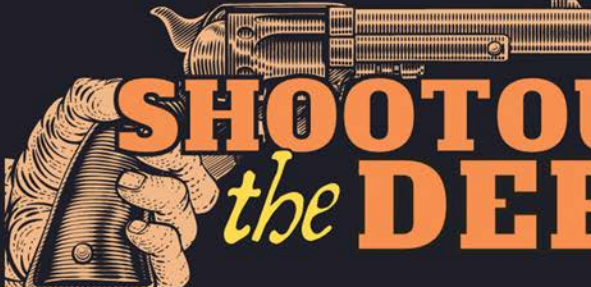
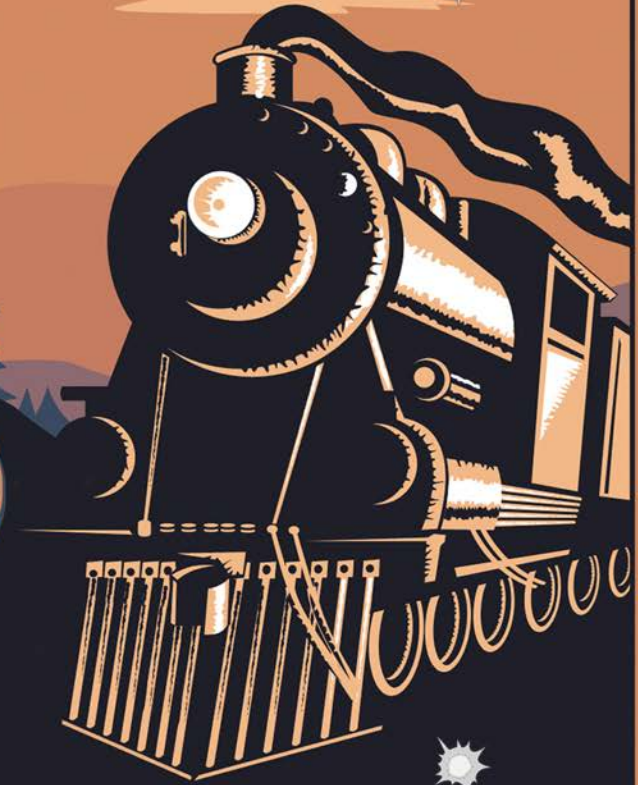


FRIENDS OF BLACKWATER PRESENTS

FRANK
THOMPSON -
A LIFE CUT
SHORT!

ROBERT
EASTHAM - A
MAN ON TRIAL!



SHOOTOUT *at*
the DEPOT

**THE TRUE STORY OF A DRAMATIC
WEST VIRGINIA GUNFIGHT - AND A
SENSATIONAL MURDER TRIAL!**

WRITTEN BY
TOM AND
PRISCILLA RODD

ILLUSTRATED BY
CAROL JACKSON

GRAPHIC ELEMENTS BY
CHEYENNE ELSWICK
AND MARIAH PLANTE



**COMMUNITY
CAST IN THE
PARSONS
COURTHOUSE.
NAMES AND
CHARACTERS
ON BACK
INSIDE COVER**



The Parsons Advocate

Serving the people of Tucker County since 1896

Volume 127 No. 29

Wednesday, July 27, 2022

\$1.00 (tax incl.)

Eastham Guilty of Misdemeanor Homicide Again

By: Jennifer Britt
The Parsons Advocate

After a brief historical introduction by the producer of the script, Tom Rodd, the Honorable Judge Homer Holt (Lowell Moore) presided over court in the murder case of Robert Eastham (Bill Peterson) in the Circuit Court of Tucker County, West Virginia on Thursday, December 2, 1897. Eastham was charged after shooting Frank Thompson during a shootout at the Parsons Depot on March 17, 1897, that led to Thompson's death.

The events that led up to the altercation were a result of a prior court case where Eastham sued the Thompsons for closing up the river with a splash dam and not allowing him to float his timber to his sawmill. Eastham lost the case because the Thompsons had secured rights to the river from the state, but Eastham felt that the river belonged to everybody.

The scene started with a newspaper seller (Elaine George) announcing the trial was set to begin in minutes and speaking to a newspaper purchaser (Ruth



Bailiff (Jake Kopec) escorting Robert Eastham (Bill Peterson) to jail after being found guilty of misdemeanor homicide.



Music provided by Gerry Milnes and Mike Miller before the play.

Melnick) explaining everyone needed to hurry to the court room to witness the event. Judge Holt then took his seat to preside over the trial.

Judge Holt sworn in members of the jury. In this present-day enactment, the jury was the audience. All rose and raised their right hands and Holt said, "Thank you all for attending our



Cast members from left to right: Jake Kopec (Bailiff), Sarah Fletcher (Wanda Landstreet), Ruth Melnick (Newspaper Purchaser), Elaine George (Newspaper Seller), Debbie Stevens (Jane W. Hockman), Debbie McHenry (George Thompson), Script writer Tom Rodd, Lowell Moore (Judge Homer Holt), Savannah Wilkins (Prosecutor), Pat A. Nichols (Defense Council).



Audience Jury being sworn in by Judge Holt (Lowell Moore)

historical program about the trial of Robert Eastham. This trial began on Monday, November 23, 1897, and ended just over three weeks later on Thursday, December 16, 1897. Today we are going to present a very much shorter version. The version is based on original records, and we are reproducing a real story that happened here in Parsons. I am going

to ask each and every one of you in the courtroom to pay close attention to the testimony. You are the jury and at the end you are going to make a decision based on the testimony. Very much like the jury of 124 years ago."

The accused was escorted into the courtroom by the bailiff (Jake



Prosecutor (Savannah Wilkins) and Defense Council (Pat A. Nichols) preparing for the murder trial involving Robert Eastham.

Kopec) Eastham plead not guilty due to self-defense and claimed, "This trial is a sham!"

See EASTHAM page 4

**LOCAL
NEWS
COVERAGE
OF THE
EASTHAM
TRIAL IS
STRONG -
124 YEARS
LATER!**



ROBERT EASTHAM AND HIS DOGS IN CANAAN VALLEY, 1886.



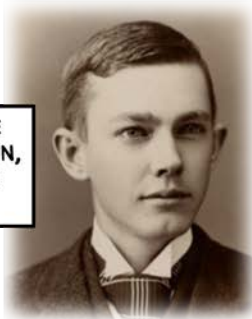
FRANK THOMPSON, GENERAL MANAGER OF THOMPSON LUMBER.



ROBERT EASTHAM IN VIRGINIA AFTER HIS ESCAPE.



FRANK THOMPSON'S FATHER ALBERT AND HIS FAMILY AFTER FRANK'S DEATH.



GEORGE THOMPSON, FRANK'S COUSIN



IN 1884 ROBERT EASTHAM'S CREW CLEARED THE LAND FOR THE TOWN OF DAVIS.

“Changing Times”

by Thomas W. Rodd, Board Member, Friends of Blackwater

“Shootout at the Depot” tells a true story in which a logger named Robert Eastham shot and killed a timber company executive named Frank Thompson. The shooting took place on March 18, 1897, in a railroad passenger car that was parked outside the Western Maryland Railroad Depot in the Town of Parsons, Tucker County, West Virginia.

Thompson’s death led to a sensational criminal trial in November-December 1897. This booklet contains an original “graphic novel” version of the criminal trial, illustrated by Carol Jackson; along with historic and contemporary photos and an essay about the case by the distinguished West Virginia historian John Alexander Williams.

The origins of the Eastham-Thompson conflict go back to the 1880s. Following the U.S. Civil War, the industrialist and politician Henry Gassaway Davis extended his Western Maryland Railroad to Tucker County, to exploit the region’s untapped coal and timber.

Within just a few years, thousands of people moved to Tucker County. They came to work in timbering, sawmills, tanneries, coal mines, and paper pulp and coke manufacturing. The historian Ronald L. Lewis described these “changing times” in his 1998 book “Transforming the Appalachian Countryside -- Railroads, Deforestation, and Social Change in West Virginia, 1880-1920.”

Robert Eastham was a Confederate Civil War veteran who settled in Canaan Valley in 1876. In 1884, Davis hired Eastham to lead the crews that cleared the land for the new town. Several years later, Frank Thompson moved to Davis from Philadelphia to manage his family’s newly-acquired sawmill complex. The Thompsons’ mill on the Blackwater River processed millions of board feet of virgin timber, which they shipped by rail to Eastern markets.

Eastham wanted to use the Blackwater River to float timber to the Davis sawmill, without getting permission from the Thompsons, who controlled a “splash dam” that stored water for moving logs. In 1895 the splash dam control issue went to court. Eastham lost, and was ordered not to interfere with the dam. This set the stage for the 1897 gunfight.

In 2017, Professor Lewis published a follow-up book to “Transforming the Appalachian Countryside,” titled: “The Industrialist and the Mountaineer: The Eastham-Thompson Feud and the Struggle for West Virginia’s Timber Frontier.” Lewis’ research into this story inspired

Friends of Blackwater (“FOB”) to tell the Eastham-Thompson story in a live community education program.

In 2019, FOB presented a “Shootout at the Depot” program at Cottrill’s Opera House in the Town of Thomas, featuring community members in period costume; scholarly commentary; live music from the 1890s era; an illustrated publication for the audience; and a spirited audience discussion. It was exciting to have descendants of some original participants in the audience!

In 2022, FOB presented an enlarged version of the “Shootout” program at the historic Tucker County Courthouse in Parsons; followed by a reception at the original Parsons Station Depot. This booklet contains pictures of that program. Special thanks to the Tucker County Commission for making us all welcome in the historic Courthouse.

FOB cannot say enough words of appreciation for the great cast of participants, and to the West Virginia Humanities Council, the Tucker County Historical Society, Tucker County ArtSpring, and a fabulous audience -- who all made the program possible.

It’s a challenge to tell the Eastham-Thompson story in an understandable, even-handed, succinct, and accessible way. Eastham’s criminal trial took more than three weeks, and some of the lawyers’ speeches went on for more than three hours! With these limitations in mind, we feel that the “Shootout at the Depot” program fairly presents the story’s most important aspects, and points to some of its lessons for today.

Professor Lewis’ book, and Professor Williams’ essay in this booklet, discuss how the “Shootout” story reflects the distinction between “traditional” and “modern” values and codes of conduct. For example, the story contrasts the traditional practices of “trial by combat” and revenge, with a more modern “rule of law.” How does this distinction apply to what we see today, in our own “changing times?”

As Professor Williams observes, the “Shootout” story is ultimately a tragedy, with a promising young man’s life cut short and ripped from his family, all over a commercial dispute. The jurors who grappled with the case may be the true heroes of the story, as they brought some degree of closure to the events.

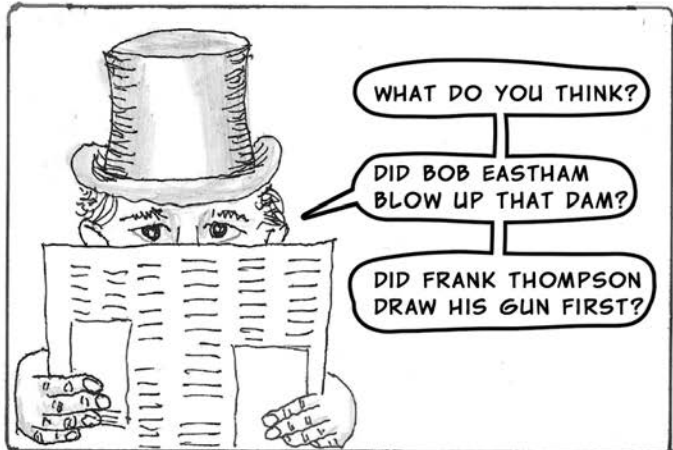
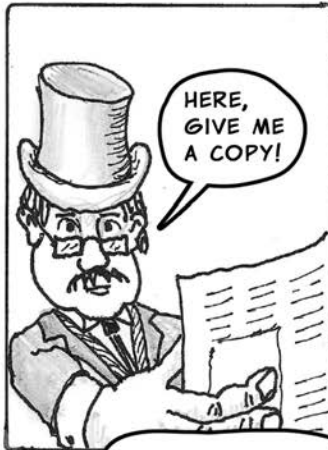
Thanks for your attention to this booklet; we hope you enjoy it. For more information, please visit FOB online at www.saveblackwater.org, email at info@saveblackwater.org; or call at 304-345-7663.

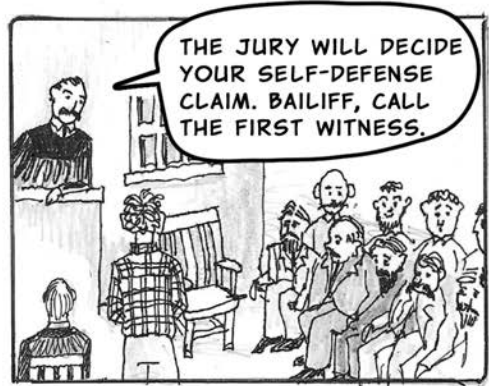
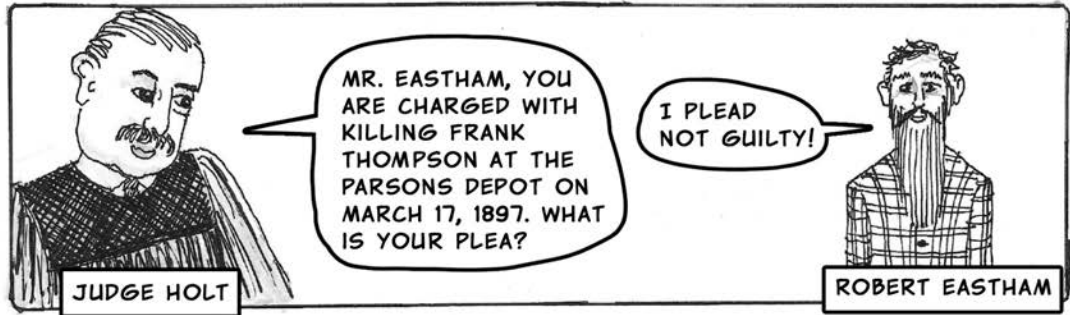
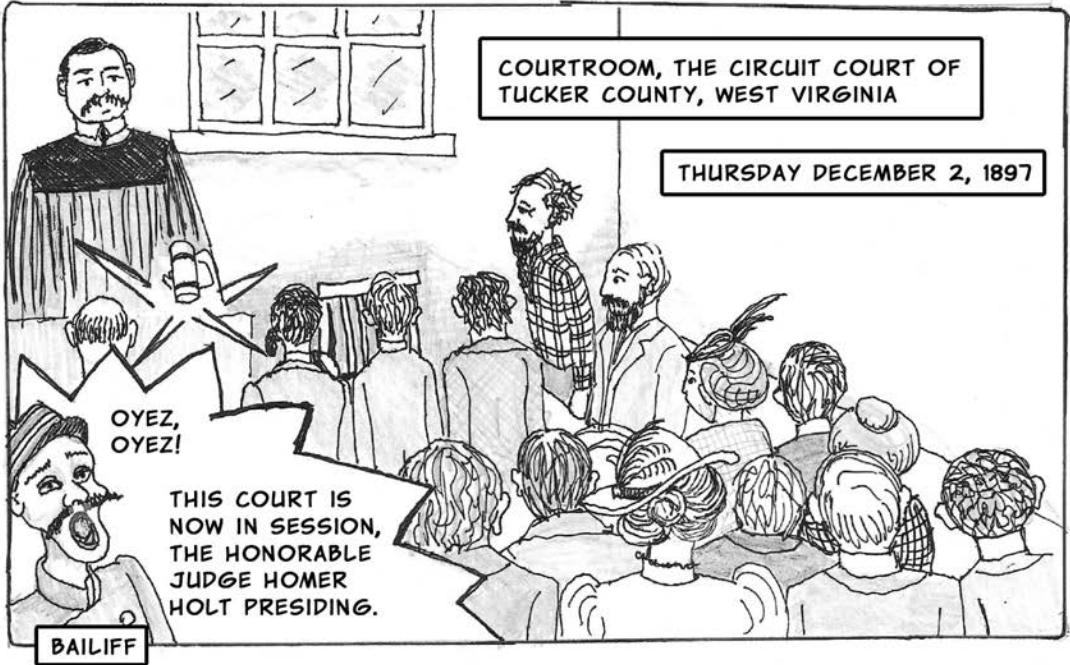
– TWR, 2022

SHOOTOUT AT THE DEPOT

DOWNTOWN PARSONS,
WEST VIRGINIA 1897

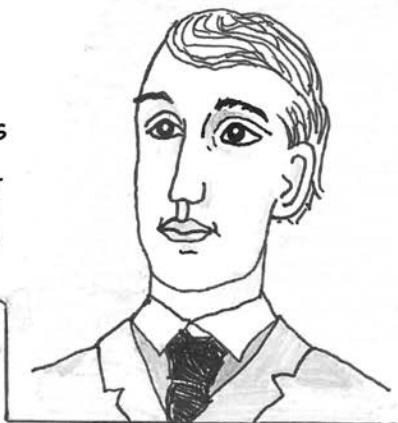
READ ALL ABOUT
IT - THE BIG
MURDER TRIAL
BEGINS TODAY!





WITNESS GEORGE THOMPSON:

GEORGE BENJAMIN THOMPSON, AGE 26, MOVED TO THE TOWN OF DAVIS FROM MAINE TO WORK IN THE THOMPSON FAMILY SAWMILL. HIS COUSIN FRANK WAS THE MANAGER. ON MARCH 18, 1897, GEORGE WAS IN PHILADELPHIA ON BUSINESS, WHEN HE LEARNED THAT FRANK HAD BEEN SHOT. GEORGE IMMEDIATELY WENT BY TRAIN TO CUMBERLAND, MARYLAND, WHERE FRANK HAD BEEN TAKEN TO THE HOSPITAL.



"FRANK'S FATHER AND MOTHER WERE THERE. WE PRAYED THE OPERATION WOULD SAVE HIM, BUT HE HAD LOST TOO MUCH BLOOD."



"FRANK WAS OUR ROCK. AT SUNRISE, WE WENT TO BUTLER'S UNDERTAKER ROOMS TO SELECT A COFFIN. IT FELT LIKE A DREAM, BECAUSE WE WERE GUTTED."



"JUST GUTTED."

"THE LAST TIME I SAW FRANK ALIVE WAS IN A TRAIN STATION IN PHILADELPHIA. WE HAD A GLASS OF BEER IN A SMALL SALOON AND I ALWAYS FELT IF I HAD BEEN THERE, IT WOULDN'T HAVE HAPPENED."



YOU BE SURE TO KEEP THAT SHOTGUN OILED AND LOADED.

BOB EASTHAM HAS BEEN MAKING THREATS.

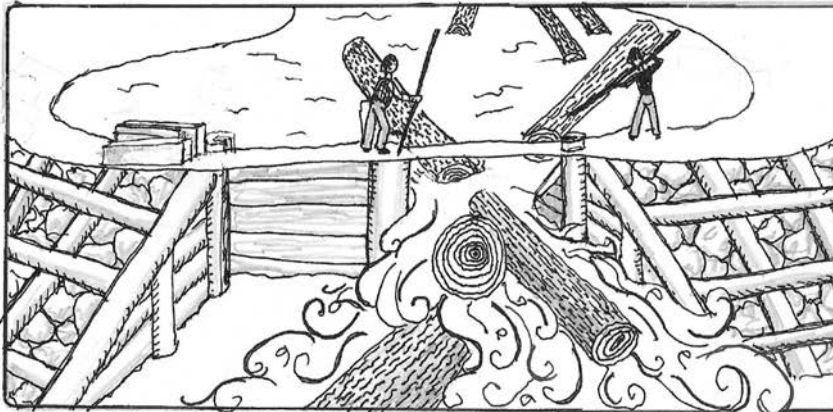
WITNESS PIERRE CHINARD:



"PEOPLE CALL ME 'FRENCHY.' I MOVE LOGS DOWN THE RIVER FOR BOB EASTHAM."

"IT IS DANGEROUS WORK."

PIERRE CHINARD IS A TENANT ON ROBERT EASTHAM'S LAND IN CANAAN VALLEY. IN THE 1880S HE CAME FROM QUEBEC IN CANADA TO FLOAT LOGS ON THE BLACKWATER RIVER FOR THE NEW SAWMILL IN DAVIS. PIERRE MARRIED A LOCAL GIRL AND STAYED ON.



"WE BUILT A SPLASH DAM TO HOLD WATER UNTIL TIME TO FLOAT LOGS. THEN THE THOMPSONS GOT A LICENSE TO RUN THE DAM. BOB EASTHAM IS TRES FURIEUX -- VERY MAD!"

"BOB CAN'T GET HIS LOGS TO MARKET. LOTS OF YELLING! THEY GO TO JUDGE, AND EASTHAM LOSE."

"THEN BOB TELLS ME TO BLOW UP THE DAM. SO I DID. HE IS THE BOSS! MANY TIMES BOB EASTHAM SAID TO ME, IF HE HAS TO KILL FATHER AND SON, HE WILL STOP THE THOMPSONS!"





WITNESS WANDA LANDSTREET:

SHE OPERATES A GENERAL STORE IN DAVIS AND KNOWS EVERYONE IN THE AREA.



"BOB CAME INTO MY STORE, CURSING ABOUT THAT SPLASH DAM. HE SAID HE WOULD SHOOT IT OUT WITH FRANK. HE WAS ACTING LIKE THIS WAS THE WILD WEST, BUT WE'RE A CIVILIZED AREA NOW."



"WHEN THEY HAD THE COURT CASE ABOUT THE DAM. BOB EASTHAM MADE THREATS. ALL THESE ARMED MEN ARE JUST CAUSING MORE VIOLENCE."



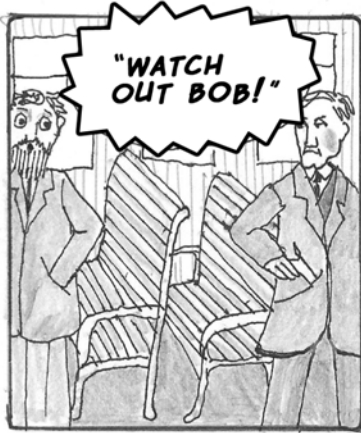
WITNESS JANE HOCKMAN:

SHE AND HER HUSBAND MANAGE A HOTEL IN THOMAS. SHE WAS ON THE TRAIN AT THE PARSONS DEPOT.



"I WAS SITTING ACROSS FROM FRANK THOMPSON. BOB EASTHAM CAME CLOMPING UP THE AISLE, NO SMILE ON HIS FACE, AND HE STOPPED WHERE FRANK WAS SITTING. BOB INSULTED FRANK AND STRUCK HIM ACROSS THE FACE."





"IT HAPPENED SO FAST, IT WAS OVER IN SEONDS."



"ONE SHOT STRUCK BOB'S HEAD. HE WAS BLEEDING, BUT IT STOPPED. THE OTHER SHOT HIT HIS CHEST, BUT HIS THICK COAT SAVED HIM."

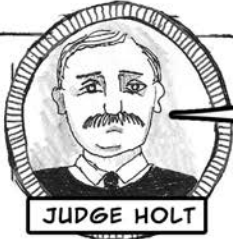


"FRANK WAS SHOT IN THE BELLY. WHEN THE DOCTOR CAME HE KNEW THEY HAD TO OPERATE. THEY CLEARED EVERYONE OFF THE TRAIN AND TOOK HIM TO CUMBERLAND."



"EARLIER THAT MORNING, BOB EASTHAM SAID: IF FRANK THOMPSON BOARDS THAT TRAIN UP TO DAVIS, HE'LL GO UP AS A CORPSE."

"ALL OF US PASSENGERS WERE STANDING AROUND IN SHOCK."



JUDGE HOLT

MR. EASTHAM,
IT IS YOUR
TURN TO
TESTIFY.

**DEFENDANT ROBERT
EASTHAM:**

A CONFEDERATE ARMY
VETERAN, HE MOVED
TO CANAAN VALLEY IN
1876. HE HELPED
CLEAR THE LAND FOR
THE TOWN OF DAVIS.



BOB EASTHAM

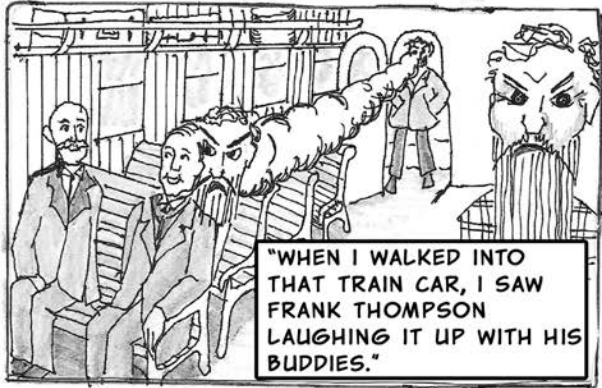


"I KNOW CANAAN VALLEY LIKE THE BACK
OF MY HAND. I HELPED THE THOMPSONS
ACQUIRE TIMBER FOR THEIR SAWMILL."



THEN THEY
REFUSED TO
HANDLE MY
LOGS, AND
CHEATED ME
IN COURT!

FRENCHY CHINARD IS A
WELL-KNOWN LIAR. I NEVER
TOLD HIM TO BLOW THAT
DAM!



"WHEN I WALKED INTO
THAT TRAIN CAR, I SAW
FRANK THOMPSON
LAUGHING IT UP WITH HIS
BUDDIES."

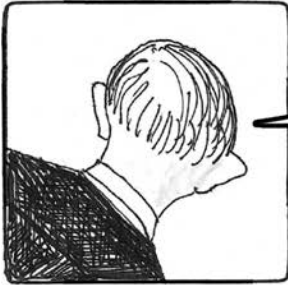
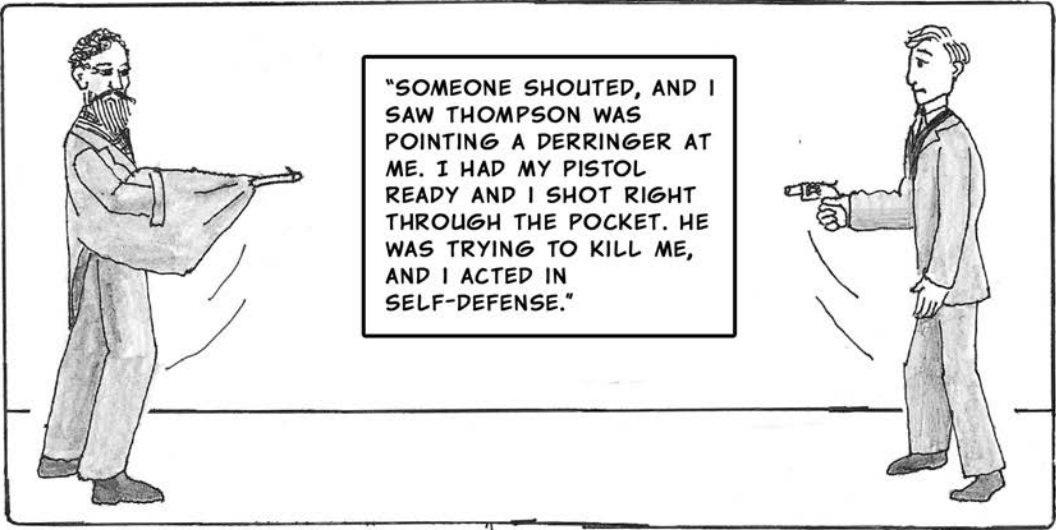


THOMPSON,
YOU ARE A
PERJURER!

"IF I HAVE A PROBLEM WITH A
MAN, I LET HIM KNOW. SO I
MARCHED UP TO HIM AND I
SLAPPED HIM ACROSS THE
FACE."



"I THOUGHT I'D MADE MY
POINT AND CONTINUED UP
THE AISLE."



WEREN'T YOU TRYING TO PROVOKE A GUNFIGHT, WHERE YOU COULD KILL FRANK THOMPSON?



I DENY THAT! THIS TRIAL IS A SHAM, AND I AM INNOCENT!

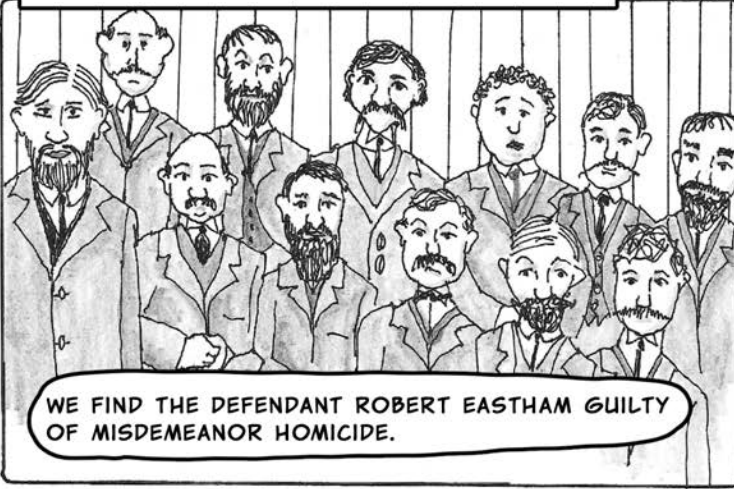
THE EVIDENCE IS COMPLETED. THE JUDGE INSTRUCTS THE JURY:



MEMBERS OF THE JURY, YOU HAVE THREE POSSIBLE VERDICTS:

1. DELIBERATE AND INTENTIONAL HOMICIDE, A FELONY.
2. UNINTENTIONAL BUT WRONGFUL HOMICIDE, A MISDEMEANOR.
3. NOT GUILTY BY REASON OF SELF-DEFENSE.

THREE HOURS LATER, THE JURY HAS DECIDED.



WE FIND THE DEFENDANT ROBERT EASTHAM GUILTY OF MISDEMEANOR HOMICIDE.



THIS IS AN OUTRAGE, I WILL APPEAL!



YOU CERTAINLY HAVE THAT RIGHT.

BASED ON THE JURY'S VERDICT, I SENTENCE YOU TO TWO YEARS' IMPRISONMENT. BAILIFF, TAKE THE PRISONER BACK TO JAIL.



NO JAIL WILL HOLD ME!

MEMBERS OF THE JURY, THANK YOU FOR YOUR SERVICE. THIS COURT IS ADJOURNED.

THE TRIAL OF ROBERT EASTHAM IS OVER.

BUT THERE'S MORE TO THE STORY!

EIGHT MONTHS LATER:

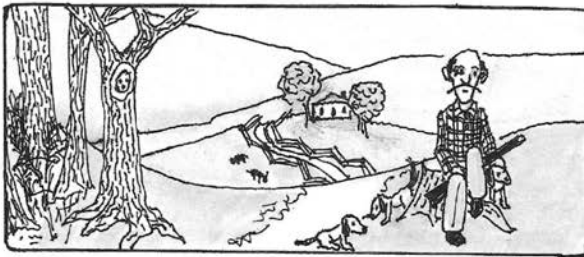
DOWNTOWN PARSONS, 1898



EASTHAM'S FRIENDS BROKE HIM OUT OF JAIL, AND THEY SAY HE IS HEADING FOR VIRGINIA!

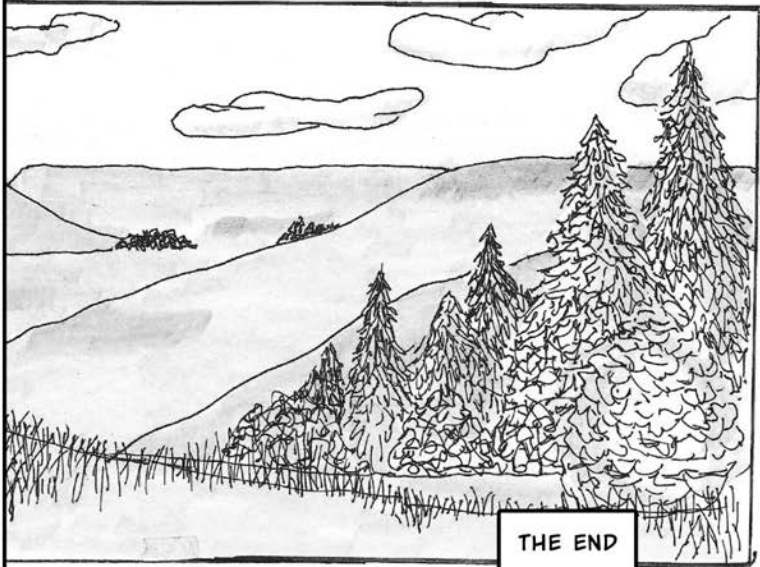
READ ALL ABOUT IT - EASTHAM ESCAPES FROM JAIL!

THEY'LL NEVER GET HIM BACK HERE!



AFTER EASTHAM ESCAPED, HE RETURNED TO HIS FAMILY HOME IN VIRGINIA. WEST VIRGINIA AUTHORITIES NEVER PURSUED HIM. IN 1924, AT AGE 82, HE FELL FROM A HORSE AND DIED FROM HIS INJURIES.

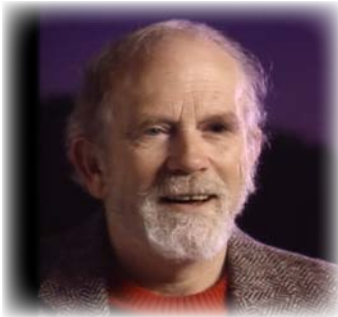
THE THOMPSON FAMILY CONTINUED IN THE TIMBER BUSINESS IN CANAAN VALLEY, EVENTUALLY BUYING EASTHAM'S OLD FARM. MANY YEARS LATER, IN 1957, FRANK THOMPSON'S YOUNGER SISTER MAUDE DIED IN PHILADELPHIA. IN HER WILL SHE GAVE 3,149 ACRES IN THE VALLEY TO THE STATE OF WEST VIRGINIA, TO BECOME A PART OF CANAAN VALLEY STATE PARK.



THE END

A Historian Reflects on “Shootout at the Depot”

By John
Alexander
Williams,
Appalachian
State
University
Emeritus
Professor.



As I reflect on the story of the “Eastham-Thompson feud” and the killing of Frank Thompson, I recall an observation that the historian Richard Jensen made about one of my books about West Virginia.

Richard and I were colleagues in the History Department at the University of Illinois; we both wrote state histories that were part of the nation’s Bicentennial observance. He wrote the Illinois volume; I wrote “West Virginia, a Bicentennial History,” which included a discussion of the famous “Hatfield/McCoy feud,” a conflict that involved quite a lot of gunfire.

Richard commented that in my telling of the Hatfield/McCoy story, the feudists’ weapons could be depicted as cartoon or toy guns – the kind where the gun fires not a bullet, but a small flag – printed with the word “BANG!”

In my historical approach to the Hatfield/McCoy feud – where I

emphasized the cultural and economic roots of the conflict – Richard joked that the Hatfield guns should fire a flag that read “MODERNIZATION!” – and the McCoy guns should fire a flag that read “TRADITION!”

This comic image was Richard’s reminder that “modern” and “traditional” are not necessarily “either/or” propositions; they can also be “both/and;” and that real people and real bullets are more complex than historical labels.



My friend Altina Waller’s subsequent investigation of the Hatfield/McCoy feud showed that this was exactly the case with Anderson Hatfield, whose impact on the Tug Fork Valley represented both modernity and tradition.

Thinking about the Eastham/Thompson conflict also reminded me of my first book, “West Virginia and the Captains of Industry,” which includes a discussion of the 1894 congressional and 1896 presidential elections in

West Virginia, which completed West Virginia's transition from the Democratic "Solid South" to the state's becoming reliable Republican territory for decades.

The Republican presidential vote trend in Tucker moved from 29% of eligible voters in 1876 to 48% in 1892 to 53% in 1896, contributing to an intensity of partisanship – also offering scope for "both/and" and "either/or" analyses.

In 1895, the legislative election ushered in the Republican leadership of Stephen B. Elkins, Henry Gassaway Davis' son-in-law and business partner, when the new Legislature chose Elkins for a US Senate seat previously held by the Democrat Davis.

It is noteworthy that the judges who presided in the cases involving Eastham and Thompson, Judges Holt and Hoke, were both Republicans. So was Frank Thompson. Bob Eastham, on the other hand, was a former Confederate Democrat who had cleared the land for the Town of Davis in the 1880s for Henry Gassaway Davis. And Eastham was a leader of the armed men who advanced Davis' agenda by moving the Tucker County courthouse records from Saint George to Parsons in 1893.

I can't say for sure that all this partisan turbulence had a direct bearing on the shooting at the Parsons Depot, but it would not be surprising if it did. (The job of sorting all the 1894-96 politics out

as a graduate student certainly tempted me to shoot someone, if only myself.)

Turning from the political to the personal: when Robert Eastham struck Frank Thompson in the railroad car, it was not a "traditional" challenge to engage in a formal duel to be held later, but rather a more modern provocation for a deadly gunfight "on the spot."

My mentor, C. Vann Woodward, wrote in "The Making of the New South" about how the custom of men habitually carrying pistols actually arose after the Civil War: "In place of the relatively civilized duel there arose the barbarous custom of 'shooting on sight.'"

Ronald Lewis' "The Industrialist and the Mountaineer" draws on courtroom testimony and the biography of the various lawyers who appeared for and against Eastham to personalize a symbolic confrontation of tradition and modernity; a conflict of old and new understandings of property rights and legal remedies. These conflicts sometimes involved contrasting styles of masculinity: was power to be wielded by weapons, or from behind a desk?

Eastham was what we used to call "a man's man:" physically imposing, gregarious and popular, a skilled horseman, a daring soldier. He was shaped as an entrepreneur by the agrarian values of the place where he grew up, eastern

Virginia. Frank Thompson may have lacked Eastham's exceptional athleticism or military derring-do, but presumably like most men of Thompson's age and station, he knew how to handle horses, and to deploy labor productively. Handling guns may have been another story.

Thompson came from a prosperous family business rooted in Maine, a State with strong abolitionist sentiment, and one of the geographic bases from which the timber and lumber industries expanded.

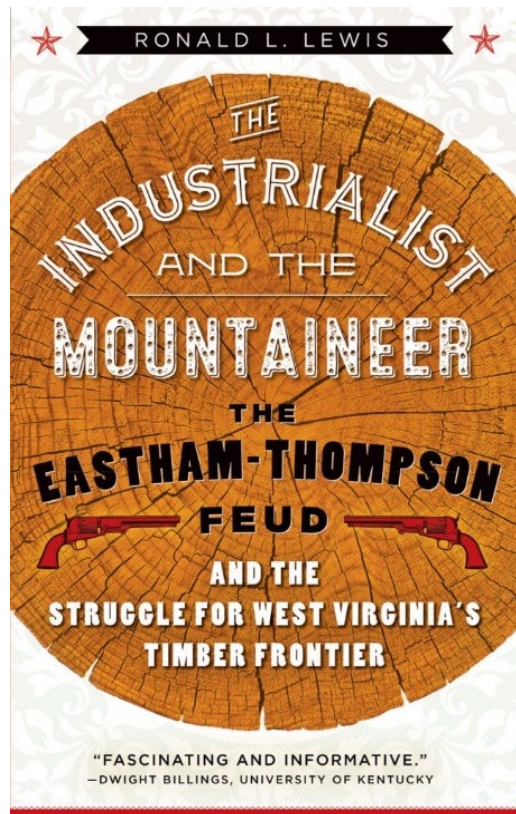
Historical events and trends brought Eastham and Thompson into a conflict that a jury of the Tucker County Circuit Court had to sort out. But as I wrote in another book, "West Virginia - a History for Beginners:" "Most of us are interested mainly in the day-to-day events of our lives. We rarely see ourselves as the participants in historical events."

Witnesses said that Eastham planned the gunfight:

"[He] said he was not afraid, he had tried to insult them and do everything he could think of and they would not attack him, but if they ever did that he could shoot three or four of them before they got him."

That is almost certainly true of the participants in "Shootout at the Depot." Today, looking through a historical lens, we must conclude that whatever the historical currents that were responsible, it was a tragedy for all concerned.

- JAW, 2022





JULY 16, 2022, "SHOOTOUT AT THE DEPOT," TUCKER COUNTY COURTHOUSE, PARSONS, WEST VIRGINIA.

CAST OF PARTICIPANTS, LEFT TO RIGHT, TOP TO BOTTOM: MIKE MILLER, GUITAR; GERRY MILNES, FIDDLE; TOM RODD, AUTHOR; WILLIAM PETERSON (ROBERT EASTHAM); ELAINE GEORGE (NEWSPAPER SELLER); RUTH MELNICK (NEWSPAPER PURCHASER); PAT A. NICHOLS (DEFENSE COUNSEL); CASEY RUCKER (PIERRE CHINARD); JAKE KOPEC (BAILIFF); SAVANNAH WILKINS (PROSECUTOR); LOWELL MOORE (JUDGE HOMER HOLT); DEBBIE MCHENRY (GEORGE THOMPSON); SARAH FLETCHER (WANDA LANDSTREET); DEBBIE STEVENS (JANE W. HOCKMAN).

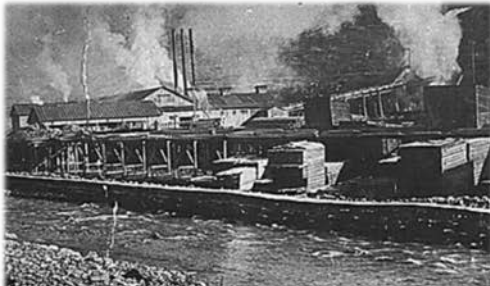
PHOTOS BY VICKIE CARR



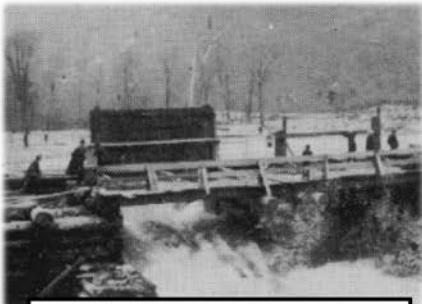
AN 1890S WESTERN MARYLAND RR PASSENGER CAR.



THE PARSONS STATION DEPOT.



THE THOMPSONS OPERATED A LARGE SAWMILL IN THE TOWN OF DAVIS.



A SPLASH DAM RELEASING WATER TO FLOAT LOGS.



TUCKER COUNTY WV

INVOLUNTARY MANSLAUGHTER

Is the Verdict of the Jury in the Eastham Case—The Eloquent Speeches of Attorneys Howard and Davis.

Special Dispatch to the Intelligencer.

PARSONS, W. Va., Dec. 18.—The jury in the Eastham case returned into court at 5 o'clock this afternoon, after an absence of five hours, and delivered a verdict, finding the defendant guilty of involuntary manslaughter, a misdemeanor.

NEWSPAPERS COVERED THE EASTHAM TRIAL EXTENSIVELY.

arose and drew a pistol from his hip pocket, holding it down at his side, hesitatingly, a moment, and then shifted it in front of his body, pressed it close to himself and covered it with his other hand. Then the first two shots were fired, but not by Thompson, for the witness never took his eyes off of the latter's revolver, and swears positively that Thompson did not fire those first two shots.

Ex-Judge Holt testified to threats, of record in his court when he was on the bench, made by Eastham against Thompson, and indirectly under the circumstances sanctioned Thompson's arming himself.

Albert Thompson, the white haired father of the deceased, then told the story of the whole trouble, which culminated in the shooting to death of his only son, and his recital drew tears from the jury and expressions of sympathy from counsel for the defense, who declined to cross-examine him.