

DAY IS EXONERATED AFTER TELLING JURY WHY HE KILLED BECK

Verdict in Oklahoma Oil Man's Favor Follows Inquest and Inspection of Scene.

MRS. DAY ALSO TESTIFIES

Says Officer Made Improper Ad- vances — Husband Says He Had "Run of the Home."

COUNTY ATTORNEY SILENT

Had Previously Said He Would Not Be Bound by Verdict—Beck's Son Assails Day's Story.

OKLAHOMA CITY, Okla., April 8 (Associated Press).—Holding that Jean P. Day, prominent attorney and oil man, was justified in the killing of Lieut. Col. Paul Ward Beck at the Day home early Tuesday, a Coroner's jury returned a verdict here tonight, recommending that no charges be preferred against Day.

The crowded courtroom was silent as it heard the verdict read. Mr. and Mrs. Day displayed no emotion, and after it had been read they arose, Mr. Day shook hands with Coroner McWilliams, and the party walked slowly from the room without a word between them.

The text of the verdict follows:

"We, the Coroner's Jury, duly sworn and empanelled to inquire into the cause of the death of Paul Ward Beck, after hearing evidence introduced before us from witnesses, and after viewing the body of Paul Ward Beck, do upon our oath find and report:

"That Paul Ward Beck came to his death at the hands of Jean P. Day and from the evidence submitted to us conclude that Jean P. Day was justified in defending his wife and himself, even though the unfortunate affair resulted in the death of Paul Ward Beck, and we therefore recommend and advise that no charges be filed or prosecution instituted against Jean P. Day."

The verdict was signed by all six of the jurors.

After the taking of testimony the jurors, led by the County Attorney, accompanied the Days to their home to inspect the house where Beck met his death. After returning from the trip the jury returned its verdict of exoneration.

Day Waives All Immunity.

On the witness stand in a packed court room here tonight, Day and his wife told with emotion of the slaying of Beck. In a broken voice, but with a gleam of determination in his eye, Day said he killed the army aviator accidentally when he sought to drive Beck from his home after finding him attempting to attack Mrs. Day. Day had waived all immunity when he took the stand.

County Attorney Hughes, after concluding the questioning of State witnesses, asked if Day or Mrs. Day had any voluntary statement to make. The defense announced both desired to be heard. Mrs. Day took the stand following her husband.

"I saw Colonel Beck holding Mrs. Day on the divan," said Day. "She was fighting him. He had his right arm around her. His other hand was about her knees."

"I got there in time to protect her, and I did," Day testified.

"He jumped back and put his hand back as if to fight," Day said, "and I struck him with all my might." Day said he did not know whether his finger was on the trigger of his revolver. He testified the weapon discharged accidentally.

"One time I caught the gun and put it to my head, but I didn't shoot. I thought of my wife and my child," said Day, relating how he surprised Beck, entered the house and went to an upstairs room where he obtained the revolver.

"I did not intend to kill him. That is the truth."

Leaning over and pointing his finger at County Attorney Hughes, Day said in a pleading voice:

"I want to say to you boys you can prosecute me to the limit, but don't, don't make such statements as you have to the newspapers reflecting on the purest, sweetest woman in the world."

The County Attorney replied that he had tried to be fair, but that it was his position as the representative of the State to bring out every angle of the case.

Mrs. Day's Story of Tragedy.

Mrs. Day, clad in a dark serge suit and wearing a black sailor hat, sat through the delineation of the finding of Beck's body and saw a photograph and X-ray pictures of the head of the army officer passed about and discussed. She breathed deeply at times, but never approached a breakdown.

On the stand her eyes were moist. Her testimony was given in a low voice,

Continued on Page Sixteen.

DAY IS EXONERATED BY CORONER'S JURY

Continued from Page 1, Column 6.

and it was necessary to caution the spectators who climbed on chairs to get a better view.

Mrs. Day walked to the stand, lifted a thin veil and, after sipping some water, began her story.

She told how Lieutenant Col. Beck flew from Post Field in company with Major R. B. Paddock and came to her home late Monday. She and her husband dined with Beck at a hotel and Day left them while she and Beck attended a theatre in company with friends. From the theatre, she testified, the party went to the home of L. H. Prichard. They danced, she said, and later Day arrived and the party went to the Day home, where there was dancing and singing.

She said the party ended early Tuesday and Day drove the last of the departing guests home, leaving her alone with Beck.

"I said, 'If you will pardon me, I will slip off my shoes; my feet hurt.' And so when they got ready, I said: 'No, I won't go.' They could not have

"I didn't think of the windows, and he grabbed me in his arms and said: 'Girl, girl, you have swept me off my feet. You must come to my room tonight.'

"Three times I said: 'Oh, Colonel Beck: You don't know what you are saying to me.'

"And I don't know whether I beat his chest, I don't know whether I beat his face—but in the struggle—I had kicked off my shoes—he had his right arm around me, and the other hand was about my knees.

"I was struggling with this arm, and then when—I don't know, he must have released me. I didn't hear Mr. Day.

"Why I didn't see the lights of the car come up the driveway, I don't know. I didn't hear Mr. Day until I was released and I got up, confused, and I looked and saw Mr. Day on the landing there with a gun in his hand, but it was not pointed, and his face was pale and haggard and distressed.

"I said: 'Oh, Daddy, don't.'

"Then, I don't know in the confusion—then the next thing I remember Colonel Beck was on his back at my feet, and I stooped down and his lips moved and lifted his head up.

"I don't know whether I said anything. I don't know whether I dropped his head, and Mr. Day said: 'My God I didn't mean to kill him. The only thing to do is to call the police.'

"And I looked back and saw the blood on my hands and I don't know whether I fell in a faint; I don't remember whether I let the officers into the house."

The next thing she recalled, she said was about two hours later when friends were administering to her. She said she was beating the officers when she recovered.

"There will be people who don't believe," she said, brokenly.

After the tragedy she moaned:

"I pray that my little girl won't live; that she won't come home. What is there for her to live for?" she asked with a gesture of hopelessness.

Doris, the 21-year-old daughter of Mr. and Mrs. Day, a student, was at the University of Oklahoma the night of the tragedy.

"When he was struggling with you and he asked you to come to his room you didn't think he was trying to do anything wrong then?" asked Count-

Attorney Hughes, explaining that he wanted to bring out the intent in Beck's mind.

"I didn't think; I didn't know," Mrs. Day replied.

"What would you think?" she questioned.

Mrs. Day testified Beck had been a trusted friend. He was the idol of her daughter, who regarded him as a big brother, she said.

She said Beck was not under the influence of liquor the night of the tragedy. Never before, she said, had he given any indication that he was other than a "perfect gentleman."

Day, in describing his acquaintance with Lieut. Col. Beck, said he had known the officer since last Fall. He met him through Lieutenant Kenneth Walker of Fort Sill, who, he said, had long been a friend of the family.

"One day last Fall," Day said, "Walker came to Oklahoma City with Colonel Beck. Walker had known my daughter Doris for some time, and he called at my home to see if she could get another girl for Beck to accompany him in a motor trip to Norman."

"They arranged the party and Mrs. Day accompanied them as chaperon. Since that time he has had the free run of the home. I had always considered him a gentleman beyond reproach and loved him like a brother. I told him numbers of times 'my home is yours.'"

Crowds Jam the Court House.

An hour before the time set for the inquest every available seat in the District Court room was taken by spectators and the corridors were filled with jostling crowds unable to obtain standing room in the court chamber.

Mr. and Mrs. Day arrived ten minutes before the hearing was scheduled to begin. Mrs. Day was pale of face, but entered the courtroom calmly. Neither exhibited any emotion as they took their seats next to their attorney, Moman Pruett. Mrs. Adela Andrews, sister of Mrs. Day, accompanied them. A buzz of excitement from the spectators in the courtroom attended their entrance. It took repeated efforts of bailiffs to maintain order.

Mr. and Mrs. Day permitted photographers to snap a flashlight picture of them. When but two minutes remained before the inquiry was to begin, their daughter and only child, Doris, university student, had not joined them.

Justice McWilliams, the Coroner, had to call Deputy Sheriffs to clear a path through the crowds filling the doorway of the courtroom.

A group of army officers from Fort Sill, comrades of the slain aviator, arrived in Oklahoma City about 1 o'clock after a difficult airplane journey, made hazardous by the unfavorable conditions prevailing over the State. They immediately notified County Attorney Forrest L. Hughes of their arrival.

The officers, eleven in number, some of whom comprised the army board of inquiry into their fellow-officer's death, arrived at the courtroom at 2:10 P. M., and Justice McWilliams immediately rapped for order and asked spectators to maintain quiet while examination of witnesses was in progress.

Lieutenant John Beck, nephew of the dead man, and Lieutenant Paul Ward Beck, his son, were among the Fort Sill party.

The jury of six men and more than a dozen witnesses were sworn.

Joe Campbell, police detective, was the first witness called. A delay of several minutes followed while court attendants attempted to maintain order among the spectators. The crowd was on its feet, each person standing on his seat in order to be in a position to view the proceedings. An overflow crowd of approximately 1,200 was milling and pushing in the corridors in an effort to gain entrance to the already packed courtroom.

Campbell, answering questions asked by County Attorney Hughes, testified he answered a call with Patrolman Dick Miller to the residence of Day which was received at 2:53 A. M., April 4. They were met at the door by Mrs. Day he said. Hughes obtained from Campbell a description of the position of various pieces of furniture in the drawing room, where Beck's body was found. Shades of the drawing room were raised

at the time the officers arrived, Campbell said.

Mrs. Day was standing by a divan and when the officers entered said, "Why did they leave me?" Campbell testified.

The officers then observed the body of Beck about two feet from the divan with his head facing south or toward the front of the house, the witness said. The body was lying flat on its back, Campbell said, the head surrounded by a large pool of blood.

A handkerchief was found clutched in Beck's hand, the officer testified, bearing the initials "P. W. B." The handkerchief was introduced as evidence.

The witness said pieces of the officer's skull were found eight feet from the body.

County Attorney Hughes made no announcement of what course he would take when the jury returned its verdict absolving Day. He had previously stated he would be guided by the evidence adduced at the inquest, but would not be bound by the decision of the jurors.

Lieutenant Paul W. Beck, son of the slain officer, who attended the inquest, said that Day had not told the whole truth.

"Many of the points brought out seemed plausible," he declared, "but in my belief the true story of the tragedy has not been told."

Members of the military board of inquiry, who attended the inquest, would not say what further action, if any, they would take.

Day Called It an Accident.

Day came down the stairs as the officers began examining the body and said: "Boys, I struck him and the gun went off accidentally," Campbell testified. Later he told the officer he found Beck fighting with Mrs. Day and that he only intended to strike him, the witness said.

Day through a window saw Beck and Mrs. Day on the drawing room divan, Campbell said Day told him. Day stated, according to Campbell, that Beck was between the drawing room and dining room when he struck him down. The officer said Day told him he did not have his finger on the trigger of the gun.

Campbell said there was a bottle and glasses on the drawing room table and one glass contained sliced oranges. He did not taste the contents, he said.

Campbell said Day told him he struck Beck when the latter drew back as if to strike him.

Mrs. Day was hysterical at this time, the officer said, moaning that she "wanted to die," and incoherent phrases. She mentioned her honor, Campbell said, but he could not recall her exact words.

Day later brought the revolver from upstairs and exhibited it to the officers.

Mrs. Day wore a one-piece blue dress, had on brown hose and was in her stocking feet, the witness stated.

Campbell said he did not believe either of the Days was intoxicated. Mrs. Day had blood on her face, dress and arms, the witness said, which the officers washed off.

The revolver which Day gave to the officers was introduced in evidence.

Campbell said the pistol, one of the old-fashioned single action type, could have been discharged, had it been loaded, without pressure on the trigger. A heavy blow would have exploded it, he testified, had the object been struck by it near the butt.

Mrs. Day got down on her knees to Beck's body and tried to get the dead man to talk when officers told her they did not think he was dead, Campbell concluded.

W. R. Withington, county evidence attorney, testified that Day showed him how he struck Beck with a revolver. He said it appeared from Day's demonstration that Day had his finger on the trigger, although he added that Day told him the discharge of the weapon was accidental and that he did not intend to kill Beck.

Withington testified that several empty bottles were found on the mantel piece in the drawing room and that nearby was a glass which contained some corn whisky mixed with fruit juice.

A piece of leaden bullet was removed

from Beck's brain, Withington said. The missile was exhibited as evidence.

In reply to a question he said that Day was "absolutely sober" when he talked to him Tuesday.

X-ray photographs of the head of Lieutenant Colonel Beck were introduced as evidence and the progress of the bullet was explained to the jury by W. S. McAtee, undertaker, and Dr. J. E. Heatley, X-ray specialist.

R. J. Lanyon, Deputy Sheriff, testified that Day told him of the cause of the shooting. Mrs. Day, he said, told officers that Beck had her by the hands and was attempting to draw her to him.

L. H. Prichard, oil man, did not meet Mrs. Day until the night of the party, although he had known Day six or seven years, he testified. He said he and his wife met Lieut. Col. Beck with Mrs. Day as they were leaving a theatre. They accepted his invitation to go to his home, Prichard said, and Day joined the party there later.

Mr. and Mrs. P. H. Anderson and Major W. C. Paddock of Fort Sill were other members of the party, the witness asserted. Later they all went to Day's home, Prichard said.

While there Prichard said he had some beverage that "looked like beer," although he said he did not know what he drank. There was also some "white liquor," which he said he did not touch.

Beck and Day appeared to be the best of friends during the party, the witness continued, and Beck was "a perfect gentleman toward Mrs. Day."

Day took them all home in his automobile about 2:30 A. M., he said.