

ON THIS DAY IN WEST VIRGINIA HISTORY

DECEMBER 11

DEFENDANTS ARE
CHARGED WITH
LIST OF CRIMES

The Celebrated Atkins Bank-
ruptcy Case Begun in
Federal Court

ELEVEN MEN ARE TRIED

Northcott Declares Govern-
ment Will Prove Both
Murder and Arson

On December 11, 1907, a Federal judge sentenced ten persons to prison for conspiring to defraud the federal government in a Lincoln County bankruptcy case.

CSO: SS.8.4, ELA.8.1

Investigate the Document: (*The Charleston Gazette*, December 6, 1907)

1. Where did the 10 conspirators serve their sentences?
2. District Attorney Northcott had a strong condemnation of the 10 conspirators for terrorizing *this* Lincoln County community.
3. The legal counsel representing the conspirators claimed that the prosecution was attempting to do *what* to the jury?

Think Critically: How would our society transform if there was no law to govern us, and what would be the final result? How can you be certain of this? Do you feel the judge's sentencing was too lenient? Too harsh? Identify the three levels of the federal court system in the United States.

- Highest court in the land: _____
- There are 13 _____ courts. This court's task is to determine whether or not the law was applied correctly in the trial court. These courts also consist of three judges and do not use a jury.
- This is where federal cases are tried, where witnesses testify, and federal juries serve. There are 94 federal _____ in the United States.

DEFENDANTS ARE CHARGED WITH LIST OF CRIMES

The Celebrated Atkins Bankruptcy Case Begun in Federal Court

ELEVEN MEN ARE TRIED

Northcott Declares Government Will Prove Both Murder and Arson

The tale told by Elliott Northcott yesterday morning in his opening address to the jury in the celebrated Adkins' bankruptcy case, if proven by witnesses for the government, will equal any novel ever written by Victor Hugo.

Judge Keller was on the bench promptly at 9 o'clock in the federal court yesterday morning, and after some motions had been disposed of, Clerk Edwin M. Keatley called the case of the United States vs. Fred Adkins and others, who are charged with conspiracy to defraud the government and to impede the administration of justice after the government had taken possession of Adkins' store. Mr. Northcott, always a forcible speaker, was fierce in his denunciation of the eleven men who have been a terror to the country surrounding the village of Hart, in Lincoln county, for the past six months.

The indictment on which these eleven defendants are now being tried, charges Fred Adkins, Charles Brumfield, Albert Davis, Man Adkins, John Fleming, Willard Fleming, Bob Fleming, John Adkins, Albert Adkins, Floyd E. Adkins and William Brumfield with conspiring unlawfully, corruptly, fraudulently and feloniously impeding the administration of justice. The district attorney told the jury that this was one of the most important cases that had ever been heard in this or any other court of justice. He stated in words burning with bitterness that the government expected to prove beyond any reasonable doubt that crimes that would harrow the very souls of every juror had been committed in the vicinity of Hart, and had the story been told him three weeks ago he would have thought it a piece of fiction pure and simple, but that the government had an abundance of testimony from responsible witnesses which it would introduce to prove all the statements he made.

be made.

He then went into the details of the case and showed what constituted conspiracy by referring the jury to section 5399 of the revised code of the United States. He also alluded to the fact that the government would prove by witnesses who would tell of the horror that had been created in the neighborhood; houses burned, men shot down from ambush, houses with unprotected women had been shot up and the inmates terrorized until they were afraid to venture outdoors. It was a thrilling recital of the worst crimes that have taken place in this state in a decade.

Hon. Lace Marcum, of Huntington, who with R. L. Blackwood, in defending the accused, replied to Mr. Northcott, and said that the distinguished district attorney had tried to prejudice the minds of the jury from the very beginning of the case and pleaded with the jury not to form an opinion until all the evidence for both sides had been offered. He ridiculed the idea that any crimes had ever been committed, as stated by Mr. Northcott, and said that the evidence which the defense would offer would contradict any such statement. Mr. Marcum's address consumed only ten minutes, but he covered all the vital points that the district attorney had disclosed.

The witnesses, both for the government and defense, were then sent out of the room and the case was formally opened, by placing on the stand Mr. Edwin M. Keatley, clerk of the federal court, who swore that he received the bankruptcy petition of Adkins on July 3, 1907 at 3 o'clock in the afternoon. He was not cross examined by the defense, as that point was admitted by them. Mr. R. M. Baker was the second witness on behalf of the government, and he stated that he was the referee in the matter and received the papers on July 4, and on the 5th appointed J. P. Douglass receiver.

Mr. Douglas was then called and testified that the statements of Mr. Baker were true, and then told of the trip to the Adkins' store where he found that most of the goods were stolen. A. L. Smith was the next witness. He described the robbery, and told how Fred Adkins had threatened his life if he stayed at the building. Mr. Smith was one of the guards appointed by the receiver. At this juncture Judge Keller adjourned court until 3 o'clock.

Upon reassembling, the examination

ing. Mr. Smith was one of the guards appointed by the receiver. At this juncture Judge Keller adjourned court until 3 o'clock.

Upon reassembling, the examination of the government witnesses continued. Nearly all the evidence was of a highly sensational nature. Hendrix Brumfield, a nephew of Henry Brumfield, one of the defendants swore positively that his uncle tried to drown him, and that Charles Brumfield and Fred Adkins had tried to get him to steal a sack of goods that was contained in the store, and when he refused to do as they bade him, his life was in danger. He was put through a rigid cross examination by Attorney Marcum, but he stuck to his statement. Another witness who was on the stand in the afternoon session, was George Ward, a negro, who swore that he was employed to move the goods every day to a different place,

and that they (the defendants) were continually changing the locations.

The court adjourned at 5:30, after spending the entire afternoon in the examination of three witnesses. Judge Keller is extremely anxious to conclude the case by Saturday, but judging from the large number of witnesses that are to come, it is thought hardly possible to close on that day. Mr. Northcott is assisted in this case by the assistant district, H. D. Rummell and his law partner in Huntington, Hon. J. P. Douglas.