

## THE HILL MURDER.

### A New Trial Refused George S. Twitchell—He is Sentenced to Death.

From the Philadelphia Evening Bulletin, Jan. 30.

This morning, GEORGE S. TWITCHELL, Jr., convicted of murder in the first degree in killing Mrs. HILL, was brought from prison and placed in the dock with CARROLL and HART, both of whom are under conviction of murder in the second degree and manslaughter. Unlike them, however, he was provided with a comfortable chair, and he sat in the corner, presenting a profile to the audience in the rear. Since his trial and conviction there has been little change in his appearance. He conversed readily, and without displaying any nervousness, with his friends, among whom was McCULLY, who created the scene when the verdict was rendered. The Court-room at 10 o'clock was not greatly crowded, as it was not known that the case would be disposed of. But the fact became soon known outside, and by 12 o'clock, when the four Judges took their seats on the bench, the room was crowded to its utmost capacity. A number of females were included in the throng, and these, in common with the other spectators, manifested a deep interest in the proceedings. As the questions involved in the motion for a new trial presented points of law of interest to the members of the Bar, there was an anxiety on the part of the lawyers to hear the determination of the Court.

Judge BREWSTER delivered the opinion of the Court. He referred to the fact that counsel for the prisoner had sat quietly listening to the charge of the Court, and had offered no objection to it; in fact, they had even withdrawn suggestions that they had made, and that the Court was about to answer, but now, when the time for correcting anything that was wrong before the jury had passed, they attacked the charge and endeavored to make its supposed errors ground for a new trial. In conclusion he said:

We have carefully reviewed the testimony, and are of opinion that we cannot disturb the verdict. Full time was given to the defendant to prepare for trial. He asked for no continuance. The jury were of the defendant's selection; they listened to the whole case with great patience and untiring attention. We were anxious to rule every objection raised by the defendant in his favor, and, as already remarked, so charged the jury that all the points presented were promptly withdrawn. The evidence seemed to establish, link by link, a chain of strong circumstantial evidence against the accused. As it was offered, item by item, it was jealously watched and fiercely contested. The defendant did not undertake to dispute that this was a case of murder in the first degree. As already stated, he so admitted, and denounced alike the crime and the perpetrator. Any other position would have involved a concession which would have rendered his case a desperate struggle. In view of all the testimony, it would have been monstrous to suggest that the homicide was justifiable or excusable. The blow in and through the temple—the depth of a finger through the temple—could hardly have been received by a person in an erect position. If Mrs. HILL were lying down there could be no pretence of self-defence; still less ground, if possible, was there for the supposition of accident, suicide, or even of a quarrel, which would reduce the grade to manslaughter. The deceased had no weapon; the living had no marks of wounds, or bruise, or even scratch. The number of blows, the blood-stained cushion, the arc of blood upon the walls and floor, the upraised window, the stain of blood outside, the body in the yard, all cried out against any supposition of manslaughter, or even murder in the second degree. There certainly was an intent to take life, and it was equally certain that the defendant was not intoxicated. There was not the fragment of a shred upon which a defence could hope to reduce the degree, and it would seem, therefore, to have been alike the dictate of skill and the command of necessity to go to the jury upon the broad question of guilt or innocence. Contesting the case upon this issue, the defence early suggested the theory of burglary. A witness was examined to prove, among other things, that a certain man "used to come and work about the house. When Mrs. HILL had anything to do for him, he did it. The dogs knew him very well. He was there Sunday. He came several times. She called him CONRAD SMITH." These answers were given to separate questions, and were evidently designed to show that the person referred to had access to the house, came there on Sunday and was known to the dogs. When it is remembered that the murder took place on Sunday evening, and that the Commonwealth had proved that no noise or barking had been heard—the significance of this item of the defendant's proof is easily appreciated. This was followed by the evidence of CHARLES ALTGERT, to the effect that two men had been seen by him to leave the front door. The theory attributed to the defence by the Commonwealth as to CONRAD SMITH, was disavowed on the production of that person, and the evidence of ALTGERT submitted to the jury was rejected by them. If this part of the case was unworthy of belief the whole defence crumbled and left the evidence of the Commonwealth in all its power, strengthened rather than diminished by the fruitless attack. The failure of the defence let in the whole circumstances. The defendant, his wife, and Mrs. HILL in the house, all others excluded. The blood upon the walls and floor; the up-raised window; the bloody cushion; the stains upon the door, oil-cloth, blanket, furniture and garments; the absence of the dogs; the stillness of the house; the order of the furniture; the defendant's conduct and words—all spoke out. The shirt, cuffs and collars were up stairs when the defendant handled the corpse. Yet those articles were stained. The explanations of the defendant in this behalf were all patiently heard by the jury, and they have not regarded the statements as satisfactory. The stain upon the inside of the coat could not have been received from lifting and carrying the body if the coat was buttoned at the time. The explanations offered as to its presence were not regarded as satisfactory. Have we the right to set aside the verdict under the circumstances? The tests of such an application are these:

Was there any evidence to justify the verdict?  
Is it clearly against the weight of the testimony?  
Is there any reasonable hope that another trial would produce a different result?

Applying these questions to the record, it would seem impossible to disturb this verdict. The learned counsel for the defendant, as already stated, admitted (as I think with great propriety) the barbarity of the act which deprived Mrs. HILL of life. The following extract from the phonographic report of the trial is supported by recollection of the able argument presented by the defence, and condenses this whole subject in a single sentence:

"On this Sunday night, when the ministers of God were performing their sacred offices throughout this broad community, this poor, defenceless old woman was brutally murdered; thus far we agree with the Commonwealth. \* \* \* We cannot deny the terrible fact that Mrs. HILL was murdered."

With this very proper admission as to the law, the whole defence rested upon the allegation that the defendant was not the person who struck those fatal blows. Consistently with truth, with law and with reason, there was no other line of defence open for the accused. Patiently heard and fairly tried, this issue has been decided by the jury against the defendant, and the law cannot disturb their verdict. The motion is therefore overruled.

As the Judge pronounced the last ominous words, "the motion for a new trial is overruled," a silence lasting for the space of one or two minutes fell upon the crowd.

At the conclusion of Judge BREWSTER's remarks, District Attorney SHEPPARD then rose and said: "May it please the Court: Having thus overruled the motion for a new trial in the case of The Commonwealth vs. GEORGE S. TWITCHELL, convicted of the murder of MARY E. HILL, thereupon it becomes my official duty, on behalf of the Commonwealth, to move, as I now do, for the judgment of the law in such cases made and provided."

Judge ALLISON directed the Clerk to inquire if the prisoner had anything to say why sentence of death should not be pronounced.

Mr. GALTON—"GEORGE S. TWITCHELL, have you anything to say why sentence of death should not be pronounced upon you?"

TWITCHELL—"All I have to say is that I have been tried and convicted of a crime I know nothing about."

The prisoner uttered this sentence firmly and without any indication of tremor on his voice.

Then took place the most solemn of this painful scene—the sentence of death. While Judge BREWSTER was delivering it, McCULLY, the friend, made a second theatrical exhibition, falling in what was at first supposed to be a fit, but as no one took notice of him, and the Judge did not stop in his remarks, the effect upon the audience was but momentary, and nothing more was seen or heard of McCULLY. TWITCHELL stood erect while the sentence was being delivered, and maintained the utmost composure, the only change being noted was that as he resumed his seat he clasped his hands. Another noticeable feature in the case was that as Judge BREWSTER pronounced the dread words, "And you be hanged by the neck until you are dead, and may God in His infinite goodness have mercy on your soul," the State-House clock rung out 1. The sound penetrating the solemn silence of the court, came with a shudder to those who were present, who could not but recognize in it the death-knell of the murderer.

### THE SENTENCE OF DEATH.

GEORGE S. TWITCHELL, Jr., the accusation has been examined against you by the Commonwealth with great patience and with an earnest desire to accord to you the fullest rights secured by the Constitution and the laws. The jurors who tried you were accepted by you when your challenges were still unexhausted. They deserved your confidence, for no men could have heard your case with greater fairness or impartiality. You were able and skillfully defended. All that learning, industry and eloquence could suggest was most earnestly urged on your behalf. The Court was anxious to throw every doubt into the scale of

mercy. Notwithstanding all this, you have been convicted of the highest crime known to the law, and a most exhaustive argument in your behalf has failed to satisfy any member of the Court that the verdict should be disturbed. This trial has thus demonstrated that secret murder committed in the privacy of a home can neither be shielded by the absence of witnesses or the position of the accused. Although the victim may be dispatched in quiet, still every little drop of blood and every surrounding fact become in the orderings of Providence a witness pointing with unerring certainty to the criminal. I shall not add to the pain of your present position by alluding to the circumstances of this case, but if would seem to be due to justice to declare that your trial has been conducted throughout with all the tender regard for life which marks the humanity of the law. While Mrs. HILL was sent to her last account without the opportunity for even the short prayer, the law has been jealous of every right which the presumption of innocence could throw around you. She has given you every opportunity to prepare for your trial, the right of challenge to jurors, the privilege of being defended by able counsel, the benefit of every doubt, and the advantage of reviewing all the rulings upon every point. When all this has resulted in your condemnation, she still in mercy gives you time for repentance and for supplication. Let me recommend you in all earnestness to avail yourself of this privilege. Obtain the counsel of devout men, approach with them the Throne of Grace in fervent contrition and sincere repentance, seek Him whose mercy is all sufficient even to the washing away of blood. And now it only remains for us to declare the judgment of the law, which is—

That GEORGE S. TWITCHELL, Jr., the prisoner at the bar, be taken from hence to the jail of the County of Philadelphia, from whence he came, and from thence to the place of execution, and that he be there hanged by the neck until he is dead, and may God in His infinite goodness have mercy upon his soul.