who can't bear to hear a woman weep. All eyes were turned to the witness stand, and the women, of whom a number were from Caldwell, Mrs. Beutinger's home, and some other Newark club-women, drew out their handkerchiefs and blew their noses hard.

Mrs. Jennie Herron, Mrs. Beutinger's sister, hid her face on baby Billy's head, while Marie, who seems to be the family comforter, patted her with her tiny hands. "Don't cry, Aunt," she begged. "I think Mrs. Kelly will be able to come back," Mr. McCarter said. But after a few minutes of waiting Mr. Newman beckoned Mr. McCarter to Judge Martin's side, and after a moment's consultation the Judge announced that the court would take a recess till 10 o'clock tomorrow morning, when, after the Prosecution's summing up, the jury will deliver its charge and the jury will go out.

In the brief period devoted to finishing up the evidence yesterday afternoon, there were two surprises, and the two coming together made a dramatic contrast. There were two witnesses who did not testify in the former trial.

Nun Takes the Stand. One was Sister Catherine, the Superior of the St. Clair School at Mount Hope, Westchester, where the Beutinger children were, the nun on whom Christof Beutinger worked with pleadings and threats against his wife. The other was Mrs. Anna M. Swazy, wife of Lieut. G. Truman Swazy of the United States Army, who said she had read of the Beutinger case in the newspapers and, recollecting that she knew something which might help to save this woman's life, had come voluntarily from her home in Boston.

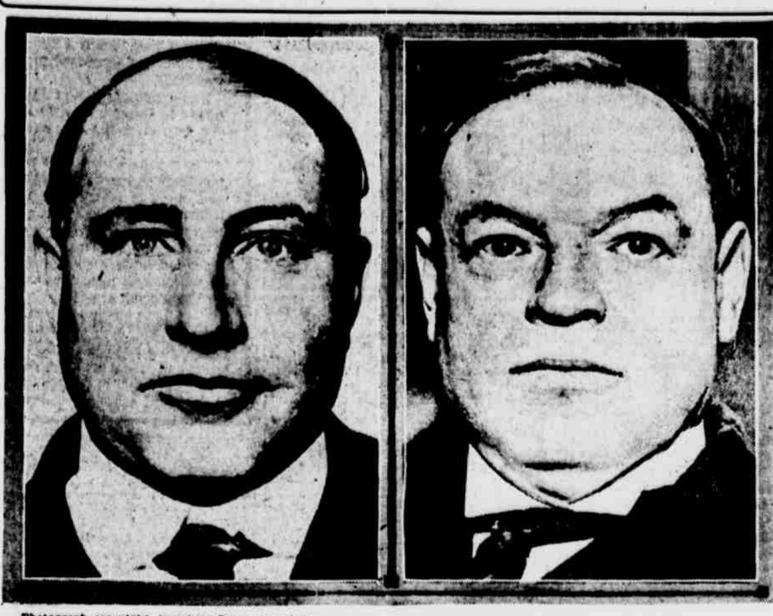
In 1914 I was stopping in the Hotel Bellevue in Nagasaki, Japan," she told the court. "I was sitting at the table with my husband. In the night I was awakened by cries in the room next mine, which they occupied. I heard him say, 'I'll hang you.' I heard him choking her and I heard Mrs. Beutinger cry, 'If you don't stop, Chris, I'll call the police.' He didn't stop, I could tell by the sounds, and he kept on choking her. If you don't stop I'll call the police," and the commotion then ceased.

Indifferent as to Dates. This corroborated Mrs. Beutinger's previous account of an assault on her in Nagasaki. Judge Martin tried to fix the exact date, but Mrs. Swazy answered him with an airy innocence which showed that she had no awe of oaths. "I was always travelling all over the world to meet my husband," she said. "I can't be exact about dates."

Mrs. Swazy, nattily groomed and looking like the world's best woman, was the antithesis of Sister Catherine, who came in in her flowing black robes, her face almost hidden by her hood. It is as if in the same time a Sister of Charity ever testified in a murder case. Curiously out of place in that courtroom they looked, she and the nun who accompanied her, as they paced softly to the aisle. At they passed the witness stand they stopped, and each in turn put her arms around Mrs. Beutinger and kissed her.

Sacrifice for the Children. Sister Catherine's testimony was regarded as most important, as establishing a reason for Mrs. Beutinger's remarriage to the man who had abused her. She testified that Christof Beutinger, finding out by questioning children in the street that his children were in the St. Clair school, came to her repeatedly to obtain her influence to get his wife, who had divorced him the previous spring, to take him back. "He told me that if I refused to do so, he would come back to him and would kill her," the nun said in her soft voice. "He seemed truly contrite for his abuse of her."

Charles H. Wax and James W. Osborne.



Photograph copyright American Press Association. Both these photographs were taken yesterday. The one on the left is of the elusive "Oliver," and on the right is the likeness of the lawyer who was accused by Rae Tanzer of doing the things Wax now admits he was responsible for.

said he must have her again and would make amends to her and the children. Finally, after long persuasion, I brought about a meeting between them and told Margaret it was her duty, because of her children and their need of support, to go back to him. And at last she said to me: 'For the sake of the children I will make the sacrifice, but it will be very hard to do.'

INFECTIO LAD TO GERMS FROM BORDER

Miss Anna Peters, Who Handled Cultures From Guardsmen, May Have Paratyphoid.

ALBANY, Dec. 6.—Investigation of the nature of the ailment from which Miss Anna Peters, 670 Myrtle avenue, employee of the State Health Department laboratory who handles "germ tubes," is suffering and just what was its cause was begun yesterday by Dr. Linsly R. Williams, Deputy State Health Commissioner. Coincident with this announcement came one from the homoeopathic hospital where Miss Peters is a patient in which it was declared that the young woman is being "treated for paratyphoid."

It was admitted at the health department laboratory yesterday that Miss Peters had handled paratyphoid cultures from national guardsmen who returned from the border. Miss Peters believes she contracted the disease while handling "germ tubes" at the laboratory.

AIR TRIP TO IRELAND PLANNED

Two Foreign Fliers Here for Transatlantic Flight. Lieut. Kiel Nyegaard, citizen of France, but native of Norway, who has been skybusting for his adopted country, and Lieut. Henry Sundstedt of the Swedish Aviation Corps, who holds the record for sustained flight, going 1,200 miles from Stockholm to Paris, arrived yesterday from Bordeaux by the French steamship Espangne to go in training for a transatlantic flight in the spring. Meanwhile it is likely that Lieut. Nyegaard, who has been flying in the United States, will have an effort to fly without stop, from Chicago to this city.

DAMBROSC ILL IN BALTIMORE

Symphony Orchestra Leader Recovers, to Applause of Audience. BALTIMORE, Dec. 6.—While leading the New York Symphony Orchestra at the Lyric to-night, Mr. Walter Damrosch became suddenly ill and had to be assisted from the stage. He soon recovered, however, and seemed to be perfectly bright. Treating his unexpected collapse lightly, he returned to the stage and again played during the remainder of the programme. Mr. Damrosch remained here overnight.

World Reduce Deer Shooting

BUFFALO, N. Y., Dec. 6.—Two hundred delegates attended the opening session here today of the New York State Fish, Game and Forest League. A reduction from two to one in the number of deer that may be shot in a season by each hunter is proposed in an amendment to the State game laws which will come before the convention for indorsement.

LAST WEEK for Xmas sittings—Phone Bryant 1074.

NINE IDENTIFY MAX AS ELUSIVE OLIVER

Continued from First Page. who had called at the office when James W. Osborne was first sued by Rae Tanzer. Then came Mrs. Osborne, who had seen him at her home. She also identified him.

There was a considerable wait while Oliver dictated his statement, which Mr. Wood refused to give out, and while assistants endeavored to get in touch with others who had known Wax as Oliver. Finally Rose Helen Kayser, who met Oliver in the Seventy-second street subway station in November, 1914, reached the Federal building and was taken in to confront him. She walked nervously into the room and then as she saw Wax stopped and a deep flush spread over her face.

She nodded and, walking forward, reached out her hand and said: "I'm so sorry." Wax laughed and murmured his pleasure at seeing her again and then she left. A few minutes later she was found in a nearby office and explained that she had nothing but the kindest feeling for the man who had made love to her and then left her a few weeks later.

"He's the handsomest man I ever saw," she said, "and a nice fellow, too. He treated me fine." Identified by Hotel Man. Miss Kayser was followed by J. Kitchen, proprietor of the Kensington Hotel in Plainfield, N. J., where Rae Tanzer said Osborne took her. Kitchen, a stocky, self-possessed person, walked past Wax two or three times before he identified him as the man who had been with her at the hotel.

Then he described the hotel, the room he occupied and the dining room, to all of which Kitchen nodded affirmation. Kitchen said he remembered that Wax had a diamond pin in his tie, and Wax said he had worn a diamond pin at that time. There were few doubters after that meeting.

But after Charles Smith, a policeman, had identified Oliver as the man he had found fishing in the Delaware at Lackawaxen, Pa., in 1914, the climax to a perfect day was furnished by Mrs. Stewart Denham, who kept the boarding house at 161 East Sixty-third street, where Oliver Osborne stayed for a time under the name of Charles Bacon. Mrs. Denham, a round little woman, when she caught sight of Wax went up to him with an effectiveness that caused a burst of laughter in the room.

"Oh, I'm so glad to see you," she said, putting out her hand. "I see you're still getting fat." And Wax, leaning forward, put his hand on her arm and beamingly whispered something in her ear. Mrs. Denham put up her hand and whispered back, and so they exchanged confidences, undisturbed by the rars of the press.

Saks & Company Broadway at 34th Street An Important Offering today of London-Made Overcoats In the newest fabrics and styles for motor or street wear, tailored with that thoroughness characteristic of high-grade English Coats. Double Breasted Ulsters, \$50 • In smart half-belted and full-belted models, tailored of English Soft Wool Fleeces, in heather mixtures, grays, several shades of brown and tan. Leather Lined Overcoats at \$50 • Made of fine English mixtures, with leather lining which buttons to the coat and may be detached in just a few seconds. English Trench Coats at \$55 • The same style coat that is now being worn in the trenches by British officers. Made of showerproof Gabardine, lined with oiled silk, and fitted with detachable lining of Kamel cloth. Sixth Floor.

61 POLICE ROOKIES PASS FINAL TESTS

Drills Feature Commencement Exercises of Prexy Woods's School.

TO BE ON POSTS TO-DAY

Commissioner Warns Men to Resist Temptation and Keep Stomachs Flat.

Without disparaging any of the institutions where Latin orations are spouted in the month of June, no commencement exercises more interesting to a New Yorker could be imagined than the New York Police Academy. Sixty-one new patrolmen were turned into the streets from the training school at Police Headquarters yesterday afternoon. Spectators got a glimpse into the reasons why other cities yearning for better policemen are sending observers here to find out how to make them.

Army officers in the gymnasium applauded, bluecoated old timers wished they had such advantages in their novitiate and the families of the recruits almost wept with pride as their prodigies marched and drilled and wrestled and climbed ladders in khaki trousers and "aym" shirts and, disappearing for a moment, thumped down the big room in uniforms never worn before and stood before the Commissioner while he gave them a man-to-man talk, which amounted to a summa cum laude for every one of them and told them their probation days were over.

There were no frills in the Commissioner's speech. He told the sixty-one to keep their stomachs flat and their arches up, and wound up with a word of advice about temptation and resisting it. When he finished a lot of 40 inch chins were heaving in a way that was not caused by the calisthenics that had gone before.

Tells of Army Service. "The girl across the way," as Blanche Unger, an employee of Bloomingdale's, has known to Wax, then came in. "Does he want to shake hands with me?" she asked before he stepped forward and smilingly said "Hello."

Then she shrank back at Wax's reply when he was asked if he knew her name and said he used to, but had forgotten it. She had been only one of many girls to him; he had never gotten before an across the street flirtation with her.

When Wax had faced all the persons the United States Attorney could produce yesterday to show that there was no doubt that Oliver Osborne had been caught at last, he settled back in his chair to smoke and chat with reporters about his army service and the way in which he had worked back and forth across the continent since he disappeared from New York. There were some marvelous tales.

The men who had come with him from Chicago, Inspector Swain and Sergeant Duffy of the Chicago police, put in a few good words for Oliver here. It was evident he had succeeded in captivating his captors as thoroughly as he had the shopgirls on whom he bestowed his blandishments. They pointed out that he never gambled, that his only game of cards was hearts, appropriately enough. "Worried" queried Wax. "No, I'm glad to get back to the regular stuff. I've danced long enough, perhaps it's time I paid the Piper."

He showed a certain gallantry too in his references to the women he had known, and when he was asked where he had met Miss Kayser, he turned away and said bravely: "I would talk about that before at any other time."

Has Plenty of Money. According to the story Wax told the reporters on the way from Chicago, he has been all over the United States and to England and South Africa as well during the last two years. They are well used to doubt that he was assistant manager of the Savoy Hotel in London for two months in 1915, as he told them, but they say he apparently has a lot of money. He needs, and he said yesterday he could even go for a large sum.

The case with which he avoided detection was evidenced when he told how he had been in New York during the world's series and had attended one game in Brooklyn before going to Boston to see another game. He laughed when asked how he had dared to do this and said the description given of him in the police reports did not sound very much like him. After he had eaten his dinner in the marshal's office he was taken back to the Tombs to be held as a material witness in the Tanzer case. His bail has been fixed at \$50,000, so it is not likely he will get far away from New York for a while.

The Slades, attorneys for Rae Tanzer, had not had time for publication yesterday beyond hinting that they had a big surprise in store for Osborne if he takes the stand. It became known that they had private detectives on the train that brought Wax from Chicago, but what they learned of advantage to themselves could not be found out.

"You have shown us," the Commissioner said, facing the ranks, "what the training school has done in three months—except for time you were on strike duty—to help you to fit yourselves physically. Now it's up to you to keep fit. There are two things that impair a policeman's bodily fitness—letting your stomach get too big and letting the arches of your feet drop. Keep your stomachs flat. Don't eat too much. Keep up these exercises. Keep your abdominal muscles hard. Keep the muscles of your feet exercised, as you have shown to-day you know how to do. Keep practicing those grips we have seen whenever you can find an unfortunate person to practise on. If a big, dose crazed crook comes at you with murder in his eye you've got to use those grips instinctively."

"For the first time to-day you have been seen drilling with guns. Don't get it into your heads we are trying to make soldiers out of policemen. We merely drill you with rifles so you will be better policemen, so you will be better fitted to keep the peace."

"Only the physical part of your instruction has been shown here. We cannot show you what you have learned in the classrooms. It's been a pretty tough grind. Almost any one would feel hopeless if he had to learn all the laws and ordinances that you have had to master in three months. The people who think a policeman's job is walking up and down the streets singing have no conception of what police tyranny. A policeman is not a tyrant. He is a slave of the law. You and I are servants of the city, hired to do the most important job in the world. When you study. Know your rights and the limitations of your rights. A policeman who doesn't know them is a dangerous man."

"The more important work than is contained in the old fashioned idea of a policeman's duty. When you see a chance to do a good deed, do it. When you find any one in trouble, help him out if there's any proper way to do so. It is good police work. Remember that the best possible police work is the prevention of crime."

Charged to Be Honest. "Another thing: The city expects you and me to be honest. There are great temptations to dishonesty, to improper favoritism. You may not find them soon, but great numbers of men are subject to these temptations. I know your salary is not what it should be. We got a little raise this year, and will get more or more the reason why. Meanwhile I want you to spurn any temptation to do a dishonest act. I want you to rise to the level of what your uniforms signify—to be spotless, above suspicion. Hold to that. Don't let anything shake you. Keep absolutely honest and do your work in such a way that the city and those dear to you will be proud of you. That's all."

The 200 guests clapped loudly as the Commissioner walked back to his chair, but the rookies—policemen now—stood at attention with shining eyes until Inspector Cahalane, saluting his chief with his baton, dismissed the class. Mrs. Woods was one of the guests. Another was Col. Thompson, president of the Police Commission of St. Louis, who said it seemed almost incredible that civilians could acquire such "form" in three months, and that he was going to have one of his officers take charge of the school so St. Louis could have one like it. Others on the side lines were Sherman Day, Harold Vanderbilt, Francis R. Appleton, Jr., Richard White, Roger Poor, Capt. Leon H. Belth of the British Army, Chester H. Burden, James Barnes, Thomas L. Leeming and Charles L. Appleton. Formerly the new crop of patrolmen was assigned to the bush league precincts in the suburbs. Those graduated yesterday will be scattered at 8 o'clock this morning among the busiest posts in the city.

PLUTO WATER PHYSIC TAKE Pluto to feel better and be better. Your physician prescribes it. For constipation, indigestion, kidney, liver and stomach troubles. FARMERS CAN DO BETTER. Wm. J. Gentes Says They Should Deal With Commission Men. William J. Gentes of the license bureau of the State Board of Agriculture produced records at the hearing of the Wicks legislative committee yesterday which, he said, convinced him that shippers do not do so well by sending their produce to the "top market quotation" as they would by shipping it direct to a straight commission merchant. The "top market" receivers, he explained, are men who solicit food consignments, claiming to pay "top market" prices and not charge commissions. These men do not have a State license to do a commission business. Mr. Gentes produced records which, he said, showed that the firm of S. Betman & Son received a consignment of a case of thirty dozen eggs and paid for them at the rate of 46 cents a dozen, minus 10 cents for expressage, making a return of \$13.40. The private profit book, Gentes said, indicated that the firm sold the eggs for 50 1/2 cents a dozen. If the eggs had been shipped to a commission house and 60 1/2 cents per dozen had been obtained, the witness said, the shipper would have received \$15.15, less 5 per cent. commission and 40 cents expressage, or \$13.99 instead of \$13.40. Gentes said a large group of food dealers are operating in this way. Many of these were formerly commission men, but have not renewed their licenses with the Department of Agriculture, claiming they do not do a commission business. The committee will continue its inquiry at 10:30 A. M. today. Admiral Merrell Ill. NEW LONDON, Conn., Dec. 6.—Rear Admiral John P. Merrell, U. S. N., retired, is critically ill at the Mohican Hotel. Dr. Charles B. Graves of this city, who is attending him, said to-night that the Admiral is in a precarious condition.

Manhattan Borough President Marks gave encouragement to the Broadway Association at the second daily luncheon of its membership campaign in the Hotel Marlborough yesterday, by predicting that Marlborough will be taken out of the subway trenches by next summer. "This organization should not be satisfied with less than 1,000 members at the very least," Mr. Marks went on to say. "When it is made truly representative of Broadway, its every request will be a demand." One of the requests—or demands—which the association has in mind is the paving of the thoroughfare with the best material obtainable, when the wooden shoring is cleared away. It wants the street to be better even than it was before the digging of trenches began. The Borough President promised that the authorities will undertake the paving just as soon as the subway work is completed. He advocated the placing of pipe galleries beneath the surface of the street, so that constant tearing up will be made unnecessary in the future. He expressed regret that the engineers have failed to agree on any practicable system of pipe galleries. The fifty committees of three men each which are canvassing for new members reported that they had obtained seventy-seven, which makes a total of 263 since the start of the campaign Tuesday. This brings the association's roster up to about 615. The committees, captained by J. C. Boggs and H. H. Limberg, headed the list for the day with seven additions each. So far the best record has been made by Dr. Paul Henry Zagat and his two lieutenants, who have added forty-one new members in the two days. "In addition to the paid up membership which we have procured the various committees have no fewer than 150 promises," said Dr. Zagat. "In many banks and other business houses the managers were out, but we received assurance that the firms will join and will send in their applications soon. The recruiting is progressing very satisfactorily. There is every indication that we will increase the association's membership to 1,500 by Friday." The new members pay dues of \$25 each, so \$6,575 has been added to the war chest in the two days. Jumps to Death From Bridge. An unidentified man about 40 years old, poorly dressed, committed suicide yesterday morning by leaping from the Manhattan Bridge. He was picked up by Capt. John J. Flannery of the tug Gravelle and taken to the foot of Washington street, but when an ambulance arrived from Holy Family Hospital he was dead. The body was sent to the Morgue.

Why Genuine Hand-Tailoring in Men's Overcoats? (ready-for-use) Anybody can trace a shape that reminds you of a human figure. But only the artist can draw it lifelike. There's the same difference between machine-made overcoats and our overcoats hand-tailored according to the Fifth Avenue Merchant Tailor standards. Only hand-tailored overcoats yield the maximum in style, in wear and in fit.

Men's Chesterfield Overcoats Styles may come and styles may go, but the correctness of the Chesterfield goes on forever. For dress and general purposes. 30.00 to 60.00 Men's Single Breasted Semi-Fitted Overcoats For men young in years or spirits. Equally in good form for business or social wear. Shorter in length than Chesterfields. Velvet collar. 25.00 to 55.00 Men's Double Breasted Great Coats and Ulsters Medium length for sport. Full length for motoring. Large storm collars. 30.00 to 45.00 Men's Double Breasted Fitted Overcoats New notch velvet collars. Military waist. Flat pockets. Three-button, "button-through" models. An overcoat for business or dress. 25.00 to 55.00 No increase in prices, despite the general advance in cost and the maintenance of our quality standards. The only shop in New York guaranteeing pure silk lining for a whole year. Merv's Clothing Shop 8 West 38th Street A Separate Shop On the Street Level Franklin Simon & Co. Fifth Avenue—New York

BETTER BROADWAY BY NEXT SUMMER Borough President Marks Tells Merchants Thoroughfare Will Be Restored Then. URGES PIPE GALLERIES Believes This Will Prevent the Constant Tearing Up of Pavement in Future. Manhattan Borough President Marks gave encouragement to the Broadway Association at the second daily luncheon of its membership campaign in the Hotel Marlborough yesterday, by predicting that Marlborough will be taken out of the subway trenches by next summer. "This organization should not be satisfied with less than 1,000 members at the very least," Mr. Marks went on to say. "When it is made truly representative of Broadway, its every request will be a demand." One of the requests—or demands—which the association has in mind is the paving of the thoroughfare with the best material obtainable, when the wooden shoring is cleared away. It wants the street to be better even than it was before the digging of trenches began. The Borough President promised that the authorities will undertake the paving just as soon as the subway work is completed. He advocated the placing of pipe galleries beneath the surface of the street, so that constant tearing up will be made unnecessary in the future. He expressed regret that the engineers have failed to agree on any practicable system of pipe galleries. The fifty committees of three men each which are canvassing for new members reported that they had obtained seventy-seven, which makes a total of 263 since the start of the campaign Tuesday. This brings the association's roster up to about 615. The committees, captained by J. C. Boggs and H. H. Limberg, headed the list for the day with seven additions each. So far the best record has been made by Dr. Paul Henry Zagat and his two lieutenants, who have added forty-one new members in the two days. "In addition to the paid up membership which we have procured the various committees have no fewer than 150 promises," said Dr. Zagat. "In many banks and other business houses the managers were out, but we received assurance that the firms will join and will send in their applications soon. The recruiting is progressing very satisfactorily. There is every indication that we will increase the association's membership to 1,500 by Friday." The new members pay dues of \$25 each, so \$6,575 has been added to the war chest in the two days. Jumps to Death From Bridge. An unidentified man about 40 years old, poorly dressed, committed suicide yesterday morning by leaping from the Manhattan Bridge. He was picked up by Capt. John J. Flannery of the tug Gravelle and taken to the foot of Washington street, but when an ambulance arrived from Holy Family Hospital he was dead. The body was sent to the Morgue.