

THE MONTGOMERY COUNTY STORY

Published Quarterly by The Montgomery County Historical Society

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President



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Editor

Vol. 41, No. 3

August 1998

CRIMES IN MONTGOMERY COUNTY

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Crime is a subject that often fascinates human beings; yet when we read about violent crimes in our newspapers today, we are sometimes led to think that the old days were more peaceful and less lawless, with crime no problem. However, when we look back in history, even in the rural area that was Montgomery County for much of its recorded history, we find crimes just as violent and lurid as any shown on our nightly television news.

Over the centuries there have been drastic changes in what by law was a crime, as well as the punishment meted out for crimes. What is considered constitutionally protected freedom of speech in modern times was sometimes illegal before the American Revolution. Verbal attacks or disparagements of members of the Maryland General Assembly were serious crimes and could have grave consequences. Members of the assembly or council who spoke disrespectfully of other members were brought before the assembly and usually forced to apologize or recant.¹

Less prominent citizens could suffer more serious consequences for criticizing governmental officials. Edward Erbery denounced members of the lower house as "pitiful rogues and puppies," spoke of a "turdy and shitten assembly" and called Charles Calvert, who was then Lord Baltimore, "a rogue." For this he was speedily brought before the assembly, where he said he was drunk when he made the statements. The assembly did not accept the excuse of insobriety, and sentenced him to be tied to an apple tree and whipped on his bare back for 39 lashes. After the sentence was carried out, Ebery was brought back before the assembly to ask for forgiveness.²

Whipping was a recognized part of the criminal justice system and persons were put in jail for incurring debts they could not pay. A debtor with insufficient land or personal property that could be sold to pay his creditors was promptly jailed, there to languish until the debt was paid. This apparently was expected to pressure the person into finding someone who would pay, but seems a bit irrational; the debtor himself obviously could not earn any money while incarcerated.

Capital punishment was the sentence for many more crimes than it is today. Horse theft was a hanging offense and in 1774 William Vermillion was tried and hung for stealing a horse belonging to Thomas Sprigg Wootten.³ Today we have car theft, but in those times transportation was provided by horses and horse-stealing and the accusation of horse-stealing were serious. As a result, the law was that a person finding a stray horse had to report it at the courthouse and only if no one came to claim it, and pay the costs of horse board and advertising, could the finder keep the horse.

Some of the lesser crimes also have long since disappeared from the statutes. The Montgomery County levy list of 1777 shows fines paid for eight crimes. One was for assault, but the other seven consisted of James Jordan's fine of 200 pounds of tobacco for Sabbath breaking and five women and one man fined for bastardy, the unbalanced ratio presumably having been caused by difficulty in establishing male guilt.

Other parts of the legal system which are no longer in effect involved slaves, indentured servants and apprentices, who if they ran away and were apprehended would be returned to their owners or masters. Newspapers in Georgetown and Washington City in the 1780s and 1790s contain numerous advertisements offering rewards for the return of runaways.

In the decade before the Civil War, the Montgomery County docket shows that 33 crimes involving slavery or race were charged. These charges included such crimes as assisting a runaway, whipping the servant of another, selling a free Negro as a slave, selling a slingshot to a Negro, and allowing free Negroes and slaves to congregate.⁴ The charges show the elaborate legal protection and protocol used in a slave-holding society. Assisting a runaway was legally stealing a person's property. Whipping the servant of another was damaging the property of the other master. The fear of slave rebellion is shown in the laws forbidding free blacks and slaves to congregate and in the prohibitions against selling blacks weapons or liquor. On the other hand, the law against selling a free Negro as a slave worked to protect the rights of free blacks.

Although the Civil War brought an end to slavery, the relationships between the races were still delicate. One of the consequences of the unsettled race relations was the increased racial nature of lynchings. Lynchings, hangings done without benefit of trial, are often associated with the punishments handed to cattle rustlers or horse thieves on the frontier of the Old West before an effective legal system was established there.

They were, however, also a fact of life in other parts of the United States. Lynchings reached their peak during the 1890s when the average number per year in the United States was 187.5 and almost one-third of the victims of lynching were white. In the first ten years of the twentieth century, the average number of lynchings per year decreased to 92.5, but only about ten per cent of those hung were white. Lynchings were no longer a frontier phenomena; over ninety per cent of the lynchings took place in the South.⁵

Even without the racial overtones, lynchings could set the stage for the dangerous situation of mob rule. As one group of Georgia women wrote to the New York World, lynching "is the crime which strikes at the roots of and

undermines constituted authority, breaks all laws and restraints of civilization, substitutes mob violence and masked irresponsibility for established justice, and deprives society of a sense of protection against barbarism."⁶

Several lynchings took place in Montgomery County during the latter part of the nineteenth century; two in 1880 alone. In these a group of men in the community set themselves up in place of the law and executed a man without a trial.

In January 1880, a black man named George Peck took a girl named Ada, carried her into the barn, where she had just finished the morning milking, and threw her into a depression in the straw. A passing clergyman, Mr. Amy, heard her scream and rescued her, then went to Beall's store in Poolesville to send for the law. Peck was still in the barn when Poolesville law officer Miles arrived. After making a futile attempt to escape, Peck, who had been accused of attempting to rape a child several years before, confessed that he had meant to rape Ada. Officer Miles took Peck to the Odd Fellows Hall until he could be put in jail and, because a crowd had gathered, guarded him there until eleven o'clock that night.

The crowd seemed to have dispersed and instead of taking Peck to jail, Miles decided to take him to his own house until morning, where he thought there would be less chance of violence. On the way, Miles stopped by the store of William T. Walters to buy something, taking his prisoner in with him and locking the door. The crowd, however, had followed and, at the signal of a pistol shot, burst open the door, and overpowered and blindfolded officer Miles. Peck was dragged across the road and hanged on a locust tree in front of a church. When his body was cut down the next morning, it was taken to a stable and a jury then and there held an inquest. The verdict was death "by strangulation at the hands of parties unknown to the jury." No effort was made to determine the identity of the lynchers, even though very few of them were masked.⁷

In July of that same year, Mrs. Lily Tschiffely, who lived on a farm near Darnestown, accused John Dorsey, alias John Diggs, a worker on the family farm, of beating and raping her. Her husband was away on business and several neighbors had visited her until 7:30 p.m., when she sent Dorsey to Darnestown for coal oil. Amos West, one of those visiting, staying until about 11:00. He offered to stay the night if Mrs. Tschiffely was afraid to stay by herself, but she refused the offer, feeling safe with Dorsey on the premises. According to her story, after she made her rounds to ensure that the farm buildings were secure for the night, Dorsey became angry at her refusal to give him some wine, caught her, beat and raped her, and threatened to kill her. When he finally left about 4:30 in the morning, she fled to Amos West's house and West raised the alarm in the community.

Dorsey was captured by Joseph Davis, who was riding in his wagon with his two grandchildren near Mechanicsville (now Olney). On seeing Dorsey walking along the road, he thought this might be the wanted fugitive and offered him a ride. Davis took Dorsey into town in the wagon and, with the assistance of some other men, tied up his prisoner securely. After arresting Dorsey, Deputy Sheriff Kingsbury rounded up about 20 men to defend the jail. When a mob gathered around the jail, Kingsbury refused to open

the door and tried to talk the crowd into going home, but instead they put on masks. In a confused struggle that carried everyone forward, they pushed Kingsbury aside, burst open the jail door, dragged the prisoner out of the cell and hanged him. Nearly every man in town had been present at the lynching but the verdict again was death "by persons unknown to the jury." ⁸

Rather incredibly, the local newspaper, The Montgomery County Sentinel, carried an editorial defending the lynching of Dorsey by saying that in the case of murder a trial should be given, but that "the law is inadequate to mete out such speedy and violent punishment as will prevent outrages of this character ... nor can it be meted out at all unless the victim is made to face the fiend in a court of justice and then give in special evidence which, to a modest female, would be a second hell on earth." Since Mrs. Tschiffely was still alive and would suffer all her life from the memory of the attack, she should not have to wait for the "slow mocking redress offered by the law," but that "the wretch" should be pursued with "a vengeance that spurns and laughs at the mandates of the law." ⁹ Not only was justice not allowed to take its course, but mob rule was upheld in the process.

An example of a changing attitude toward lynching is shown by the circumstances following the Buxton murder. In the early morning of May 25, 1896, a man entered the home of Richard Buxton, a town commissioner in Gaithersburg, and assaulted the family with an axe. Mr. and Mrs. Buxton were seriously wounded and the skulls of both Buxton daughters were crushed. Sixteen-year-old Maude recovered after having a steel plate put in her head, but her six-year old sister Sadie died eleven days after the attack. ¹⁰ There were some accusations that Richard Buxton was the attacker, but after investigation, Sidney Randolph, a black man, was arrested. One Saturday night in July Randolph was taken from the Rockville jail and lynched by some of the citizens of Gaithersburg.

A letter written to a newspaper at the time concerning the lynching was in a far different tone than that of the Sentinel editorial on the Dorsey lynching. The Reverend L. L. Lloyd, the writer of the letter, apparently believed, and offered proofs, that Randolph was the guilty party. Despite that, Lloyd denounced the lynching because it "outraged law" and killed Randolph without "that which is guaranteed alike by human and divine law, to every man, whatever may be the crime with which he is charged, a fair, impartial trial." He denounced the lynching also because, without a trial, the facts of the case, including possible accomplices, could not be determined. ¹¹

Not all sensational crimes were rape and murder. Bank robberies have always fascinated the public, possibly because of the vast sums of money usually involved. In April of 1920 a group of men entered the First National Bank of Sandy Spring, unobserved, about 3:15 on a Monday afternoon, when the employees were busy closing the books for the day. The first indication the employees had of the robbers was the command of "hands up!" Two robbers were holding two revolvers each and they had three accomplices behind them. One of the bank's directors, Francis M. Hallowell, had come into the bank to confer with the president. He was somewhat deaf and when he did not immediately throw up his hands, he was shot and killed instantly. Asa M. Stabler, about 85 years old and president of the Savings Institution,

which occupied the same quarters, was beaten on the head with the butt of a revolver. He, with Alban G. Thomas, president of First National Bank, and three employees, were marched into another room and tied up while the bandits ransacked the vaults. The employees were then untied and locked into the larger vault.

It was only about 30 minutes later when a bank director, Charles F. Kirk, happened to enter the bank. Surprised to find no one there, he investigated, saw Hollowell on the floor, dead, and heard cries coming from the vault. Because the inner door of the vault had not been shut, the men



Robbery Scene: In foreground, counter over which bank robbers climbed. Arrow indicates chair from which Director Hollowell was arising when shot. Miss Sadie P. Brooke, clerk, left, and Frederick L. Thomas, cashier, right, who were among those imprisoned in vault in background.

inside were able to call out the lock combination to Kirk, who soon had them free. Initial accounts gave the total amount taken from the First National Bank and the Savings Institution as \$27,000, but the actual amount of money, Liberty Bonds and other securities stolen was found to be \$150,000, which was covered by insurance. The bandits overlooked \$3000 in gold in the vault and \$1000 in negotiable securities lying on the counter.

The bank offered a reward of \$5,000, the Montgomery County Board of Commissioners, \$5,250, and the State of Maryland, \$10,000, for apprehension of the bank robbers. The bandits, who had fled out of state, were captured and John ("Big John") Mitchell, Joseph Thomas ("Gunman Joe") Penderghast, John Kelly and Clarence Adams were indicted. Kelly escaped from the Baltimore City jail after indictment, but the others were tried in Frederick County. Mitchell, who was from Philadelphia, and Adams, who was from Camden, New Jersey, were sentenced to the Maryland Penitentiary for life and Penderghast, who had an alibi, was acquitted.¹²

One of the more violent crimes in Montgomery County was the last crime for which a man was executed in the county. The crime began with politics and ended with explosives. In the quiet town that Germantown was in November of 1920, Julian Waters was in the habit of going around before an election and asking people to vote. When he came to the cabin of James Bolton, a farm laborer living near the site of Waters Mill on Little Seneca Creek, Bolton said he was not interested in voting.

Back at Waters General Store, Waters told a group of people in the store about Bolton's behavior. Guy Vernon Thompson was in the store and, although he had a grudge against Bolton for allegedly flirting with his wife, for some reason he volunteered to go persuade Bolton to vote. When he got to Bolton's cabin, the two men argued and Thompson allegedly picked up a shotgun lying in the cabin and pointed it at Bolton. Bolton then attacked Thompson with a corn cutter and in the ensuing fight shot Thompson in the shoulder. Thompson, not severely wounded, was treated at the hospital and the police confiscated Bolton's gun.

After he recovered, Thompson made threats of revenge against Bolton, who was living in his cabin with Hattie Shipley and her two children, Evelyn and Harold. Although some in the community thought they were married, newspaper accounts listed Shipley as Bolton's housekeeper. Actually, Hattie Shipley's husband, Coot Shipley, was in the state penitentiary serving a life sentence for strangling their oldest child. Her testimony had helped convict him and she wanted a divorce, but a divorce cost \$100 and she did not have the money. She was pregnant with Bolton's child.

Thompson broke into the warehouse of Waters General Store the night of November 17, 1920 and stole a 50-pound keg of dynamite, along with fuses and caps. Early in the morning on the 18th, according to later testimony, Bolton and Hattie Shipley heard a dog barking in the night, which Bolton did not go out to investigate because he did not have a gun. About 4:30 in the morning the cabin exploded, the explosion so loud that the president of the bank in Poolesville, thinking his bank had been dynamited, ran out in the street in his nightshirt to see what was happening. Thompson had used about half of the stolen dynamite to blow up the cabin with Bolton and the Shipleys inside. Harold Shipley, three years old, was killed instantly and

5-year old Evelyn Shipley was blown from her mother's arms and died soon after. James Bolton was mortally wounded but Hattie Shipley stayed with him until daylight came and footsteps outside the cabin stopped. At dawn, although badly wounded herself, she crawled a half mile to a neighbor's house to get help and Bolton was taken to the hospital, where he died.

Vernon Thompson was soon arrested. Plans for his lynching were made and might have been carried out except for an unsigned telegram sent to Governor Ritchie warning of the plans. In the middle of the night Sheriff Nicholson moved Thompson to the Baltimore City jail for safekeeping until the trial was held. During the trial Thompson's wife, Hester, testified that he had shown her the dynamite, been out late the night of the murders, and that when he came home he boasted to her that he had taken care of Bolton. She also testified that he had a set of keys to Waters Store and showed the sheriff's deputies where Thompson had buried them under a tree. Twenty-eight other people, including Thompson's sister, testified against him at his trial. The jury deliberated for only two hours before returning a verdict of guilty of first-degree murder.

Thompson's hanging took place in the courtyard of the county jail, where the county office building now stands. The sheriff denied Thompson's



The Ruined Home of James Bolton on the Farm of Julian B. Waters

Vernon Thompson
in custody of Deputy
Sheriff Stanley Gingell



request for a public hanging so that people could "see how a man dies." Official witnesses said he showed no emotion or remorse. Thompson's was the last execution under the jurisdiction of Montgomery County; after this, they were under the jurisdiction of the state. The rope used in the hanging is part of the collection of our Montgomery County Historical Society.¹³

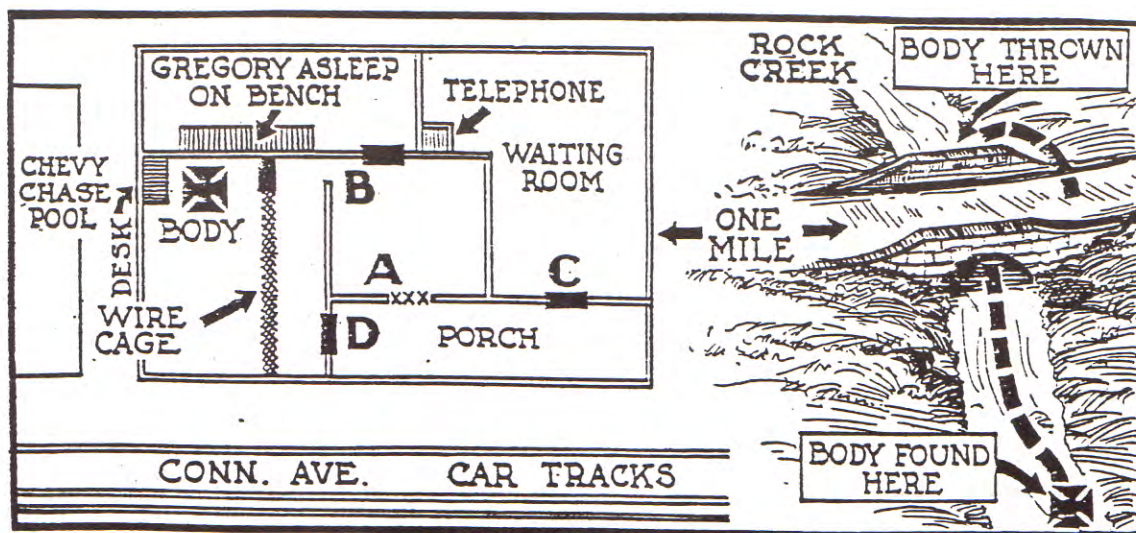
Unsolved mysteries have always piqued our curiosity and Montgomery County has had its share of them. Two of the oldest are the Haviland disappearance and the car barn murders.

The Haviland case is over one hundred years old. Just before Christmas in 1885, Philip Haviland, a Montgomery County miller, disappeared while returning from a trip to Washington with a load of feed, meal and flour. His horses showed up at a watering trough in front of a store about one-half mile north of Wheaton on the Brookeville-Washington Pike. Haviland was never seen again, his body never found. Tradition has it that 26 years later a dying convict confessed that he and another man had climbed into Haviland's wagon to rob him. They struck him from behind and when they realized they had killed him, sank his body in nearby Rock Creek. However, it has never been proved that this is what happened.¹⁴

The Chevy Chase car barn murders were a grisly crime for which no one was convicted. Early on January 21, 1935, gunmen came into the Capital Transit Company's car barn near Connecticut Avenue in Chevy Chase, killed one man and abducted another. James Mitchell, the depot clerk, was at his desk where he had been counting receipts from the sale of street car passes. He usually locked himself into the building which housed his office and opened the door only to people he knew. At 4:20 a.m. Emory Smith, the watchman-mechanic, punched his time clock. Smith may have been surprised by the gunmen as he made his rounds and been forced to ask Mitchell to open the door. Another theory was that the bandits had somehow gained entrance to the office and Smith interrupted them as they were struggling with Mitchell. Mitchell apparently tried to fight off the robbers as they were taking the cashbox, which contained \$1800. He had marks on his knuckles, his elbows showed signs of having been pinned together, and he was shot at least three times in the head.

The bandits took the watchman Smith with them in the car, slamming the catch lock on the depot office door as they left. About 5:30 in the morning, another employee, Parker Hanna, arrived for work. When he could not get anyone to let him in, he broke the glass, entered, and found Mitchell's body. A trainman, Francis E. Gregory, who was asleep in the building on a bench on the other side of the office wall, was awakened by Hanna and said he had not heard any struggle or any shots.

Since there was snow on the ground, there were tracks. About 8:30 that morning, police followed frozen bloodstains leading to Rock Creek, about a mile from the car barn, and found Smith's body in the creek. He had bruises on his head and had been shot in the head at close range. Police thought that he may have been injured and knocked unconscious at the car barn and regained consciousness in the car. When he began to struggle, he



Scene of the Robbery and Murders: Doors A, B, C and D were bolted. Police believe bandits forced Smith to call to Mitchell to come out of wire cage and open Door A. Trainman Gregory slept on bench on other side of wall. Smith's body was thrown from bridge over Rock Creek and found downstream.

was shot and the body thrown in the creek. There was glass on the road at a bridge over the creek, possibly caused when bullets broke the windshield. In an odd coincidence, Smith's mother died at her home in Frederick about the same time her son was killed.

Police from Montgomery County, Baltimore and Washington, D.C. were called in. The early police work was done by patrolmen, since there were no detectives in Montgomery County at the time. All roads in the area were blocked in the search for the car. A car with a broken window was reported to police that day, but it was found to have been damaged by a pellet gun in a gambling dispute several weeks earlier.

The Montgomery County Council offered a \$1000 reward and the Capital Transit Company offered \$500. Because the robbers seemed to know the procedures and layout of the car barn, police thought that the robbery and murders were an inside job. Four men, including a former employee of Capital Transit, and a woman were arrested. The former employee had previously been arrested for questioning in connection with a holdup in Washington and one of the slain men, Mitchell, was said to have identified him to Washington detectives. Although blood-stained clothing probably worn by the murderers was found near Rock Creek, the gun was never found. All of the evidence was circumstantial and the suspects were never prosecuted.

In 1938 a witness said that he had overheard two men talking as if they had been involved with the car barn murders. The men were associates of two of the earlier suspects, but again there was insufficient evidence. Other rumors and leads were followed up, but the case is still open.¹⁵

The idea of what constitutes a crime and the best form of punishment has changed considerably since the early days of Maryland and Montgomery County. We are no longer in danger of a lashing if we criticize our government. We no longer have slavery and laws dealing with the treatment of slaves. Nearly all of us are willing to let justice take its course through a fair trial of the accused. Those convicted of murder are no longer executed by hanging, most never executed at all. However, we are still interested in sensational crimes and some of us like to try to solve the mysterious crimes whose solution has eluded the experts.

NOTES

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2. Ibid., pp. 2-3.
3. Black Books, Calendar of Maryland State Papers, Item 1511, Proprietary vs. William Vermillion.
4. Montgomery County Docket, Montgomery County Court House, November Term 1850 through November Term 1860, quoted in McMaster Papers. In "Crime" folder at Montgomery County Historical Society Library.
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