

Thomas B. Berry (- 6 Apr 1858)

The Evening Star, April 7, 1858, p. 3

Still Another Assassination in Washington City!

After we went to press, yesterday afternoon, this community was startled by the assassination of a young man named T.B. Berry, aged about 28, and lately engaged in getting up a District of Columbia directory, by the hand of his brother-in-law, James P. Devlin, a youth of about 26 years, a son of the late Lt. John S. Devlin, U.S.M.C., assisted by John S. Devlin, Esq., a lawyer practicing at the District bar, his brother. There had been a quarrel of long-standing between the assassinated man and the Devlin family, which has thus ended.

The accused were committed by Justice Goddard, before whom two witnesses were sworn. First-- Daniel Ward, who testified simply to seeing the body with several stabs about the left breast, laying in the back yard of Mrs. Devlin, on Capitol Hill, and found laying beside it a small bowie-knife, covered with blood, which he delivered over to the magistrate.

Samuel P. Smith, of Baltimore, testified that he was a friend of the assassinated man, and that the latter had asked him to take a letter to the house of the Devlin family, asking for a clean shirt, and then changing his mind, concluded to go for it in person, and that at his request he (Smith) accompanied him; that Mrs. Devlin, when he arrived there, told him there would be a fight, and asked him to interpose to prevent it; that shortly afterwards he saw John Devlin holding Berry to the ground, while James P. Devlin was repeatedly stabbing him in the left breast with the knife handed to the magistrate by the witness (Ward) another man was standing by, as if taking part of aiding them; witness could not identify the said third man.

The counsel of the accused, Charles Lee Jones, Esq., waived his right to examine these witnesses, and they were accordingly fully committed by Justice Goddard, to take their trial before the Criminal Court.

James P. Devlin gave himself up a prisoner to two young men, Messrs. Dudley and Welch, before the arrival of officers Keese and Burkhardt, who arrested John Devlin and took charge of James P. on reaching the scene of the assassination.

This deed has no connection whatever with the series of riots, attempts to murder, and murders perpetrated by the rowdies in Washington, but grows wholly out of a family difficulty among parties having nothing to do with the other offences against the law named above.

A coroner's inquest was to have been held this forenoon over the remains of the assassinated man.

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Inquest--This morning an inquest was held by Coroner Woodward over the body of Thomas B. Berry, who was killed by J.P. Devlin on Capitol Hill, about five o'clock yesterday afternoon:

Mary A. Devlin, mother of the prisoners was sworn. She said she did not consider T.B. Berry her son-in-law, her daughter was married to him, but he had another wife in Pennsylvania, he came to her house several times to see her daughter, but was always forbidden; he came yesterday and abused her youngest son; she called her sons out and he followed and took his coat off; when he came he didn't knock at the door; he told her youngest son he would give him a confounded whipping; no man was in company with her sons; no third person besides Berry; he followed out as he wanted to fight; he threatened to kill her youngest son; she never heard him make the threats herself; Berry said James

treated his (Berry's) wife bad; have seen a knife like the one which was used with her son John, but not yesterday.

Catharine Shay (servant in the house) sworn. Didn't see the fight; heard some one tell Berry his wife was not there; witness was upstairs; heard a scuffle, and came down; they were scuffling; Berry was down, the two Devlins on him, beating him; saw no other man there; a man was there about four o'clock, but the fight was about five; no one held him but the two Devlins; did not hear Berry make any threats; saw a knife, the one before her, with John Devlin; the Devlins went in the woodhouse about 3 o'clock, and talked with some one there; heard them talking, didn't understand what about, and didn't see who with; lived there 14 months; Mrs. D. had four children, two males and two females; didn't see the man in the woodhouse; was upstairs when Berry came; Berry had his coat off, the others had theirs on. [A note was here shown from Mrs. Berry to her husband, telling him she would be there about 2 o'clock; that she wanted to see him and was ready to leave with him except to packing up a few things]. The witness said she did not give the note to Berry; Mrs. B. put it in the drawer and told her mother to remember to give it to him.

Samuel E. Smith, sworn--Was with Berry and others on business, on Capitol Hill; came up in a hack, two of us got out at the corner to collect some bills, and I came with Berry to Devlin's; he said he wanted to get a clean shirt; he went in and staid so long I sent the colored man to see about it; the man returned and said there was a fuss; I started in, and out came Berry and the two Devlins--Berry in his shirtsleeves; there was nothing vindictive in their appearance, I asked if he was ready; he said, "Yes, go to the hack;" I went, and turned round and saw them scuffling; the two Devlins had him down--the larger (John) holding him, the younger striking the dagger into him, not once, but several times; another person, whom I did not recognize, was with them; Berry was not intoxicated; his shirt sleeves were not rolled up; the Devlins had their coats on; not a word passed between them at the time; the third man might have had hold of B.'s right hand while he was down; the footprints of the third man are in the garden, where he got over the fence; never saw but one of the Devlins, and then the day before; I delivered a note to him from Mrs. Berry; he spoke to me very abruptly when I told him my business; I am his agent; have read many of his private letters; he had no other wife to my knowledge; never heard of it before this morning.

Thomas A. Scott, sworn--Was coming out from dinner about five o'clock; some one said there was a fuss at Devlin's; I looked over, saw a man on the porch another was in the garden in a stooping position, his hand moving up and down as if pummeling someone; afterward saw another, the bushes obstructed my view but think the first was the younger, the last the older Devlin; saw his mother, heard her scream, and saw another woman, who I think was the woman just sworn (Catharine Shay).

Drs. McKim and A.W. Miller testified to the following facts: Five wounds appear on the deceased; one in the neck, not sufficient to cause death; three on the chest, one of which struck on the third rib, and was not fatal in its character; the second wound perforated the cavity of the chest, between the fifth and sixth ribs, and entered the left ventricle of the heart, this wound was necessarily fatal; the third entered between the tenth and eleventh ribs, and perforated the abdominal cavity, wounding the stomach, this was a fatal wound; the fifth was on the left arm, and was not immediately fatal.

The investigation was to progress which this report closed.

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Continuation of the Evidence

Yesterday after this paper went to press, the jury of inquest over the body of T.B. Berry, examined the following witnesses:

George W. Connell, sworn--My brother and I were passing Devlin's fence, and saw three men tussling together; saw an old lady there; they scuffled till they got in the middle of the yard; saw Mr.

Devlin throw something like a stone; saw the elder Devlin strike Mr. Berry; then they clinched him; think both the Devlins had their coats on; saw Mr. Smith come in; saw Berry go to Smith and tell him to go out, and Smith went out; am certain the elder Devlin knocked Berry down; heard no noise made. (The knife was exhibited and identified by the witness)

Catharine Shay, recalled--Did not see Mrs. Devlin outside; did not go outside at all; heard Mrs. Devlin scream; she was in the kitchen; saw the two boys come in and try to stop Mrs. Devlin from screaming.

George W. Hitz sworn--Knows Mr. Berry intimately; never heard of his being married; heard a letter had been received so stating; when he came in the city he always sent a hack for his (Berry's) wife to come to his hotel; knows that his wife and him were on good terms.

After consultation, the jury returned the following verdict:

That the said Thomas B. Berry went to the house of Mrs. Mary Ann Devlin, on the afternoon of the 6th day of April, 1858, for the purpose of procuring a clean shirt, where his wife was staying at the time (Mrs. Mary Ann Devlin being her mother); while at the said house an altercation occurred between deceased, John S. Devlin and James P. Devin, his two brothers-in-law, from which it appears from the evidence that the said Berry received five wounds in the body and neck, two of which were fatal; said wounds being given with a bowie knife about 6 1/2 inches in length, supposed to be in the hands of James P. Devlin, the said John S. Devlin having knocked the deceased down and held him while James P. Devlin inflicted the said wounds, which produced death within five minutes. And the jury also find that the deceased was poor, and without property.