Chestertown Transcript

THURSDAY, OCT. 25, 1883.

Subscription $1.50 per year; 75 cents for six months, in advance.

Advertising Rates.

Transient advertising will be charged at the rate of *one dollar* per square for first three insertions, and twenty-five cents per square for each subsequent insertion. A space equal to eight lines of brevier, constitutes a square. Figure-work will be charged fifty cents per square additional for first three insertions.

Simple notices of marriages and deaths, inserted free. Obituary notices will be charged at the rate of five cents per line.

JOB WORK.

Handbills, large and small, flyers, dodger letterheads, billheads, envelopes, cards, tags, programmes, and other kinds of job work will be done neatly and reasonably.

Correspondence upon matters of local interest desired. Anonymous communications will not be inserted.

It is desirable that communications be in by Saturday night if possible, and in any case not later than Monday night or Tuesday morning

—Whether you be Republicans, Democrats, Independents, or conservatives, come to Chestertown on next Saturday to the mass meeting.

—C. H. Baker, Esq., as trustee, offers for sale a desirable house located in Chestertown.

—The *Transcript* is this week principally filled with court proceedings and politics. Well, court proceedings and politics are just now the most interesting topics.

—Father Bradford, former pastor of the Church of the Sacred Heart of this town, and at present stationed at Dover, Del., had a run-away accident last week. He thinks he escaped death by jumping from the carriage when he discovered that it was about to go over.

—The Democratic mass meeting on next Saturday will be in front of the court house, and will begin at 2 P. M. Come out in wagons, and gather up the voters.

—The tournament ball is to be held in the armory hall at Chestertown this evening instead of at the Fairlee Grange hall. The crowning of the Queen of beauty will also take place this evening. The speech on the occasion is to be made by B. Howard Haman, Esq., of Baltimore.

—The sale of the personal property of Mr. Enoch Moffitt, who resides near Massey's, will be found advertised elsewhere. Mr. Moffitt among other things offers a lot of valuable live stock, that should attract the attention of buyers.

—The Chestertown water works though not much talked about, are not a dead issue. Mr. Adelsberger informs us that he is pushing matters slowly, and hopes during the coming winter to at least construe his wind mills, and in the spring hopes to push on the work more rapidly.

—Next Saturday is not a very busy day with farmers. They should therefore make it a general holiday. They should hitch up a big wagon and bring their hands to the mass meeting.

—A very instructive catalogue, embracing sixteen thousand items of goods in one hundred and fifteen different lines (with explanatory reading matter) will be sent prepaid, by John Wanamaker, Philadelphia, after November 1st, on request by postal. This is a capital reference volume.

—The ladies of the M. E. Church of Chestertown had a very successful as well as enjoyable festival during four days of last week. The gross receipts were over $450, and the net revenue about $350. The sum goes to the pipe organ fund. The organ which it is proposed to purchase, will cost about $1600.

—The tournament comes off today. Washa-Washa will this morning head the procession of knights on his most celestial mule, and the riding for the ring is expected to begin by eleven. There is also to be a race between two popular Kent county horses,—Lankford and Smuggler. Preparations for the tournament are complete and a lively time is expected.

—The Democratic meeting at Piney Neck last Saturday was a very successful one. Notwithstanding the bad day there was a good turn out. Speeches were made by Messrs. Wm. B. Usilton and W. D. Lurie. We have not received a report from yesterday's meeting at Quaker Neck, but have no doubt but that it was enthusiastic.

—At the Frederick Co. Fair Mr. J. W. Hines' "Young Smuggler" won the only two races in which he was entered—the first in 2.39¼ and the second in 3.00, over a very muddy and heavy track. In the seven races in which Young Smuggler was entered this season he won third money in the first, second money in the next four and the first money in the last two. He is certainly a very promising young horse.

—There should be a big turn out next Saturday to the Democratic mass meeting. A good way to come is in a big wagon with flags and mottos. Every school district should be represented by a wagon. Not only come yourself; but see that everybody else has a way to come. Let us have 5000 people on that day.

—The Rev. W. W. Reese drops the *Transcript* a note informing that the Presbyterian church at Georgetown this county, has been put through a thorough course of repairs, and will be opened for worship on next Sunday the 28th inst. Rev. A. C. Heaton D. D., will preach both at morning and at night. Services at 11 o'clock A. M. and 7 o'clock P. M. Sabbath school at half past nine in the morning. The public is cordially invited to attend.

—Orphans' Court, Tuesday, Oct. 23, 1883.—Present, Judges Nicholson, Shallcross and Willson.

Susan S. Gallup, administratrix of Edward B. Gallup, deceased, returned the inventory and appraisement of the personal estate of the said deceased, which was received and ordered to be recorded.

Chas. H. Baker, executor of Elijah Bond, deceased, returned his first and final administration account, which was examined, passed as stated and ordered to be recorded.

Thos. W. Wickes, guardian to Mamie E. Wethered, returned his final guardian account, which was examined, passed as stated and ordered to be recorded.

Thos. W. Wickes, guardian to John L. Wethered, returned his guardian account for the years 1881 and 1882, which was examined, passed as stated and ordered to be recorded.

W. N. E. Wickes, administrator of Simon Wickes, deceased, returned his fourth and final administration account and distribution of the personal estate of the said deceased, which was examined, passed as stated and ordered to be recorded.

On application, letters of administration on the personal estate of William E. Worrell, deceased, were granted and committed unto Charles T. Westcott, (M. C. Howard, sister of deceased, first renouncing) who filed his bond in the sum of $6,000, which was approved and ordered to be recorded.

DEMOCRATIC MASS MEETINGS.

CHESTERTOWN—Saturday, Oct. 27 at 2 P. M.

ROCK HALL—Friday, Nov. 2, at 4 P. M.

BETTERTON—Saturday, Nov. 3d.

An Interview with Washa-Washa.

Kent Transcript:—The most sublime ambassador from the celestial empire arrived yesterday [Wednesday evening]. A member of the committee met him and found him in good health, save that he got slightly frost-bitten near the North Pole. Washa-Washa expressed himself as follows.—A Melica man bigger hurree, makee me slide around by North Polee. Dance colee. Shakee alle tattee off my bones. Feelee muchee sickee. Heapee muchee better in the morning. The committee conducted him to the hotel, where he and his most celestial mule found shelter.

NEXT SATURDAY!

Dont Fail to turn out to the mass meeting next Saturday at Chestertown.

HON. ROBERT M. McLANE
HON. SAMUEL J. RANDALL,
HON. S. S. COX,
GEN. BRADLEY T. JOHNSON,
HON. CHARLES B. ROBERTS,
J. FRANK TURNER, ESQ.,
JAS. A. BUCHANAN, ESQ.,

will be present. There is rarely offered an opportunity for listening to speakers so distinguished. There will be music for the occasion. There should be no less than five thousand people present. Meeting begins at 2 P. M. sharp.

Court Proceedings.

[Dating since last week's issue.]

WEDNESDAY, Oct. 17.—The first case tried was that of State vs. William Waters, col'd, for buying and selling goods without a license; verdict, not guilty.

State vs. James Kerns for selling whiskey, verdict guilty. Slay for defense.

State vs. O. Scoone, three cases, for selling whiskey: verdict guilty; fined $100 and costs in each case. Hynson for defense.

State vs. John Reed, for stealing a double-barreled shot gun, the property of Harry Pennington; the court assigned Hope H. Barroll, Esq., counsel to defend Reed; plea not guilty; elected to be tried by a jury. The case was not disposed of Wednesday.

THURSDAY, Oct. 18.—The jury returned a verdict of not guilty in the case of Reed. On account of Mr. Vickers being engaged in preparing evidence in the Leary case, Mr. Slay represented him in the prosecution of Reed.

The grand jury returned an indictment against Martin E. Painter for assault and battery on Henry M. England. Also, against Charles and Thomas Maguire for selling whiskey contrary to law. Presentments were returned vs. Lewin Russell, Jeannette Hall, John Hall, Chas. Rolph, Ham Gray for selling whiskey. George Johnson was indicted for stealing meat from the stall of James Brice.

FRIDAY, Oct. 19.—State vs. Nathan M. Marcuse for selling liquor—3 cases. It was proved that Marcuse sold Dr. Lamot's bitters as a drug or medicine, and the court said "not guilty." Pearce for defense. The court, however, said that liquor put up as bitters to circumvent or evade the law would not protect the vender from conviction and severe fine for violating the local option law.

State vs. Marcuse for violating the Sabbath by selling a pair of shoes and a bottle of bitters; verdict guilty; fined $30 and costs.

State vs. Willis K. Hackett, indictment for assault on Isaac R. Starkey in the village of Still Pond, on May 12, 1883, with a carriage spoke with intent to kill. Jury trial. Hynson for defense. The State abandoned the first count in the indictment, and the jury found a verdict of guilty on the second count. The court sentenced the prisoner to pay a fine of one dollar and costs and to be confined in the county jail for a period of six months.

The trial of James S. Leary, indicted for the murder of Edw. B. Gallup, was set for Monday last. R. Hynson, Esq., is counsel for the defense.

SATURDAY, Oct. 20.—Court met, Judges Robinson, Wickes and Stump present. Three indictments brought against John Vernon for selling whiskey. Tried before the Court. Found guilty in each case, and fined $900 and costs, and to stand committed to jail until fines and costs are paid.

Charles Maguire, alias James Maguire, was tried upon three indictments for selling whiskey. Tried before the Court. Verdict guilty in each case, and fined $900 and costs, and to stand committed to jail until fines and costs are paid.

The grand jury brought in presentments against Chas. Rolph for selling whiskey, also, against Chas. H. Hudgins for breaking into the premises of Thomas W. Wickes, and for larceny of whiskey therefrom; also, against Charles Phillips on same charge.

In the case of the State vs. Jeannette Hall and John Hall, a plea of not guilty was admitted by the State.

The Court ordered a capias to be issued to Baltimore county for John Proctor.

The grand jury, having finished their labors, adjourned on Saturday, after having made the following report to the Court:

To the Hon. Judges of the Circuit Court for Kent County:—The Grand Jury, sitting for the October term of the year 1883, beg leave to report, that they have been in session during six days, and have during that time examined carefully all cases that have been presented to their attention. They have in their official capacity visited the county jail. As to the manner of keeping the jail, everything was found clean, and the prisoners were as comfortable as circumstances would allow. The jury consider that the jail is very ricketty, and that it is not in condition to insure the safe-keeping of prisoners. In one of the cells where three prisoners were confined, one of the bars in a window was found to have been sawed in two, and an opening made large enough to permit the passage of an ordinary-sized man throught it. The opening had been temporarily secured by the sheriff, by fixing chains across it. The various officers of the court have been polite and attentive toward the grand jury. All of which is respectfully submitted to your Honorably body.

JAMES W. HURTT, Foreman.

MONDAY, Oct. 22d.—The Leary case was taken up [report in full elsewhere].

Tuesday, Oct. 23d.—Sentence was passed upon Leary and some minor business transacted. Court held over.

GRAND
DEMOCRATIC DEMONSTRATION
At Betterton,
On SATURDAY, Nov. 3.

DEMOCRATS! CONSERVATIVES! and all persons interested in the CONTINUED GOOD GOVERNMENT of our County and State are invited to attend in mass meeting at BETTERTON, on SATURDAY, November 3.

The following eminent speakers have been invited and are expected to attend:

BERNARD CARTER, Esq.,
BARNES COMPTON, Esq.,
B. HOWARD HAMAN, Esq.,
JAMES A. PEARCE, Esq.,
H. W. VICKERS, Esq.

A good Band of Music will be in attendance, and FREE DINNER provided for all.

COMMITTEES:

The following committee of arrangements on Delegations in the several Districts is appointed:

First District—C J Scott, J F M Woodall, Robert Miller, T H Horsey, T A Meredith, H J Gray, B F H Caulk, Jos Dulaney, R S Griffith, C S Hurlock, Capt L M Bean, Geo A Ireland, R S Corbaley, Benj Gilpin, R F Moffit, T R Quimby, C P Loper, A Medders.

Second District—D J Nowland, T G Jarman, John Roe, Rob't Kimble, Wm Blakeway, Thos S Dodd, J L Jester, J W Holden, B Roe, Sam'l Coppage, E S Culp, P G Wilmer, J B Harris, T C Roe, J R Stavely, Howard C Anderson, Louis Hepbron, Jr.

Third District—J S Gemmill, Benj Harbourd, E Stoops, Samuel Vannort, Wm Gale, John J Roeder, S H Crawford, A Diehl, A H Crawford, Sam'l Cooper, S Amos Reed.

Fourth Dist—Josiah Massey, Jas Yates, Geo S Biddle, Jas T Dixon, J A Shaw, Pryor Armstrong, Capt Thos S Bordley, J C Loud, J A Groves, W H Whiteley, D McKee, S Lecates, R G Nicholson, Geo Hadaway, Jr, Wm Morris.

Fifth Dist—E F Beck, John Brice, T J Vickers, Walter Cosden, Jos E Gilpin, Dr T B Wilson, Wm Stevens, Sam'l Burgess, Geo L Maslin, W Tilden Brice, B F Sappington, Spencer Harris, David Smith, D R Derrickson, John Hadaway, Wm Crouch, Geo Lamb.

Chief Marshal—H C Wallis.

Aids—1st Dist—Noble Pennington, Ed Scott and Harry Todd. 2d—L C Justis, Julian Hurtt and John McGugan 3d—Jos R Usilton, Wm French, C H Hurlock and Walter Morris. 4th—John W Loud, Romie Byron, Herbert Lusby. 5th—E R Strong, B F Beck, Jr, Sterling Jones.

THE LEARY MURDER TRIAL.

THE CASE TRIED BEFORE THE COURT.

VERDICT, MURDER IN THE SECOND DEGREE.

The Sentence Passed by Judge Wickes.

It became generally known throughout the county last week that the Court would take up the case of James S. Leary, charged with the murder of Edward B. Gallup, on Monday. This understanding brought a large attendance of people from all parts of the county to Chestertown on last Monday, and the probable fate of Leary was universally the talk upon the court house green and upon the streets. "Will he be hung?" "Will he be hung?" was a frequently repeated question. Undoubtedly the tide of sympathy was against Leary. Many pitied his gray hairs, but at the same time considered that the killing was so flagrantly without provocation, that he should have meted to him the fullest punishment awarded the crime of murder.

Before court assembled, it became rumored that Leary had chosen that his case should be tried before the Court and not before a jury. This was a surprise to everybody, and was also much of a relief to the fifty citizens who had been summoned as talesmen in the case. This new phase created anew a discussion of the coming trial.

The court was a half hour later than usual in calling. Judge Robinson had not yet arrived when the business of the day was opened. The room in five minutes after court assembled became so filled with spectators, that there was scarcely a square foot of standing space unoccupied. Leary was brought in and took a seat in the bar beside his counsel, R. Hynson, Esq. Immediately upon his arrival he became a center of intense interest. Probably three-fourths in the court-room were personally acquainted with him. This fact rather increased than lessened their curiosity to look upon him as he appeared meeting a charge of murder. Leary has broken greatly since his incarceration. Though sixty-four years of age, he scarcely looked fifty when first put in jail some two months ago. He was a close built, hearty, well-preserved old man, and his full cheek and clear eye proved that he possessed great vitality. As he appeared in court, however, his cheeks were hollowed, his eyes sunken, and he appeared fully twenty years older than he looked two months ago. He is not by any means a vicious-looking man. Indeed, there is a respectability in his appearance, that one would not expect to find in an accused murderer. His black coat, his bushy gray hair, and his venerable appearance, gave him even something of a ministerial air.

The first witness called in the case was Gottfried A. Hines, of Baltimore, who testified that he was employed by E. B. Gallup at the cannery on his farm, and that he was there on the 26th of August, the day of the homicide. He was standing near Leary's door on that morning, and Gallup came over to Leary's house and called to him,—"Come here, I want to see you a moment." Gallup's manner was pleasant, and he had a smile on his face. Gallup said to Leary, that he did not think that he—Leary—was that kind of a man to insult his—Gallup's—wife. Leary started toward Gallup with his hand in his pocket. Gallup turned to leave him, waving him off. Leary said, "—— damn you, face me like a man. If you are a man be a man." Gallup wheeled to face him, and said, "What have you got your hand in your pocket for?" Leary said, "I don't allow any man to turn his back on me," and drew his knife and stabbed Gallup. He then wiped the blood from his knife with his fingers, and went and sat down on a bench. When he was stabbed, Gallup said, "Oh, my God, he has killed me."

Later, witness saw Leary walk around to Gallup's house. Miss Sanner, who was standing on the porch, tried to stop a child of Gallup's from upbraiding Leary, and Leary turned upon her and said, "If you do not mind, I will give you some." Cross-examined, did not hear Leary say to Gallup, "Don't shake your fist in my face," and did not so testify before the coroner's jury. Leary, after the cutting, appeared cool, and did not offer Gallup any help.

Wm. F. Moan, of Baltimore, who was also employed at the cannery, heard Leary say to Gallup on that morning, "Yes, damn you, your wife has been watching me around fence corners ever since I've been here." Gallup replied, "why, you old fool, what does she want to watch you for?" Gallup's manner during the conversation was as usual. Leary had his hand in his pocket all the time they were talking. Gallup had his arms folded across his breast. Did not shake his fist or his finger in Leary's face during conversation. On the night before the homicide, witness and Leary had a conversation. Leary said to witness, "Moony, I guess I'll have to leave you in the morning. Mrs. Gallup and I,—— ——her, have had a fuss. What will Mrs. Gallup, damn her,—" at this point Krebs came up, and the conversation was broken off. On the morning of the homicide, Leary said to witness, "I'll have to leave in the morning. I've had a fuss with Mrs. Gallup, damn her, and if she tells her husband anything about it, I'll make her a widow." Leary's manner was as usual. Cross examined, denied having stated before a coroner's jury that Leary had said to Gallup, "damn you, don't you shake your fist in my face."

George Tiller, colored, was near by when the homicide occurred. His attention was first attracted by hearing Leary say, "You've tackled me this morning, now stand up like a man." On the night previous witness had talked with Leary, and had told him he ought not to abuse another man's wife. Leary said he'd get another place to-morrow. He had money to pay his way. Appeared to be excited, so witness thought. Cross-examined, said Leary was talking loud, and appeared to be excited.

Thomas Redding, testified that he heard Leary say to Gallup, "Don't shake your fist at me." Turned at this and saw Gallup shaking his finger at Leary. Did not see Leary pull the knife open, but saw him pull his hand out of his pocket and stab Gallup. Cross-examined, said that Leary was talking very loud.

Alexander Redding heard Leary say very loud, "Don't you shake your fist in my face." Gallup was shaking his finger. Heard the conversation between Leary and Tiller as reported in the testimony of the latter.

Mrs. Susan Gallup, the widow of the late Edward B. Gallup, was the next witness sworn. She was dressed in deep mourning, and has a handsome, intelligent face. During the examination the witness exhibited considerable emotion in the tones of her voice. While she was testifying Leary did not look towards her. She testified that she had lived on the farm of Mr. Krebs in this county since last February. Leary lived in a tenant house on the farm, and took his meals at their house. On the morning of the murder she went to the kitchen door; she saw Leary stab her husband and heard her husband cry, "My God! he's killed me." Mr. Leary never liked her husband. Leary entertained a great jealousy against him on account of the farm. On that morning her husband was not armed, did not even have a pocket-knife; she had examined his clothes. On the day previous to the homicide, Leary had been very abusive toward witness, because of a postal card which he accused that she had ordered the postmaster not to deliver to him. She denied, and he shook his fist in her face and called her a "she devil." She went to call her husband. Leary said, "Don't you threaten me with Gallup; and you take care that you are not made a widow before many hours." Leary said to her, "You are not as good as the lowest canner." Leary's conduct had always been very disagreeable; he had sat at Mr. Gallup's table and had not spoken to him for two weeks at a time. A month before the killing, Leary said to witness that Gallup should not stay on the farm the year out. Cross-examined: had never heard any quarrel between her husband and Leary; she told her husband that Leary had insulted her, but did not tell him how.

Miss Nannie Sanners, a sister of Mrs Gallup, was sworn. Miss Sanners is an intelligent-looking young lady, aged apparently about twenty-five years. She testified that she was present during the trouble between Mrs. Gallup and Leary, and gave pretty much the same testimony regarding Leary's language as given by Mrs. Gallup. She said that Leary's language was very insulting. After Mr. Gallup was stabbed and brought on the porch, she went to him. He said to her, "Isn't this hard?" She replied to him, "Indeed it is, Ned. Indeed, I didn't think that old man was so bad as to do that." Shortly after, Leary passed her while she was in company with Mr. Gallup's four-year-old boy. The child pointed to Leary, and said something about that being the bad man that hurt my pa. She told the child not to speak to him, and Leary turned to her and said that if she did not mind she would get some.

John Robinson was sworn, and testified that he lives at Still Pond, and that he knew Gallup, and knows Leary. He was at Gallup's house on the day of the homicide. Leary told witness that he cut Gallup, and would cut him again, or any other man who shook his fist at him. Has seen prisoner since he has been in jail. Was sent for. Leary asked witness to try and get George Teller away from here. Said that Mr. Frank Harper would supply the money. Cross-examined, said that John E. Thompson was the young man with him at Leary's house. Does not regard Leary as a very excitable man. He promised Leary that he would endeavor to get Tiller away.

Eugene Bonwell, testified that he lives adjoining the Kreb's farm. Leary came to his house between 10 and 11 o'clock on the day of the homicide. Leary told witness that he—Leary—had had a spree at Gallup's, and had come to dinner. He said Mr. Gallup shook his fist in my face, and I cut him, and I have put him under a doctor. Leary said that the trouble had been brewing for some time, and had to come to an end. He said that Gallup did not strike him. Leary entertained very unkind feelings for Gallup. Cross-examined, said that Leary is excitable, and when excited is noisy and blustery.

Wm. T. Spry testified that he lives near Still Pond, opposite the Krebs place. Had frequently talked with Leary, and the latter talked in a very unfriendly manner about Gallup, finding fault with nearly every thing Gallup did. Never heard Leary say a good word about Gallup.

Dr. Wm. S. Maxwell testified that as a natural consequence, the wound was fatal; the immediate cause of death being internal hemorrhage, resulting from the stab.

Thomas Norris, postmaster at Still Pond, testified that he had received no directions from the Gallup family not to deliver mail matter to Leary.

The State here rested its case.

Testimony for the Defense.

The defense had called as its first witness, the accused James S. Leary. Leary said, "I have lived for 18 years on the farm of George Krebs, who is my nephew. On the Friday evening before this unfortunate hard affair, I saw Mrs. Gallup and Miss Sanner looking at me while I was at the table with canning women. On Saturday, Gallup said, "here is a postal card from Mr. Krebs, and you wouldn't bring it. I took it very hard, and thought he meant that I wanted to throw some obstacle in the way between him and Krebs, which I was not doing. Saturday night I went out to the village and saw nothing of them till next morning, I dressed myself and stood in my door. Gallup came up and said, "come here old fellow, I want to talk to you." He had always said captain before, but on this occasion was rough in his manner. He continued, "you must recant what you said to my wife, or you must leave the farm to-morrow." He said, "you old scoundrel, if George Krebs was not in the house, I'd knock the devil out of you." I thought he was about to strike me. I was very much excited. Gallup shook his fist in my face several times. He turned his back to me, and I told him to face me. And then I cut him. I was very sorry. I felt very uncomfortable. I went into the house and laid down; after Dr. Maxwell had seen Gallup, I walked out, and asked concerning him. The doctor's reply was reassuring. I again went in the house and laid down, but again felt bad. I got up and went over to a neighbors and took dinner. I am sixty-four years old next April. The knife was opened after it came out of my pocket. It was not open when I came out to talk with Gallup. I don't remember any conversation with Redding and Tiller in Harper's store in Still Pond. I had no malice against Gallup, and did not strike the blow with the intention of killing him. I struck the blow more to ward off a violent assault, which was then to my mind imminent. There never was a formal quarrel between Gallup and me. The difficulty was between the ladies and myself.

Cross-examined, he denied threats made to Mrs. Gallup on the night previous, and denied threats made to Moan. He was at Still Pond the previous night, and had no such conversation as that detailed by Teller and Readding.

F. H. Harper testified that Teller told him, that at the time Leary stabbed Gallup, Gallup had grabbed Leary by the arm.

Defense here rested its case, and by mutual consent the case was submitted to the Court without argument.

The Verdict and the Sentence.

After some consideration and consultation between the Judges, Judge Robinson rendered the following decision,—It does not strike us that this is a case of murder in the first degree. To constitute murder in the first degree, the party must deliberately, premeditatedly and wilfully take the life of another. There is no evidence in this case showing that the prisoner had a fixed and preconceived intention to take Gallup's life. In all human probability, if Mr. Gallup had not gone to Leary's house that morning, the unfortunate homicide would never have occurred. Again, the instrument used was not such as would lead us to suppose that he intended to murder Gallup, or he would not have stabbed once only with a knife but three inches long. Leary may have struck regardless of consequences. Had Leary sought Gallup out, and then taken his life, perhaps it would then have been a case of wilful murder. But the evidence in this case shows that Leary killed Gallup wilfully, having malice in his heart, and Leary is guilty of murder in the second degree. Say, therefore, Mr. Clerk, Guilty of murder in the second degree.

On Tuesday morning Leary was brought into court, and Judge Wickes passed sentence upon him. He said,—James S. Leary—Do not believe, because you have escaped a verdict of guilty of murder in the first degree, that your crime is not terrible and that you will not be punished severely. You have deprived of life a good member of society; you have deprived a wife of a husband and children of a father. In all probability you will pass the remainder of your life in State prison. Let us sincerely hope that those days may give you a penitential heart. Penitence cannot, however, restore to the wife a husband, to the children a father, to society a citizen. The judgment of the Court is, James S. Leary, that you be confined in the penitentiary of the State, in the city of Baltimore for fifteen years from this date.

MR. R. HURLOCK'S SICK CATTLE.

TEXAS FEVER THE DISEASE.

The *Transcript* recently published some account of a deadly disease that was afflicting the cattle belong to Mr. R. Hurlock near Rolph's Wharf in Queen Annes county. The State veterinary surgeon has since investigated the disease, and we clip the following statement from the Baltimore *Sun* regarding it:—

"Dr. Robert Ward, State veterinary surgeon of Maryland, has decided that some measures must be taken to restrain traffic in animals affected with contagious diseases and all animals that have been in contact with stock so infected. The diseases at present menacing the cattle interests of Maryland are Texas fever and pleuro-pneumonia, but principally the former. He has just returned from a visit of inspection to Rolph's Wharf, in Queen Anne's county, and found there that Mr. S. R. Hurlock has lost seven cows and six steers out of a herd of thirty-seven. He discovered three animals suffering from the primary symptoms of the disease, Texas fever, staggering in their gait, and general febrile symptoms.

He had a steer killed and held a post-mortem, which revealed splenic fever, the true Texas disease. Mr. Hurlock states that he bought a dozen head of cattle about a month ago in Baltimore. Soon afterwards they exhibited the Texas fever, and gave it to his other cattle. Becoming alarmed he shipped ten head of steers to this same firm to be disposed of. They sold these cattle, it is said, to Queenstown, in the same county. Mr. Hurlock, immediately after shipment, lost about a dozen head of cattle from the disease. Mr. Taggart, near Pikesville, has lost four out of six young steers purchased. Other cases have been reported. Dr. Ward is in receipt of a letter from Thos. J. Edge, secretary to the Pennsylvania board of agriculture, in which Mr. Edge says he has made careful examination of the cases of pleuro-pneumonia reported by Dr. Ward along the Pennsylvania and Maryland border, York county, and found them to be cases of Texas or splenic fever. He will continue his investigations. Mr. Edge states that he has paid out $750 recently as compensation to farmers who have lost cattle by this disease in that region. Pennsylvania allows compensation for cattle killed to prevent the spread of the disease. The leading drovers of Baltimore, Dr. Ward states, show a commendable disposition to aid him in his efforts to repress the disease by adopting measures to prevent the sale of animals which are even suspected of the disease.

Literary Notes.

The November issue of th[illegible] will [illegible] tu[illegible] [illegible] [illegible] [