Easton Star.

EASTON, MD.

Tuesday Morning, Aug. 2, 1870.

We dislike unnecessarily to say anything more respecting the railroad quarrels which are unfortunately carrying our courts and people, but the article in Thursday's *Journal* on our libel, and the jury that tried the Outram case, and this paper, is so gross and unjustifiable, that we cannot let it pass. We assume that the writer, who signs himself "Talbot," represents the President of the company and the company's attorneys, and we shall deal with the article as a semi-official paper.

And first as to ourself. It is not true as stated by the writer, that "the Star attempted to withhold entire details." We simply made a brief statement of facts, intended to ensure the publication of propositions (understood and stipulated to be null and void if not accepted) for the purpose of prejudicing cases now pending in the courts. Such a proceeding is unusual and unwarranted, and must be deprecated by the public. If we are correctly informed, it was a flagrant violation of an express agreement, that if not accepted they were not to be used to the damage of either party, and in even a more aggravated case than we represented it.

In response to the arraignment of the jury by this writer, it is a sufficient reply to the imputation cast upon them, to point to the jury itself: twelve more disinterested, impartial, fairer, more intelligent, and conscientious men could not have been chosen. Here is the list: Wm. S. Denny, James S. Bartlett, Silas Kirby, Chambers Hopkins, Robert H. Wilson, Edward R. Applegarth, Jesse B. Shannahan, Alexander Boddie, Charles H. Sherwood, B. C. Town, Samuel E. Shannahan and John C. Bartlett. No man acquainted with them will deny their sound practical judgment, their competency to make the necessary calculations, and their fairness in dealing with their fellow men. That the question they had to settle is one that men may reasonably differ about is true; but when twelve men, such as composed this jury, pass judgment upon it, their decision is entitled to great consideration, and not to be treated in the public prints as this writer has treated it. His assumption that the jury awarded Mr. Outram fifty per centum more damages than he himself claimed is a gross misrepresentation of facts. We happen to know that Mr. Outram has claimed all along that he would be damaged by the deep cut through the front of his farm at least $2500; and his offer to take $1000 was made in the spirit of compromise, to avoid litigation; at the same time he said if the Railroad Company did not accept his offer, and he was forced to go to law to protect his rights, he should claim all he thought he was justly entitled to. And would any man of sense have done less?

The President of the Railroad Company and his Attorneys are mistaken if they suppose they can draw out of landholders the least possible sum they are willing to take, to avoid litigation, and then to force them into the courts and make these amicable propositions a base to operate from, with the expectation of getting less in a general scramble. Every sensible jury would want such proceedings out of court; and a corporation has no soul that would attempt it.

If the Railroad Company makes a practice of persuading parties to submit propositions for an amicable settlement and then breaks off negotiations, publishes the propositions for the purpose of damaging the parties, and then attempts to influence juries by such rejected propositions, it will very soon place itself in such disreputable odor that no gentleman would make it a proposition, and no one could be enticed but by litigation. We are astonished that the President of the Company and his Attorneys should pursue such a course, in view of the fact that much of the track between Easton and the Delaware line is in dispute, and other parties are only awaiting the decision of existing suits to pounce upon the Company. If nobody hereafter for these reasons will treat with them amicably, to avoid expensive litigation, and to further the settlement of these claims, the contractors who now own the road may find it to their interests to supercede both the present President and his attorneys. The finances of this Company we know will not authorize its officers and attorneys to pursue a course as damaging to its interests.

The imputation cast by this writer upon Mr. Sheriff Bennett, by charging that he selected the jury in the Outram case because of their "supposed opinions respecting land damages," is rebuked by the jury itself. Mr. Bennett summoned Col. William Hayward, John W. Martin, Alexander H. Barnett, A. A. Pascault and Robert B. Dixon, Esqs., but Colonel Hayward was taken sick, Messrs. Martin and Barnett were about leaving for the Springs and got excused, and business engagements prevented the attendance of Messrs. Pascault and Dixon. The vacancies in the panel had to be filled after the parties met. T. N. Chance was on the ground and not a witness, and was summoned; John C. Barnes was taken on the public road, returning from church, and Samuel E. Shannahan was summoned in town. And yet, with a knowledge of these facts, this writer intimates that the jury was packed, because it did not think as he thinks respecting the quantum of damages awarded, when in fact he thinks so, less should have been awarded more than *one dollar*. No man that knows how high Mr. Bennett stands for probity and fair dealing will believe for one moment that he could be influenced in his official duties by any one of his own which he may have in the courts. But the fact that Mr. Bennett's suit is in chancery, and that a jury can have nothing whatever to do with it, makes the charge ridiculous in the extreme as emanating from gentlemen and lawyers.

But who is the gentleman that assumes to arraign Mr. Bennett for improper conduct? Is it the President of the Company? If so, how does he have the cheek to do it? In the examinations of these very lands the Court, under the law, appointed their disinterested commissioners, whose every duty it was to go upon the premises of each land owner, as a witness or a juryman, to decide between the Railroad Company and the land owner, and award such damages as they considered just and right. Unless prejury had any right to influence the commissioners one way or the other. Yet Mr. Commissioner Pennington [illegible] upon the [illegible] selection in these very [illegible] drafted and guarded by [illegible] General Stockton in all [illegible] for new commissioners [illegible] Mr. Bennett was [illegible] the parties to the suit as would violate the proceedings, had they been regular in other respects. It is not strange that the party that thus illegally summoned, and "controlled and governed," in the incipient stages of these cases, to the injury of the rights of those whose lands were condemned, should now to vanish to find its legal acts through the courts, but it is strange that one with such a record should have the effrontery to charge others with "packing" juries.

After "picking" this unfortunate quarrel of pretty much all the cash paid in by private stockholders for the last fifteen years, and there is nothing now left for any body to "pick," we are gratified to observe that gentlemen are giving signs of intemission. Hear their doleful wail: they say with almost deploring visage, "it is hoped, however, that all the money of this ill-starred railroad, which seems to have encountered impediments and hinderances at every step, will not be consumed in land damages and lawyers fees, and have nothing left for rails and cross ties." They go further, and appeal for "less prejudice" and "more liberality" which is rather cool, considering that the management have never respected the law from the beginning, but have all along been "a law unto themselves."

Now, we are so sick of these troubles as any body; they ought never to have existed, and ought to be speedily settled; and if those who have caused them will but get out of the way, and turn the matter over to Mr. Caldwell, the Superintendent, we believe they can all be settled in twenty-four hours. There is nothing in the way of a settlement but the President of the Company and its attorneys. They are the parties that are making the trouble and "consuming" the money in "lawyer fees" that ought to buy the "rails and cross ties."

J. Jeter Phillips.—We print on our first page this morning a full account of J. Jeter Phillips, the man that was hanged at Richmond a few weeks ago, for the murder of his wife. A correspondent of the Baltimore *Sun*, who writes from Louisa county, Virginia, gives some additional information respecting the past history of Phillips, which, if true, makes him out even a bigger rascal than he was believed to be. The *Sun's* correspondent says:

> I have just heard something that greatly astonished me. In conversation with a gentleman from Orange county, the execution of J. Jeter Phillips at Richmond, for the murder of his wife, was one of the topics discussed, when he asked me if I knew that *Mrs. Phillips was really living* now, after all. Expressing my ignorance and incredulity in regard to that strange suggestion, I was seriously and positively assured that J. Jeter Phillips married in Orange county during the war, and that his widow and one child were now living in that county. My informant said that the marriage occurred in his own neighborhood, and that he knew the lady whom Phillips married. He was confident that there could be no mistake as to the fact. Phillips had not visited his wife and child since the war, and his desertion of them was classed with hundreds of similar instances, as the very natural result of a "war marriage." Nothing, indeed, was heard of Phillips until his arrest for the murder of Mary Emily Pitts, when a thousand considerations concurred to keep his Orange wife quiet and to prevent her from putting in her claim upon him. She had already become reconciled to his loss when she heard of his arrest, and there was nothing in his conduct nor in his situation to revive her affection for him and induce her to share his trouble and disgrace. I tell the story, as it was told to me, except that I suppress names and localities, which if publicly announced, might occasion annoyance to the reputed widow of the hanged Phillips. I have stated accurately for the truth of his statement as one currently known and believed in his neighborhood, and as authenticated by the declarations of the lady concerned herself.

As an attempt has been made here to produce the impression that the damages assessed by the jury in the case of John Outram vs. the Md. & Del. Railroad Company were exorbitant, we publish below the awards recently made to parties living on the line of the Potomac Railroad. The case of Selby Scaggs, where 4.7 acres of land were taken and an allowance made for 5,006 feet of fencing, and $2,300 damages allowed, approximates the nearest to Mr. Outram's case, where 7 acres were taken, and a claim made for 7,000 feet of fencing, and only $1500 damages were awarded. The cut through Mr. Outram's lawn is five feet deed, and through his field, 13 feet deep, which virtually ruins the whole front of his farm, and puts him to inconvenience which can hardly be calculated in dollars and cents. We think the damages awarded him were as liberal to the railroad company as any unprejudiced jury in Talbot county would be likely to award. Were the farm ours, we would not have it cut so for twice the amount of damages the jury awarded him.

THE BALTIMORE AND POTOMAC RAILROAD.—CONDEMNATION OF RIGHT OF WAY.

> Yesterday the jurors who had been summoned to condemn the right of way in the county of Washington for the Baltimore and Potomac Railroad reassembled in the Council Chamber. The evidence having been completed, the counsel commenced their arguments. Mr. S. L. Phillips opened for the railroad, speaking of the advantages which would be derived from the location of the road, not only to the owners of the land, but the county. Mr. J. E. Norris and Mr. W. S. Cox, for the owners of the land, followed, and Mr. Daniel Clark closed the argument for the Company. The jurors immediately proceeded to make up their verdicts, and made the following awards of damages:
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> Fielder Magruder, 3.100 acres and 27 feet of fencing, $8.75; James H. Fowler, 2½ acres and 3,684 feet of fencing, $725; Emeline Sherriff 2½ acres and 3,553 feet of fencing, $715; Mary G. Dean, 7.56 acres and 2,754 feet of fencing; $1,419; Benjamin Owens, 2.74 acres and 926 feet of fencing, $566.50; Susan B. Sherriff, 6.17 acres and 2,426 feet of fencing, $723; J. W. Pool, ¼ acre and 200 feet of fencing, $112.50; Fielder Magruder, 0.13 acres and 150 feet of fencing, $58.75; Albert C. Strause, 1.36 acres and 666 feet of fencing, $385; Selby Scaggs, 4.7 acres and 5,006 feet of fencing, $2,300; Sally Smith, 5.87 acres and 2,295 feet of fencing, $1165. The jury assessed the land at from $150 to $300 per acre, and then made allowances for fencing, &c., and it is believed that there will not be any appeals, for those of the property-holders present seemed satisfied with the award, although the sum total ($8,068.50) is a few hundred lower than was offered by the Company before they had recourse to the jury.—*Wash. Star*, July 29.

We present our readers this morning with a glowing account of the commencement exercises of our venerable St. John's College. It will be seen that two of our distinguished citizens are recipients of very high but well-merited compliments. The beautiful tribute to the learned and eloquent Rector of Christ Church, Easton, will be appreciated by his friends here, and by all who honor modest merit.

Death of Bayard Miller.—Daniel Miller, of the firm of Daniel Miller & Co. James McKinley, formerly of the firm of McKinley & Parr, James Bruster, dealer in agricultural implements, Thos. E. Martin, Clerk of the Board of Police Commissioners, and a native of Worcester county, Coleman Yellott, a prominent lawyer, and Rev. Luther J. Cox, a local preacher of the M. P. Church, all died in Baltimore last week.

Personal.—The *Cecil Democrat* regrets ex-Governor P. F. Thomas, of this county, as a candidate for the Congressional nomination in this district. He is honest. He is not a candidate—has not been a candidate—and it has all along been positively understood by his friends here that he is not. Surely the members from this district will not desert the veteran statesman who has served them so faithfully and ably for so many years.

The Kansas Overflow in North Carolina.—The New York *Times*, although [illegible] would suppose for all [illegible] they chose on Governor [illegible] Kirk, for the inhuman [illegible] are committing on the people of North Carolina, and for their [illegible] contempt of the law.—The *Times* says:

> "Governor Holden, however, has not himself up as a [illegible] of [illegible] against the [illegible] of Ku-Klux outrages. He has [illegible] to [illegible] the [illegible] of [illegible] and actually [illegible] in [illegible] to [illegible] the [illegible] which [illegible] them. Now, they are not only shocking, but [illegible] to [illegible] recovery, because the State is the [illegible] of [illegible] and [illegible] to [illegible] [illegible] to [illegible] [illegible] [illegible]