

# THE PACA HOMICIDE TRIAL.

[Reported for the Baltimore Sun]  
EASTON, Talbot county, June 21, 1865.  
WEDNESDAY—FOURTEENTH DAY.

**CIRCUIT COURT FOR TALBOT COUNTY.**—Hon. Henry H. Goldsborough, Circuit Judge; P. T. Kennard, Esq., State's Attorney.  
**State vs. William B. Paca, Tilghman C. Paca, and James P. Paca,** jointly indicted for the murder of Alfred Jones and John P. Paca, at Wye Neck, Queen Anne's county, on the 8th of March, 1865. Assisting the prosecution, R. J. Brent, Esq., of Baltimore, and L. Tilghman, Esq., of Queen Anne's. For the defense, James Lloyd Martin, of Talbot, Milton Whitney, Esq., of Baltimore, and Thomas J. Keating, Esq., of Queen Anne's. The accused are now on trial, on the first indictment only, for the murder of Alfred Jones.

The court met at 9 A. M.

## EVIDENCE FOR THE DEFENSE.

**Dr. Samuel Harper sworn.**—Paid a visit to James and Tilghman C. Paca yesterday, at the request of counsel for the defense; had a conversation with them of half an hour's duration; found them to be young men of very weak minds, verging on idiocy; would not be prepared to form a judgment as to idiocy upon one view, or one conversation with the subjects.

**By the State.**—Thinks they are permanently afflicted; the weak-mindedness is not temporary, but permanent; one of the young men appeared to be much worse off than the other.

**Frederick Paca recalled by defense.**—Knows Wm. J. Harris, Q. Do you remember telling Wm. J. Harris, in August last, while sitting in the shade, that you hated your uncle as you hated the devil? A. I do not recollect anything of the kind; I have no feelings of hostility to my uncle; I do not hate him, and I do not love him.

**Wm. J. Harris sworn.**—Lived on Wye farm last year. I was fixing a machine in August last, in presence of Fred. Paca; we were talking about government men and Southern men; I said, "Your uncle is a government man, I think," and he answered that he hated his uncle as he hated the devil.

**By the State.**—He gave no reason for this hatred; I live in Kent county now; Mr. Chas. Wright was present at the conversation.

The defense announced their evidence closed.

## EVIDENCE RESUTTING DEFENSE.

**Clement McConner recalled by the State.**—Witness was engaged on the evening of the 7th, by Mr. De Rochebroom to bring the deputy marshal down to Col. Paca's; I was present when Mr. Downs delivered a paper to Col. Paca; Col. Paca said it was a deed; I don't remember whether any one was sent to the house to notify them of the presence of the marshal; I don't think any one was sent; I live at Queenstown and run a stage regularly from that point to any point within three counties; my business is to accommodate the public with my stage; I am agent on the wharf for the steamboats; I don't remember to have seen Mr. Paca with arms since the time of the drilling of his company; I don't know that I ever noticed any guns with them in either of their carriages; I never was inside the vehicles.

**By the Defense.**—I mean to say that I never saw any arms; I don't say that there were none, but I did not see them; I saw an axe on the grass at Wye farm when I went down with the deputy marshal.

**John P. Paca, recalled by State.**—I was not aware that a fence was being put up at Wye until the day of the homicide; I had not been on the main land for some time; never heard my father or sister say anything about the fence. I went to Baltimore next day after the occurrence; I went to see Marshal Bonfant the same day of my arrival; did not see him until next evening. I can't say positively whether I had a conversation with Mr. Bonfant about the affair; I do not recollect to have said anything about it to Mr. Bonfant; I don't know whether I had any conversation in his presence, with a third party, about it; I left my gun in Centreville, upon the advice of Mr. Hopper; I did not know what to do with it. I was positively in the carriage on the day of the homicide until they started and turned from the road into the field.

**Charles Wright recalled by the State.**—I know Mr. Phillips, at Wye Mills; Mr. Wm. B. Paca ordered me to haul a load of wood for the family at Wye every day. I never told Mr. Phillips that this was the most "oppressed family I ever knew;" I never told Mr. Phillips that I had orders not to furnish the Wye family with wood; I never saw John Paca go to the woods to cut fuel for the family. I never had any such conversation with Mr. Phillips about the family and the fire wood.

**Daniel J. Phillips sworn.**—I had a conversation with Mr. Chas. Wright, at Wye Mills, and—

**Mr. Whitney, interrupting,** objected to this witness being examined as to this fact, because it had no bearing upon the case.

After some remarks by Messrs. Martin and Brent, the Court decided that the witness must first be questioned as to the state of feeling existing between the two branches of this family—whether he knew of any hostility of one towards the other.

**Mr. Wright was recalled by the State.**—Q. Have you any knowledge of any ill feeling existing on the part of Mr. William B. Paca before the homicide, to the family at Wye; and did you not say to Mr. Phillips that Mr. William Paca had forbidden you to furnish wood to the family, and that they were the most oppressed family you ever knew? A. I never said anything of the kind, and I don't know of the existence of any such hostility.

**Daniel J. Phillips recalled by State.**—Q. Did you hear Mr. Wright say on the day after Mr. Goldsborough's sale in December last, that Mr. Paca had forbidden him (Wright) to furnish the Wye family with fuel, and that Mr. Wright had told you that the Wye family was the most oppressed family you ever knew?

A. Mr. Wright said that Mr. Paca had forbidden him to allow this family any fire-wood, but I did not hear him say anything about the family being oppressed. He did not use those terms.

**Mr. Wright recalled by State.**—Q. Did you say that you heard Mr. Wm. B. Paca say that he was trying to get the family away from Wye, and that he was doing everything he could to get them away? A. I did not say anything of the kind.

**Mr. Phillips recalled by the State.**—Mr. Wright told me that Mr. Wm. B. Paca said to him that he was doing everything he could to get the Wye family away; that Mr. Paca intended to get them out as soon as he could.

**George W. Handy sworn.**—I was coroner of the inquest upon the bodies of the deceased; Frederick Paca was examined before the jury; he was the first witness examined and was much agitated; I reassured him and he testified that on the day before the homicide his uncle William had been to the place and that a quarrel had ensued; that the next day his uncle William and the others came there; that his uncle got out of the carriage, and approaching his brother Jack, said, "By God, I'll show you who's master here;" that Jack may have advanced towards Mr. Paca; that he (Jack) was shot by some one from behind Wm. Paca; that one of the boys did it; he was very emphatic as to his declaration that Wm. Paca had shot his uncle "Dock;" (that's what he called Mr. Jones), and that one of the boys had shot his brother Jack; I took this evidence down in writing to produce it in court; it was given very explicitly, and the witness was not interfered with by Dr. Davidson or any one else; I would not have permitted this interference; I know

what my duties are, and generally try to perform them thoroughly.

**By the Defense.**—Frederick said his uncle used the exclamation as he got out of the carriage. He (Frederick) declared he heard the accus'd, and gave it as his evidence; he also said that Wm. B. Paca turned round and shot his Uncle Dock (Jones) after one of the boys had killed Jack Paca.

**Frederick Paca recalled.**—I said to the coroner's jury that when my uncle got out of the carriage he cursed my brother; I did not give the words he uttered because I did not hear what he said; the black girl told me what he said; she said that my uncle cursed Jack, and my testimony before the coroner was what she told me. I saw my Uncle William shoot my Uncle Dock (Jones) with my own eyes; I did not hear the black girl say that; I was not on the ground the day before when my uncle had the quarrel; I did not say that I was there—Henry was there, not I.

**By the State.**—I told the coroner's jury that my Uncle William had cursed Jack, only because the girl said so; I did not tell the coroner that my Uncle William said to Jack, "By God, I'll show you who is master here."

**Henry Paca recalled.**—When I came on the ground I saw John P. Paca standing near his father, and the boys and the carriage were going towards the pigeon-house; I am positive about this; I think I did print a gun at my uncle; I did not say so when first called, because I was not asked; I raised the gun, and took it down immediately; I was about forty or fifty yards from the place when I pointed it, as I approached; John P. Paca was not then at the carriage.

**By the Defense.**—I saw the carriage when it stopped; a servant was at the box, but I can't say exactly when it did stop, or who was there exactly at that time; I never saw the servant come up; did not see the horse in the field; don't know at exactly what time I did see the servant, but when I did see him he was in the field; but when the carriage was in motion John P. Paca was standing with his father and brothers.

The Court after hearing the remarks of counsel ruled out the attempt to produce witnesses to sustain a character that never had been impeached.

**Mrs. Kennedy recalled by the State.**—I did not notice the carriage when I first got on the ground; the first time I saw it was within the lot; I am not certain whether it was standing or moving; I saw no one with it or near it; when I reached the ground I saw Mr. John Paca standing on the grass, across the road, opposite my brother's body; I did not hear my uncle William predict that something would happen from the bad way in which my mother brought up her children; I was not on the ground all the time; I went to the house for liquor.

**Mrs. Mary Ann Paca recalled.**—I applied to Wm. B. Paca to let my sons cultivate the estate, and he refused to do so by a letter; [the letter was produced and identified;] I applied to Mr. Paca to allow my sons to cultivate an enclosed lot, not the whole estate; the carriage was stopped, and in the lot, when I came on the ground at the scene of the homicide; John P. Paca was standing behind his father in the road, and his father was near my dead child; John P. Paca was not in or at the carriage; I did not hear Wm. Paca say one word about the transaction being the result of the way in which I brought up my sons or children; I heard him say nothing of this kind; the overseer furnished me with some wood, but the greater part was cut by my children and brother and brought in log-cut up and stored by them; last winter, and the winter before, my children procured most of the wood; the servants refused to bring me wood; last winter I was allowed one load of green wood per day, for all purposes, for the whole house; but we suffered, and my children were obliged to go out and cut wood; I suffered more on the winter before, when the quarter was full of negroes.

**By the defense.**—I heard of Mr. John P. Paca's testimony yesterday; I did not hear Mr. Wm. Paca tell me or say, that the homicide was the result of the bad way in which I brought up my children; I never heard him say anything upon this subject. On the day of appraisement, in the fall of 1861, Wm. B. Paca told the negroes they were to obey no one but him (Mr. Paca) and his overseer; these were the farm hands and not the house servants.

**Thomas Dodd recalled.**—I was a juror on the inquest; I asked Frederick Paca questions, and so did my brother; Frederick said he thought his uncle William killed his uncle Jones; Dr. Davidson asked Frederick if his uncle did not kill Mr. Jones, and Frederick then answered he did.

Both sides declared their testimony closed. Mr. Keating signified the readiness of the defense to submit the case without argument, but the State objected.

The court took a recess of ten minutes, with the understanding that afterwards the argument before the jury would be opened by Mr. Kennard, the State's Attorney for Talbot county.

**Mr. Kennard, for the State,** addressed the jury, calling upon them to discharge their breasts of all bias, prejudices or passion, and mete out to the prisoners at the bar, the same even-handed justice they would to the humblest and poorest in the land. He then proceeded to expound the law defining the different grades of murder, and apply the testified facts of the case to the same. He argued that there was no provocation given by Mr. Jones for the murder; that the testimony never implicated him in one single act of hostility towards the accused, and did not show any preparation whatever for a deadly assault on the part of the deceased, they had no weapons; no implements but those used in their legitimate labor which they were using at the very moment of the homicide, according to the testimony of Mr. John P. Paca.

If this evidence, colored as it must be by the very nature of the ties and interests which connect Mr. Jno. P. Paca with his relatives at the bar—if this evidence is to be depended upon, it is conflicting in many material points with other and more impartial testimony. Mr. John Paca declares that Alfred Jones advanced in a threatening attitude, with the club upraised over his left shoulder; but if this was so, how was it that he fell with the billet by his side?—a theory totally at variance with the testimony of Surgeon Farrow, who has shown you how the wound was received, and how the deceased must have fallen, perfectly in keeping with the facts testified to by other witnesses. If it was self-defense on the part of John Paca, deceased, how can this be applied to Alfred Jones?

Grant that John Paca, deceased, was advancing, Jones was retreating from this scene of armed hostility; he was shot and instantly killed, without showing any resistance or hostility to the accused. The testimony of Dr. Farrow shows that the wound of Mr. Jones was lateral, from the left side, and it is shown that the "boys" were in front of Mr. Jones; that they could not have inflicted such a wound; the clothing shows that the dreadful wound was made on the side. Frederick Paca testified that Wm. B. Paca shot the deceased from an oblique direction, and this declaration is confirmed by the clothing and by the evidence of the medical expert. The similarity of the wounds of both the deceased, in the neck, evidences preconcerted motive to strike for the vital; the callousness of the accused, untouched by the agonizing distress of the bereaved mother, refusing to give any succor whatever, under these trying circumstances, were not the results of passion, but of a deep-rooted determination.

Reviewing the testimony Mr. Kennard showed that Wm. B. Paca's gun remained in his own hands three hours after the murder, and that he had ample time to reload the piece, and the other weapons were so exposed as to be liable to manipulation.

Mr. Kennard concluded by briefly summing up the evidence, and expressing belief that the testimony was clearly sufficient upon every point to convict the accused.

Further argument was then postponed till to-morrow, and the motion to admit John P. Paca to bail in the other case against him for the murder of John P. Paca of E., was acted on.

The Court would require bail in the sum of \$5,000; Mr. John Paca to be recognized in the sum of \$2,000, and three others jointly and severally in the sum of \$3,000. Mr. Thomas Dodd, Henry Dodd and Wm. S. Price appeared as bondsmen and were recognized. Mr. Paca was then released from custody, and the court adjourned till to-morrow.