

# Jurors Decline to Question Henry Even at His Request

## DEFENSE SHATTERED NEAR CLOSE OF TRIAL

### Neblett Controverted as to Gun Evidence, While Other Witnesses Put Paul and Henry Together Night Weapon Was Bought.

Though as it proved afterwards it was not necessary, a merciful judge yesterday morning bade both his own lawyers and the lawyers for the prosecution to subject Henry Clay Beattie, Jr., charged with the murder of his wife, to the heart-breaking stress of further questioning no more than was absolutely needed. But Mr. Wendenburg stated to the court that he had only a few more questions to ask, and the prisoner was on the stand again for only a few minutes. On one thing Mr. Wendenburg harped. He wanted the accused to explain how came it that the gun with which his wife was killed was there at the point at which the murder was committed. And Henry Beattie said that he didn't know, that he had no explanation to offer. And, coming to his senses on a point of law, the court ruled that Henry Beattie could not properly be called on to explain some other criminal agent's act or the act of that criminal agent, if other criminal agent there were. His own lawyers had no more to ask him, and Henry Beattie, after asking the jurors if they had any questions to ask, left the stand, to remain hereafter as only the most interested spectator at the trial.

**Hid by State.**  
Then the Commonwealth proceeded to puncture his assertion that he was not with his cousin on the Thursday night preceding the murder; that he did not go to Paul Beattie's home and did not take a drink with him in McEvoy's saloon. McEvoy himself, Mrs. Houchens, Paul Beattie's mother-in-law, and Mrs. Nolan, who lives next door to the Houchens, and others were placed upon the stand to disprove Henry's assertion. And while some of them could not directly swear that it was Henry who accompanied Paul home that night after meeting him at Short and Main Streets, the cumulative evidence tends to show that it was none other, and could not have been any other who took Paul home on that Thursday night. And there were more witnesses to come. Paul's story is being broken up, Henry's story is being picked to pieces, bit by bit, and there seems to be forthcoming no evidence which can help him prove his words as to what occurred that night.

**Defense Barries Torn Down.**  
And after this the State continued its merciless work of tearing down the barriers which the defense has constructed between Henry and an ignominious death. Neblett had sworn that on the Sunday morning preceding the trial he had seen Paul on Mayo's Bridge with a single barreled shotgun. The State put on the stand several witnesses who swore that they saw both Paul and Neblett, and that Neblett was mistaken; that Paul did not have a gun. The only firearm they saw was a revolver in his hip pocket. Neblett had stated that he saw Paul standing in the doorway of the cement house at the end of the bridge with the gun in his hand. Others swore that Paul rather went to the cement house nor came from it while Neblett was on the bridge. It was numbers against one.

**Beattie Agains Under Fire.**  
As to the fact that Henry took the stand and a glass of water was placed on the stenographer's desk, beaded him. He took a sip to begin with. Judge Watson was the first to speak. "The court wants to say this," he said, "that you seem to the court that this case is being developed very carefully. It seems to the court that so far as the evidence is concerned that it would be justified in imposing some limit on the examination. This witness was examined for three hours and the cross-examination for four hours. The court feels justified in order those circumstances in imposing a limit on the cross-examination and on the redirect examination. This is not to be a test of physical endurance, but a legal examination. For this reason, I am justified in saying that the Commonwealth may question this witness one more hour and that the redirect examination may last a half-hour."

**Wife Suggested Ride.**  
"On yesterday Mr. Smith questioned you as to your intentions in going up the road after getting the medicine. You said that Louise said, 'Let's take a spin,' and that you went on. Mr. Smith asked you whose suggestion it was, and you said it was your wife's, that you had intended to go. That is true, is it not?"

"Will you now explain, if you had no intention of going up the road after getting the medicine, how is it that at the very point where the same gun your cousin bought was there at the time?"

"I can't say. I didn't make up my mind to go anywhere. I know nothing of the gun beyond that it was used to kill my wife."

"How did the gun get there, then, the one that killed your wife?" persisted Mr. Wendenburg.

"I know nothing about the gun," I said.

"Will you now explain, if you had no intention of going up the road after getting the medicine, how is it that at the very point where the same gun your cousin bought was there at the time?"

"I can't say. I didn't make up my mind to go anywhere. I know nothing of the gun beyond that it was used to kill my wife."

"How did the gun get there, then, the one that killed your wife?" persisted Mr. Wendenburg.

"I know nothing about the gun," I said.

**Jurors Give No Answer.**  
"Well, that was rather a generous limit I imposed on you just now," remarked Judge Watson, and the lawyers smiled.

"Have you any questions to ask?" said Beattie to the jury. There was no response, and wiping his mouth, he left the stand. The rebuttal began.

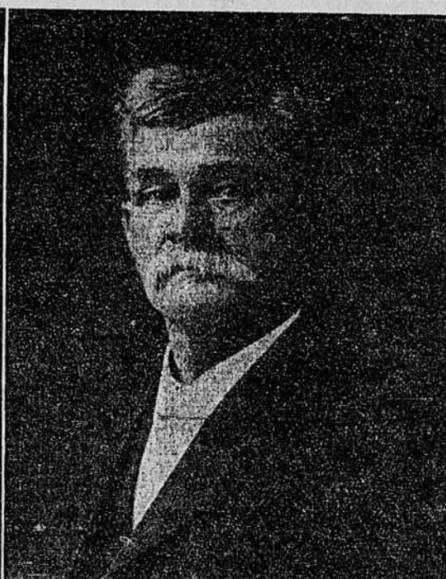
Henry Latham was called. He works at Twelfth and Hull Streets, and had known the prisoner for eight, ten, or twelve years.

"Do you remember seeing the prisoner on the Thursday night preceding

## LAWYERS READY NOW FOR BATTLE; JURY SOON TO GET CLOSING WORD



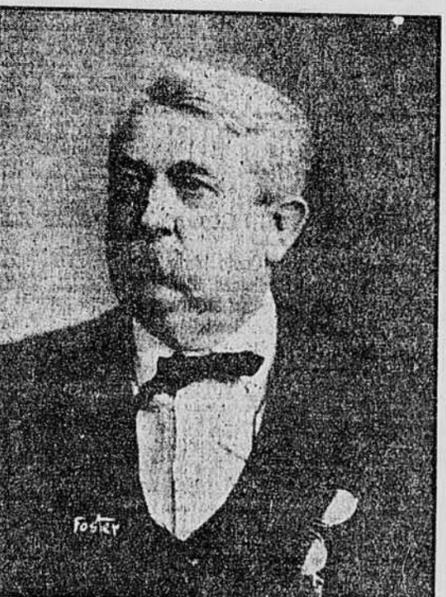
L. O. WENDEBURG.



J. M. GREGORY.



H. M. SMITH, JR.



HILL CARTER.

(Photos by W. W. Foster.)

was?" Defense objected, but was not sustained.

**Heard Henry's Call.**  
"It was Thursday night, the 13th of July, and as near as I can get it, it was about 9 o'clock when I heard the telephone bell ring. I answered it and asked the voice who it was, and it said, 'Henry Beattie.' He asked if Paul was there, and I said I thought Paul was upstairs, but that I'd call him. I heard Paul repeat what the message was; that Henry wanted him to meet him at Short and Main in fifteen minutes. Paul dressed and went out, and stayed half an hour. When he came back he called up Mrs. Fisher, and said that Henry would be there in a few minutes for his wife's dress, and she asked who it was, and he said, 'Paul Beattie, Henry Beattie's cousin.'"

"How did Paul come back?"

"In an automobile. I got up and heard the machine I heard them talking, and both got out. They stopped in front of Mrs. Nolan's. I didn't hear what they said. Then Paul came in and 'phoned.'"

"How did you know that Henry was up there?"

"I heard Paul say, 'Good night, Henry,' but I couldn't see his face."

"When did you meet Henry?"

"I never met Henry until the Wednesday after the murder."

"Tell whether that was Henry's machine Paul came home in that night."

"I couldn't say, but I heard Paul say, 'Good night, Henry.'"

**What Mrs. Houchens Saw.**  
"Were they doing anything around the machine?"

"Yes, fixing the lights."

"Do you remember the time Henry brought Paul home on Saturday night?"

"Yes, it was just striking eleven."

"Was it the same car that was there Thursday night?"

"Yes."

"You say you couldn't see Paul Thursday night," said Mr. Smith.

"Then how could you see the machine?"

"I saw both boys, but did not recognize them until Paul came in. Then how did you recognize the machine?"

"I just knew it."

"But the top of the machine up Thursday night?"

"I think it was."

"Was it up Saturday night?"

"I think it was up both nights."

"Well, how could you tell the machine?"

"It looked like the machine."

"How can you tell one from another? How can you tell a Buick from any other, a Cadillac from a Knox?"

"I can't tell that, but this car had a yellow top up both nights."

"Are you positive of that?"

"Yes."

**Never Told Him to Tell.**  
Witness stated that she went to Mr. Scherer's office once, and that he came to her house once. Wren, Wiltshire, and Jarrell were also there once, and Captain McMahon and Captain Wright were there once.

"You recognized the fact that Paul was in a bad fix when you heard about the murder, didn't you?"

"Not till Paul told about buying the

gun."

"Didn't you all tell him that he had better tell the police because it looked suspicious against him?"

"No, sir, I did not."

"You didn't think he was in a bad fix, did you?"

"Yes, as soon as I knew that the gun he bought was the one that killed Louise."

"You immediately started to edge Paul out of it, didn't you?"

"I told him to tell the truth about the matter."

"Paul was nearly crazy, wasn't he?"

"He didn't seem to be acting crazy. Was he sick on the Friday following?"

"Yes."

"Did you ever see him have fits before this?"

"They weren't fits, just nervous attacks. He has had two of them at my house."

"You never want to ask you if you didn't tell Paul to tell the whole thing; that he might get in a terrible fix if he didn't?"

"No, I didn't tell him anything like that."

"Did his wife tell him?"

"I don't know what she told him. I told my husband about it."

"I want to ask you this question: You say that Paul made a clean breast of it that night; that he told you he had bought the gun. Did he tell you that Henry had confessed?"

"Paul's wife visited Beatties."

"No. He just told us about buying the gun."

"I understand you had never seen Henry before his wife's death?"

"No, I had not. I never had seen him, but Paul's wife visited the Beattie home, and she met them all. I never saw Henry till Wednesday night to know him."

"You never talked with him?"

"Not except over the telephone."

"How do you know it was he talking over the phone?"

"He said it was Henry Beattie."

"Suppose I had called you up and said it was Henry Beattie, would you have known the difference?"

"I don't know about that. He said that it was Henry Beattie, and I recognized the voice the second time he called. It was the same voice."

"But if the first voice was not his, then the second voice was not his," said Mr. Smith.

"That's obvious," said the court.

"When was the second time he called you up?" asked Mr. Wendenburg.

"On the Wednesday night after that Thursday night I recognized his voice."

**Joseph Not Certain.**  
It was announced by the court that Witness J. O. Goode was incapacitated from coming, and John Joseph was called. His place of business is at 1301 West Main Street, at the corner of Short and Main Streets, where he conducts a confectionery. He is a Syrian, and has been here twenty years.

"Do you remember seeing Paul Beattie during the week before the murder?" asked Mr. Wendenburg.

"Yes, on the 13th of July."

"What time did he come into your store?"

"He came in between 8 and 10. I

played in the saloon at 1000 West Cary Street, about three or four squats, he said, east of Short Street.

"Do you remember seeing Paul Beattie any time previous to the homicide?" Mr. Wendenburg asked him.

"I saw Paul and Henry either Wednesday, Thursday or Friday night before the murder. They were in the saloon, having a bottle of beer. I don't know whether Henry seen me or not. Paul spoke to me."

"How did they come up?"

"I don't know."

"How did they go away?"

"I don't know."

"Are you sure it was Paul and Henry?"

"Yes."

"You don't know whether it was Wednesday, Thursday or Friday that you saw them?" asked Mr. Smith.

"No."

"And you wouldn't swear that it was not Tuesday or Saturday?"

"Not Saturday night, because I wasn't there," and witness said it was not Tuesday night either.

"What time was it?"

"About 8:30."

"Have you been to Mr. Scherer's office?"

"Yes, sir."

"Make any statement?"

"Yes, sir."

"Did you tell him the time of night?"

"As near as I could think of."

"Did you wait on them?"

"No, I didn't pay any attention to them."

John Britton was called.

"Did you see Paul Thursday night before the murder at McEvoy's?" Mr. Wendenburg questioned.

"Yes."

"Who was with him?"

"Henry."

"Do you know how they came up and went away?"

"There was a machine outside making a lot of fuss, but I couldn't swear it was theirs."

"McEvoy ought to have heard the machine, too, oughtn't he?" asked Mr. Smith.

"I don't know. He was busy talking to me."

"Well, weren't you busy talking to him, too?"

"Yes."

"He ought to have heard it, too, then, oughtn't he?"

"Maybe he wasn't thinking about it."

"What were you thinking about it?"

"No. But witness wouldn't swear that the two Beatties came and went in the machine. He said that Jarrell though he had answered Mr. Scherer's questions coming out in the machine. "After they left, did you hear the machine?" asked Mr. Wendenburg.

"No."

"How long afterwards did you fail to hear it?"

"About a minute."

**Witness for Defense.**  
A recess was ordered for ten minutes, as the defense wanted to see some witnesses. When they returned, John D. Blair, Jr., was called. He lives at 213 West Grace Street. He is eighteen years old.

"Were you with the boys who went to a dance at Bon Air the night of the murder?" asked Mr. Smith.

"Yes."

"What time did you leave Bon Air?"

"Between 10:15 and 10:30."

"That is more or less of a guess, isn't it?"

"Yes."

"Coming back, what car were you in?"

"The first car."

"Whose car was it?"

"Roland Laester's."

"Did your car offer help to any car standing in the road?"

"I don't know whether we said anything. We took the clutch out of the engine and were running on the car's own speed when we passed the other car."

"Where was this car?"

"West of the house with a pump on the porch and a horse trough in front of it. We slowed down to see if there were plenty of room."

"Who was in the car?"

"A lady was standing on the left running board, and a man was standing in front of the car, bending over. I couldn't see his face."

"What kind of a fiat did she have on?"

"I think she had a veil tied over the hat and pulled down on each side."

"What sort of a car was it?"

"I saw and said it was a Knox car, and I say so now."

"Did you notice the number?"

"I noticed, but wouldn't swear it was D-11. But it looked like the same car I saw in Smith's garage. I had seen the D-11 car two nights before, and thought this was the same car. It was the same color and had nickel lamps. I said it was the same car."

"The lamps are usually brass, aren't they?"

"Yes."

"Are you now able to repeat that number was D-11, without suggestion?"

"No more than to say that the make and appearance of the car made me believe it was the D-11 I had seen in Smith's garage."

"What was the color?"

"It looked maroon to me. It was a very pretty color."

"What side of your car did you ride on?"

"On the right."

"What side was the woman standing on?"

"On the left."

"That was the first car you passed, said Mr. Wendenburg. How much farther down was the second car?"

"I never noticed a second car." He explained that he was talking the rest of the way. "We passed a couple of houses or stores, but I don't remember seeing anything but that car." Blair was ordered to remain.

**As to Neblett's Evidence.**  
James Rafter, night watchman on Mayo's Bridge, was called. He said that he was relieved by Paul Beattie. "On the Sunday morning preceding the murder, who relieved you?" asked Mr. Wendenburg.

"Paul, at 7 o'clock."

"It has been testified that there was a gun in the cement house. Did you ever see a gun there?"

"No, I never saw one."

"If it had been there, would you have seen it?"

"If it had been visible I would have seen it."

"Did Paul have a gun that morning?"

"I didn't see it."

"Did you see one in the cement house?"

"I didn't examine the whole house, but I looked in the entrance, and I

didn't see one there."

"When did you make the examination?"

"Close to 7 o'clock."

**Questioned by Smith.**  
"There is a good deal of cement there, isn't there?" asked Mr. Smith.

"There was not much there then."

"How large is the building?"

"About forty-five by ten feet."

"Was the cement in bags or barrels?"

"In bags, bags about as big as a twenty-five-pound flour bag."

"You examined all around them, did you?"

"No, I couldn't see all around them; they are packed in so close some times."

"Couldn't a gun have been hidden in there so that you couldn't see it?"

"I couldn't say as to that."

"You weren't looking for a gun, were you?"

"No, I was just looking over things, to see that no property had been taken away."

"Did you watch Paul to see if he took anything away, too?"

"No. He is a watchman, just like I am. I don't have to watch watchmen."

"Did you ever see him come up from the river's edge?"

"Yes, but I don't know whether he crossed the river or not."

"What night was that you saw him come up?"

"Either Monday or Tuesday night."

**Paul's Father-in-Law.**  
H. A. Houchens, father-in-law of Paul Beattie, was next called. He is employed by J. J. Smith & Co. on Mayo's Island. Witness stated that he met Paul that Sunday morning on the north side of the island, on the Richmond side of the bridge.

"State if he had a gun," said Mr. Wendenburg.

"No, sir; only the Sunday morning paper."

"What time was it?"

"Between 6:30 and 7."

"The north side of the bridge is nearly half a mile from the cement house, isn't it?" asked Mr. Smith.

"Yes, about 1,750 feet."

"How far from where you met Paul is it to the cement house?"

"About 1,100 feet."

"Which way did he go?" asked Mr. Wendenburg.

"South, towards the south end of the bridge."

**Lewis Saw No Gun.**  
W. H. Lewis was called. He is employed by the Manchester Box Board Paper Company, just opposite the Standard Paper Company.

"Where were you on the Sunday morning before the crime?" asked Mr. Wendenburg.

"At the foot of the canal bridge. He said that a man couldn't get across except by boat or bridge."

"Did you see Paul before and after Neblett drove up?"

"Yes."

"Did he have any gun?"

"No, sir."

"Neblett said that Paul went to his buggy and talked to his child. Is that so?"

"I didn't see him."

"Could you have seen him?"

"Yes."

"Where was Paul?"

"Paul was with a colored fellow, Walter, sitting on a log. He didn't have any gun."

Replying to Mr. Smith, witness said that he didn't go into the cement house and didn't see Paul go in there. He said that he didn't know that Paul was thick with the negro or that they drank out of the same bucket of water.

"Where was that log?" asked Mr. Wendenburg.

"A short distance from where Walter held Neblett's horse."

"Are you 'Buck' Lewis?" asked Mr. Smith.

"The call me that."

"Are you the same Buck Lewis who was shot at by Captain Wright when he tried to arrest you for gambling?"

"No, sir; I am not. I never have been shot at."

"Ever been arrested for gambling?"

"Yes. I've been arrested for shooting crap and playing poker, but I've always paid my fine."

**Also Contradicts Neblett.**  
Walter Nunnally was called. He is employed as a carpenter at Seventh and Stockton Streets. He corroborated Lewis's testimony as to seeing Paul on the Sunday morning preceding the crime, and said that he did not have a gun. He said that Neblett tied his horse to the grapping hook of a flat car with a piece of wire, that the horse broke away and that the colored man, Walter, held the horse while Neblett was in the paper mill. The only gun he saw in Paul's possession was a pistol, which Paul had in his hip pocket.

"Do you know Buck Carter?" asked Mr. Smith.

"I think I do."

"Didn't you want Buck Carter to come down here and testify?"

"No, sir."

"Was he down there Sunday morning?"

"No, sir, not until Sunday evening."

"Didn't you want him to testify that he was there Sunday morning?"

"No, sir."

"Did you go into the cement house?"

"No, sir."

"Did you see Paul go in there?"

"No, sir."

"You don't know if there had been anything in there, do you?"

"No, sir."

"Did Paul come over to you before Neblett left?"

"Yes."

"Which way did he come from?"

"I don't know."

"Was he in the cement house up to and when Neblett went away?" asked Mr. Wendenburg.

"No, sir. He was sitting on the log all the time."

"You say he was sitting on the log all the time Neblett was there?" asked Mr. Smith.

"No, sir, not all the time."

"How long did he sit on the log while Neblett was there?"

"Four or five minutes."

"Didn't you say awhile ago that it was ten minutes?"

"I said maybe ten minutes."

"Which is right?"

"I couldn't say. I didn't have a watch."

"Why did you say four or five minutes?"

"I said that."

"I know you did."

**Piling It Up.**  
Then came George D. Talley. He was sitting on the arch bridge the Sunday morning before the murder, and swore that he saw Paul then, and that Paul did not have a gun. He said it was not Paul, but the negro who went over to Mr. Neblett's buggy. Replying to Mr. Smith he said that he didn't see Paul in the cement house, and

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