

ASKS NEW TRIAL

Henry Clay Beattie to Fight For Freedom.

STAY OF EXECUTION GRANTED

Pathetic Scenes Follow Return of the Verdict—Aged Father and Mother Visit Son in His Lonely Cell in County Jail.

BEATTIE TALKS.

CHESTERFIELD COURT.—HOUSE, Va., Sept. 9.—Henry Clay Beattie, convicted of wife murder, this morning said that he was convicted without regard for the evidence adduced during the trial.

CHESTERFIELD COURTHOUSE.

Va., Sept. 9.—Sentenced to death, Henry Clay Beattie, Jr., appears calm and indifferent. He spent the greater part of the day reading newspapers in his cell and intimated no signs of grief.

CHESTERFIELD COURTHOUSE.

Va., Sept. 9.—Fully cognizant of the legal weapons yet at his disposal, Henry Clay Beattie, Jr., who was yesterday convicted on a charge of murdering his pretty wife, has not surrendered. On the contrary he will

ask the court of appeals to grant a writ of error and a new trial. Following the return of the verdict, Beattie appeared cool and collected, and in minutes of idleness attempted to console his broken-hearted father, and comfort him as he whispered, "I have not lost yet, father."

Last Day of Trial.

After the prosecution closed its argument, a brief respite was given the jury, and at 5:25 o'clock it began consideration of the case.

Prisoner's Lips Twitch.

In the court room, meantime, sat Henry Clay Beattie, Jr., the sporting page of a newspaper spread before him. But he did not read long.

Those who sat near the boy of iron nerve.

as though moving in prayer as he sat with closed eyes, awaiting the return of the jury. He raised his eyes for a moment, dropped them to the paper again, and began reading at the juryman.

It was nearly dark in the court room when the jury returned.

Three oil lamps added to the gloom of the scene. The red rays of the setting sun streaked through the windows, and every still rested a telegraph instrument and operators waited for

FRAUD CHARGED

Dr. John Lyman, Los Angeles, Under Arrest.

SECURED AT LEAST \$50,000

Colonel Jacob Astor and Miss Force Are Quittly Married at Newport. R. L. This Morning—Leave in Yacht.

(Special To The Evening News.)

SAN FRANCISCO, Cal., Sept. 9.—Dr. John Lyman, a prominent society and business man of Los Angeles, was arrested here this morning on a telegraphic warrant charging fraudulent methods in connection with the sale of stock in the Panama Development Company.

It is said that Lyman has promoted a dozen "bubble" concerns.

He disappeared from Los Angeles about ten days ago and not until yesterday was he located by the police. It is alleged that he secured at least \$50,000 for practically valueless stock in this manner alone.

It is said that the officers of the company have practical control of all the stock.

Lyman will be returned to Los Angeles tomorrow and will probably be arraigned on a charge of obtaining money under false pretenses at an early date. He would say nothing regarding his alleged bogus operations when interviewed this morning.

Astor and Force Wedded.

NEWPORT, R. I., Sept. 9.—After weeks of solicitation, during which time they have been continually in the public eye, Colonel Jacob Astor and Miss Force overcame the objections of the nations and the church, and today were quietly married by Reverend Joseph Lambert, of the Elmwood Congregational church.

The wedding, occurred at 9:45 o'clock in the Astor Villa, and other than being attended by the bride's parents, was witnessed by several intimate friends of the contracting parties.

The party arrived in the yacht Noma at 6 o'clock and disembarked three hours later.

For some reason the party returned from the yacht and enjoyed breakfast at the Villa.

the announcement of the verdict.

Prosecutor's Speech Ring's.

A thick mass of faces rising in an incline to the shabby ceiling stared saying crowd remained the ring of the powerful speech of the prosecutor who denounced the man who "changed the glow of virtue for passion's feeble tapers."

The court asked the prisoner to rise.

He calmly stood up and waited.

"Have you gentlemen agreed on a verdict?" asked Judge Watson.

"We have," said Foreman Burgess, and almost at the same instant that Judge Watson asked:

"What is your verdict?" all 12 men yelled "guilty."

Unverged in law and the forms of a murder that the jurymen had not specified what degree of murder.

Asked what degree, Mr. Burgess answered simply: "Guilty as indicted."

First Degree Determined Upon.

Under Virginia practice, murder is presumed to be second degree unless otherwise specified. It was incumbent on the jury to fix the degree, so Judge Watson advised the jurymen to confer again on the point.

Seven minutes later they returned with the verdict of "murder in the first degree."

The prisoner stood erect and motionless. His face, in color a yellowish-green throughout the day, was unmovable. The light of a lamp cast a dreary shadow on his upturned chin as he faced the jury. His eyelids sagged, but did not blink. In steady gaze, he held his eyes on the faces of the 12 men who had pronounced his punishment. When the court asked if the prisoner had anything to say, he answered: "I have nothing to say." He then sat down.

The perfunctory motions for a new trial were made by counsel for the defense.

The usual granting of permission to argue the point was denied, as Judge Watson declared that all trial rulings of the court had been on comparatively late matters, and could not have influenced the verdict.

Stay of Execution Granted.

A stay of execution was granted, however, to give counsel an opportunity to apply for a writ of error when the court of appeals meets in November.

Judge Watson delivered an impressive speech to the prisoner.

He told how the young man had stained his own life and that the community in which he lived by his sordid acts.

"You have had a fair and impartial trial, Mr. Beattie," said Judge Watson, "and the jury has done what it considers its duty. Therefore, you have been convicted of murder in the first degree, and November 24, between the hours of sunrise and sunset, you must forfeit your life to the

community. May God have mercy on your soul."

A moment later, accompanied by his father, his brother, Douglas, their heads bowed in grief, young Beattie walked in the darkness of his cell.

Few See Beatties Weep.

The crowd lingered at the jail and peered into the cell, illuminated by a single lamp. On the bed, with his head in his hands, sat Beattie, his father and brother beside him.

Attorney Corwell sent the curious away.

Only a few prisoners saw Beattie break down and weep in the solitude of his cell. An hour later the hamlet was deserted.

A few hundred yards from the jail, in a hotel, 12 men gathered up their belongings in silence and one by one they drove away into the darkness to their simple homes.

The jurors did not hesitate to admit to their friends that they stood in judgment not only over the cold-blooded murder, but on Beattie's marital infidelity as well.

They had left the court room to find their verdict with the words of L. O. Wendenburg, who voluntarily assisted the commonwealth in the case, ringing in their ears.

(Special To The Evening News.)

MADISON, Wis., Sept. 9.—The nude body of Annie Lemberger, who was kidnapped from her home in this city four days ago, was found floating in Monona Lake today by a laborer.

The body was badly bruised, and a fracture of the skull furnished mute evidence of the cause of death.

The police contend that the child was abducted by an enemy of the family and killed for revenge.

Every available officer in this vicinity has been detailed on the case and a determined effort will be made to bring the guilty party to justice. It is intimated that the child's parents have furnished the officers valuable information, the nature of which cannot be learned.

Other than the officers, the citizens of Madison are bent on capturing the fiend and will lend the detectives whatever assistance as is possible.

Clara Barton Near Death.

OXNARD, Mass., Sept. 9.—Clara Barton, former head of the Red Cross Society, is very ill in this city and her death is expected momentarily. She came here recently from Glen Echo, Md., and was stricken shortly afterward.

Upholds Eight Hour Law.

SEATTLE, Wash., Sept. 9.—Stating that the courts should never declare acts of the legislature unconstitutional unless they were clearly proven so, Judge Main today upheld the eight hour law for women and fined Mrs. Helen Somerville \$29 for violating the law. This is the first superior court decision on the law.

LOCAL NEWS.

Dr. A. F. Sether left for Portland last evening where he goes to look after business matters.

Charles B. Austin, C. P. Totten and S. C. Martin are among the Glendale visitors in Roseburg today.

Miss Andrie Cavender, who has been spending the past three weeks at Newport and Portland will arrive home tonight.

G. W. Riddle, of the United States land office, who has been spending a few days at Riddle returned here this afternoon.

Fred Potter, of Nugget, spent the day in Roseburg attending to business matters and incidentally visiting with friends.

H. M. McFall, of Millwood, spent the day in Roseburg attending to business matters and incidentally visiting with friends.

Commenting tomorrow evening all the churches in the city will hold the evening service at 7:30 instead of 8 o'clock as heretofore.

Attorney John T. Long and family leave for Cleveland this evening here they will spend Sunday visiting at the home of Mr. Long's mother.

Delos Matthews and Fred Dillard have returned from points on the Rogue river where they spent the past two weeks enjoying their annual outing.

W. H. Redder, who has been spending the past few days on his homestead in the southern part of the county, returned here this afternoon.

Edward Lasina, of Glide, arrived here yesterday suffering from an injured hand. The member was dressed by Dr. E. V. Hoover and the patient will probably regain use of the hand in a few days.

District Attorney George M. Brown and Court Reporter I. B. Riddle will leave here tomorrow morning for Coquille City where they will attend the regular term of the circuit court for Coos county.

The funeral of the late Marshal D. Thompson was held at the family home, near Scottsburg, yesterday afternoon, interment occurring in the Scottsburg cemetery. The funeral was largely attended, including people from all sections of the county.

Misses Anna and Ella Wohrer, of North Vernon, Ind., arrived in Roseburg this morning where the latter has been engaged to teach in the public schools during the coming year. Miss Anna Wohrer will proceed to Cottage Grove this evening where she will be employed as instructor in the schools of that place.

A quiet wedding was solemnized at Sutherlin on Thursday, September 7, when J. G. Tolladay, a well known liverman, and Mrs. Lucy Phillips were united in marriage. The ceremony was performed by Rev. D. S. Davis, pastor of the Methodist church, and was witnessed by a few intimate friends of the contracting parties. The happy couple will make their home in Sutherlin where they have a host of close friends.

A. D. McCulloch, a local Southern Pacific brewer, who was recently made the defendant in a divorce suit at the hands of his wife, this morning filed an answer in which he denies that he is a habitual drunk-

BODY IS FOUND

Remains of Kidnapped Child Found in Lake.

OFFICERS SEARCH FOR FIEND

Miss Clara Babron At Death's Door In Oxnard, Miss.—Eight Hour Law Is Upheld By Judge.

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ard. He further contends that he provided for her support and that she had no valid reason for complaint. In his cross-complaint, McCulloch alleges that his wife has neglected to attend to her household duties, and that upon more than one occasion has failed to prepare the usual meals. He also claims that she recently divested certain articles from the family home during his absence at work, and that she has a mania for contracting unnecessary bills. McCulloch's claims are supported by a number of affidavits signed by local parties.

The county court will adjourn late this evening after a session consuming four days. Many road matters were brought up for consideration during the term, but for various reasons, a majority of their number were continued until the next meeting of the court.

D. C. Gibson today filed a suit in the circuit court against the estate of William Coach, deceased.

The action is brought to recover certain property alleged to be held illegally by the heirs of the estate. The plaintiff is represented by Attorney Isham N. Smith, of Portland.

The annual conference of the South Methodist church will convene in the local church next Wednesday night at which time Rev. E. H. McMorre, of the first church of Portland will preach and there will be business sessions each morning with sermons such night by noted preachers. Bishop R. C. Waterhouse will preach next Sunday at 11 a. m. at the local church. The public is cordially invited to all of these services.

L. N. Roney, of Eugene, who has been spending the past week in Douglas county inspecting the various bridges concluded his task this afternoon. He was accompanied on his tour of inspection of County Bridge Builder Fields, of Roseburg. Mr. Roney says the bridges are in fairly good condition, considering their age. In some instances minor defects were found, and upon recommendation of Mr. Roney, these repairs will be made at once.

Robert Johnson, aged 87 years, died at the Oregon Soldiers' Home, in West Roseburg, last evening after a lingering illness. Death was the result of infirmities attendant to old age. The deceased was born in the vicinity of Scottsburg, and for years as a member of the Portland police force. He was a veteran of the Mexican war and was admitted to the Home from Multnomah county. Arrangements for the funeral had not been completed this afternoon.

Zopher Agee, a well known traveling salesman and former county clerk of Douglas county, is spending the day in Roseburg looking after business matters.

Nathaniel Charles Bishop, a native of England, has filed papers in the circuit court in which he signifies his intention of becoming a citizen of the United States.

PUBLIC CONTROL

Urged By Man of National Prominence.

WOULD LEASE COAL LANDS

Labor Leaders Say There Will Be No Strike In The Near Future—Another Conference Called Next Week.

(Special To The Evening News.)

SEATTLE, Wash., Sept. 9.—"The day for private exploitation and ownership of the vast resources of Alaska are gone," was the keynote of an eloquent address delivered by Secretary W. L. Fisher prior to leaving for North Yakima, Wash., last night.

Fisher said he will use all his influence with President Taft in hope of bringing about the development of Alaska. He intimated that he would exert his efforts with a view of persuading the government to lease the coal deposits, and thus enable the development of the coal producing territory.

Fisher is a master of oratory and his addresses are listened to with intense interest. Other than delivering an address at North Yakima, Wash., he has been engaged to speak in Utah and California.

No Strike Is The Cry.

SAN FRANCISCO, Cal., Sept. 9.—Prior to resuming a special meeting of the federation of shop employees held here today, the general officers of the several units declared there was no likelihood of a strike in the near future. Another conference will probably be held some time next week.

LOCAL NEWS.

S. J. Jones leaves for Salem tomorrow morning where he will be employed in the secretary's office during the state fair.

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An Exploded Myth

The young man who argues for custom tailor made clothes as against ready to wear clothing harks back a quarter of a century. As well might he depreciate the existence of a safety razor. The makers like Alfred Benjamin, Kuppenheimer, Elderheim-Stein as well, are the results of an evolution in the method of making men's wear. In the place of the more or less skillful attention of an individual you receive the perfect product of skilled craftsmen in clothes-specialists who have the reputation of an industry to sustain.

We Make the Bold Assertion

That we are selling the best \$15.00 suit in Roseburg and would like a chance to prove it to you. We are keeping every suit we sell to you free for you too—means something to you doesn't it? Headquarters for the Stetson Hats.

...HARTH'S TOGGERY...

Advertisement for KRYPTOK eyeglasses, featuring the text 'Without Lines in the Lens' and 'You read and look afar with equal facility, but no one observes that you are wearing bifocals because the usual "lines" are absent. Wear the genuine KRYPTOKS awhile and you will never willingly return to old style bifocal glasses. W. E. CLINGENPEEL'.

Advertisement for a hat store, featuring the text '1911 Cordially We Invite You To Attend Our 1911 Fall Opening, Sept. 7th, 8th and 9th. It is with pleasure and pride we extend you this special invitation to inspect our beautiful Imported and Original Models in Fall and Winter Hats. Patterns of refined taste. A choice variety awaits your inspection and approval. James A. Perry, Millinery and Ladies' Toggery. Special attention to order work by our Miss Ivy Henderson.'