

George Palmer

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CASE OF ROBERT E. HOOE, U.S.N. --TO THE EDITOR OF THE ALEXANDRIA GAZETTE. --
TALLAHASSEE, FLORIDA, MAY 19, 1838.

In Your paper of the 7th ultimo, I notice in the editorial column the following article; Robert Emmet Hooe of the U.S. Navy, who was tried before the Superior Court, of Glynn County, Georgia, on an indictment for Voluntary Manslaughter for killing Dr. Geo. W. Palmer, of the U.S.N., has been found guilty. A motion for a new trial was made and granted. Your statement of the matter is correct but I question whether such a mere mockery of Justice deserves the name of trial. I wish most respectfully to call your attention to the report of this case as given in the Brunswick Advocate, April 19th, and republished in some of the Savannah, (Georgia.) papers. Brunswick is the County site of Glynn, and the editor of the above mentioned paper was present throughout the whole trial. A further report is made in the Darien (Georgia) Telegraph, April 24th, (the Editor of this paper also attended the trial) in which the evidence is given as detailed. By a careful perusal of those statements, you will be informed of the truth of my case fully. I will as soon as I can procure them, send you the proper papers; and I now annex a correct copy form the minutes of the Court, of the order of a new trial, thinking that a true statement will not be uninteresting to numerous friends, whose names are to be found on your list of Subscribers. I am most respectfully yours, R.E.H.

P.S. Under the statutes of Georgia, a change of venue cannot be had, and I have found it impossible to get a new trial before the next regular term of the Court in December.

The State, vs. Robert E. Hooe. Indictment Voluntary Manslaughter, Plea not Guilty, Verdict Guilty of Voluntary Manslaughter, motion for a new trial.

A motion having been made on the part of the Prisoner for a new trial in the above case, on the ground that the verdict is contrary to Law, and contrary to Evidence, and especially, that the Jury after they had retired to make up their verdict, had read in their hearing a letter which was not offered in evidence on the cause, but which influenced the mind of one of the Jury in rendering said verdict. And the Court having duly considered said motion it is ordered that said verdict rendered by the Petit Jury be set aside and a new trial granted to the prisoner upon the grounds stated. A true copy, certified by the Clerk of Superior Court, Glynn County, Georgia.

From the Brunswick (Geo.) Advocate.

Glynn Superior Court.
State, vs. Robert Emmett Hooe, Before Judge Henry.

This was an indictment for voluntary manslaughter.

Counsel for the Government, Edward J. Harden, Solicitor General.

Counsel for the private prosecutor—Oneil, Hon. W. Law, N. Marlow.

Counsel for Defendant, M.H. McAllister, L.S. DeLyon, W.H. Stiles, J.E. Ward.

The Jury empanelled were:

Wm. Burney, J. Higginbotham, Wm. A. Sallens, James D. Piles, John Piles, Jr., S.M. Timmons, Wm. Purvis, M. Manning, J.J. Morgan, J.C. Summerlin, John F. May, Thos. Higginbotham.

The trial of this case has excited great interest in our community. The defendant,

a relation of the distinguished and eloquent Irish Patriot, whose name he bears, is a Lieutenant in the United States Navy. While on service in the U.S. Brig Porpoise, in the waters of our port, in October, 1836, he was so unfortunate as to cause the death of George W. Palmer, under the following circumstances, which we derive from the evidence given at this Court by Mr. George May, acting purser of the Porpoise, and the friend of the late Dr. Palmer. Mr. May was the principal witness of the Government. Mr. Hooe was acting Sailing Master of the Porpoise, in the line of whose duty it is to take charge of the hold of the vessel, to provide and account for the water and stores. While the vessel was lying off St. Simon's Island, at the invitation of Hon. Thomas Butler King, the sick were removed to his plantation hospital on that Island. Upon the same invitation to the officers of the Porpoise to establish themselves at Mr. King's house, the deceased Dr. Palmer and witness, were residing on the Island. On the morning of the 26th Oct. Mr. Hooe was ordered on shore to complete the watering of the Brig. At the date in question Mr. May first saw him upon being suddenly awaked, while yet in his bed, about half past six o'clock, by the noise of an affray in the room adjoining his bed room. He, May, sprang into the room and saw Dr. Palmer nearly naked, clothed only with his drawers, in the corner of the room, and upon the prostrate body of Mr. Hooe. Mr. May called at the window to the sailors who were at the neighboring well, employed by Mr. Hooe in the watering party, for assistance. They entered the dressing room and Mr. May succeeded in separating the deceased and Mr. Hooe.

The deceased being a powerful and athletic man and excited by the most violent passion, was controlled with much difficulty and by the exertion of great force. Mr. Hooe was an invalid and was quite manageable. Dr. Palmer was forced from the room and locked in one adjoining. Thus ended the first assault.

Mr. May then secured the guns which were in the entry, and returned to Mr. Hooe, begging him not to shoot Dr. Palmer. Mr. Hooe replied that he was armed only in self-defence [sic] and should not use his weapons unless attacked. While he was engaged in this conversation with Mr. Hooe, and about two or three minutes after he had confined him, the deceased rushed into the room, still undressed with a heavy pair of tongs in his hands, of the size of those produced which are three feet long, and weigh six pounds, but which Mr. May is not able positively to identify. The deceased clubbed the tongs and struck rapidly and violently at Mr. Hooe's head three or four times. He succeeded in striking Mr. Hooe to the floor and leaping upon him in the corner, again raised the tongs to strike. At that time Mr. May had hold of the pistol which Mr. Hooe had drawn. Mr. Hooe exclaimed he is killing me. Mr. May then released the pistol believing that Mr. Hooe was about to be killed. Mr. Hooe then said, 'clear the way I'm going to fire,' or words to that effect and fired, as he was lying on the floor raised upon his left side. The ball struck Dr. Palmer in the right breast and passed through him. After being shot the Dr. struck two or three blows and then reeled and fell into the arms of a seaman standing near. Dr. P. said he was dying and gave a message of remembrance to his wife, his child and his father. Mr. M. had him removed to the bed in the next room, where he lived twelve days, and witness has no doubt that he died in consequence of the wound received from Mr. Hooe.

Three of the sailors of the Porpoise next gave their evidence, only confirming the above testimony of Mr. May, and this closed the evidence on the part of the Government.

On the part of the Defendant, Commander Ramsay only, was called, who testified warmly to Mr. Hooe's character and reputation as a gentlemanly, valuable and efficient officer. He went on to state that in the previous misunderstanding, which he was aware had existed between Mr. Hooe and Dr. Palmer, the conduct of the deceased had been highly reprehensible; but this evidence was ruled out by the Court, as being immaterial to the issue.

At this stage of the trial the Counsel on the part of the State, and of the private prosecution, after consultation agreed to abandon the case, and that it should go to the Jury upon the Charge of the Judge.

The Judge then, regretting the suddenness of the call, recapitulated the evidence to the Jury and charged the jury decided in favor of the Defendant. The jury retired at half past eight, Tuesday, P.M., and after an absence of an hour returned a verdict of Guilty.

This verdict excited great astonishment, and notice of a motion for a new trial was immediately given.

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