

THE PACA HOMICIDE TRIAL.

[Reported for the Baltimore Sun.]

The Prisoners Declared "Not Guilty" of Killing Alfred Jones—The Trial for the Homicide of John P. Paca Removed to Caroline County.

EASTON, June 24, 1865.

EIGHTH 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 O. 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 6th of March, 1865. The accused are on trial, on the first indictment, for the killing of Alfred Jones.

Mr. Keating announced the sudden illness of his colleague, Mr. Whitney, and accounted for that gentleman's absence on account of inability to leave his apartments.

Mr. Brent, for the State, though still in a feeble condition of health, and complaining greatly of fatigue, resumed his argument of yesterday. He briefly referred to the arguments of the counsel for the defense; objected to the introduction of politics into a trial of this kind. He did not think the defense had any right to raise the question of loyalty or disloyalty. That is not the issue; if it were, the indictment should be changed, and then the State could show who was disloyal and who not. The counsel (Mr. Whitney) had chosen to declare that when the green sod should rest on the grave of Wm. B. Paca it would not cover the grave of a traitor. No one had said it would—no one had raised the question, and it never would have been alluded to but for the desire of counsel to affect the minds of the jury. Mr. Brent would here take occasion to say that if this question had been opened at a proper time, and if it was material, the State could prove the dead victim of this murder just as true and just as loyal as Mr. Wm. B. Paca. The red sod which does cover the remains of Alfred Jones affords a last resting place to no traitor. He had always expressed no other wish than to live and die under the American flag.

Mr. Brent hoped that these appeals had not been made to carry out the declaration of Mr. Wm. B. Paca at the scene of this homicide, that he was under protection of the government. He felt assured that this great and beneficent government (whose head has just been sent down to the grave by the bullet of an assassin) would not throw its shield of protection around the perpetrators of a private wrong and murder. Mr. Brent did not set himself up as a model of loyalty to be contrasted with any other man. He had, however, always been opposed to extremists of any side and of all characters. Individually he had never come under the ban of the government, and he this day numbered amongst his warmest friends many who differed amongst themselves about politics; he would never permit politics to enter and mar his own social relations.

Mr. Brent discussed at some length the spirit of the feud and enmity of the different branches of this family; claimed that the motive influencing Wm. Paca's hatred was inflamed by his desire to get possession of the Wye estate; alluded to the bad administration of the estate by Wm. B. Paca, and imputed malignity towards the family, which eventuated in the death of two members of it.

Mr. Brent controverted the legal positions of the defense, and cited Wharton Crim. Law, section 1,025, as authority to guide the jury in arriving at a verdict. He asserted that whoever it was that shot Alfred Jones, (whether Wm. Paca or his weak minded sons,) could not be justified in the act because of the alleged attack of John Paca with the rammer; that a simple apprehension or mental delusion on the part of these boys would not be admitted as justification; the law cited in support of this theory is based solely upon a decision in a case in Tennessee, where, at the time of the transaction decided, the pistol and the bowie-knife were arbiters between man and man. There was no other authority in any other of the States. The Selfridge case of Massachusetts, whereon the defense relied, has never received the sanction of the courts, because of the high political influences which prejudiced the mind of judge, jury and court at the time of its trial. It never has been considered reliable for this reason. As to the alleged combination, he admitted that John P. Paca had been discharged from all complicity; but if the jury believed from the evidence and from the circumstances that Wm. B. Paca relied upon these imbecile sons to fire, in case of a disturbance, Wm. B. Paca was liable to answer for the acts of his children. If the boys acted in confederacy for one moment, the one to kill Jones and the other to kill Paca, there must be an understanding between them then, as there had been an understanding between them on a previous occasion, if we are to believe Mr. Dadd's testimony. If the two boys are acquitted on the grounds of being non compos mentis, then and now, they are required by the laws of Maryland to state the same, so that the State may take care of them and not permit them to go at large. Mr. Brent concluded after speaking four hours and a half.

The Court said that no plea of insanity had been made in this case; the defense, however, had offered testimony to show that they were not as strong minded as ordinary persons, and as such their acts must not be held up to the same standard of responsibility. The jury would not, therefore, be required to qualify their verdict, as claimed by the State. They are not to take into consideration the fact of lunacy, or non compos mentis; but they are to inquire whether the mental state of the two accused is such as to make them as responsible as other persons, if not, to make such allowance. The Court also charged the jury that they are judges of the law and the fact; that the Court could instruct them in nothing except where counsel had asked for arbitrament. Under the indictment the jury could find the accused guilty or not of murder in the first degree, second degree, or of manslaughter; that they could find one or two guilty, and discharge the other, or find one guilty and discharge the rest, or could return them all not guilty.

The case was given to the jury at half past two o'clock, when they retired to deliberate upon it.

Mr. Keating moved the Court to take up the other case against the accused for the murder of John P. Paca of Edward, and proceed to the arraignment.

Mr. Kennard submitted a motion in writing, praying the removal of this cause from the jurisdiction of the Circuit Court of Talbot county, because justice could not be had in this county, and designated Dorchester as the county to which it should be removed.

Mr. Martin suggested that Caroline county was the more convenient, and argued at some length in favor of removal to that point, if the State insisted upon removal.

The court ordered the case to be removed to Caroline.

At quarter past three o'clock the jury, having been out three-quarters of an hour, signified their readiness to bring in a verdict.

The court warned all persons present against any expressions of feeling, either of approbation or disapprobation, upon the rendition of the verdict.

The jury was brought out and polled.

The clerk—"Gentlemen of the jury, have you agreed upon a verdict in the case of the prisoner at the bar, Wm. B. Paca, charged with the murder of Alfred Jones?"

The jury—"We have."

Clerk—"Who shall answer for you?"

Jury—"The foreman."

Clerk—"Wm. B. Paca, prisoner at the bar, hold up your right hand."

Clerk to the Foreman—"How say you, is the prisoner at the bar guilty of the charge whereof he stands indicted, or not guilty?"

Foreman—"Not guilty!"

Clerk to Jury—"And so say you all?"

Jury—"Not guilty."

In the case of James P. Paca—verdict "not guilty;" Tilghman O. Paca, "not guilty"—entered according to the above form. The prisoners were remanded to jail—not, however, before Mr. Whitney, their counsel, made application for bail in the other case pending against them.

Mr. Kennard said the State left that question entirely with the court, relying upon the argument already advanced in the former application of John P. Paca.

The court said it would hold the matter under advisement, and adjourned until Monday morning, 9 A. M.