

# Defense witness told story in trial for Berry murders

**By Evelyn Ward**  
*Sherman County Historical Society*  
**March 7, 1904:** Defense Testimony — Charles Wilson, who was with Dewey at the killing at the Berry home, told his side of the story.

The witness occupied the stand the greater part of Monday and was subjected to severe examination. He stated that when the Dewey party arrived at the Berry's, McBride and Wilson went to the house and asked permission to take the tank.

Mrs. Berry said to take it, and McBride so reported to Dewey. Daniel P. Berry came up and said to Dewey; "What are you doing here?"

McBride answered that he came after the tank. Further talk between McBride and Berry was interrupted by Dewey, who said, "Don't dispute with him."

About this time, Alpheus Berry came up and said: "Hello, Dewey." At this time, Beach and Burch Berry rode up on horseback, dismounted on the opposite side of the house and came quickly around in sight when one of the Berrys said: "You fellows will not take anything away from here."

Then Chauncey Dewey said to the Berrys: "Stop, stop right there." The Berrys drew their pistols and fired, and the Dewey party immediately returned the fire.

Wilson's horse fell at the first shot from the Berrys, and when he

## today in history

looked up, Burch and Roy Berry were lying on the ground, and Beach was running toward the barn.

On further examination of Wilson, he testified that he had received no notice or request to go to headquarters the morning of June 3 but went there of his own accord. He said that after the shooting he saw pistols lying near the bodies of Daniel Berry and Alpheus Berry and that he fired no shot himself

After recess, Thomas O'Neil was called to the stand. He was at the Berry place June 3 with Dewey and others of his men. He told substantially the same story as Wilson and said he saw Alpheus Berry grab Dewey's rifle.

"I went toward my horse to get my rifle," he said. "They fired in our direction. I did not see Chauncey Dewey or any of the other Dewey men shoot. I fired three times at the man that ran to the barn. I saw him afterwards run to the house. I then got behind the wall. I stayed there for a while and then got on my horse. While I was behind the wall, I saw a woman come out of the house and go to untie a horse. I told her to leave the horse there. After the shooting, I saw pistols lying beside the bodies of the two men on the ground beside the tank."

James Armentrout testified that he drove the wagon and corroborated all statements up to the firing

by the Berrys when his mules ran off with him. He said he stopped them at the commencement of the lane leading out of the pasture and looked back over his shoulder and saw Dewey scuffling with someone at the wall. Just then his mules took a second start and ran a quarter of a mile.

**March 8, 1904:** Defendant's Testify — Tuesday of this week, William McBride, one of the three defendants in the trial for the murder of Burchard Berry, took the stand in his own defense and told of the fatal fight at the Berry ranch.

He corroborated previous testimony to the effect that the Berry boys opened fire and said: "Burchard Berry fired directly at me twice. I put a cartridge in my gun and fired at him, and he fell. I fired at him because he fired at me and to protect my life."

McBride denied that he had ever said that if Dewey could not buy out the settlers in the vicinity of his ranch, he would drive them out or "kill them out."

Chauncey Dewey came to the stand as a witness in his own defense. An unusually large crowd was at the court house to hear what the ranch manager had to say, but nothing new in the case was developed.

He said that he had settled on the Oak ranch in 1900 and had had

some trouble with the Berrys in 1902, but it was not of a serious nature.

Dewey's description of the shooting last June and the events just preceding it was as follows: "On June 2, I instructed Albert Winship to bring some cattle to headquarters and as he came past Alpheus Berry's place to stop and bid on the windmill and water tank.

"He reported to me in the evening what took place at Alpheus Berry's place that day. I did not summon any of the men that I took with me June 3 except William McBride. I asked him to go because he was a constable.

Benjamin Slater came to headquarters that morning looking for a cow he owned. Thomas O'Neal and Charles Wilson came on other business. The other five men lived there.

"When these three men came, I asked them to go along. All except two were armed. I furnished them with arms. Seven of the men, besides myself, rode horses, and two of the boys came in a wagon.

"We rode up to the tank at Alpheus Berry's place and dismounted. I told McBride and Wilson to go to the house to see if it would be all right to take the tank. I told James Armentrout to bore a hole in the tank to let the water out.

"Daniel Berry came out of the house and walked down to the tank. He asked, 'What do you boys think you are doing here?' McBride told him we had come after the tank. He

said he was there to serve the sheriff's order. Daniel Berry told him he was out of his jurisdiction.

"I told McBride to have no words with him. Daniel turned to me and said: 'Go your length, Dewey; you will soon get it.' Alpheus Berry then came up to the tank. He said, 'Hello, Dewey.' I made no reply.

"The three Berry boys rode up and tied their horses to a wagon. They advanced two or three steps and laid their hands on their revolvers. Burch said, 'You will not take anything away from here today.'

"Burch was in the center, Roy Berry was on the south side, and Beach was on the north. They were three or four feet apart. I was holding my rifle in my right hand and held it up, at the same time saying, 'Stop, stop where you are.' Then they pulled their guns and fired. Roy Berry shot at me. I raised my gun to my shoulder and returned fire."

Dewey was still on the stand and was being cross examined by General Colby when court adjourned for the day.

Owing to the long arguments of attorneys as to the proper manner of cross examining a witness, little advance was made in the Dewey trial Wednesday morning.

On cross examination, Chauncey Dewey testified that he was present at the opening of the ranch in the spring of 1899. He said that prior to April, 1902, there were no firearms on the place except those owned by himself and William McBride. Dewey recognized the rifle he had with him June 3, 1903, and also the revolver.

Clyde Wilson was called on the stand just before noon. He said: "I came to Oak Ranch Oct. 7, 1902, and worked as stenographer and bookkeeper. I went with Chauncey Dewey and his men June 3, 1903, to the Alpheus Berry place. I had a Winchester rifle and a six shooter.

"When we arrived there, I was standing close to Dewey when the Berry boys rode up. They dismounted and tied their horses to a wagon. They pulled their revolvers around in front of them, and when they advanced three or four steps, one of them said: 'You will take nothing from here today.'

"As he said this, they all put their hands on their pistols. Dewey said to them: 'Stop, stop where you are.' They fired at us.

"Roy Berry fired directly at Dewey, and Burch Berry fired at McBride. When they put their hands on their pistols, I put a cartridge into my Winchester. When the Berrys fired I saw a horse drop. Our men fired. Two of the Berry boys fell. I saw Dewey shoot. I did not bring my gun to my shoulder until after the Berry boys fell."

*From weekly issues of The Goodland News, provided by the Sherman County Historical Society. Since the paper was published weekly, some items were arbitrarily assigned a date.*

# Many things affect mental health



**cris lovington**

- prevention center

Mental health has to do with how you feel about yourself, how you feel about others and how you are able to meet and handle the demands of life.

The right amount of sleep and exercise, a proper diet, regular medical care and caring relationships help improve both our physical and mental health.

Mental illnesses/disorders are diseases that cause mild to severe disturbances in the way we think, feel and act. These disturbances can cause problems with a person's ability to cope with life's ordinary demands and routines (work, school, family, etc.).

Some psychological disorders are inherited (born with) and some are related to chemicals in the brain. Others may be in response to how we react to trauma or stress. Sometimes these disorders are temporary, caused by major stress or changes in one's life.

There is a myth that most mentally ill people are dangerous. The truth is that most people who have been or are being treated for mental illnesses are the opposite — usually anxious, timid and passive.

Many people feel ashamed or embarrassed because they have a

medication, is required to help individuals through the illness.

If a leg is broken, it would not be possible to just "shake it off" and make it go away, the same is true of mental illnesses.

If you or someone you know would like to speak to anyone about these issues, please contact your health care provider who can get you in touch with a counselor who works with teenagers.

It is important to talk to someone. If you do not feel comfortable going to someone or you want to talk right away, listed below are phone numbers you can call:

- High Plains Mental Health in Goodland 785-899-5991.
- National Suicide Prevention Hotline: 800-621-4000.
- Boys Town National Hotline: 800-448-3000.
- Crisis Helpline: 800-233-4357.
- National Youth Crisis Hotline: 800-448-4663.
- Teen AIDS Hotline: 800-440-TEEN.

mental illness or disorder. The reality is that many people have mental illnesses.

Mental illness is in many ways just like a physical illness (cold, diabetes, arthritis, etc.). They can effect anyone at any time.


Mental illness affects 40 million adults and 12 million children in the United States alone (Congressional Record).

Mental illness affects one out of every four families (American Mental Health Fund) and fills more hospital beds than heart disease (American Psychiatric Association).

Some people feel that when they are affected by a mental illness they can just shake it off.

This is especially true in cases of depression. The fact is that people cannot just shake a mental illness off.

Sometimes counseling, or even



## Thank You

The Community Partners Coalition and the Regional Prevention Center would like to thank all parents who returned a Parent Survey.

**Winners**

- \$100 - Debra Bennett
- \$50 - Marilyn
- \$25 - Ticket number 203261
- \$10 - Cristi Walls
- \$10 - Christie Rasure
- \$10 - Linda McKee

Children of these parents are winners too of \$50, \$25, \$15, or \$10.

**Information from the Parent Survey will be used to create a campaign to reduce underage drinking in our community. For information call 899-3848.**

This project is funded by a Drug-Free Communities Support Program grant from the U.S. Department of Justice/Office of National Drug Control Policy/Office of Juvenile Justice and Delinquency Prevention.

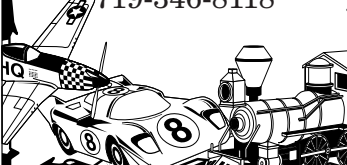
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