The Kent News

CHESTERTOWN, MD., - - OCTOBER 28, 1893

WASHINGTON COLLEGE.

The faculty imposed a penalty of 50 demerits on all the students engaged in the recent attempted hazing affair. This abominable custom is receiving severe treatment at the hands of all the educational institutions of the country, and Washington College can do nothing but get into line.

The new windmill is in operation, and is a thing of beauty as well as usefulness. It supplies sufficient water without working half time, and contractor York can be complimented on the job.

At a meeting of the Athletic Association on Tuesday last it was decided to disband the foot-ball team for the coming season. This action was due not so much to a lack of material as to a lack of enthusiasm. Some of the old players have decided that it dosen't pay, and concluded to stay out of it. All the energies of the association will now be entered in making the coming base-ball season a grand success. Manager Brown canceled all dates for the foot-ball season this week. It was with regret he had to do it, under the circumstances it was entirely necessary.

Miss Bean's resignation was placed before the Board this week, but her successor has not yet been decided upon.

Some ideas have been advanced by the officers of the Chestertown Cycle Club and the Athletic Association of the college looking to a combination of forces, by which the base-ball field at the college could be converted into a park for all athletic purposes. The Cycle Club would have a track, the college boys a fine ball diamond, and the entire grounds fixed up in good trim. The college association is entirely in sympathy with this arrangement and provided the campus would not be disfigured thereby in a protest from the board of visitors, the plan could be brought to a happy consummation. Every one interested should push the project.

Below is the work of the students of Washington College during the first month. Norman Perkins leads the Senior class with an average of 97.4; N. Cameron the Junior with 95.9; Earle Usilton, the Sophomore with 95.5.

The following students in the Freshman class made over 80: E. Cruikshank, 97.5; T. H. Fowler, 97.2; E. S. Thomas, 96.1; G. C. Graham, 95.8; Beaston, 94; T. A. Smith 93.9; D. L. Greenfield, 93; D. Brinsfield, 92.5; J. D. Cowman 92.1; E. F. Webb, 91.1; T. G. Barter, 90.2; A. H. Covey, 88.3; B. Faithful, 87.6; T. Massey, 87; Miss M. Cavender, 86.9; S. Hurtt, 86.7; W. N. Sherwood, 84.5; J. Armstrong, 82.9; Miss C. S. Wickes, 91.7.

The following students in the prepartory department made over 80: Miss S. Brown, 97; M. dek. Smith, 95.7; Miss A. Russell, 94.8; Miss Westcott, 94.3; H. Hendrickson 93.6; H. Beck, 93.2; R. Vetrai, 93; Miss J. Burchinal, 92.8; Miss C. Downey, 82.6; W. W. Wheatley, 92.5; G. W. Watts, 92.1; C. D. Boston, 92; N. Wilkins, 92; Miss De-Ford, 91.6, Miss G. Whaland, 91.5; Miss G. Whaland, 91.5; Miss O. Wilkins, 91.4; T. Easley, 90.9; G. Vickers, 90; J. Eliason, 89.6; E. Lucas, 89.6; F. Simpers, 89.3; J. Easley, 88.9; R. Simpers, 88.7; Miss I. Tarbutton, 88.6; G. McFeely; 88.4; F. B. Hines, 87.3; C. Rasin, 87.3; H. Vickers, 86.8; H. F. Perkins, 8.57; Miss R. Frazier, 85.3; Miss E. Jarman, 84.6; H. Eliason, 82.9; M. Patton, 82.9; E. A. Lord; 81.8; J. Toulson, 81.8; H. Dashiell, 81.2.

FOR CHARITY.

Too much cannot be said in reference to the good that may be done in relieving the poor and needy in our midst from the awful attacks of cold and hunger attending a winter season. For the relief and comfort of this class there are people in our town who deserve special credit for the active parts they take toward bringing about such comforts. There was organized in the P. E. Church several years ago a society called the King's Daughters, whose splendid work in charitable circles has made for them an enviable reputation. Realizing the near approach of winter and feeling a desire to do some benefit for suffering humanity to which we have already alluded, these young ladies who constitute the membership of the King's Daughters showed the public their intentions by presenting on the stage in Stam's Hall on Wednesday evening a series of tablaeux, musical renditions, readings, etc. By such means everybody can contribute to this fund "For Charity" by uniting in their approval and by attending such entertainments. A fair audience greeted their first endeavor. Every one cannot appreciate the thought and work that is necessary to produce an instantaneous scene, but all commented most favorably on the programme.

The group of Indian warriors representing various tribes in the opening scene displayed taste in decorations. The following scene showed the same tribes gathered in a circle smoking the Peace Pipes, while over them in white the Great Spirit, "stretched his right hand to subdue their stubborn natures." Next the audience were given a pathetic scene representing the death of Nokomis (Miss Hurtt) with Miss Mary Beck as Wahonowin lamenting her death.

The following scene found Prof. Clarke impersonating Hiawatha, wooing the lovely Minnehaha. Dr. C. P. Gilpin was in attendance upon the scene making arrow while Miss Annie McHenry Lynah, of Savannah, Ga, most acceptably filled the bill as Minnehaha. The departure of Hiawatha was also a pretty and affecting act. Here Mr. Horace W. Beck sang "Madeline" which was thoroughly enjoyed.

Mr. Eben F. Perkins Jr., in the next found himself laboring under the most terrible difficulties in making his love known to the girl of his heart, Miss Katharine Hines, because his sweetheart's mother Miss Rebecca Wicke's was ever to be found on the scene and at last drives the ardent lover from the house by a broom being vigorously applied.

Prof. Clarke now delights the audience with "The Mocking Bird" which he whistled behind the scenes.

The participants here indulge in a bit of mythology. Mr. Henry Deaver as Paris, is entreated by three lovely women for the gift of the "Golden Apple." He as umpire is to decide who is the most beautiful woman of the three, Venus, Minerva, Juno. He is finally toucned by both the beauty and offer of Miss Daisy Brice as Venus who promises him the loveliest woman in all the world, Helen of Troy for a wife. Miss Josephine Wickes as Minerva and Mrs. R. D. Hynson as Juno could not be excelled while Mr. Deaver made a excellent figure of Paris. The costumes in this scene were strikingly pretty. Here Miss Bessie Wickes renders a piano solo, after which Prof. Clarke as a "Green horn in "Statue Hall" made the audience merry by showing at first his incredulity and a little later his absolute fear at the pieces of statuary who finally pursue him after devouring his large pie which he carried for lunch. The song "Breezes of the Night" was sung by a quartette Mrs. Allen Harris, Miss Mary Beck, Prof. Clarke and H. W. Beck at a garden scene when the stage was filled with pretty girls and gallant men in appropriate costumes.

The tableau, "Three Fishers," was next produced while Miss Mary Beck sang. Miss Hurtt and Miss Bessie Wickes performed a lovely duet. Miss Lynah now poses as the object of Mr. H. W. Beck's affections in a window above a porch while her lover below sings a touching little song but sad to relate the girl in the question does not take kindly to this method of love making and pours cold water on him after he has had the sad misfortune to tumble in the barrel upon which he was perched. A very pretty solo was here sung by Miss Mary Beck. In the "courtship of Miles Standist" which followed Miss Pearson did herself credit as did Dr. C. P. Gilpin, Lewin W. Wickes and H. W. Beck.

After Miss Mary Hurtt had played most skillfully on the piano, Prof. Clarke read aninteresting story, entitled "The Hat."

To close the programme the Bellamy Dance was given. In this dance the performers were dressed with their gowns and suits on backwards, and with masks for faces on the back of their heads they presented a novel scene indeed. Mrs. Harris, Miss Beck, Miss Wickes, Mrs. Hynson, Miss Pearson, Miss Ireland, Messrs. C. P. Gilpin L. W. Wickes, H. W. Catlin, W. W. Beck, C. C. Hopper and E. F. Perkins, Jr., were the dancers.

Religious Notes.

Rev. A. Edwin Keigwin, not content with building a church in Kent, has succeeded in raising funds too build a neat church at Church Hill and the corner stone was laid last Sunday. Rev. W. H. Logan, of Princes Anne, assisted the pastor in the services. Mrs. M. A. Gawthrop, Mr. Geo. O. Trenchard and others have been untiring in their efforts to establish a Presbyterian church there.

Mrs. Mary Haslup, State organizer of the W. C. T. U., of Maryland, came to our county on Oct. 17 and spent eight days in temperance work. Meetings were addressed at Rock Hall, Morgan's Creek, Fairlee, Galena, Chestertown (afternoon and evening) and St. James. Two Unions were organized, Pomona and Zion, and many additions to the unions secured. The officers of the former are: President, Miss Emma Groves; corresponding secretary, Miss Mamie Baker; recording secretary, Mrs. Walter Trew; treasurer, Mrs. Samuel Brown. The Zion union which was organized at Morgan's Creek, elected the following officers: President, Mrs. Mollie Minner; corresponding secretary, Miss Etta Trew; recording secretary, Miss Emma Shahan.

The revival services at Wesley Chapel have thus far resulted in four conversions and a great awakening of the membership. Rev. J. M. Yingling preached Monday night and proved himself a great worker as well as a talker.

Rev. J. W. Easley, who has been pastor of the M. E. Church in town the past two years, has notified the official board of his desire for a change, stating as a reason that he was not doing any good in our midst. The reverend gentlemen has many friends here and his loss to our community will be keenly felt. The Epworth League especially has made rapid strides under his ministery.

Kennedyville Notes.

Messrs. Wattie McKnett and A. F. Greenwood both of this district, and well known as bicyclists, win first and second prizes in the bicycle contest at Worton Wednesday. Mr. McKnett first prize, a hand some silver medal of beautiful design. Mr. Greenwood second a medal. Mr. McKnett is one of the most graceful and swiftest wheelmen in the county and in company with Mr. W. E. Sanders, the light weight bicyclist, frequently make long runs. In conclusion we will say that Mr. McKnett is prepared to contest with any bicyclist in the county, and we would like to know what's the matter with the C. C. C.?

Mr. Adam F. Huey has sold several of his corn husking outfits in the county Mr. J. H. Weer started one on Mr. Jesse. R. Cooper's place Wednesday. It husks the corn, cuts the fodder, etc.

Mr. John N. Bennett left Thursday to accept a position in Wilmington, Del.

Mr. David Rambo removed last week with his family to Baltimore.

Mr. John R. Bennett returned Tuesday from the World's Fair. Z.

An Open Letter.

GENTLEMEN: — Much has been written during the past month or six weeks upon the question of the Oysterman's Rights and his Protection. Many excellent suggestions have been made, but rather numerous. It is apparent to all, at least should be, that the object is to reach a common conclusion; one that will be the most advantageous to the most people.

The result sought after, springing doubtless from a sense of true patriotism and manly self-respect, is well worthy a careful consideration, a true and honest seeking. I care not what a man's politics may be, if he has other motives—while discussing this subject among his friends and neighbors he cannot at the same time entertain the feelings of true patriotism based upon the love of home, and the protection of home industries. Oh, the love of home! Can I, *must* I, Messrs. Editors, play false to the dictates of my conscience? It seems to me I have seen protection for our oyster interests, teeming from the table in the office of the Board of Public Works. How can I reconcile my conscience, to let it lie dormant, when I see with my own eyes that my material interests are at the disposal of the Board of Public Works? Now my old party is waiting and laying upon its oars for a general division of the Democrats, hoping for another opportunity when some of my old party friends can step into a place. But, sirs, does my individual interests suggest that? Can I afford not to appreciate the fullest protection we have had for years? No, I'll step into harness and bid the *protectors* a gladsome hurrah, and aid them to hold their place, for they are without doubt our friends.

The board as well as the tongers are alive to the fact that a large number of arrests is poor protection indeed; for every fellow of them will have enough in to pay fine, &c., while the tongers have that many less. Protection exists only so long as they, the dredgers, are confined to bars permissable to them by law only. And the emphatic promise of Mr. Smith and the Democratic legislators that the law shall be observed as it has been recently, justifies every one who is in the oyster business, to stand by them in their effort to protect home.

I am not unmindful sirs, that patriotism has its shams, but I fail to see any in this courageous and strong-minded effort to lift our people to their proper sphere and attitude before the world. It grinds upon one's feeling sometimes to be dependent, but this is our only vocation, our only business by which we can feed and clothe our wives and other dear ones, and it would be base ingratitude to wrap ourselves up in party prejudice or even personal prejudice and not help keep our friends where we need them most.

The noblest conceptions of human liberty which ever animated the sons of men, have their home in the minds and hearts of the people of Rock Hall and vicinity. The very truest ideals of government are not always expressed in classical language by our people, but we cannot fail to love and honor the guarding of our interests by constitutional law, against the approval of the destructive power and the sapping effects of the dredge.

Now, gentlemen, the real germ in all this, is love of home, birth-place, kindred, friends which supports and illuminates the whole. It is the pure gold beaten out, and I see my way quite plain. OYSTERMAN.

The Courts.

County Commissioners met on Tuesday with all present except commissioner Rodenhiser. R. C. Morgan was called to the chair during the temporary absence of president Shallcross. Order was passed directing advertisement for proposals to haul and spread sand on the cause-way at Morgan's creek bridge. A petition to shell Sandy Hill and the adjoining hill on road to Still Pond creek was filed. Following accounts were examined and ordered to be paid: George W. Jacoby's account as registration officer first district $103. L. J. Usilton, assistant register 2d district $75: Henry James & Co., lumber to repair Chester bridge $10.80; Chester River Steamboat Company freight 75 cents; F. B. Toulson, hauling shells to fill in Chester bridge abutments $1.26; Geo. Yorker for same $1.50; Thos. Johnson for same $1.00; Fred Nichols, Jr., same $1.74; J. C. Loud, supervisor obtained order for interest on contract price for road work $26.14; J. C. Loud for special road work $23.45; Geo. R. Scoone special work $8.00; Geo. Gale, constable fees in State cases.

Baltimore City Market.

The following quotations are from the Baltimore papers of yesterday:

Wheat, Longberry	63c.@67c
" Fultz	64c.@66c
Corn, White	47c.@48c
" Yellow	46c.@48c
Oats	33c.@35c
Butter	18@20c
Eggs	20@22c

"NOT GUILTY!"

THE SERIOUS CHARGE AGAINST THEODORE DIEHL HEARD, AND HE IS ACQUITTED.

An Ably Managed Case on Both Sides from Beginning to End.

The case against Theodore Diehl, charged with burning certain outbuildings on the farm of his wife, Esther A. Diehl, known as 'Rock Point,' on the morning of Sept. 6, 1893, was called up on Saturday morning. His honor, Judge Stump, on the bench; State's Attorney Wm. M. Slay prosecuting; Harrison W. Vickers and Richard D. Hynson for defense. The party charged was arraigned, plead not guilty and asked to be tried by his country.

All the regular panel was exhausted and about a dozen talismen summoned from which the following jury was secured:

Samuel Todd,	T. J. Shallcross,
Benj. F. Davis,	W. Tylden Brice,
Harry C. Cacy,	Jas. A. Shaw,
Garrett Foxwell,	Robt. Kemble,
James R. Hicks,	W. W. Newcomb,
Benj. M. Hazell,	Wm. A. Crouch.

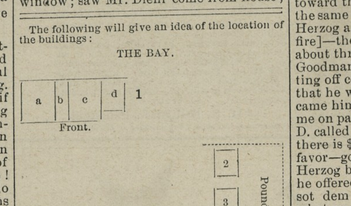
Mr. Slay made an opening statemen in which he recited the facts he expected to prove, and also read the law to show the gravity of the offense alleged to have been committed by the party on trial.

The defense reserved their statement.

Evidence for the State.

Charles A. Herzog, a young white man, was the first witness. He said he was 23 years of age and had lived nine years in Kent; came from Baltimore; has lived with a number of farmers including E. P. Janvier, W. W. Duyer and Mr. Redmile; this is my first year at farming on my own account; rented the Diehl farm—he furnishing the implements. One day Mr. Diehl asked me to ride to town with him, and along by Dr. Hessey's place he asked me if I wouldn't do him a favor—burn the out-buildings; he said I could set fire to the load of fodder and if the wind was right the buildings would go; he said he would pay me what he owed me and give me $25 besides; I refused to do anything of the kind and he was angry; about ten days afterwards while I was at work at the stable he again made the proposition—asked me to set the buildings on fire; Minner came soon afterwards and asked me what Mr. Diehl said, and I told him. Mr. Diehl said he was going away with his wife, and wanted it done while he was gone; said the wind was getting around in the right direction; said there was no danger; they couldn't convict me; even if he saw me do it his testimony would not be sufficient as it would take more than one witness to the act; he said he set fire to the buildings that were burned last year, and a crowd of colored men were in the house at the time, and there was not a question raised about paying the insurance; said it would be necessary to have the fire before May as the Insurance company would not have another meeting after that before November; he said his implements were not worth a d—n; after the fire he would buy new ones out and out, and we could farm it much better; the buildings were burned between one and two o'clock Sept. 6. He went to town the day before; we got home soon after he did, and he asked me what I did with the dearborn; Minner and I went up stairs for bed about 9 or 10 o'clock; he went up first, but afterwards went out and pulled my dearborn from near the buildings to the sycamore tree; about 12 or 1 o'clock the colored men—a half dozen or more who had been at work husking corn on the farm that day and had gone out that night to some kind of meeting—came home and awakened me by their singing; I got up and took a smoke sitting on the window sill; Minner also sat with me; heard a noise like a rat; shortly afterwards we heard a noise in Mr. Diehl's room which was immediately adjoining ours; then heard a noise in the yard, and remarked "it must be Old Rose;" then heard a gate shut; I was at my front window; saw Mr. Diehl come from house;

The following will give an idea of the location of the buildings:



1—Dwelling: a, parlor; b, hall; c, dining room; d, kitchen. 2—Gear house. 3—Carriage house. 4—Granary, or barn.

go from the house toward the gear-house, then to the carriage-house, then back again to the gear-house and on his way set something down like a can or jug; he went to the corner of the gear-house in the pound the second time and we saw the blaze flash and he raised up and grabbed at his beard; he then went to the carriage-house and the corner of the barn and a blaze was started there, and he turned and came toward the dwelling, picking up the can, or whatever it was he had left in front of the gear-house, on his way back; heard him going up stairs to his room, and soon afterwards Mrs. Diehl came into our room in her night clothes and called to us get up; that the buildings were on fire; we refused to go down at first. Mr. W. B. Stephens, who lives about a mile away, was the first man there and he said "Well, Dode, why didn't you burn the dwelling and get a new one?" Mr. D. said "Will, you oughtn't to talk that way." Next morning while we were preparing to go to town Mr. Diehl said to me "there is but one living man that knows anything about this fire; some of them d—n negroes did it;" I said I know who did it and it was no negro either, and he said "you keep your d—n mouth shut."

At this point the State's Attorney placed in evidence the sworn return of Mr. Diehl to the Insurance company, purporting to be a list of property destroyed and the value, as follows:

One gear-house	$ 48 00
" carriage-house	60 00
" granary or barn	120 00
	$228 00
One Hyland Sheller and power	$100 00
1 Grain fan $60, York Carriage $60	110 00
1 Corn Planter $50, Double block and rope $15	65 00
2 sets peach springs $16, set d'ble harness $35	51 00
2 sets single carriage harness	55 00
1 carriage pole $15, 1 pr. dearborn shafts $7	22 00
2 pr. carriage shafts $15, 1 dearborn $60	75 00
1 feed cutter $17, 1 hand corn sheller $25	42 00
1 cultivator $2, 3 plows $24	26 00
6 sets plow gears' collars and bridles, lines	25 00
1 double sleigh $24, 1 double "A" harrow $10	34 00
1 tw'in harrow $14, forks $4, shovels $5	14 00
Singletrees	5 00
	$604 00

Witness Herzog, continuing: The Hyland sheller and power was old and not worth $30 at the outside; wouldn't give $5 for the grain fan he values at $50; the carriage was not worth over $5 either; the top was the only part worth anything; the corn planter might have brought $1 for old iron, all it was good for: the two sets single carriage harness were also worthless; he made one set himself; it might have been worth $5; dearborn possibly bring $1 for the old iron on it; the feed cutter was good, but the hand corn sheller was worth nothing but to hull walnuts; the handles were taken off the iron cultivators and put out of the way—Mr. D. said fire wouldn't burn iron; there was no double A harrow.

Cross-examined by Defense— I have known Henry A. Minner four years; worked with him before; we rented the Diehl farm together, each to share alike; we lived in the dwelling with Mr. Diehl and had all but two rooms; our be room was over the hall; one bed was occupied by Minner and myself; the house faces South, the bay at the back; two windows in our room, one back and one front; Mr. and Mrs. Diehl eat with us; we had supper after dark the night before the fire; the wind was north next morning; don't know how it was the night before; when called and told of the fire by Mrs. Deihl, Minner said he wouldn't go down because if they hadn't wanted the buildings burned he wouldn't have set them on fire, we finally went down and threw a little water on the fence to keep the fire from the other buildings; the roofs were about to tumble in when Mr. Stephens came; no efforts were made to save the old buildings; John Goodman was the first colored man I saw next morning; did not tell him I saw the old man set the fire; am friendly with Mr. Diehl; never have been in any other way, though he had had me arrested.

Henry A. Minner, companion of the first witness, testified: Am 25 years old and have lived in this county 22 years; last Spring Mr. Diehl, while under the influence of liquor, offered me $25 to set the buildings on fire; heard him talking to Herzog in the stable one morning last Spring offering to pay him to burn the buildings; Herzog refused; heard Mr. Diehl on the night before the fire ask Herzog where he put the dearborn; after we had all retired Mr. D. went out and pulled the dearborn from the buildings to the sycamore tree; I was at the window and saw him; he then came back to his room through the breakfast room; Charley got up in the night and took a smoke as he often does; we were aroused that night by a rat and that's why we got up then; heard the colored men come home singing and after all had gone to bed we heard a noise in Mr. Diehl's room; Charley aroused me by crawling over me, he looked out the window and said Mr. Diehl has gone out; we saw him go into the gear-house and come out again; then he went to the carriage-house, then return to the gear-house; he set something down in front of the gear-house; then saw a flash and raise up and take hold of his beard; then he picked up the can or jug and come back to the house and went up to his room; we could plainly hear the stairs creak as he came up, and soon afterwards Mrs. D. came into our room and told us some of the negroes had set the buildings on fire; from the east end of the dwelling, the kitchen, to the gear house, is about 15 yards; gear-house was nearest; the blaze went southward. This witness testified the same as Herzog in regard to the implements.

Cross-examination by Defense—Never saw Mr. Diehl to know him before the first of the year; resented the proposition to burn the buildings by refusing to do so; heard him very distinctly when he asked Herzog to burn the buildings; I was in the stable and nothing but a thin door separated us; thought I had a right to listen when Mr. D. took him out of the stable to talk; supposed it was something about the place; Herzog refused to do what he asked him; there was a kind of mist during the fire and a light shower next morning; barn and carriage-house together fronted about 36 feet; feel kindly toward Mr. Diehl; know T. J. Parsons; do not remember having any conversation with him the day after the fire at Worton Station; saw Fred Johnson there; know I did not say that Mr. Diehl was asleep when the fire broke out; took some stuff to Mr. Kelley at Worton Station but don't remember talking to him about the fire; was at Kennedyville day after the fire; did not tell Mr. Jos. Weer that I didn't know how the building caught; the implements were in all three of the burned buildings.

Here the court adjourned until Monday morning at 9½, his honor Judge Stump cautioning the jurors in the case not to talk with or to allow any one to talk with them. The Judge said it was customary in cases involving the death penalty to keep the jury together, but as the evidence already taken justified the opinion that this is not a case in which the death penalty could properly be inflicted, he would allow the jurors to separate and go to their homes. He said he had no hesitation in declaring that in a case of arson where human life was endangered, or even live stock, he would inflict the death penalty if the circumstances justified it.

On Monday, the court was promptly called; Judge Stump on the bench. The evidence for the State was resumed.

Wm. Moore, colored, said he was on the Diehl farm on the night of the fire; the fire was between 2 and 3 o'clock; me and Charles Loman, Kid Wilson, John Goodman, Kid Johnson and Silas Watson went to camp and returned about 12 o'clock that night; Loman went out the back door to get a drink of water; he came and called to us that there was a ghost in the garden; it was Mr. Diehl, he came to us and we gave him a pitcher of water; me and Silas lay down in the kitchen floor; heard some one in the night coming down stairs; heard him pass through the dinning room and out through the gate into the kitchen yard; saw him; it was Mr. Diehl; he stopped and looked toward the bay first, then went toward the carriage house—[here follows the same testimony as that given by Messrs. Herzog and Minner, relative to the setting fire]—then continued on another line: about three weeks ago Mr. Diehl sent John Goodman into the field where I was cutting off corn to tell me to come to the house that he wanted to see me; next day Mr. D. came himself and said he wanted to see me on particular business; I went and Mrs. D. called me in the kitchen; Mr. D. said there is $25 for you if you will do me a favor—go to town and swear that Charley Herzog burnt the buildings; I refused and he offered me $40: I said "you oughtenter sot dem buildings afire; I wouldn't do what you want fer $100;" he got very mad; next day he offered me $40 again, and two roosters in the bargain; I again refused and he cursed me and told me to get away; Charly Goodman said he'd do anything for Mr. Diehl but hang himself; I slept on the sill of the door; could see Mr. Herzog and Minner looking out of their bedroom window; Mr. W. Fields caused my arrest on the charge of threatening his life, and I was put in jail.

Cross-examined by Defense—am from Richmond, and have been here two years, it was starlight when we came home from camp but I wanted a light to go to bed by; Mr. D. called to know what we wanted; I said a light; and he went up stairs without giving us one. When Chas. Loman came down stairs he said "Will, the barn's on fire!" I called out: "Mr. Diehl, the barn's on fire!" have only known Herzog and Minner this year; was in the House Correction on the charge of assaulting the daughter of Mr. Diehl; did on one occasion see a number of colored mem playing cards and Minner and Herzog stood looking on; when I was in jail Mr. Diehl came and talked to me at my cell window and told me I wouldn't have long to stay away: that after my term was out I must come back to his home.

Chas. Loman—was at work on the Diehl farm the day before the fire; returned from the camp that night about 12 or 1 singing, looked for lamp in kitchen; the pump was gone dry and we started it with water from a barrel; saw Mr. Diehl in the garden; he said "Is that you, William;" gave him a pitcher of water; waited for a light but didn't get it; went to bed; in the night as I went to turn over a light at the barn waked me; I ran down stairs and said "the barn's on fire;" Will Moore called to Mr. Diehl; he came out after a while and told us to throw water on the fence to keep the fire from the new buildings; after we had gone to bed he called us down and told us not to worry ourselves, that he would pay us for our trouble.

Cross-examined by Defense—remained on the farm four days after the fire; Herzog and Minner came out after Mr. Stephens came over, Mr. Diehl came down stairs about ten minutes after the alarm; it was not a clear night; could see some stars; talked with Mr. George Hynson and Mr. Ned Biscoe but did not say that Herzog and Minner were here to get their revenge from Mr. Diehl; they asked me if that was not the case.

The defense admitted that Mr. Diehl had laid a charge against Herzog for assault and battery on his wife, and the case was heard before Justice Johnson, but was not sustained.

Here the State rested.

Testimony for Defense.

Theodore Diehl testified: Did not burn the buildings; never thought of such a thing; Mrs. Diehl and myself had been to Chestertown the day before the fire and returned between 10 and 11 at night, we left Herzog and Minner in the sitting room when we went up to bed; they slept in the room next to us; the dwelling faces north and south, the ends east and west; there are five bed rooms up stairs; was awakened about 12½ by the boys complaining about something; went down and saw them at the pump; asked what the trouble was: Moore wanted to know who had taken the light; I said I don't know; think I got some water; Billie Moore was pretty wild, and insisted on having a light; I said it was too late then to get a light; and he replied: "By God, we'll have a light!" Mrs. Diehl awakened me by telling me the boys were making such a noise down stairs; we had intended to sleep in the parlor, but after I had undressed we concluded it was too damp; left my clothes in the parlor and went up stairs; when I got out the buildings were half burned down; got all the buckets and lard cans I could findand the boys all responded except Minner and Herzog; it was no use to try to save the old building; did the best we could and did save the other property; had no interest in or control of the personal property; it belonged to Mrs. Diehl; not one penny belonged to me; had trouble with Herzog all the time he lived with me; don't remember of ever riding with him from Chestertown, and never had any such interview with him and Minner in the stable that they report; it could be of no advantage to me whatever to burn the buildings; we did take the handles off the cultivator, but it was to have new teeth put in; all this talk about my offering them money is only a part of the concocted plan and conspiracy against me; the latter part of July we went to Gale's wharf and on the return Herzog struck me and I had him bound over; had trouble with him about a hog; he stole it and never paid for it; he cursed my wife to her face and said he would put me "where the dogs won't bark at me;" Goodman told me that Herzog offered him $40 to set the buildings on fire; said he wouldn't do it; I did not pull Herzog's wagon from the barn to the sycamore tree. As soon as I heard the reports circulated about me I went to the Insurance Company's office and Mr. Geo. Westcott told me to go to his cousin Charley; I did so, and he sent me to the State's Attorney; Mr. Slay told me to sue the company; I didn't want any trouble and then went to Mr. S. Vannort, one of the directors; he said the company didn't owe me anything yet as it had 120 days in which to pay; went back to Mr. Slay and complained of the reports in circulation; he said he would have to take the State's part; did not go to see Moore in jail and say as he reports; was passing there while he was confined therein and he called to me and asked me to get him a plug of tobacco; I owed him money and got him the tobacco; the trees between the house and the outbuildings were in full foliage and completely shut out the view; it would be impossible to see any one at the carriage house from any of the upper windows of the dwelling.

Cross-examined by the State—did not tell Mr. George Westcott that I was out until 12 o'clock the night before the fire, nor the State's Attorney: sold a bay mare, "Daisy," this year; it was not under bill of sale; my wife and I have always been connecting our names in business transactions; had taken Herzog away from the farm; rented the farm to him after that because it was too late to rent it to any one else, as there were no other applicants—but the same as; did intend to leave the farm but Herzog was conducting it in so ridiculous a manner that I had to stay there to take care of the little we had left; Justice Beck fined us both at the time of the fracas with Herzog.

John W. Kelley testified: Keep store at Melitota; Herzog and Minner were at my store with watermelons the last of August; they were talking about honey; that they had gotten some and Mrs. Diehl took it off the table, or something of the kind, and they said they would have their revenge.

Geo. W. Hynson had a conversation with Charles Loman last week in the yard of the Crawford house; Mr. J. E. Biscoe was present; Herzog also; Loman said they were here to testify against Diehl and send him to the penitentiary if they could.

Cross-examined—we were not drunk; had been taking a stroll out toward the college; Goodman said there had been quarrelling between Mr. Diehl and Herzog and Minner and they were going to send him to the penitentiary.

J. E. Biscoe—took a social walk with Mr. Geo. Hynson, and when he returned the parties drove up and in the talk with them Lorman said he believed they intended to send Mr. Diehl to the penitentiary if they could as there had been ill feeling between them.

Thomas J. Parsons had a few words with Minner a few days after the fire; he said Mr. Diehl was at home and in bed he reckoned when the fire occurred. Have examined the dwelling since to determine the obstructions to view from the dwelling; could not see a man clear from Herzog's window; might see a man going in the barn yard gate if light enough; a large post obstructed the view to the corner of the gear room; it would be impossible to see any one going into the carriage house door from that window; the limbs of the trees are so perfectly interlaced; the man in the kitchen door would have had to see through the large post to observe a man at the northwest corner of the gear house.

Cross-examined — Messrs. Vickers and Hynson were there; could not see them from Herzog's window, leaning out; even out on the porch under the window could not see them at northwest corner of gear house; it is 75 or 80 feet from the kitchen to barn yard gate.

Sheriff Edward J. Plummer testified: made an examination yesterday of the buildings on the Rock Point farm, with Mr. A. Crawford and Mr. G. W. C. Shuster; couldn't see Mr. Crawford standing in front of carriage house door clearly enough to tell who he was from Herzog's window; also failed to recognize him at different points on the line of the burnt buildings and three-fourths of the foliage was gone; couldn't tell whether he was white or black; only looked to see from two points.

A. S. Crawford—went to Rock Point farm yesterday to take the location of the dwelling and obstructions to views therefrom; it was about 10½ o'clock; it was utterly impossible to see any one on the line of the burnt buildings from Herzog's window; the mulberry, cherry and maple tree limbs interlock; one little place at the corner of the gear house is the only vacant spot; stood between the carriage house and gear house line and couldn't see any one at the window; a handkerchief waved in the window could not be observed; it would be utterly impossible to distinguish a person there through the thick foliage of the trees; was up on the night of the fire; aroused by a steer near the house, and went out to drive him off or keep him from getting into mischief in the yard; it was about 2 o'clock; the night was very dark; it was with difficulty that I could see the steer I was looking for 40 feet away; saw the light from the Diehl fire at the same time, and remarked that there is a big fire in that direction.

Court took a recess till 6 o'clock.

Evening Session.

Mrs. Esther A. Diehl was put on the stand and testified: Am the wife of Theodore Diehl; got home from Chestertown the evening before the fire between 8 and 9 o'clock; retired between 9 and 10; Minner and Herzog were at home; they went to their room before I did; my husband always retired first; the lamp was burning in the kitchen stairs when we came home from town; we didn't sleep in the parlor that night because it was too damp: Mr. D. left his clothes in the parlor; he was in bed when I went up stairs; he got up and went down to see what the fuss was about when the boys came home from camp; came back and said it was about a lamp; am a very light sleeper; did not hear my husband get out of bed after that until called by the fire; would have heard him I think if he had gotten up between the hours of one and three; called Minner and Herzog as soon as I heard the alarm; they were in bed with their heads covered up when I called them; Mr. Diehl went down ahead of me; went back to my room and dressed after calling the men; heard Moore say that Herzog had offered him $40 to set the "—— old barn on fire."

Cross-examined—didn't sleep much the night before the fire—possibly a couple of hours before the boys came home; the cry of fire from the boys in the kitchen first aroused me; called Mr. Diehl and we went into the boys room together and only staid long enough to call them.

John Goodman, colored—have lived in the county 13 years; went to Mr. Diehl's this year to do some ploughing for him and afterwards worked for Mr. Herzog; was doing day work there at the time the barn was burned; Moore there also; heard him say the day before the fire that he was offered a big sum to do a piece of work; saw Mr. Herzog next morning and asked "what you trying to do here anyhow, burn the farm up—who did it?" he answered "the old man;" went over to Mr. Jos. Usilton's to get a pair of horses and when I came back again asked Mr. Herzog "did you see the old man do it?" he said "No, Wm. Moore saw him;" I then asked Moore if that could be, and he said "No, it ain't so; if Herzog says so he's a ——liar," he further said he'd break every bone in his body if he said so; Moore told me again afterwards that Mr. Herzog offered him $40 to burn the barn down.

Cross-examined — meant Mr. Diehl by "old man;" couldn't say where the talk was with Moore; it was on the farm somewhere; had a third talk on same line think one talk was in Eliza Philips' yard.

By State in Rebuttal.

James E. Newcomb said he visited the Diehl residence this afternoon and took a look from the window of the room of Messrs. Herzog and Minner; for a distance of 21 feet there is nothing whatever to obstruct the view of the burnt buildings; Mr. Taylor also tried it, and there was absolutely no obstruction for 21 feet, then for 15 feet further there was no obstruction except to the head; nothing but darkness would interfere with observing any one for the distance named along the line of the burnt buildings.

James Taylor: visited the farm with Mr. Newcomb; observed particularly the location of the trees; could go for 21 ft. from the gate post along the line of the buildings burnt before there was any obstruction; 15 ft. further before the limbs obstructed anything but the head; there was nothing but the bodies of the trees to obstruct a view from the kitchen door.

Wm. Redmile corroborated the testimony of Messrs. Newcomb and Taylor.

At this point State's Attorney Slay asked to go on the stand to testify relative to a certain interview with the prisoner.

Defense objected on the ground that anything said by the prisoner to Mr. Slay in that interview was in the nature of a confidential communication and could not be used against him. The Court sustained the defense on this point, and only allowed the State's Attorney to contradictcertain statements of Mr. Diehl.

Court then adjourned to next day.

On Tuesday morning counsel argued the case before the jury. State's Attorney Slay opened in an hour's speech for the State, in which he summarized in a masterly manner the strong points on his side. He was followed by Richard D. Hynson for the defense in a careful review of the evidence and a strong argument in favor of the prisoner's innocence. Harrison W. Vickers continued the argument for the defense, and in an hour's speech made one of his happiest efforts in behalf of a client; he had the closest attention apparently of every juror and a room full of people. Indeed all the speakers, Mr. Slay and Mr. Hynson each shared with Mr. Vickers the undivided attention of the court, the jury and interested audience.

At the close of Mr. Slay's second address the case was given to the jury. After an absence of about one hour the jury returned with a verdict of "Not Guilty." Mr. Diehl was at once surrounded by friends and congratulated upon his vindication.

MR. R. S. USILTON has engaged in the butchering business at Melitota. He used to be one of the best butchers in Kent.

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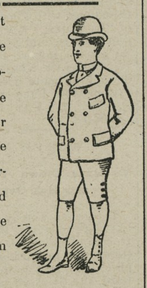

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