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RALEIGH, NORTH CAROLINA, FRIDAY, JULY 7, 1876.

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THE SENTINEL

FRIDAY, JULY 7, 1876.

THE SWEPSON TRIAL.

Complete Record of the Case.

WEDNESDAY MORNING.

The court opened Wednesday morning at 9 o'clock.

The cross-examination of Col. T. M. Holt was resumed.

Question by the State: State if you had a conversation with Sam. Oliver on the night after the tragedy?

Answer: I did, about 11 p. m. on the night after the shooting. I called him into my office and told him to tell me how it occurred. The defense objected to the admission of the conversation on the ground that Sam. Oliver had denied that he had told about it to any one, except to McCulloch Whitwell. The State ought not to be allowed to contradict its own witness. The objection overruled and the evidence allowed. Sam. told me that as they were going on by Sweeney's, Sweeney came out and asked Moore if he was ready. Moore answered "yes," but Moore said "I will not fight or shoot with you in your own yard, but if you will come out into the open big road I will either fight or shoot with you." He said Sweeney stepped back into the house and fired, and Moore repeated that he would not fight or shoot with him in his own yard, but would do either if he would come out into the open big road. He said Sweeney shot again and Moore fell. Moore then told him to come on down to the factory and tell Tom. Holt. I asked him if Moore attempted to shoot.

Answer: "No," he said. Moore was looking towards the factory when he received the fatal shot. Sam. said Sweeney came out on the east porch to ask Moore if he was ready. I am certain he said it was the east porch. Sam. said he thought Sweeney shot from the door.

Cross-examination—Captain Graham was present during the conversation; others might have been going back and forth. He told me Sweeney was on the east porch, not on the front porch. He thought Sweeney shot from the east door. I don't say positively that he said east door, but he said he shot from the door. I think I have stated in substance the whole conversation. He told me Wood Smith ran off up the road. I don't know Wood, and don't know whether he is older than Sam. He is larger and heavier built. I don't know that he is taller. I know Wm. Scott. I was at Linwood with him only once. I have no hesitation in saying that I cannot recollect telling Scott, or saying in his presence at Linwood, that I had kept Moore from killing Sweeney for three years. I don't think I said it. I have thought the matter over since the question was asked me on Monday, and I am unable to recall any recollection of such an expression.

Question: Have you not heard Moore make repeated threats against Sweeney's life during the last three years?

The State objected to the question.

Here the question of admissibility of uncommunicated threats to show the state of feeling of the deceased toward the prisoner, and the admissibility of evidence of the character of the deceased for violence, were discussed. The Court ruled that evidence of the violence of the character of the deceased was properly admissible under the circumstances of this case, but preferred that the defense lay a foundation for the introduction of uncommunicated threats, by giving in evidence the communicated threats. The defense then withdrew their question for the present, with leave to open the case upon this point afterwards.

The State here rested its case, and the defense, after an opening of their case by Judge Ruffin, who stated briefly and succinctly the line proposed by the defense, called their first witness.

David McDuffie, testified as follows: I am a civil engineer; have been in the business 20 years. I made a survey of Sweeney's premises at the request of Col. Fuller, whom I have known for some years. I live in Cumberland county. I made an actual survey; took the elevations as well as the courses and distances. I used a compass, chain and level. I took the actual measurement of the house and rooms. The survey is as accurate as I can make it. (Here two plans were shown; one of them showing Sweeney's house and grounds, the other showing the same, with the addition of the fields included between the railroad and the public road, from the river to near Baker's; and the various points and lines on them described and explained by the witness.) I took the Haw River bridge as the base of my level in getting the elevations. I made the line representing Moore's route according to Mr. C. Mebane's direction.

The remainder of this witness' evidence, referring as it does to points on his maps, would be unintelligible without the maps.

Here the Court adjourned until 8:30 o'clock.

WEDNESDAY AFTERNOON.

H. Y. McAden a witness for the prosecution, was called and examined. I live in Charlotte, I lived formerly in Alamance county. I was raised in Caswell county. Sweeney married my aunt. I have known A. G. Moore from boyhood. We were raised in the same county. I knew Moore's general character. He was a high-tempered, violent, dangerous and desperate man, and when under the influence of passion, or whiskey he was more like a crazy man than anything else. He was what is usually denominated a bully. Moore's character has been as I have described it ever since the war. I knew nothing against him of this character as a boy. I should say Moore was about 35 years old. I don't know his age; between 30 and 40 though I should say. He lived in Rockingham before the war. I lost sight of him during the war.

know nothing of my own personal knowledge of where he lived during the war, but heard he was living in Arkansas. He was of the first order in point of physique; exceedingly stout and active. I suppose he would weigh 200 pounds. He was in fine health. The prisoners age is between 30 and 60, about 57 I think. I was at Alamance court shortly after a postal card was sent out in the mails. The card purported to be from one Mary Bivens. I don't recollect exactly the date, and can only say I think it was at August court of 1874. On Tuesday of court, as I was going from the court-house to my room at the hotel, Moore met me and after the usual salutations, he told me he wanted to see me on some very important business. I asked him to my room. We went into the room. Moore closed and locked the door. He asked me if I had seen the card that had been issued through the mails, attacking his character. I told him I had and that I thought it was a great outrage. He said he knew who was the author of the card; that it was George W. Sweeney; that he knew where Sweeney was at that time; that he, Moore, had a detective travelling with Sweeney; that Sweeney had been expected home on the day before, or on that day, but that he would not be home until next day; that he had written testimony connecting Sweeney with the card; that Sweeney was at the bottom of it without a doubt. He then pulled off his coat and showed me two pistols. I took them to be Col. Sweeney's. He said that he had armed himself to kill Sweeney and was going to do it; called Sweeney a "damned thief, coward and scoundrel." He said he wanted me to tell Sweeney what he had told me; that he, Moore, was a brave man and he did not want to kill an unarmed man, and he wanted Sweeney to know that he, Moore, was going to kill him, in order that he, Sweeney, might prepare himself. After he had abused Sweeney for some time, I stopped him and told him not say anything more about him; that if he did I should take it as personal to myself; that he knew my relations with Sweeney, and that I could not allow him to say anything more about him, and that if he did it would break up all friendly relations between myself and him, Sweeney. He, Moore, promptly disclaimed any intention of being personal to me, but said he and Sweeney could not live under the same sun. He told me to tell him that he, Moore, intended to kill him. About the written evidence, he said he had written evidence to convict Sweeney of getting out the card and pulled out a lot of papers to show it to me, but after running them over in his hands he declined to show them to me, saying he was afraid I would betray him. He said he had notes from Sweeney to his factory girls, showing that he, Sweeney, had been trying to seduce and corrupt them, and that he intended to expose him in the public prints. I expostulated with him, and told him that if he were to kill Sweeney he would be hung for it. He said "no," that when in Greensboro a few days before, as peaceable a man as old man Jesse Lindsay, had remarked that no jury would hang a man for killing the author of that card. This is the substance of the conversation so far as I can recollect. I don't say that it was the exact words, but as near as I can recollect. I communicated this to Sweeney; told it to him more particularly, if anything, than I have told it here, because it was fresh in my memory then. I told it to Sweeney in a very short time. As soon as Court adjourned I went down to Sweeney and spent a day and then it was that I told him. I don't recollect having any further conversation with Moore about this matter. I told Sweeney that Moore had requested me to tell him he was going to kill him.

Cross-examination—I don't think I ever had any further conversation with Moore.

Question: Didn't you say in Graham, before the magistrates, that you talked with Moore the next day about this same thing?

Answer: Since you remind me, I do remember that Moore sought me next day and went over very nearly the same conversation, only that he was much more quiet. He was not near so violent as he had been on the day before. When I said I never had any further talk with Moore about this matter, I meant I never talked with him after that Court in Alamance about this matter. One of the postal cards was here shown the witness and he was asked if this was not the same kind as he himself had received.

The question was objected to by the defense, Sweeney not having been shown to have been connected with the card. The card shown here is of the same nature with the one I received. I can't say that this is a copy. I don't think the contents of the card were mentioned during the conversation. The threats I have mentioned in immediate connection with the avowment he was then making, that Sweeney was the author of the card. I don't recollect that Mary Bivens was named. I think Moore's character was that of a bully. He had the character, when not under excitement, of being a free-handed, open-hearted gentleman. He was a man of desperate courage. He made no threats against any one at that time, but Sweeney. I denounced the card because of its character. I thought it was an outrage. I cannot recollect all the names Moore called Sweeney. He called him a thief, scoundrel, and a coward.

Redirect—I never had any conversation with Moore concerning this matter after I had detailed his threats to Sweeney. Moore said he had the notes Sweeney had sent to his factory girls, and had evidence connecting him with the card. He threatened to publish the notes in the public prints of the country, and it was about both the notes and the card that he was angry.

D. A. Mebane was called and testified: I live at Mebaneville, N. C.; have heard Moore make threats against Sweeney. I

was at Holt & Moore's store at Haw River in November, 1872, and in a conversation with Moore he said he intended to kill Sweeney and all such damned rascals. I went there with an Englishman to whom I had sold some wheat. We were out hunting some more wheat. I told Moore that Greenville, the Englishman, was much pleased with Sweeney's house on the hill. Moore said that if it was not for such damned rascals as Sweeney we would have a great many such men as Greenville among us, and that he was going to kill him, Sweeney, and all such damned rascals. I told this to my brother, C. Mebane, not long afterwards.

Cross-examination—This was four years ago. I didn't say at Graham that Moore said he was going to kill out all such damned rascals as Sweeney. I said Moore said he intended to kill Sweeney and all such damned rascals.

Cornelius Mebane called and examined: I am D. A. Mebane's brother. My brother communicated the threats he had heard Moore make against Sweeney in the latter part of 1874. He told me that he and an Englishman, named Greenville, were together at Haw River and that Moore was asking him who Greenville was, and that when he told him that Greenville was much pleased with Sweeney's place up on the hill, at Haw River, Moore said that if it were not for such damned rascals as Sweeney we would have a great many men as Greenville among us, and that he intended to kill all such damned rascals. I was at Sweeney's Haw River place the day after the shooting. The ground was soft. I examined the tracks around Sweeney's house. The tracks were those of a grown man and two boys. I could see where they got over the fence and I followed them round. I saw where they got over the second fence; where they got over the third fence; where they got over the fourth fence; where they got over the fifth fence; where they got over the sixth fence; where they got over the seventh fence; where they got over the eighth fence; where they got over the ninth fence; where they got over the tenth fence; where they got over the eleventh fence; where they got over the twelfth fence; where they got over the thirteenth fence; where they got over the fourteenth fence; where they got over the fifteenth fence; where they got over the sixteenth fence; where they got over the seventeenth fence; where they got over the eighteenth fence; where they got over the nineteenth fence; where they got over the twentieth fence; where they got over the twenty-first fence; where they got over the twenty-second fence; where they got over the twenty-third fence; where they got over the twenty-fourth fence; where they got over the twenty-fifth fence; where they got over the twenty-sixth fence; 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