The Charlotte Observer.

TUESDAY, MAY 6, 1879.

THE COX-ALSTON TRIAL.

THE TESTIMONY TAKEN LAST FRIDAY AND SATURDAY.

Nelms Gives His Statement Again—Sams Testifies Two or Three Different Ways.

ATLANTA, May 2.—The testimony for the defense in the Cox case was continued throughout the whole of to-day. Capt. Nelms, keeper of the penitentiary, testified that the day before the homicide Alston, Cox and others were in witness' office; the sale of the Gordon interest was discussed with Walters, the intending purchaser; Cox had leased Gordon's farm in Taylor county for eight years, Gordon agreeing to supply sixty convicts per annum, and Cox to pay Gordon fifty bales of cotton yearly rent; Alston asked Cox if he wanted to sell his interest; Cox replied no; Alston said Walters would buy it; Cox then said "Both of you know I will sell everything I have got except my wife and children." Cox then asked are you going to sell out my interest in this lease?" Alston then replied: "No; I am going to sell out General Gordon's interest subject to your sub-lease." Cox said that was alright. On the day of the homicide, in the afternoon, Alston came in and asked witness for his pistol. Witness said it was at home. Asked what Alston wanted with a pistol, and Alston said he had had trouble with Cox; that Cox had taken him into a barber shop and said: "Bob, I want to see that power of attorney you have to sell Gordon's interest," and that he replied he would not show it under compulsion, and Cox said: "I am going to see it before you leave this room." That he said: "You are a nice, great big rascal here with your knife open and I haven't got a piece of steel on me to try and force me to terms." Cox then said: "Go and arm yourself and I will wait for you," and "He is waiting for me now." Witness begged Alston to let him act as mediator and stop the difficulty. Alston went out soon after. Witness followed, and found Alston and Murphy in the treasury; Alston with a pistol, revolving the cylinder. He renewed his offer to mediate and Murphy joined in. Alston said: "Well, go and see what you can do." He went down to the barber shop and saw Cox in the back room. Could not get the door open. Called to Cox and said he wanted to see him, Cox replying: "Excuse me, Colonel; I am waiting for a friend; I will be at your office soon." He insisted on seeing Cox, and Cox persisted in his refusal. He went back to his office, and soon after Cox came in, saying: "I want to see you." There was a lady in the office, and Cox sat by the window and called witness, who went to him and said: "Ed, you are drunk." Cox said: "No, I am not," and asked witness to go with him to the treasurer's office. Witness asked what for, and Cox would not say, so witness refused. Cox suddenly went out; witness soon followed and found Cox and Alston in the treasurer's office. Witness testified to incidents of the fight substantially as Renfroe did, and as already reported. Last August Cox and Alston had words in witness' office about Cox's contract with Gordon, which had been arranged by Alston. Cox told Alston if he went back on him in this business he would kill him, and called on witness to be a witness to the threat. Alston told Cox not to be afraid of him and to begin then. Witness calmed the quarrel and took both men home to dinner with him. They were as good friends as ever, and after dinner nursed each other's heads in their laps on the settees. Witness thought their relations friendly up to the time of the killing.

Sams, who was Cox's messenger to Alston on the day of the killing, testiged that the message Cox sent was: "Tell Col. Alston I want to see him at the barber shop." He testified that he did all he could to stop the difficulty. As to the tragedy, upon all the essential points witness contradicted flatly the testimony of Renfroe, Melton and Nelms, and his own testimony before the coroner's jury. He was subjected to a terrible cross-examination, and his testimony made a bad impression on the public. Gov. Colquitt testified to having a conversation, a few moments before the homicide, with Alston, when Alston detailed to him the acts of Cox at the barber shop, as told to Nelms, and Alston said he thought he ought to take a double-barreled shot gun and kill Cox on sight. Witness him not to take too serious a view of it, and he (witness) would see what he could do to stop it. He did go to his office and send Nelms to follow Cox and keep down the difficulty. He saw Cox cross the street to the capitol, with his hand at his pocket, as if on the pistol. Alston said: "There goes Cox now, hunting me."

Walters testified to the negotiations with Cox and Alston for the Gordon interest and Cox's interest; agreed to take Gordon's for $4,000 cash, and Cox's for $1,500, but Alston sold to Howard. Cox did not like it, he thought. The evidence for the defence was closed, and counsel said Cox was not in a condition physically or mentally to make a statement until the morning, when it will be heard and the State's rebutting evidence.

THE DEFENDANT MAKES HIS STATEMENT—GIVES A FULL HISTORY OF HIS LIFE, AND OF HIS RELATIONS WITH COL. ALSTON—DECLARES THAT HE KILLED THE LATTER IN SELF-DEFENSE.

ATLANTA, May 3.—The testimony in the Cox case to-day took a general range to bring up all the loose ends and complete the presentation upon either side. The impeachment of the witness Sams was the principal episode, and to it great attention was directed. Sams a week or so ago married a niece of Alston's widow. The State sought to show that Alston and his wife opposed the marriage, and that Sams was moved by enmity in testifying as he did. The stenographer and members of the coroner's jury testified that Sams' testimony there was read over to him and approved. On this trial he repudiated nearly all the material stetements, and said that he never so swore.

Treasurer Renfroe and Milton were recalled and swore positively to their positions and the acts of Cox and Alston as heretofore, all of which had been contradicted by Sams. The defense introduced nearly all the officials and many citizens of DeKaub county, who testified to Sams' good character, and that they would believe him on oath. They also testified that Cox was the most ardent friend Colonel Alston had in his canvass for election last year to the General Assembly, when Col. Alston was successful. Charles Howard testified to negotiations for the purchase of the Gordon lease; that the sale to him was regular, and no harm done to Cox or Walters; also, to his efforts to keep Alston from meeting Cox, and Alston's acquiescense; also, to Murphy and himself being in a dark closet; that it was a consultation room, and that he took Murphy in there attempting to borrow $4,000 to pay for the lease interest; heard the shooting and came out. Murphy testified to letting Col. Alston have a pistol; it was an English self-cocker, Tranter make; Col. Alston promised not to meet Cox at the barber shop; he confirmed Howard as to being in a dark room and what they were in there for; accounted for the disappearance of the pistol Col. Alston used by saying he picked it up and kept it; kept it by advice of a lawyer now of the defendant's counsell He produced the pistol in court. Tobe Williams, colored, testified to Cox and Alston having a quarrel in the barber shop previous to the killing. The contracts existing between Cox and Gordon were introduced in evidence. Senator Gordon was not put upon the witness stand. Cox made a full and lengthy statement to the court and jury. He sat down in a chair and spoke fluently and deliberately, giving his early history, education, record in the war as a soldier, and subsequent life as a farmer. Some years after the war he settled in DeKalb county, near to Col. Alston; bought his farm there on Alston's account, and from that time they were bosom friends. In 1876 Senator Gordon was embarrassed and interested defendant in the convict lease, he to have half of the profits. Col. Alston drew the contract. He took in Col. Alston as a silent partner, he to give Alston half out of all he made out of any business, and Alston to divide with him all he (Alston) made out of his office as assistant keeper of the penitentiary, law practice, or otherwise. The first year his profits on the hire of convicts were $500. He gave Alston half. Alston got embarrassed and defendant gave him money to go to Washington city and collect a claim, which he got, and got a $15,000 fee. Colonel Alston refused a division, and said he wanted no more to do with the convict business. They remained friends, however. When Gen. Gordon's interest was placed in Col. Alston's hands, defendant wanted to sell also. Walters wanted to buy. Defendant asked $3,000 for his interest. as Alston had told him he would hold him for 44 bales of cotton for a year's rental. Walters refused to buy at the price. As an inducement to defendant to sell to Walters for $1,500, Col. Alston agreed to release defendant from the payment of the cotton. At the barber shop Alston told defendant, "you have made a good thing out of this," and said the $200 agreed upon as the fee for making the sale was not enough for him. He said he had saved Cox the cotton and Cox ought to give him half, or twenty-two bales. Defendant replied that all his property was under mortgage and this would take the bread from his wife and children. Col. Alston threatened to stop the trade. Defendant threatened to expose the convict business and all the parties to it, and also Alston's actions about it in the Legislature. Col. Alston said he would kill defendant if he did and called him a liar. Defendant threatened to knock him down. Alston told defendant to arm himself and meet him at some place and fight it out. He did arm and return at the time fixed; sent word to Alston and received Alston's message; went then to the capitol to make Alston agree to settle up their business relations finally, not for the purpose of fighting Alston. The latter met him, and they had the talk testified to, except that Alston proposed to fight defendant; said he would board the next train with him. Alston said: "Do you want to shoot it out?" He replied any way that suited him. Alston said: "Do you want to shoot now?" and rose; defendant was at the door with a view of leaving; Alston drew a pistol and he drew his; Alston fired twice and struck him in the mouth, which shot knocked him to the floor; Alston shot him in the hand; he was dazed by the shock, his head buzzed and he could not hear the shots; as soon as he could do so he rose and fired at the largest bulk of Alston he could see through the smoke; saw Alston sink down; he then sat down; he only shot Alston in self-defense; he was his best friend; did not want to kill him.

The case was adjourned until Monday when the argument will begin. Three of the strongest counsel will argue on each side. The interest in the trial has grown to be universal. The sentiment is nearly wholly against Cox. Neither the latter nor his counsel are sanguine.

SOUTH CAROLINA ITEMS.

Capt. N. L. Lipscomb, of Greenville, died Saturday afternoon.

The *News* says the convention of the Protestant Episcopal Church in South Carolina, meets in Greenville on the 14th inst. There are at present 41 clergyman and 45 churches in union with the convention.

The *News* notes the return to Greenville of Mrs. Harriet McBee, (mother of Capt. V. E. McBee, of Charlotte,) who recently had an arm broken by a fall. Her feeble health at the time, and her absence from home, made her family and friends apprehensive; but Col. Foreacre, of the Air-Line Road, sent a special car up on the Asheville Road and brought her home without a change of cars.

Charleston *News and Courier*, Saturday: C. C. Leslie, the well-known fish merchant, received yesterday from one of his smacks a curiosity in the shape of a monster leather back or trunk turtle, whose shell measures six feet, and which weighs about 500 pounds. It was caught off Charleston bar, and is the first of this particular species that has ever been caught in these waters.

The Blessing of Strong Nerves

Is recoverable, not by the use of mineral sedatives, but by a recourse to effectual tonic treatment. Opiates and the like should only be used as auxiliaries, and then as sparingly as possible. Vigorous nerves are quiet ones, and the most direct way to render them so is to reinforce the vital energies. That sterling invigorant, Hostetter's Stomach Bitters, will be found all-sufficient for this purpose, since it entirely removes impediments to thorough digestion and assimilation of the food, so that the body is insured its due amount of nourishment, and consequently of stamina. Rheumatic tendencies and affections of the kidneys and bladder are also counteracted by the Bitters, which is besides a pleasant medicinal stimulant, infinitely purer than the raw excitants of commerce, which react injuriously upon the nervous system.

apr30 1w

The Death-Rate of

Our country is getting to be fearfully alarming, the average of life being lessened every year, without any reasonable cause, death resulting generally from the most insignificant origin. At this season of the year especially, a cold is such a common thing that in the hurry of every day life we are apt to overlook the dangers attending it and often find too late, that a Fever or Lung trouble has already set in. Thousands lose their lives in this way every winter, while had BOSCHEE'S GERMAN SYRUP been taken, a cure would have resulted, and a large bill from a doctor been avoided. For all diseases of the Throat and Lungs, BOSCHEE'S GERMAN SYRUP has proven itself to be the greatest discovery of its kind in medicine. Every Druggist in this country will tell you of its wonderful effect. Over 950,000 bottles sold last year without a single failure known.

No More Despair for the Debilitated.

Where consumption—not always the fatal tubercular consumption of the lungs, but general decline of vital energy, and wasting away without revival of the tissues of the body. When this surely follows itself the doctor stops his usual prescriptions and orders Cod Liver Oil. Three times a day the patient tries to swallow the nauseous dose, and as often feels, that the repulsion it causes weakens the power of nutrition and digestion. Far more that it supplies nourishment to the debilitated system. It is only by mingling the oil as in Scott's Emulsion with the Hypophosphites of Lime and Soda that the disgusting taste and smell of it can be entirely removed. This mixture is pure and smooth and pleasant as sweet milk, and not only restores digestive vigor, to the fluids of the stomach, but it enriches the blood, and subdues all of its scrofulous symptoms.

apr29 2w

Our present banking system is a vast improvement on that of twenty years ago, as every one must admit who remembers the trouble we had with wild cat money. Any man who is so bilious as to deny this should take a dose of Mott's Liver Pills, and recover his normal biliary condition as soon as possible.

apr29 1w

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INTRODUCED, 1868.

A TORPID LIVER

is the fruitful source of many diseases, prominent among which are

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TUTT'S PILLS

are especially adapted to such cases, a single dose effects such a change of feeling as to astonish the sufferer.

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are compounded from substances that are free from any properties that can injure the most delicate organization. They Search, Cleanse, Purify, and Invigorate the entire System. By relieving the engorged Liver, they cleanse the blood from poisonous humors, and thus impart health and vitality to the body, causing the bowels to act naturally, without which no one can feel well.

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Dr. TUTT:—Dear Sir; For ten years I have been a martyr to Dyspepsia, Constipation and Piles. Last Spring your Pills were recommended to me; I used them; (at a little fault) limbered up well, have had no piles since, have an perfect digestion, piles gone, and I have gained forty pounds solid flesh. They are worth their weight in gold.

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1879 1879

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1879.

ILLUSTRATED.

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By Katharine D. Smith, with illustrations by Frederick Dielman, begins in the same number; and a fresh serial, by Susan Coolidge, entitled "Sceptbright," with plenty of pictures, will be commenced early in the volume. There will also be a continued fairy-tale called

"RUMPTY DOODDY'S TOWER,"

Written by Julian Hawthorne, and illustrated by Alfred Fredericks, above the other familiar features of ST. NICHOLAS, the editor preserves a good-humored silence, content, perhaps, to let her five volumes already issued, prophesy concerning the sixth, in respect to short stories, pictures, poems, humor, instructive sketches, and the lure and lore of "Jack-in-the-Pulpit," the "Very Little Folks" department, and the "Letter-box," and "Riddle-box."

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