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ON TRIAL FOR MURDER

John Holland Before the Elkton Court Charged With the Killing of Albert Constable, Esq.

The adjourned December Term of the Circuit Court for Cecil county reconvened at Elkton Tuesday morning, Chief Judges James Alfred Pearce and Associate Judges William R. Martin and Edwin H. Brown on the bench.

The Constable murder case was then called, and counsel for John Holland and William Hopps, the two colored men accused of the crime, elected that they be tried separately, and the case of State vs. John Holland was called.

State's Attorney J. Wilson Squires is being assisted in the prosecution by ex-State's Attorney Austin L Crothers and William S. Evans, while the defense is conducted by Messrs. L. Marshall Haines and Henry M. McCullough. The examination of witnesses for the State is being skillfully conducted by Mr. Crothers, with frequent suggestions from his colleagues, Messrs. Squier and Evans. The cross-examination is conducted by Mr. Haines.

The opening statement for the State was made by Mr. Crothers, who feelingly described the shooting down of Mr. Constable, explained in detail the map of the vicinity of the shooting, and narrated in brief a chain of circumstances which the State expected to prove, and upon which would be asked a verdict of guilty of murder in the first degree. Counsel for the defense reserved their statement.

The first witness called was Harry C. Evans, formerly of Elkton but now of Alabama, a civil engineer, who made the survey and map of the scene of the tragedy.

Dr. Joseph E. Bloodgood, of the Union Protestant Infirmary at Baltimore, testified to Mr. Constable having been brought to that institution about seven o'clock on the morning of August 19 last. He was suffering from injuries caused by a bullet that had struck him just to the right of the spine and was lodged under the left side of his breast. The bullet in its course had penetrated the left lung, and death ensued from the injury to that member, although the injury to the spine itself would undoubtedly have been fatal. He said that all that could be told positively about Mr. Constable's position when the shot was fired was that he was not lying on his back,

Dr. John H. Jamar, of Elkton, testified that John Holland came to his house on the evening of August 18 and said Mrs. Constable had sent him to ask him (the Doctor) to go out and see Mr. Constable, who had been shot out on Red Hill. Holland said a white man had done the shooting. The doctor described Mr. Constable's condition. Said the wounded man told him that the highwayman had told him to throw up his hands, and at his refusal, shot him. He asked why he had done it, and he said he wanted money. Told his victim had but a quarter, commanded him to throw him that, also his watch. Could not tell whether the man was white or black, but his voice was like a white man's. Mr. Constable said the man stood about thirty feet from him.

Garrett Oldis testified that he resided on the Christiana Pike about a mile beyond the scene of the shooting. Holland lived in a small house owned by him from April to about June 20, 1904, and then moved to Mr. Foard's house further up the road. Holland worked for him from April 4 to the latter part of May. One day while working in his house the subject came up of people walking out from town and Mr. Constable was spoken of. Holland said he was a nice old man, and that he could get $100 from him anytime; that Mr. Constable never left his house with less than that amount of money in his pocket. He said he knew this because his (Holland's) wife worked at Mr. Constable's house. On cross-examination Mr. Oldis said he was not berore the September Grand Jury; that Mr. McCullough had questioned him, but he did not tell him what he had heard Holland say.

Mrs. Garret Oldis corroborated his testimony.

Robert S. Clark, Watchman at the Bridge street railroad crossing in Elkton, testified that he had lived on Red Hill since last June. While Leslie camp was in progress last July or Aug. he had gone to Holland's house to try and hire his horse. Holland had his foot up on a chair and witness noticed the right shoe had been cut, part of the sole being removed on the right side near the toe. Holland said he cut his shoe on account of a corn.

One evening about dusk within a week of the shooting in going up Red Hill he saw Holland in a crouching position behind some bushes along the side of the road, whittling a piece of brush. He asked him what he was doing there and he said he was waiting for his wife. This point was about half way between the spring and the brow of the hill where the shooting afterward occured. He told Andrew Cameron, at the pump house, about this and also told his wife.

John Couden, a Blacksmith at Cowentown, testified that about six years ago he mended a revolver for John Holland, and that Holland then tried the weapon, firing several shots at an auger hole in a post thirty feet distance. One bullet struck the hole, and the widest shot was only six inches from the hole.

Harrison W. Vickers, Esq., of Chestertown, was next called. He was an intimate friend of Mr. Constable and had frequently taken the walk out over the hill with him. Was in Elkton after the shooting and a few days thereafter. He testified to walking out over the hill and testing the time it consumed, and at the same hour of the shooting, a few evenings later, made tests as to recognizing people. Found that from where Holland stood to the road one could not distinguish whether a person was white or black, much less describe his clothing. At the scene of the shooting, owing to the wood and bushes, it was impossible to tell anything about a person until almost upon him.

He visited Holland in the jail and heard the latter's story of the occurrences of the evening. Holland told of the stranger passing and telling him about a sick man in the road; that he was working at the stump in his yard, and described the stranger accurately. He then told Holland he must be mistaken, as he had been out there and tried it and no man could possibly give a description of a person at that distance. Holland, who had maintained that he never left the stump, instantly changed his story and said he went over to the fence near the stranger. Holland told him of his criminal record in Pennsylvania and narrated much of his history, and finally asked "Do you think if I had shot Mr. Constable I would have come in town and told about it? I would have gotten as far away as possible."

Holland told him that on the even- of the shooting his stepdaughter met him down by the bridge to tell him that Mrs. Busby had been at the house to tell him a wagon he had bought must be returned or paid for next morning. Witness asked if he didn't think it queer that the girl, who was about to become a mother, should come so far to meet him with such a message and Holland said no, as it was important.

Holland told him that on his way out after telling Mrs. Constable and Dr. Jamar of the shooting he met the girl on the edge of town and she said Mr. Constable had sent her with a message to his wife to hurry to his side. The prisoner said he chided the girl for coming into town in her condition, as something might happen to her, and sent her home; and sent the message on by someone whose name he didn't mention. Witness thought it was queer that Holland did not think of the girl's welfare enough to take her home in his wagon from the bridge, but was so solicitous that he could not allow her to take the message to Mrs. Constable.

Howard Mullen, a farmer living out the Pike just over the Delaware line, was on his porch the evening of the shooting. No one passed on the road except Mrs. Clark, William Irons and a colored man named Congo.

Chester Knotts, of Newark, Del., testified that on the evening of August 18 he drove over to see his sister, Mrs. Isaac Clark. Drove through Mud Lane and met no one; out on the Pike met a colored man walking out just after he left Mud Lane, and soon after met Mrs. George Clark in her team. The colored man he is quite sure was William Hopps.

Thomas M. Hague saw Holland drive in town early on the morning of August 19. Noticed the way in which he looked at Mr. Constable's residence, turning to look back after he had passed. A few minutes later saw Holland in John S. Lee's store. He did not address Holland, but the latter came to him and said:—"It's a good thing Mr. Constable said a white man shot him, or they might get me in a hole."

William P. Jones, a lad, was at the race bridge on the evening of the shooting and saw Holland come into town on a run. He did not stop or say anything.

WEDNESDAY.

W. T. Warbuton, Esq., testified that he recollected the evening of August 18 perfectly, and that it was quite cloudy; the moon reached its first quarter on August 17, but it was overcast on the 18th and it was a dark night for that moon. Mr. Constable passed his house at 7.05 p. m., or 9 minutes after the sun had set. Some time later heard a disturbance on the street and going out saw a colored man, whom he afterward learned to be Holland, and who told him Mr. Constable had been shot out on Red Hill and that a white man shot him, but gave no description of the man. Said he heard threesnots from a heavy pistol and that soon, afterwards a white man came up the road and told him there was a man sick down the road, and that a man had shot Mr. Constable. When he asked Holland how he knew that the man did the shooting, Holland, who had seemed quite talkative, immediately became silent, and he could get no more information from him. Holland gave him no description of the clothing worn by the man.

Mr. Waburton testified to what took place later on the hill, and said that he particularly looked at Mr. Constable's trousers pockets, and they were not turned inside out.

Afterward he saw Holland in jail, and the latter said he and Hopps had heard three shots from a 38 calibre revolver, and soon after a white man came up the road; and the prisoner then described minutely every article of clothing the man wore. Said he called him by name, "Jack," and told him about the sick man, etc., and that when he went down to Mr. Constable he thought until he got right up to him that it was a dog lying in the road.

Daniel Rutter, who lives in mud lane, testified to finding a rag on the road about 30 feet east of the place of the shooting on the morning following. This rag he had afterward found to have holes cut in it in such manner as to make it suitable for use as a mask, and he then turned it over to the authorities.

This mask was exhibited to the Court as evidence.

Harvey H. Mackey, a former Sheriff of the County, heard of the murder on the street about 7.50 and notified Sheriff Biddle and went to the hill with him, picking Dr. Jarmar up on their way out. Tried to get a description of his assailant from Mr. Constable, who said he was of medium height, slight built and wore dark clothes, and his voice sounded like that of a white man. Witness asked Holland where he was when the shooting occurred, but he didn't wait for his answer, going on out with the Sheriff to search the nearby territory. Later that evening they stopped at Holland's house and he then gave them a full description.

Mr. Mickey also testified to making tests the evening following the murder to see how far a person could be distinguished plainly and the clothing described, and that it was found to be impossible to describe things as Holland had done.

Detective Corrigan was put on the stand. He said he was put on the case to follow up the theory that the murderer was a white man.

The defense wanted to know what the State offered to prove by the witness.

Mr. Crothers replied that the witness would detail his researches and their results, which was that the man described by Holland had not been seen by any of the many people with whom witnesses came in contact. Search had begun the very night of the murder and was kept up untill witness closed his work.

Mr. Haines argued that the detective's work was of no value toward leading the Court to infer that as the man sought for was not found Holland was the only probable or possibly guilty party. That inference would exclude every other man than Holland who was present in Cecil county on the night of the murder.

Mr. Crothers replied that it was but fair to the Court to submit the results of the witness' work to the Court aside from any force that the objection raised by the defense might have, but the State would withdraw the witness unless the defense agreed that he should proceed. Mr. Corrigan was then told to step down.

Detective Burkins testified that he came to Elkton and suggested that he be put in some secret place where he could over-hear the talk between Holland and his wife. Mr. Haines counsel for the prisoner, objected on the ground that the detective had gone to the jail to trap Holland by the consent and with the connivance of the Sheriff and State's attorney, and that, therefore, admissions obtained by him from Holland were inadmissible as evidence as not being lawfully procured. The State's object, he said, was to get the Court to infer that the prisoner's guilt by seeking to show that there had been no stranger on the hill as Holland had claimed, and witness' testimony had that in view or it had no bearing on the case; therefore, whatever came from Holland must come fairly and not by duress or trickery. The Court considered the objection. Detective Burkins said he stayed in jail from Saturday to Wednesday. Holland persisted in saying Burkins was the man who killed Mr. Constable. While hid in a lounge in the Sheriff's office to overhear the talk of Holland and Hopps, Hopps said: "If we'd known everything we would not be here." Upon cross-examination witness said he originated the scheme to trap the prisoner and proposed it to the Sheriff and counsel for the state.

When the State closed its testimony the defense had made no statement.

Dr. Stanley Steele was called as the first witness for the defense. Dr. Steele was with Mr. Constable in the lower bed-room, where he was lying. Mr. Constable said he heard a rustling in the bushes and a demand to throw up his hands He refused to do so, and was shot in the head. He started to run, and was shot in the back. The man came toward him and demanded his money and watch, and after he had got them came up to him and went through his pockets. Mr. Constable said he was unnerved.

Witness did not know whether Mr Constable had been given any medicine or not before he was talking with witness, which was about 2 o'clock the next morning.

W. J Smith told of going out to where Mr. Constable lay in the road and of his conversation with him, in which Mr Constable, said he was shot by a white man.

Mrs. Mattie Whiteman, who lives on the road going toward Grey's Hill, testified that she heard the shooting and told of a strange white man seen in the neighborhood on the morning of the shooting.

Andrew Cameron and Anna Gould testified to having seen a strange white man, in the vicinity of Gray's Hill for several days previous to the shooting.

The Hynson Family

Messrs. Editors:

In your edition of the 6th inst. an article appeared headed "Side-Lights," which referred to my family (Hynson,) and since I have learned this much I am the more anxious to establish the particular branch of the Hynson family from which we of Louisiana came. My grandfather was named Joseph Hynson. He died in 1806 and was buried near Chestertown, Kent county, Md. My grandmother, named Katharine, was a daughter of Wm. Blay Tilden, and was born on October 26, 1767, and is buried by the side of her husband. My father's name was Robert Cruikshanks Hynson, and came to Alexandria, La., in 1818, was a merchant, banker and planter, and died October 4, 1875, in St. Louis, on his return home from the North, where he has spent the summer, age 81 years. He left four sons and three daughters, all married and living in this State,, I being the oldest, now aged 74, and named Joseph, after my grandfather. I have entered into these details hoping to ascertain positively who were our great-great-grandparents. One, Nathaniel Hynson, who owned a large tract of land at the head of Chester river, called Partnership, a part of which we find was sold in 1766, is supposed to have been our parental great-great-grandfather. I have been asked to establish our identity by members of the Hynson family now living in Philadelphia, but never could with certainty, and it would also be a gratification to the numerous members of the family of this state.

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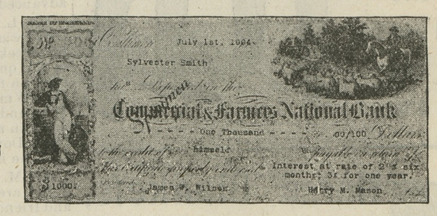
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