

Transcript Daily.

Friday Morning, October 28, 1892.

COLLINS & HOPPER,
EDITORS AND PUBLISHERS.

COURT adjourned yesterday at 3 o'clock, to meet this morning at 10 o'clock.

THE only penalty for murder in the first degree is death, and the court has no discretion in the matter.

UNLESS some unexpected developments take place we will not issue another DAILY until sentence is passed upon the prisoners.

THE wedding of Mr. Carole C. Perkins as already announced, will inaugurate the short list of marriages to take place in Chestertown during the present season.

A DELIGHTFUL oyster roast was given on the beautiful lawn at the home of Mr. E. W. Emory, at Quaker Neck, on Saturday last. About thirty ladies and gentlemen enjoyed the feast on the shore. A number of those present rode down on horseback.

A game of foot-ball is scheduled for Saturday morning between the Washington College and the Maryland Agricultural College teams, on the Washington College campus. Game will begin about ten o'clock.

REPORTS from two of the balloons sent up by Mr. Colin F. Stam on Columbus Day, have been received. One of them fell in Mr. Hurlock's field near Rolph's wharf and the other at Cannon, Del. The first one sent up, which was named for Columbus, has not been heard from, but perhaps like the great discoverer, is in search of a new country.

ARCHER BECK BOWERS, a young white man who sails on the steamer Corsica, and who applied to Jervis Spencer, register of fourth district for registration and was refused because of a doubt as to his residence, and who took an appeal to the court yesterday, to be placed on the registration books of the fourth election district.

THE bicycle races open to Queen Anne's and Kent wheelmen, already announced in the TRANSCRIPT will take place next Wednesday afternoon at 3.30 o'clock. The first will be a five mile race from Worton to Stam's crossing, Chestertown, and the second a mile race from the paper mill to the same crossing as above. Three medals will be given in each race to the three fastest riders. All wheelmen of the two counties are invited to take part in these races.

FROM TOLCHESTER.

Officers Elected for the Coming Year.

EDITORS TRANSCRIPT:—Saturday last was the day of all others of the year for the stockholders of Tolchester Beach. They held their annual meeting at the Beach. This meeting was an unusual one, owing to their very prosperous season just passed, as well as to the many and important improvements for the coming season. After the above business was carefully gone over, they proceeded to elect the following board of directors: W. C. Eliason, president; W. E. Giles, B. F. Betts, W. A. Potts, J. M. Naudaue, J. R. Fountain, Jas. H. Smith, John Pennell, W. Biddle, H. C. Clayton, A. S. Miles. This done, next in order came dinner, one of those famous Tolchester dinners. Altogether the day was a pleasant one for all present. Messrs. Potts and Noland are still working large gangs of men, and will soon have many of what has been usually spring jobs, out of the way this fall.

Our little school at the oaks, under the able management of Miss Leaverton, was right in the front ranks on Columbus Day. With flags flying and patriotic speeches, all enjoyed the day hugely. HAPS.

Death the Penalty

Eight Negroes to Expiate Their Crime Upon the Gallows.

THE LAW VINDICATED

RUMORS OF MOB VIOLENCE AGAINST JOHN POTTS

Deprecated by the Court, and the Sheriff Ordered to Summon a Sufficient Number of Men to Guard the Prisoner.

CHESTERTOWN CROWDED WITH INTERESTED VISITORS TO HEAR THE VERDICT.

DEATH THE ONLY PENALTY.

No Discretion With the Court—Scenes and Incidents following the Trial of the Men Charged With the Murder of Dr. J. Heighe Hill—The Prisoners Enter the Court House with Smiling Faces and Apparently Fail to Appreciate the Gravity of Their Position.

POTTS STILL IN JAIL.

Rarely, if ever before, has a trial in Kent county, created such general interest and intense feeling, as that of the murderers of Dr. James Heighe Hill, near Millington, on the night of April 23. The evidence is in, the trial has closed, and as the necessary result of the verdict of "guilty of murder in the first degree" rendered by the court yesterday morning, Joshua Bainard, Louis Benson, Henry Hurtt, Moses Brown, Frisby Comegys, Charles Brooks, Fletcher Williams and Charles S. Emory will expiate their crime on the gallows.

Long before the hour (9.30 o'clock) for the formal opening of court yesterday morning, the court-room became densely packed with an anxious mass of persons from every section of Kent county, and many from distant points in Queen Anne's.

At half-past nine o'clock, the room was so densely packed, that Judges Robinson and Stump could scarcely force their way through the crowd, and indeed, His Honor Judge Wickes, made his way to the bar by the centre aisle, and was assisted over the railing by friends who stood by. Messrs. Richardson, of the Baltimore Sun, and A. O'D. Hayward, of the American, were taken up bodily and passed over the shoulders of the crowd to a position within the railing of the bar. Every available spot was occupied; even the space allotted to the judges, being divided with anxious spectators, and it was for a time almost impossible to secure sitting room for the attorneys in court. Crier of the Court Greenwood stated that he would allow the gentlemen to rest themselves, but when the court convened they would have to give place to lawyers and officials. The surging mass of humanity which filled the court-room when the judges took their places on the bench, was something unparalleled in the judicial history of the county, with

possibly one exception, and that was when Thomas Hyer and Yankee Sullivan were tried for dueling at Plum Point in 1849. The trial on Wednesday evening had terminated with an abruptness almost startling, and the announcement by Chief Judge Robinson, that a verdict would be rendered on the following morning had awakened an amount of speculation as to the final result, which only served to crystallize an already intense degree of public interest.

THE PRISONERS IN COURT.

About 9.45 o'clock a ripple of excitement gave warning that the prisoners were entering the court-room; the crowd divided and the eight condemned men and boys, and the more fortunate negro Potts, took their places in the prisoner's dock. The court's officers called the crowd to order, and in the midst of the most profound silence Judge John M. Robinson

ANNOUNCED THE VERDICT.

Several of the men had entered the court room with their faces wreathed in smiles, and all seemed thoroughly unconscious of the gravity of the situation which confronted them. The court, however, evidently appreciated the terrible responsibility which rested upon them, and with a seriousness bordering closely upon intense feeling, Judge Robinson pronounced the doom of the men condemned by their own evidence.

The judge spoke amid the most profound silence about as follows: After having carefully considered all the evidence in the case, we pronounce Joshua Bainard, Louis Benson, Henry Hurtt, Moses Brown, Frisby Comegys, Charles Brooks, Fletcher Williams and Charles S. Emory, each is, and all are, guilty of murder in the first degree. At this announcement there was a decided sound of applause throughout the court-room, but in an instant a look of indignant disapproval and a stinging rebuke from the court, seconded by the commands of the officers, enjoined silence, and the court continued: there has been no evidence elicited by the prosecution to show any complicity of John Potts with the murder, and we declare him not guilty.

The court said, further, that they had been pained to learn from the sheriff, since the verdict, that there was a disposition on the part of some persons to offer violence to John Potts; while they recognized and commended the zeal of the prosecuting attorneys in thoroughly sifting the case and exhausting the evidence, Potts had been tried, and the State's officers were unable to show any complicity with the murder, and all of the court were of the opinion that he was not guilty. The court scarcely believed that there was any body of people who would desire for one moment to offer violence to the prisoner who had been duly indicted, tried and acquitted. Some believed Potts guilty, but be that as it may, the evidence had not shown it. If violence, said the court, is to be thus offered, no man is safe, and the law becomes a dead letter; any one offering violence to the prisoner would be guilty of murder in the first degree.

His Honor Judge Wickes added to what Judge Robinson had said, stating that he deprecated the rumor of violence, and hoped that the people and the county might escape the disgrace of having mob law thus exercised. When the majesty of the law is thus outraged and summary punishment is administered by an infuriated mob, it was a situation to be most earnestly deplored. The grand jury, said the judge, has not been discharged, but will meet on Monday, and if any developments take place, proper action can be taken.

A SURPRISE TO MANY.

The verdict was a profound surprise to many. Some had expected that only Williams, aged about 25, Brooks, aged 21, Brown, aged 26, and Comegys, aged 18, would be convicted in the first degree; and that the youth of the boys, Bainard, aged 17, Hurtt, aged 16, Emory, aged about 17, and Benson aged about 17, would be taken in mitigation of their crime.

HOW THE MEN RECEIVED IT.

With the single exception of Potts, the men failed to apparently realize the fearful verdict which had been pronounced, but gazed around the court-room in an unconcerned, listless sort of way, as though nothing had happened. Potts, who is a bright, intelligent negro, recognized the delicacy of his position from the moment the court made reference to a rumor of violence against him, and was evidently nervous and unhappy.

THE MURDERED MAN'S FRIENDS.

Mr. Samuel J. Hill, father of the murdered man, was in court at the time of the rendering of the verdict, a sad witness of a scene in which he was by far the most interested actor. Mr. Hill stated that he regretted that Potts and the two men Hynson and Harrison had escaped, as he believed them all guilty. Vague rumors of lynching were put in circulation, but none of the murdered man's friends so far as could be seen, gave any degree of sanction to lawlessness or violence.

BACK TO THE JAIL.

As soon as the verdict was given, and the announcement was made that the rules of court would prevent a sentence before the prisoners had had "one day in court," and that sentence would be passed at some later date, a general stampede was made for the yard to see the prisoners as they were carried to jail. Owing to the vast crowd of persons congregated around the jail and in the court-room, it was thought advisable to wait, and not until several hours afterward were the men returned to their cells. Williams, Brooks and Brown are in the lower steel cells and are leg-ironed, while the boys, Bainard, Comegys, Hurtt, Emory and Benson are in an upper cell together, are in the best of spirits, and wanted to know when they would be allowed to go home, that they were tired of jail life. Brooks, when asked if he would not rather be husking corn, said, no; that he had been eating corn bread so much, that he wanted no corn.

Williams stated that Bradshaw and Brown had lied, and said that he would like to see Brown and tell him of it. Bradshaw, who is in a separate cell, would have but little to say, apparently appreciating the fact that he had alienated his former friends, and that in the future his path would be an unpleasant one. Brown, Williams and Brooks later in the day were depressed, and when fifty cents, which Brooks' father had left him, was handed through the door of his cell, his courage failed him, and he burst into tears.

NO SIGNS OF AN OUTBREAK.

At a late hour last night all was quiet, and there were no signs whatever of an outbreak on any side, and it is to be hoped, as it is to be expected, that the law-abiding citizens of the county will bow in humble submission to the majesty of the law, and see to it that no shadow of reproach is cast upon our people and county by mob violence in any way.

THE SECOND LARGEST VERDICT.

Excepting the verdict in the great Molie Maguire cases, this is possibly the largest conviction in this country, the Chicago conviction, where seven men were sentenced, coming next.

Sentence will probably be passed on Monday or Tuesday next.

THE INDICTMENT AGAINST THE MURDERERS.

The following is the full text of the indictment against the men who are now, to all intents and purposes, condemned to "hang by the neck until dead," for the murder of the lamented Dr. J. Heighe Hill, near Millington, on the night of April 23.

STATE OF MARYLAND, KENT COUNTY, TO WIT:—

The jurors of the State of Maryland, for the body of Kent county, do, on their oaths, present that Joshua Bainard, Louis Benson, Henry Hurtt, Moses Brown, Frisby Comegys, Charles Brooks, Fletcher Williams, Charles S. Emory and John