

EXECUTION OF DR. KINMAN FOR STEALING A NEGRO

Famous Case in Laurens County South Carolina, When White Man Was Hanged in 1854, Charged With Negro-Stealing—Last Legal Execution of White Man in That County—Judge O'Neal Presided.

The Laurens Herald, Laurens, S. C., contains an interesting account of the conviction and execution of a white man, Dr. Thomas W. Kinman, at Laurens for negro stealing in 1854.

Sometime in the spring or summer of 1853 Dr. Thomas W. Kinman was brought here from Greenville county, (then district) a prisoner, and lodged in jail charged with capital felony, in that he had stolen and carried away a certain negro, the property of a citizen of Laurens district.

A few days after his imprisonment, Kinman was admitted to bail under a heavy bond for his appearance at the approaching term of court for trial. The sessions court at that time was held only twice a year—March and October.

One Sunday evening before the opening of the October term, Kinman was promptly in attendance, stopping at Simmons' Hotel, apparently in the best of humor and spirits, where the writer saw him for the first time. He was a man of rather fine personal appearance, quite six feet in height, florid complexion, with light or sandy hair, a man of intelligence, in possession of considerable property in land and negroes, and up to the time of his arrest bore a good character and was highly respected. Notwithstanding these facts, and the gravity of the charges against him, the case had excited little or no interest until he went to jail Monday morning of court; and even then, no one seemed to think that he would be convicted and hanged, as, under the law of South Carolina at that time, no other penalty attached to the crime of negro-stealing slightly different now.

There was very little direct or positive proof against Kinman—nearly all circumstantial, but the circumstantial evidence proved, in the end, damaging and fatal, as will be seen later on.

It developed, in course of the trial, that Kinman passed through this place in possession of a new, light two-horse Cox and Gower wagon, the cover of which was tightly drawn by strong cords, at front, rear and sides, so that no one could see its interior. Witnesses testified that the same description of man and wagon crossed the Suckee river at Swaney's Ferry.

Another witness, a citizen of the town of Abbeville, testified that the identically described man and wagon passed through that place. It so happened that the Abbeville witness wanted just such a wagon as the defendant had, wanted it at once, and offered to pay a much larger sum for it than the usual cost of vehicles of that size, but his offer was not only refused, but he was forbidden to look inside the wagon when he attempted to do so. This action on the part of the defendant for some reason, it seems, excited the suspicion of the witness, and he so testified, identifying Kinman as the man in charge of the wagon. And it was firmly believed, though not proven, that said negro was secreted in said wagon.

It transpired from the evidence that Kinman adopted the scheme of the

great "Land Pirate,"—as the notorious John A. Murrell used to be called—made repeated sales of the same negro. He, or his confederate with him, would sell the stolen negro at a certain place, secretly give him a pass with instructions to meet him at another point, a few days later, where the negro would be sold again, signing of course a fictitious name to the pass. These sales were repeated several times, a pass being given in each instance. And it was these passes that betrayed him, and finally broke the neck of the accused.

One of the witnesses testifying against Kinman was from Alabama, and was one of the unfortunate purchasers of the stolen negro, but like other unfortunate purchasers, was not able to identify Kinman as the man from whom he bought the negro. The passes given the negro, three of which the prosecution managed to procure, were signed with the fictitious signature of "J. H. Smith," except one of the three which was signed "J. M. Smith." Why this change of initials from "J. H." to "J. M." should have been taken by the prosecution as a suspicious circumstance was not apparent at the time, save that all three passes were proven to have been written by the same hand; and witnesses familiar with Kinman's handwriting swore that all three of the passes were written by him. This seemed to "pin the basket" against the defendant, and was the state's case. It is not remembered at this lapse of time whether the defense introduced any evidence, but think none was offered, though the prisoner was badly defended by the late Hon. Charles P. Sullivan, one of the ablest lawyers of the Laurens bar, at that time justly ranking as one of the ablest in the state.

The case was tried before Judge O'Neal, who was then a circuit judge, and before his elevation to the court of appeals. Jacob P. Reed, an able prosecuting officer, was the solicitor. The charge of Judge O'Neal, however, was much stronger against the prisoner, and had more influence with the jury than even the very able speech of the solicitor, as then a presiding judge was permitted to charge on fact, or on evidence, as well as on the law. (And it might be as well, or perhaps better, if former prerogative was in vogue now.) Judge O'Neal was thoroughly convinced of the prisoner's guilt, and the jury saw it, which doubtless materially aided them in arriving at a quick agreement, returning, as they did, within less than half an hour with the fatal verdict of guilty of the crime as charged, the only expiation of which was death on the gallows. There were no degrees or modifications in those days for the crime of negro stealing.

Among other things in the course of Judge O'Neal's charge he told the jury, substantially, he himself conceding the fact,—

That while there was really no positive proof of theft against the prisoner—that it was mainly circumstantial, an unbroken chain of circumstantial evidence all going to establish a fact, was oftentimes better and safer than even sworn evidence, as witnesses do sometimes, and too often, swear falsely.

When the verdict of the jury was announced, Mr. Sullivan made motion for a new trial, which being denied, gave notice of appeal and carried the case to the appeal court, which body sustained the action or verdict of the lower court, and the sentence of death was pronounced upon the defendant. Mr. Sullivan fought the case with his characteristic energy and persistence, and unless the writer's memory is at fault, succeeded in getting it before the appeal court more than once, but with the same result. Yet he did succeed in getting two respite for his client but upon what ground is not remembered.

When all hope was abandoned, Kinman set about trying to get his liberty by breaking jail. Some weeks before the day of execution he managed in some way to get a pocket knife, a long key hole saw and a rope. With these tools he went to work energetically, not being shackled, and came very near cutting his way out; but unfortunately for him the sheriff, who slept in the jail, was awakened by the noise, late at night, and thwarted the attempt to escape. The prisoner, it seems had become over confident and bold in his efforts. The sheriff (the late Daniel Richardson) stated that Kinman would have escaped in two hours, or less, but for the timely discovery on his part. It was supposed that the prisoner's faithful wife, who had been permitted to visit him a few weeks previously, had conveyed the means of escape to the prisoner's cell, concealed in her clothing. The prisoner's effort to escape was detected and defeated less than a week before the day of execution.

On the day of the execution a peculiarly strange if not an anomalous and

gruesome incident occurred: As Kinman was being conveyed from the jail to the gallows, the writer was standing on the sidewalk in front of a store on ground now occupied by the People's bank and Exchange bank as he passed sitting on a seat with the driver of a two-horse wagon, his coffin, which he was soon to fill, just in the rear of him. The negro, for whom he was soon to be hanged for stealing, stood on the same sidewalk, (not ten steps from the writer) and seemed to gaze with gleeful satisfaction on the doomed culprit.

It was suspected that Kinman was associated with, and one of a clan whose business was to steal both negroes and horses and run them off, the headquarters of which was just across the line of Laurens in Greenville district. But this was mere suspicion.

A moment before the death trap was sprung, Kinman was asked by spiritual adviser, (Rev. David Wills) who went in the scaffold with him and offered prayer for him, whether or not he was guilty—that it was a duty he owed his family, himself and his friends to make his statement as his last utterance on earth, and said to him: "Kinman, are you guilty or innocent?" His reply was, "Guilty only in part." These were his last words, and as the signal hand-cerchief dropped from his nervy hand and fluttered slowly to the ground, he was launched into eternity. He was publicly hanged the latter part of September, 1854, public execution then being the law or custom, and the crowd in attendance was immense, some of them from adjoining districts.

His laconic reply as to his guilt indicated that if he did belong to a thieving clan, he was true to it. He divulged nothing save as to himself, and little of that, even. Kinman's was not only a sad case, but a peculiar one.

The stolen negro was owned by the late Dr. Melmoth Hunter, who, after the negro had been sold several times in southwestern Georgia, and Alabama, recovered his property, and the slave was brought back. The negro was a fine looking fellow, full six feet in height, and as the price of negroes raised then, would have sold for fifteen or eighteen hundred dollars, in the negro marts of New Orleans or Memphis.

The morning after the execution the writer left here on his way to Abbeville, via Newberry, at which point Judge O'Neal boarded the train and took a seat just in front of the former, of whom the judge immediately inquired whether Kinman had been hanged the day before? Being answered in the affirmative, he remarked, substantially as follows: "That poor man was tried before me. I was convinced that he was guilty of the crime as charged, and must suffer the penalty. The law may seem stern, but our peculiar property must be protected. Yet I think the law against negro-stealing should be amended and modified to a lesser penalty than capital punishment."