

"BROWN BETTY"

by Troy Lynn Pritt

Walter Shrout came down the stairs for breakfast, ready for another day's work at Arbogast Saw Mill and Lumber Company. He was a sawyer, an intense and stressful job. A good sawyer could make a saw mill owner rich. For this reason good sawyers were well paid. Walter was the best sawyer in that area.

He smiled as he looked around the fine home he had been able to buy. Outside was a new 1932 Nash automobile he had purchased recently from his brother's dealership.

His wife Marybelle grew up in the Odd Fellow's Home, an orphanage with hundreds of children. She had sworn to herself that when she grew up she would have the finest of everything for herself and her children. After she graduated from high school, she had to leave the orphanage. She was working as a waitress at the City Restaurant when she met Walter, recently returned from the Great War. There was something about Walter: here was a man who was going places.

They were married soon afterward. At first they lived in humble shacks and decrepit cottages. Marybelle fixed up every place they lived as well as she could. She was always trim and attractive, no matter how worn or plain her clothing. She never complained.

Marybelle was in the kitchen serving breakfast to their two daughters, Patricia and Janet. Marybelle never came to breakfast in a robe and slippers. The first sight of Marybelle in the morning was of a slender woman neatly dressed, her hair brushed, her makeup just so. She could have removed her starched and ironed apron, and walked from the stove into a bank or a courthouse without any other grooming. The girls were both attractively attired for school. They brightened when they saw their father enter the kitchen.

"Daddy, will you take us to school in Brown Betty, puh-leeze?"

"Sure, just hurry up. I don't want to be late for work."

They both squealed with joy and began talking excitedly.

The new Nash was painted in a unique two-tone scheme. The side panels were a creamy tan color and all the rest of the car was a dark cinnamon brown. Marybelle made a bread pudding in the oven that was heavily coated with cinnamon on top. The pudding was called "Brown Betty." The girls named the new Nash "Brown Betty."

After hurriedly eating his breakfast of strong coffee, country ham, fried potatoes, two eggs, and fried toast, Walter kissed his wife good-bye, and hurried the girls out to the car.

The car was important to Marybelle, even though she couldn't drive. It was the nicest car in town. The car was a proof to Marybelle, and she needed proof, that she had climbed out of the grinding poverty and aching loneliness of the orphanage.

At the saw mill Walter picked up his copies of the orders. Glancing through them he barked orders to the men working in the yard. "Okay, let's start with ten oak logs. That ought to be enough for this order for beams and framing lumber for the barn that new family is putting up."

When the saw started up, and he was sawing the logs, the noise was so great that you couldn't hear, even if someone was shouting to you. Walter, and the men who worked with him, used hand signals most of the time. They worked so hard that by noon their clothes were wet with sweat, even though it was a crisp fall day. At lunch time, while the men took a break, Walter ate out of the lunch bucket Marybelle had packed for him. There was a note from Marybelle, "*Walter, I love you so much.*"

He went to the office, and reported to Mr. Arbogast the orders they had completed, and received from him a handful of new orders. Until the men came back from their lunch, he studied the orders, and planned out the afternoon work.

The work day was from 8:00 AM to 6:00 PM. They worked Monday to Saturday. This was Friday. At about 5:15 PM, Mr. Arbogast came running from his office to the saw. He motioned for the saw to be turned off. "Walter, you are needed down in town. Jake Walker is drunk. He just shot his pistol into the ceiling at Miller's Mercantile Store. The customers all took off running."

Walter Shrout and Jake Walker had gone to war together, went through basic training together, fought in the same artillery battery in Europe, were drinking buddies in Paris after the War was over, and came back to Mill Creek on the same ship and train. They both brought back a souvenir from the War. Walter's was a 9mm Luger pistol, Jake's was a 9mm Steyr pistol.

Jake Walker was the proprietor of Miller's Mercantile Store. He had bought it from Manford Miller's widow right after he returned from the War. Prohibition made his biggest selling items those he kept under the counter. The bottles of moonshine and bootleg liquor that were sold and those who came in to buy them gave the store a dubious reputation. The respectable people in town tried to avoid going there. But when you live in a small town you can't be choosy about where you shop.

Walter Shrout was the town policeman of Mill Creek. The town policeman was an always-on-call, as-needed job. Anytime he was called away from the job or called at home, the City paid him \$ 5.00

Walter jumped into "Brown Betty", reached into the glove box for his pistol, and took off for town as fast as he could. This was not the first time he had been called by alarmed citizens when Jake was drunk and decided to shoot off his pistol. He had recorded ten incidents so far. On previous occasions he had talked to Jake and persuaded Jake to give him the pistol until he had sobered up.

It wasn't practical to arrest him. The County Jail was 35 miles of crooked road from Mill Creek. Then the magistrate would turn him loose the next day and someone would have to go after him.

Walter pulled Brown Betty into a space in front of Jake's store. Jake also had a brown vehicle. It was a 1920 Ford Model T pickup brown with rust and mud.

As Walter got out of the car, Jake was out on the wooden boardwalk in front of his store. "Howdy, Walter. Did you come to show me your new Nash?"

They walked into the store together.

"Nah, Jake, folks in town called out to the sawmill to complain that you were shooting your pistol inside the store."

"It was an accident, Walter. I swear it was. Hey, I ain't drunk. You can smell my breath if you want to."

"No, Jake, I don't want to smell your breath. I've got to eat supper soon. Just give me your gun. I'll give it back to you in a couple days."

"It's in its holster under the counter. Walter, I can't give up my gun. In the first place, with the Depression, desperate people are robbing houses and stores right and left. In the second place, I've got to make a run up on the mountain tonight. They's some mighty mean folk out at the still and along the way. Give me a second chance."

Maybe fatigue clouded his judgment. Maybe it was the decades-old friendship.

"All right, Jake. But if I get any more complaints about you being drunk and shooting your pistol, I'm taking it away and never giving it back."

"A second chance," Walter thought to himself, "this is your eleventh chance."

Walter left the store, walked across the boardwalk, and stepped down onto the street. The door to the store opened and Jake stood in the doorway. He called out,

"Hey, Walter, lookee here."

Walter turned around just as he reached his car. Jake was holding the Steyr in both hands. It was aimed at Walter. He fired. The bullet missed Walter and shattered the driver's side headlight on Brown Betty. Walter dropped to his knee, drawing his Luger from its holster. He fired one shot. The bullet went through Jake's heart and killed him instantly. Walter always said that he was trying to hit the hand or arm that was holding the pistol. There were times when he could have made that shot. Not that time.

"Why didn't I take his gun away when I had the chance? Why did I let him talk me into letting him keep it?" Walter asked himself that question over and over in the following weeks.

The doctor came and pronounced Jake dead. Jake's family had to be notified. The State Police investigator came, and Walter had to answer questions for him, wait until other witnesses were interviewed, and then answer more questions for him. The funeral home had to be called to collect Jake's body. At 11:30 PM he was able to go home.

He had to be in Elkins the next day to fill out reports for the County Sheriff. Then he had to go to the Court House on Monday to answer questions for the Prosecuting Attorney. That meant missing two days work at the sawmill. He would miss many more days before it was all over.

There was a hearing before the Circuit Judge who set bail. Then, weeks later, he had to appear before a Grand Jury. The Prosecuting Attorney was charging Walter Shroust with the murder of Jake Walker. The Grand Jury returned an indictment for murder. The whole town of Mill Creek was stunned. Marybelle was afraid. She was sure that Walter would be cleared, but it was a cruel punishment of him, and of his family, to make him miss all this time from work.

The trial was a jury trial. The prosecution was able to exclude from the prospective jurors anyone who lived on the side of the County where Mill Creek is located. When the trial began, the sentiment in the courtroom was with the defendant. The defense attorney produced Mr. Shroust's written records of the ten times that he had been called out because Mr. Walker was drunk and shooting his pistol. The defense produced character witnesses for Walter, then other witnesses who had seen Walter talk Jake into surrendering his pistol on previous occasions. Defense counsel argued that the long-standing friendship of Jake and Walter made it inconceivable that he would deliberately murder his friend. He also pointed out that Walter was a police officer, responding to a complaint from citizens. In the line of duty, he had been fired upon.

The prosecution argued that since they were good friends Walter should have known Jake was only fooling around and that he would not shoot Walter. The prosecution called to the stand the State Police investigator, Corporal Puliccia. The Corporal testified that the Steyr pistol had not been fired, that it had a full magazine of eight bullets, and that the safety was on. In cross-examination the defense attorney asked how the Corporal could explain that the driver's side headlight was shattered with a bullet. Corporal Puliccia replied that both men had 9 mm handguns. Walter could have shot out the headlight as an alibi. At the end of the third day the prosecuting attorney promised the jury that on the next day he would supply the motive for the unconscionable murder of Mill Creek's store keeper.

When the trial began the next morning, the courtroom was packed. Many people were turned away. The Prosecuting Attorney had leaked the information that he would be calling a surprise witness. He rose and asked that Miss Flora Peekskill be called to the stand. As she came to the stand to be sworn in, there was a communal gasp in the courtroom. Miss Peekskill, a petite, but shapely, blonde, was wearing a flowery dress open enough at the top to

show a hint of cleavage, and a skirt that barely came below her knees. She was wearing light beige silk stockings and high heels. At that time women and girls wore dresses that buttoned at the neck and went down below their calves. Also they wore dark hose so that their ankles weren't exposed.

When she was seated in the witness chair, she pulled her skirt up several inches and crossed her legs. Not only her ankles, but her knees, could be seen, especially by the jurors. The twelve men on the jury were embarrassed, but they could not take their eyes off her. Many of them had never seen such a public display of feminine pulchritude.

"Miss Peekskill, please state your full name, city of residence, and occupation for the court."

"Flora Dora Peekskill, Parsons, waitress and entertainer."

"Did you know the deceased, Jake Parker?"

"Yes, he was a real teddy bear. I just can't believe he's dead." She pulled a handkerchief from her bosom and wiped away any tear that might be at the corners of her eyes. .

"Did you have a relationship with him? Were you close?"

"We got real close when I let him sleep with me."

Another gasp went up from the courtroom. Women bolted from the courtroom. The police officers in the courtroom and other men yanked out of their seats and dragged from the courtroom a group of more than a dozen boys from the High School.

"Ahem. Now, did you also know the defendant, Walter Shrout?"

"Yeah, he's a real tiger."

"Did you have a relationship with him? Were you close to him?"

"Y-e-s."

"Did he sleep with you?"

"He'd come to my apartment for a couple hours but there wasn't any sleeping. It was a wild romp with him. We did it on the couch, on the floor, on the kitchen table. Last time we did it in his new car."

"Did he know about your relationship with Jake Parker?"

"He found out. He came roaring into the restaurant and demanded that I choose between him and Jake. I told him that I couldn't choose. Anyhow, he wasn't going to marry me. He was just having fun so what gave him the right to ask me to choose? He sure got mad. He stomped out of the restaurant and slammed the door. I almost lost my job over it."

"How many days before the shooting did this take place?"

"That was on Monday at noon. Jake was shot on Friday."

There was bedlam in the courtroom. Reporters raced out of the room and were fighting for the telephones out in the hallway outside the courtroom. They could be heard clearly in the courtroom shouting into the phones the texts of the story to the copy boys on the other end. The news traveled like wildfire across town and out to Mill Creek.

When Walter reached Mill Creek that evening, the news had preceded him. His wife refused to let him in the house. He tried to tell her that it was all a lie. She wouldn't listen. That night he slept on the back seat of Brown Betty. The next day he drove to the courthouse in Elkins and parked the car on the street. It would be the last time he drove the car. The jury found him guilty of murder. The judge sentenced him to ten years in the State Penitentiary in Huttonsville.

Who was the mystery woman Flora Dora Peekskill? No one in the courtroom had ever seen her. She definitely was not from Parsons. That town was small enough that everyone knew everyone else. Walter knew that the State police investigator lied. But why?

Marybelle never visited him in prison. She never wrote to him and neither did his daughters. His brother Bob came to see him twice. The first time he brought papers for Walter to sign so that he could sell Brown Betty. The second time Bob came it was to tell Walter that his share of his father's estate was a little more than \$800. Walter told him to bring him the papers to deed the house to Marybelle, and to put the money in the bank in Marybelle's name. When Walter finally heard from Marybelle it was in the form of divorce papers.

Walter's sister went to Mill Creek twice with her oldest son. She and Walter grew up on Jones' Run on that side of the County. She knew many of the residents of Mill Creek. She asked a number of them if they knew that woman Flora Peekskill. They all said they knew nothing about it. However, the mood of the town had turned against Walter.

When a new Governor was elected, the County Prosecutor was replaced by a Prosecutor from the Governor's party. He reexamined a number of the cases prosecuted by the former prosecutor. In more than a dozen cases he found that in order to win the case, evidence had been altered, manufactured, or in some cases ignored. One of those findings was that Flora Dora Peekskill was a dancer in a high class speakeasy in the state capital.

Walter was released after eighteen months in prison. His life was ruined. His former wife and his two daughters never spoke to him the rest of his life. He wrote letters and sent birthday and Christmas cards to his daughters. They were all returned "Refused."

He found a job as a sawyer in a small saw mill near Elkins. His daughters went to college in Elkins. Marybelle sold the house in Mill Creek and moved into an apartment in Elkins. Walter died before he was sixty years old. His sister, her husband, and two of his brothers were the only ones at his funeral.