

CHESTER TIMES – October 8, 1908

HABEAS CORPUS TO SECURE RELEASE OF MRS. J. CLAYTON ERB – Attorneys to Begin Proceedings in a Few Days to Get Widow of the Murdered Man Out of Media Jail – Both Women Committed Without Bail

W. Roger Fronfield, who is associated with Frank B. Rhodes, as counsel for Mrs. J. Clayton Erb and Mrs. Catherine Beisel, who was last night committed without bail to await the action of the December term of court on the charge of murdering Captain Erb, stated this morning that in a few days habeas corpus proceedings will be begun to secure the release of Mrs. Erb, widow of the dead man, from Media jail. No other statements were forthcoming at that time.

The two attorneys spent a large part of the morning talking with the two women.

Thus far in the case there has been no statement given, but for the public setting forth the amount of insurance on the life of the deceased. This and other matters are being kept quiet by those interested, but it is believed that a statement will be made in the due course of time. The property at Red Gables is now practically in the hands of William I. Schaffer, Esq., who represents the estate and also the two sisters of the deceased.

INQUEST AND HEARING – At the inquest and hearing conducted last night in the office of Alderman Robert Smith in the Law Building, the coroner's jury and District Attorney MacDade placed the responsibility for the tragic death of Captain J. Clayton Erb at his pretty country home, Red Gables, in Aston Township on Mrs. Catherine Beisel, and her sister, Mrs. Erb, who also held at the request of the prosecution. Both defendants were committed to jail without bail after the hearing to appear at the December term of court.

Coroner Barney Carr conducted the inquest, and District Attorney Albert Dutton MacDade, who has had more than his share of work to do for the past few weeks appeared for the commonwealth. The defendants were represented by Frank B. Rhodes and W. Roger Fronfield, Esqs. and William I. Schaffer, Esq., former District Attorney and Supreme Court reporter, was present in the interest of Captain Erb's estate and his two sisters. Tim O'Leary, the famous superintendent of detectives of Philadelphia, was among the spectators and took a great interest in the proceedings.

The inquest did not begin until 3:30 o'clock, owing to the absence of a juror, and the coroner finally substituted another juror and the investigation proceeded. The jury was composed of Frank M. Drake, James Harper, William M. Hannum, John E. Conn, William P. Thatcher and Charles Campbell, the later a newspaper man who had viewed the body and was appointed at the last minute to take the place of the belated juror. The verdict of the jury after hearing the testimony, some of which was of a sensational character, was as follows: "That J. Clayton Erb's death was caused by internal hemorrhages of the chest cavity, following gunshot wounds inflicted by Catherine Beisel at Village Green, Aston Township, Delaware County on October 6, 1908."

CURIOUS TO SEE DEFENDANTS – Great interest was displayed by a large crowd that joined around the main entrance of the hearing room and the Law Building to get a glimpse of Mrs. Erb and her sister, Mrs. Beisel, the defendants in the case concerning the murder of Captain Erb, but, only those who were inside had their curiosity gratified. The prisoners were brought from Media in a cab by Warden Thomas Fields, of the county jail, and Deputy Sheriff Alfred Howard and they arrived promptly on time. Sheriff David B. McClure met the party at the alderman's office. Mrs. Erb was cool and collected, however, Mrs. Beisel was said to be hysterical at times. Her husband held her hand and

supported her with his arm as she sat in a chair in the rear room and frequently her sighs and moans could be heard in the main room. Newspaper men from New York, Philadelphia and other places were there by the score including flashlight artists, who asked permission to take pictures of the defendants and the scene on the interior of the hearing room, but this was positively refused by the alderman. During the proceedings, however, there was an explosion on the outside that sounded like the fall of Babylon, but investigation showed that it was the work of an enterprising flashlight man who wanted a picture at all hazards and he flashed an outside view.

TESTIMONY OF WITNESSES – Several witnesses testified during the investigation that Mrs. Beisel had admitted firing the shots that had caused the death of Captain Erb and that Mrs. Erb had said that her sister had done it following a dispute. The warrant implicating the two women was read to them by Alderman Smith, and they were permitted to remain in the adjoining room while the witness were testifying but they could hear everything that was said very plainly.

The first witness called was Beatrice Matsu, an attractive waitress employed at Red Gables, whose home is at 1206 Spruce Street, Philadelphia. She said that Captain Erb came home from Philadelphia on the five o'clock train and reached the house around 6:30. He asked if Mrs. Erb was home and then he had dinner alone in the dining room. Mrs. Erb came down the back stairs and told her she was going over to the hotel and asked her to come and meet her at 9 o'clock. She did as instructed and accompanied her, and sometime later she heard her scream and her pistol shots. Mrs. Erb came down to the kitchen in an excited manner and said, "My sister has killed the Captain." The witness went out to find the coachman and tell him to get a physician. The captain was sober, ate alone and Mrs. Erb was upstairs at the time. The captain asked her when he came in if anyone was with Mrs. Erb and she told him Mrs. Beisel. She served her and Mrs. Beisel in their room. She went to the Village Green hotel to meet Mrs. Erb, Mrs. Beisel and Susie McKeown, who was employed in the house. She drank a glass of beer, Mrs. Erb and her sister drank porter and Susie drank soda water. Mrs. Erb went upstairs after she returned home. Later witness heard a smashing of glass, Mrs. Erb screamed and then all was quiet. When the witness was going to her room on the third floor, she noticed a piece of glass in the hall and saw Mrs. Erb going downstairs. She beckoned to the witness to go down and said she was waiting for her sister under the stairway on the ground floor. About twenty minutes later she heard the shots. She heard four shots in succession and after an interval more shots. The witness was then in the kitchen. Mrs. Erb came down and told her that her sister had killed Captain Erb. She had changed her dress. The waitress then went upstairs and saw the captain lying in the hallway, with his head toward the door. There was no evidence of a struggle. Mrs. Beisel was lying in a faint on the floor. The sleeve in her shirt waist was torn almost away. She thought Captain Erb was after her sister. She saw the revolver lying on the floor of Mrs. Erb's room. Mrs. Erb and Mrs. Beisel came downstairs after her and they wanted someone to go after a doctor. Mrs. Beisel was excited and crying and Mrs. Erb told her to keep quiet. She said, "For God's sake keep quiet."

SAID SISTER KILLED HIM – Mary Payne, the colored cook, said she lived at 744 South Thirteenth Street, Philadelphia. She knew little about the tragedy. A few minutes before ten o'clock she heard a voice and then heard shots. After that all was quiet. She thought it strange and went out on the porch to see if there was a light in the captain's

room, but all was dark there. Mrs. Erb came downstairs and said that Captain Erb had been shot by her sister and she wanted someone to go for a doctor. She saw Captain Erb when he came home and he was in good condition. She did not count the shots, but they came in quick succession and then ceased. Mrs. Beisel's sleeve on the left arm was almost torn out. She was fully dressed.

Susie McKeown, a pretty little miss employed in the house said she did not see Captain Erb at all when he came home. After she had washed the dishes she went to the hotel to meet Mrs. Erb and Mrs. Beisel. When they returned home and she was preparing to leave for the night to go to her own home at Village Green, she heard breaking glass. As she was going down the steps towards the grape arbor she heard three shots. When questioned she said that she saw two broken vases lying near the captain's head and saw the revolver lying in Mr. Erb's room.

Patrick McKeown, who lives in a cottage on the place at Village Green, said that William Adams, a coachman, told him that Captain Erb had been shot and he wanted to know where he could get a doctor. He told him about Dr. Kalbach and the physician was notified and went to the Erb residence and they went upstairs. The captain's door was closed. He was lying in his pajamas, with one hand under his head in a pool of blood. Broken vases and flowers were scattered about the floor. There were bullet holes in the walls and Mrs. Beisel looked and acted as if she was simple. She was going around looking for her sister. He heard her say that she had shot him and Mrs. Erb say, "too bad" and she tried to keep her quiet. Dr. Kalbach told him to put the lights out until the authorities arrived. He saw the revolver in Mrs. Erb's room. He was employed as gardener on the place.

William Nichols testified that he received word about half-past six Tuesday evening that captain Erb wanted to see him and he met him on the porch. The Captain told him that his help was all coming back and that he felt all right. Later in the evening he was told by McKeown that Captain Erb had been shot. Dr. Kalbach told him he could go upstairs and see him. He saw the broken vases and flowers in the hallway. Mrs. Beisel was going around asking for her sister and Mrs. Erb was trying to keep her quiet. He heard someone in the house say that Mrs. Beisel had shot Captain Erb.

**EXAMINED BODY** - William Adams of 6300 Wissahickon Avenue, Germantown, the coachman, testified that he met Captain Erb in Philadelphia and they reached the Red Cables about 6:10 in the evening. The Captain asked him if Mrs. Erb was at home and he answered in the affirmative. He wanted to know who was with her and he said her sister, Mrs. Beisel. He heard Mrs. Erb scream as he was locking up the shutters and premises for the night and heard the crash of glass. He heard Mrs. Erb say that her sister had shot Captain Erb and to notify the police. The witness went upstairs and examined Captain Erb and found that his heart was not beating. Then he went after the doctor and afterwards went and notified Constable Simpson. When he returned Mrs. Beisel was lying in a fainting condition with her head on a chair. The doctor was there and he saw some flowers strewn on the floor, but did not hear the shots fired.

County Detective Berry testified that he went to the Erb residence with Deputy Coroner White and saw the body of Erb lying in the hallway. The head was against the door, there was blood on the floor. The door of his room was locked on the inside. There was broken glass and also flowers on the floor of the hallway. The bottom of the door was battered by missiles thrown at it. He described the finding of the bullets and accounted for

six, including five on the wall and one in the leg of the victim. A spittoon in Erb's room contained a broken glass. There was a light in the room and the bed had been occupied, from its appearance. Erb's clothes were in the room and he was attired in his night clothes. He saw Mrs. Erb and her sister.

TOLD OF STRUGGLE – Mrs. Erb told him that she had some words with her husband and he called her names. She had called her sister by telephone and made arrangements for her to come to the house. When the captain came out into the hallway, she said he had a pistol in his hand and her sister came running out and took it from him and shot him. The revolver he described as a Colt's, a six-shooter and empty. The Coroner exhibited the weapon, a very fine one. He found another Colt's revolver in Erb's room, but it had not been used for some time. There was a cut on the captain's head that might have been made by a sharp instrument and it was about two inches long. Mrs. Beisel had told him that she had heard her sister scream and she ran out into the hall. Erb called her a bad name and pointed a revolver at her. She ran and took it from him and shot him. He found the revolver in Mrs. Erb's sitting room and a box of cartridges in her bed room. Mrs. Erb said the Captain had bought it for her to protect herself with when he was not home. He would take it from her, but she managed to get it again.

Constable Simpson of Aston Township and Detective Richard Doyle of Philadelphia verified the story of Mrs. Beisel that she had done the shooting and Dr. H.F. Taylor, the Coroner's physician, described the wounds and the result of the post mortem. He accounted for six bullets, one of which was found in the wall and the others found in the body. The cause of death was internal hemorrhage, the bullet through the chest being the fatal one. Mrs. Beisel had said that she had done the shooting and she was sorry for it. She said when the revolver started to go off she could not stop it.

The jury retired and after fifteen minutes' deliberation returned the verdict given previously.

The attorneys for the defendants made a strong plea for the discharge of Mrs. Erb, but the alderman decided to commit them both without bail.

KEITH LOCKHART COLLECTION