

MURDER IN SECOND DEGREE

(Continued from page 1)

bullet which he had given to the constable.

Dr. J. L. Seibert, Bellefonte, called—I performed an autopsy on body of Mrs. Beckwith on February 17; found two wounds on left side of the neck, which I probed; they were undoubtedly bullet wounds; one was but a half-inch deep, the missile having penetrated and come out; the other was three inches back of the left ear; and in a direction from the back and downward; did not find that bullet; the wound caused death, having severed the large veins of the neck, causing hemorrhages; death would follow in a few minutes.

Isaac Woodie, constable—testified to having received the bullet from George Faust; also to having, in company with others, followed Beckwith across the mountain to his home and making the arrest. Beckwith made no resistance and after arrest told me the revolver was in his coat pocket on the wall. Woodie took the revolver and both revolver and bullet were offered in evidence.

Mrs. Daniel Spittler—testified to having assisted in laying out Mrs. Beckwith and giving her clothing to the poor overseer.

Mrs. John Reside—corroborated Mrs. Spittler's evidence and poor overseer George Faust produced the clothing, the shoes being offered in evidence.

Blanche Beckwith called—am daughter of Frank Beckwith, 19 years old; have been living at home. I saw my mother alive last time on February 7; on January 25 father came home from Retort and got to quarreling, as he did every time he came home, demanded his revolver, which mother told him I had put away; he got the revolver; he then told both mother and me that we should be out of that before he came home again or there would be a corpse or he would know the reason why; mother went away Feb. 7 and I went Feb. 8; father was always quarreling with mother and once about two years ago fired two shots at her.

On cross-examination witness admitted that the cause of so much quarreling was because her father objected to the kind of people that came to their home.

Court then adjourned until Friday.

FRIDAY MORNING

The first witness called was Mrs. Jesse Sharer—I reside at Retort. Mrs. Beckwith had stopped at her house from Feb. 13 to 15, leaving the day before the tragedy. Frank Beckwith came to our house on Saturday 15th and said to his wife: "Mollie, didn't I tell you to get out of here? Now I want you to get out of this and be home by 12 o'clock tonight." To which she replied, "I have no money and the snow is too deep to walk across the mountain." To which he replied: "I want you at home if you have to crawl there. I am ready to die." I am Mrs. Beckwith's aunt. She had not been at my house for a year before that. Cross-examination developed nothing new.

Thos. Hardy sworn—live at Sandy Ridge. Was at the home of Jesse Sharer on the 15th of Feb. Beckwith came there about noon. Heard Frank say to his wife: "Mollie what are you doing here? Now I want you to get your things and get out of this." Mr. Beckwith was there only about 5 minutes.

J. W. Collins, justice of the peace sworn—the commonwealth wanted to prove with this witness that Mrs. Beckwith had sworn out a warrant for her husband's arrest, but the court ruled out the testimony.

Geo. W. Burns sworn—live at Tyrone. Was at Sandy Ridge Feb. 15, was present at Sharer's home when defendant called. The others present were Mrs. Sharer, Mrs. Beckwith, Tom Hardy, Dan Hardy and others. Heard the prisoner say to his wife: "What are you doing here? Didn't I forbid you ever coming here?" To which she replied: "I am out here to see the sick boy who was hurt." To which he replied: "Now I want you to come home to night by 12 o'clock. You must come," he said, "and if you have to crawl every step of the road. Don't you want to live with me any more?" To which she replied: "Yes I do."

Frank Edmiston sworn—live at Sandy Ridge. Saw Frank Beckwith on the morning of Feb. 15, at Retort brick works. It was about 3 o'clock in the morning. He remained around there till about a quarter of 6. He asked me if I saw his wife, I told him I did and he went away, but came back and said somebody was lying about the thing. He sat down and cried, saying he had given his wife money to come home so he put the children to bed and came back. He said that the thing would be settled in the morning. [Cross-ex.] I told him I wouldn't cry about it, if I were he would get somebody else to keep house for me and let her go. He seemed to be very much worried and kept on crying.

George Beckwith sworn—am 14 years old and a son of Frank Beckwith. On the night before the murder the whole family was at home except Blanche and Samuel. Father went away about 12 o'clock, and before leaving he came upstairs, woke us all up, bid us good night and told us that our home would be broken up. Father had been home several days. Had come home Monday. He had been working at Retort. Went away Saturday morning 16, and came home in the afternoon, but went away again early in the evening. He had gone to Hannah. Came back about 8:30, and brought bread and other things home. When the witness was asked where his mother had been during the week he began to cry and was dismissed from the stand.

Mr. and Mrs. Wm. Stine, who reside near Hannah, testified that Mrs. Beckwith had gone to Sandy Ridge on the 7th of February.

Prosecuting attorney Spangler then offered the revolver and one of the bullets found on the floor after the shooting in evidence. The weapon is a short barrel self-cocking, .35 calibre.

Here the Commonwealth rested, and court adjourned at 11:30 to reconvene at 1:30 p. m.

FRIDAY AFTERNOON.

Mr. Bower opened for the defense in an address to the jury, outlining the evidence they intend to present, defined the different degrees of murder and covered other points relative to the case.

The first witness called for the defense was Frank Beckwith, the prisoner. He

was on the chair three hours, and testified, in substance, as follows: Am aged 45 years; my wife was aged about 42. Our family consisted of Simeus, aged 21; Blanche 19, Samuel 17, George 14, Cora 12, and Earl 9. Samuel is of unsound mind. If crossed he is very blunt. I live two miles north of Hannah. My nearest neighbors were John McMonigal, Samuel Cowfer and John Orwig. I purchased the revolver about 2 years ago in Tyrone for the purpose of shooting one William Williams, a vagabond who was living around my house when I was away. [Here counsel had a scrap—the attorneys for the commonwealth objecting to the admission of evidence relating as to the purpose for which the revolver was purchased. The defense, therefore made an offer in writing and the court ruled to admit the evidence.] Williams would lay at my house some times for 3 weeks while I was away. We had some trouble about a letter that passed between them and I drew my revolver and fired twice over her head to scare her. We had trouble nearly every time I came home about people who were living around my house during my absence and eating up the provision I had provided for my family. The parties I objected to were the Knepps, Sarah Confer, (or Robinson) Frank Cassidy, Susie Volk, Mrs. Albright and others. These conditions continued up to the last trouble. A child was born to my daughter, Blanche, on January 19th, I did not know of her condition until the infant was presented to me and I was called grand-pap. I said that Blanche had to leave the house as soon as she was able as I could not support another family besides my own. I never said my wife had to leave. I went to Sandy Ridge, Monday, and stayed till the 25th. Left again on the 26th and remained two weeks, working at the kilns. When at work I lived in a shanty 8x10 feet and did my own cooking, frequently walking home across the Alleghenies after my day's work was done. I returned from Sandy Ridge, Monday, February 10th. I found the four youngest children at home and nobody taking care of them. I had not known that my wife was away. I remained at home during the week, baked and cooked for the children. Finally Mrs. Orwig offered to bake our bread if I furnished her the flour and I did so. I began to inquire for my wife and learned that she had been seen at Sandy Ridge. At 7 o'clock on the morning of the 15th, I started for Sandy Ridge. Arriving there I started the fire in my cabin, put the coffee pot on the stove and then started out to find my wife. Passing Mr. Shearer's house I stopped and asked for her when I heard her exclaim: "My God, there is Frank." I entered and saw three men sitting in the house and somebody ran out by the back door. I told my wife to come home and gave her 75 cents to pay her railroad fare which was 58 cents from Sandy Ridge to Hannah. I had only 78 cents in my pocket, which left me a balance of 3 cents. I told her there were different sleds over from the valley and she could come home on them if she preferred but that I expected her home that night. I went back to the office to get my wages, and at a quarter past three, in the afternoon started to walk home—arriving there about 6 o'clock, ate supper and then started to walk to Hannah to meet my wife on the train. I started from John Beckwith's store to go to the depot, but had gone only a short distance when the train passed the station without stopping—it being a flag-station. I went back to the store and bought 3 pounds of sugar, 5 pounds of rice and other things and then started to return to my family—stopping at the home of Mrs. Orwig to get a loaf of bread she had baked for me. I sat by the stove, drying my shoes and stocking's until nearly one o'clock when I went upstairs, woke up the children and bid them good-night and told them that our home "was broken up or would be broken up—I don't know which," and then started back over the mountains to Sandy Ridge. Arriving there about 1 o'clock I stopped at the brick kilns and asked the men working there whether they had seen my wife. They told me they thought she was at George Walks, where I went and they told me she probably was at Mrs. Shearer's. I went there but did not find her. I then went back to the kilns, sat down and watched for the smoke from the chimneys so I could see what families were up so I could go and ask them where my wife was. I then started out and discovered her at Leslie Edmiston's. Mrs. Edmiston was on the porch and told me to stay out; I said I wanted to see my wife. She said she did not want to see me. I went in and found her there—one man Douglas Edmiston, stood in the door between us holding a stove poker in his hand. I passed through the door where he stood, and meeting my wife I asked her why she didn't come home. I said "Mollie you have broken my heart," to which she replied, "your heart isn't very damned hard to break." Then a scuffle took place in which I was struck twice with the poker and that is the last I can remember until I arrived at my shanty 3/4 mile away, where I put some bread and a pair of overalls in a bag and started to walk home, arriving there about 1 o'clock, and remained until the officers came to arrest me. I did not positively know that I had shot my wife and yet I thought I had done something to her, and did not know she was dead until the officers told me. When the officers asked me where my revolver was I pointed to my coat—the only one I had. [The garment exhibited—a brown jacket of heavy canvass or overall goods.] From my home the officers took me to Mrs. Orwig's where they got dinner and from there started for jail at Bellefonte. I was accustomed to carrying a revolver for two years across the mountains. When in my shanty I would keep it under the tick in my cot, and when at home its place was above the window. I earned from \$30 to \$45 a month when at work and all went to the support of my family except what I needed at my shanty. I also raised pigs and grew garden truck at home which was used by us.

Samuel Cowfer and Miles Hoover were sworn—and they testified as to their knowledge that Mrs. Beckwith's going to Sandy Ridge on the 9th of February.

George Walk sworn—live at Sandy Ridge. Know Mrs. Beckwith. Once again the Commonwealth asked that the defense put in writing an offer of what they intend to prove by this and other witnesses. The offer and objections having been submitted to the court decided to consider them over next and at 5:45 court adjourned until next morning at 8 o'clock.

SATURDAY MORNING.

Court convened promptly at 8 o'clock. After having considered the offer of the defense for the admission of the evidence

of George Walk and others, with the Commonwealth's objections, the court overruled the objections and admitted the evidence.

Mr. Walk continued—live at Sandy Ridge. Frank Cassidy resides 3/4 mile from my home and is a married man. On Monday night, Frank Cassidy and Greely Reese, my sister and Mrs. Beckwith were at my house. There are two rooms in lower part of the house; a cot-bed was in one of the rooms. All had a drink of whiskey before going to bed. Mrs. Beckwith, Mrs. Ann Walk, Greely Reese and Frank Cassidy stayed in lower rooms. Mrs. Beckwith came to my house Saturday 8th and remained till Thursday 13. She left a black skirt, black waist and a pair of cloth-top shoes when she went away. Simeus Beckwith got the shoes after Mrs. Beckwith's death.

Greely Reese sworn—live in Worth twp. Was with Mrs. Beckwith, Frank Cassidy and Susie Walk at the house of George Walk on the night of the 10th of Feb. We went there between 9 and 10 o'clock. Mr. and Mrs. Walk retired and the rest of us stayed below—Cassidy and I leaving between 3 and 4 o'clock the next morning. Had no light and saw Mrs. Beckwith and Mr. Cassidy together.

Mrs. Mary Cupp sworn—Lived at Mr. Bechdel's at Retort at time of tragedy. Saw Mrs. Beckwith and Frank Cassidy together at Retort. Mrs. Beckwith went with him to my father (Geo. Merriman's) house on the evening of Feb. 12 about 8 o'clock. The family was away to prayer meeting and I was at home. Someone whistled outside and Mrs. Beckwith went out. In a few minutes returned in company with Cassidy. They went upstairs [here the evidence became unprintable.]

Sarah Raymond sworn—Mrs. Raymond's testimony was in line with that of Mrs. Cupp and went far to prove the illicit relations which are claimed to have existed between Mrs. Beckwith and Frank Cassidy.

Alvin Boney sworn—I saw Frank Beckwith on the morning of February 16th, at about 20 minutes of 3, at the brick works. He asked me if I knew where his wife was. I noticed a very strange look in his eyes. After a brief talk he went away and came back again about 5 o'clock sat down on a coal pile and began a rambling talk about his family matters. He said that he had said Blanche had to leave as he could not raise a family for her; that she had left before she ought, that the child was dead and she would probably die too. That his wife had left him and that his son Simeus had also gone back on him. He said: "I'd been in hell for 20 years and this d—d wh—g must be stopped." I said if I had such a wife I would kick her out and leave her go. Mr. Beckwith's condition that morning was very different from other times.

John Walk sworn—Frank Beckwith came to my brother George's house on the morning of the 16th of February between 4 and 5 o'clock. He called and rapped on the outside of the house, my brother opened the door and he came in. He asked about his wife but his voice seemed changed so that I did not at first recognize him. He seemed to labor under great excitement and his conversation was rambling. He stayed only a few minutes and then left.

George Walk recalled—Beckwith came to my house in the morning of the 16th, the day of the shooting. He called us out of bed between 4 and 5 o'clock in the morning by rapping against the house and calling. I opened the door and my brother John invited him in. He sat down and his appearance was very strange. He asked about his wife, and then, as if in meditation, he remarked: "Isn't it strange what a woman would do." He seemed nervous, trembling as if in desperation, drew long breaths and his talk was disconnected.

George Merriman sworn—I live at Retort. Knew Frank Beckwith for 18 years. I saw him between 4 and 5 o'clock on the Sunday morning the tragedy occurred. He came to my house and called me. I asked him what he wanted and he said: "Is my woman here—do you know where she is?" One of my girls told him she had gone up to the ridge and he left, going in that direction. His voice was so changed I could hardly recognize him.

Samuel Cowher recalled—I saw Frank Beckwith the day after his daughter's child was born. Found him sitting in his cabin with his face in his hands silently weeping. I asked him if he was sick and he said his heart was broken.

George Burns sworn—I live in Taylor twp. Knew Frank Beckwith for 20 years. Saw him at Retort on the 15th of Feb. He said "George you are the man I wanted to see," and then began to talk about his family troubles. He stated that all of \$70 worth of provisions and two hogs had been eaten up at his home, mostly by others than his family, and that he had been trying for the last number of years to break up this trash, and now his family had been disgraced.

E. E. Burns—who resides at Sandy Ridge gave testimony which supported that given by previous witnesses and Mr. Frank Beckwith himself, regarding his care for his family.

John Beckwith sworn—I live at Hannah. Am a cousin to the prisoner. Saw Frank at my store on the evening of the 15th. He went out of the store when the train came but soon returned and sat down by the stove. He bought some produce and in paying for it remarked something about it being all that was left of \$70. He looked strange and distressed, had nothing to say.

Mrs. John Beckwith sworn—Live at Hannah. Knew Frank Beckwith since he was a boy. He came to our store Saturday evening, Feb. 15th, and remained until some time after the train had left. He asked me for his mail. Told me he was very tired and feet were wet; that he had walked across the mountain that day in hunt of his wife. It being Valentine day the people in the store amused themselves by sending each other valentines, but he did not take any part in it, and said his fun was all sorrow. He seemed to suffer very much as if he labored under great excitement.

Mrs. John Orwig sworn—Live in Taylor twp. Am close neighbors to the prisoner's family. Was at Beckwith's when Blanche's child was born on January 19th. Took the baby down stairs and showed it to Mr. Beckwith. He said "take it away, I don't want to see it. Had they listened to me when I tried to break up this wh— house, this would not have happened. I hadn't known of this at all." Saw Mrs. Beckwith. Next I saw him as he was coming home from Hannah. I called him three times as he was passing

my house, but he walked on with his head down and failed to heed me. My husband told him later that if he would bring me flour I would bake bread for his family. He bought a sack of flour and I baked bread of it. He came again on Saturday evening, Feb. 15th and got a loaf. Saw him on Sunday after the tragedy when the officers brought him to our house for dinner. He seemed very much distressed and could not talk for crying.

Mrs. Margaret Sharer was called and sworn. Her testimony related to the alleged insanity of the prisoner's father and her testimony was ruled out.

D. H. Beck sworn—Saw Mr. Beckwith at Retort on Monday before the shooting. I called him to take his turn at the works. Found him in bed crying; said he was sick. Saw him later and he commenced crying. His family troubles, saying "my family is driving me to hell as fast as they can." He said others were eating the provisions he had bought for his family. He seemed wild and his conversation was disconnected.

Wm. Gats sworn—Saw Beckwith several weeks before the shooting; his talk was rambling.

J. J. Coffee sworn—Am manager of Isaac Reese and Son's store. Knew Frank Beckwith up to the time of the shooting. He worked for the company and earned \$1.45 a day, and put in a good deal of extra time. He was a good man and a steady employee. His wages were paid in cash and produce part of which was shipped to his family at Hannah—some orders amounting to \$10 and more. He drew his pay Saturday—the day before the shooting but did not notice anything strange about him as we only handed him his envelope.

SATURDAY AFTERNOON.

Court was called at 2 p. m. First witness sworn was James Stine—Live at Sandy Ridge. I saw Frank Beckwith on the 15th of February. He told me that it was a good thing he had gone home on Monday the 10th as his children had been left at home without anybody to provide for them. He said he had found his wife at Jess Sharer's that day and had told her if she would not be at home by 11 or 12 that night she would have to take up with the consequences. I crossed the mountain from Hannah to Sandy Ridge a distance of 7 miles on the 15th of February. The snow averaged from 15 inches to 4 feet in depth. At one point I worked an hour and a quarter to gain a mile. Two snows fell on top of this between the 1st and 15th of February when the prisoner crossed the mountain four times in less than 24 hours.

Wm. Laird sworn—Live in Taylor township and knew the prisoner for 10 years. He noticed something strange about the prisoner for the last four years, and on several occasions he would not recognize the witness on the road. One time in particular his actions were so strange that he, the witness, left him as he was afraid of him.

John Price sworn—I live in Taylor township. Was frequently at Beckwith's house, and would occasionally eat dinner with him. Saw Frank Cassidy there frequently when Mr. Beckwith was not at home. Mr. Cassidy and Mrs. Beckwith would frequently stay down stairs a whole night while the rest of the family were up stairs in bed. One day I saw them in a clump of bushes near the house. [This evidence is unprintable.]

Frank Cowher sworn—Live at Sandy Ridge. Was at Beckwith's house at Hannah and saw Mr. Cassidy and Mrs. Beckwith alone in the house about 10:30 at night. They were down stairs. [Evidence unprintable.] This happened in July 2 years ago.

Mrs. Mary Pierce sworn—Live in Taylor township. Lived at Beckwith's house two weeks and frequently visited there. Saw William Williams there a number of times when Mr. Beckwith was not at home. Saw them in a compromising position. [Evidence unprintable.]

Wm. Knepp sworn—Live in Worth township. Knew Frank Beckwith from the time he was three years old. Called there on business and found nobody at home except Mrs. Beckwith and William Williams. [Testimony unprintable.] I am father of the Knepp family of whom the prisoner complained as being too frequently at his house.

Vinton Beckwith sworn—Reside in Taylor township and am related to the prisoner. Was in the house where the shooting took place two years ago; took measurements and made a draft of the room. [Draft and measurements presented but objected to by Commonwealth as not perfect. Official draft promised by Monday.] Saw the prisoner at John Beckwith's store at Hannah on the evening before the shooting. Asked him to come and see the floor with the valentines, and his reply was, "My fun is all sorrow." Saw him on Feb. 16th in charge of the officers. I said, "Frank, you have done a bad crime." His reply was: "I was drove to it, and you know it." Shortly after the shooting two years ago I visited Frank's family as an officer (being justice of the peace) and told Mrs. Beckwith they should stop this going on or there would be trouble, whereupon Mrs. Beckwith, in referring to her husband, exclaimed, "I could cut his heart out, I—d—him," and Blanche followed her mother's remark by saying, "and I could jump on it." Upon this occasion Mrs. Beckwith told the witness that her husband had not shot at her with intent to hit her but only to scare her.

At 3:45 court adjourned to 10 a. m. Monday.

MONDAY MORNING.

Court opened promptly at 10 o'clock and the judge, jury, attorneys and witnesses appeared refreshed over the Sunday's rest. The prisoner showed no signs of fatigue from the continuous strain and wore the same self-satisfied smile which has characterized his demeanor all along and which indicates a lack of conception of the awful offense with which he is charged.

Counsel for the defense opened by presenting the draft of the house when the shooting took place 2 years ago (referred to in Mr. Vinton Beckwith's testimony) and also the suit of clothes the prisoner wore when the tragedy took place.

Isaac Woodie (constable) recalled—Arrested Frank Beckwith. Prisoner complained when I arrested him, that his arm hurt him where Mr. Stonebreaker (or Edmiston) had struck him with the poker.

Vinton Beckwith recalled—Was at home when tragedy occurred, three times since, and made a rough draft of the rooms, porch, shanty, position of stove, doors, etc. Draft exhibited and identified.

Mr. W. E. Gray sworn—Was at the house of Mr. Edmiston on August 19th, and made a draft of the house and its surroundings. The measurements as indicated in draft. Draft submitted.

Vinton Beckwith recalled—Served all the subpoenas in this case for the defense.

Tried to find Frank Cassidy and watched his house three nights but have failed to secure him.

Frank Beckwith, the prisoner, recalled—Received information on Friday evening before the tragedy that my wife had been seen in company with Frank Cassidy on several occasions that week. Met several men on railroad and they told me I would be apt to find her in company with Frank Cassidy, that she had spent one night at Walk's, one at Merriman's and one night at the coal tipple. "What was your object in going to Edmiston's on the morning of the tragedy?" was asked him, and his answer was: "To get my wife to come home." When I came to Jesse Shearer's and asked for my wife I heard Mrs. Shearer remark to her husband, "don't open the door for the s— of b—." One of the men whom I met on the railroad, Bennett by name, asked me if my wife was a big woman, and when I told him she was he replied that she had been running around with Frank Cassidy all week. Here counsel for Commonwealth asked permission to cross-examine witness on new grounds, to which the defense objected and asked Commonwealth to put offer in writing. Court sustained objection and excluded the offer, save one question, and that was as to when the prisoner had moved away from Hannah, to which he answered "five years ago."

At 11:17 a. m. Counsel announced that the defense rested.

The Commonwealth continued by calling Cyrus Brungart, sheriff, to the stand. He was sworn and testified that the prisoner while in his custody had told him that he could not see how he happened to have shot his wife in the arm, as the papers claimed, because he had aimed at her head.

Emaline Sharer re-called—Was in the kitchen of my house at the time Beckwith called at our house on the day before the murder, and do not know of my having left the room.

George Fonest re-called—Took possession of Mrs. Beckwith's clothing after she was shot but did not find any money in her clothing. The examination of the clothing was made in the evening of the day of the tragedy. Neither purse nor pocket was found in her clothing.

Emmanuel Bechdel sworn—Evidence immaterial.

W. D. Edmiston re-called—Did not hit Mr. Beckwith with the poker.

Blanche Beckwith recalled—John Pierce and wife were at our house over night. They came there about 6 o'clock in the evening. I occupied the lounge till about ten o'clock. Slept upstairs and my mother and children slept in same room. Mother came to bed about ten minutes after. Mr. Pierce was at our house quite frequently, and oftentimes when I was away.

Commonwealth rests. This concluded the evidence in the case and all the witnesses were discharged. Court adjourned till 2 o'clock, when the attorneys began their pleas to the jury.

THE CASE ARGUED.

The afternoon session from 2 to 3:30 was consumed in the argument of points submitted by counsel.

District Attorney Spangler then began the argument to the jury on part of the Commonwealth and talked for about one hour and a half. W. E. Gray, Esq., then took up the side of the defense, his argument lasting until 6 o'clock.

Tuesday morning at 8:30, Mr. Gray resumed his argument on part of defense and spoke until 9:55. C. M. Bower then began the final argument for defense.

Col. W. P. Reeder began the closing argument to the jury on part of the Commonwealth at 11:35.

The Judge concluded his charge to the jury about 3:30 Tuesday afternoon, instructing them fully of the facts in the case and what evidence was material, etc., in arriving at a verdict; he also explained in a clear and concise manner the facts that would have to be necessary to convict a defendant of murder in the different degrees.

The afternoon session found the court house crowded and the closing remarks of Col. Reeder were listened to with marked attention.

When the jury retired the crowd dispersed and discussion of the case was everywhere the topic of conversation. The majority predicted a verdict of "murder in the second degree," a few thought "murder in the first degree, and some predicted acquittal. The court gave instructions that in case the jury found a verdict before 11 p. m. court would be reconvened to receive it.

At 8:30 the bell rang. The jury rendered their verdict, "Guilty of murder in the second degree." The announcement was favorably received by the audience, and especially so by the prisoner, whose peculiar grin, a half smile or a sneer that was so noticeable during the trial, now developed into a genuine smile that brightened up his pale features. He was satisfied and seemed to appreciate the kindly expressions of those who gathered about him to express congratulations and sympathy.

When the jury retired there was a diversity of opinions. The first ballot stood 4 for murder in the first degree, and 8 for murder in the second degree. At the conclusion of the seventh ballot the unanimous verdict was reached. The motion for a new trial means that at regular session of argument court in October, the case can be argued. The verdict seems to be in accordance with general sentiment and we hardly think a determined effort will be made for another trial. This application for new trial will delay the time of imposing sentence and will give the prisoner opportunity to consult with friends and relatives as to the care of his family. The court can impose a sentence of not more than 20 years and as much less as his judgment indicates in accordance with the nature of the crime.

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When the jury retired there was a diversity of opinions. The first ballot stood 4 for murder in the first degree, and 8 for murder in the second degree. At the conclusion of the seventh ballot the unanimous verdict was reached. The motion for a new trial means that at regular session of argument court in October, the case can be argued. The verdict seems to be in accordance with general sentiment and we hardly think a determined effort will be made for another trial. This application for new trial will delay the time of imposing sentence and will give the prisoner opportunity to consult with friends and relatives as to the care of his family. The court can impose a sentence of not more than 20 years and as much less as his judgment indicates in accordance with the nature of the crime.

At 11:17 a. m. Counsel announced that the defense rested.

The Commonwealth continued by calling Cyrus Brungart, sheriff, to the stand. He was sworn and testified that the prisoner while in his custody had told him that he could not see how he happened to have shot his wife in the arm, as the papers claimed, because he had aimed at her head.

Emaline Sharer re-called—Was in the kitchen of my house at the time Beckwith called at our house on the day before the murder, and do not know of my having left the room.

George Fonest re-called—Took possession of Mrs. Beckwith's clothing after she was shot but did not find any money in her clothing. The examination of the clothing was made in the evening of the day of the tragedy. Neither purse nor pocket was found in her clothing.

Emmanuel Bechdel sworn—Evidence immaterial.

W. D. Edmiston re-called—Did not hit Mr. Beckwith with the poker.

Blanche Beckwith recalled—John Pierce and wife were at our house over night. They came there about 6 o'clock in the evening. I occupied the lounge till about ten o'clock. Slept upstairs and my mother and children slept in same room. Mother came to bed about ten minutes after. Mr. Pierce was at our house quite frequently, and oftentimes when I was away.

Commonwealth rests. This concluded the evidence in the case and all the witnesses were discharged. Court adjourned till 2 o'clock, when the attorneys began their pleas to the jury.

Tuesday morning at 8:30, Mr. Gray resumed his argument on part of defense and spoke until 9:55. C. M. Bower then began the final argument for defense.

Col. W. P. Reeder began the closing argument to the jury on part of the Commonwealth at 11:35.

The Judge concluded his charge to the jury about 3:30 Tuesday afternoon, instructing them fully of the facts in the case and what evidence was material, etc., in arriving at a verdict; he also explained in a clear and concise manner the facts that would have to be necessary to convict a defendant of murder in the different degrees.

The afternoon session found the court house crowded and the closing remarks of Col. Reeder were listened to with marked attention.

When the jury retired the crowd dispersed and discussion of the case was everywhere the topic of conversation. The majority predicted a verdict of "murder in the second degree," a few thought "murder in the first degree, and some predicted acquittal. The court gave instructions that in case the jury found a verdict before 11 p. m. court would be reconvened to receive it.