## THE YADKIN VALLEY NEWS.

EDITOR AND OWNER W. J. BOYLIN,

Office over Joyce's Hardware Store.

Mount Airy, N. C., July 11, 1895.

Entered at the Post Office at Mount Airy, N. C. as Second-class mall matter.

## KILLING OF DR. PAYNE.

Progress of the Shemwell Trial, at Lexing-

The real work in the Shemwell murder trial, at Lexington, commenced Friday, when the taking of testimony began. About 130 witnesses were sworn. The first to be examined by the State was Dr. R. L. Payne, son of the murdered man, followed by Thos. Tussey, a carpenter, who corroborated him Doctor Payne. and by Dr. Robt. S. Young, of Concord, who told of the autopsy held by him and Dr. Long on the 27th of February, and of the cause of death, which was the severing of into, but the substantial statement the subclavian artery by the shot of the killing from the State's standhe received. point is contained in the close.

Besides corroborating Payne, Tussey's testimony brought out two new points: First that Shemwell said after the second fatal shoooting, while being led away by Tussey: "Turn me loose, I want to kill them both;" second that in answer to his wife, who asked him, "What made you do it?" Shemwell said, "If 1 hadn't done it they would him and his son, the lie finally have waylaid and killed me." Under the cross examination of Watson Tussey admitted that there had been some work which he had done body hurt. for Shemwell in which he had to make some charges to render it satistactory, but said that there had fair to say that the theory both of the prosecution and of defence is been no quarrel, and that there was no ill feeling between them. sufficiently apparent to say that the Counsel for the defence did not State will claim in alleged consonseem, however, to be perfectly satis-

ance with the testimony yesterday of Dr. Payne that Shemwell came up fied of this. The feature of the day was the behind him and his father and withstory of Dr. Lee Payne, the son of out warning shot old Dr. Payne the deceased, who was on the stand down in cold blood, with the intenfour hours, lacking a few minutes. tion of shooting young Dr. Payne Dr. Payne, thought of phlegmatic also. The contention of the State, temperament, was a shade disturb- it seems almost certain, embraces all ed for a few moments and then this claim. Appearances indicate that the went on naturally, the listening by

the jury and by all being intense. At one point the young doctor became choked with emotion and and his son to attack and shoot

was almost unable to proceed, and Shemwell when the first fight of the eyes of the old and of the younger so much store was set yesterday

"Calm yourself Baxter." "And I lowed by Dr. Long, who testified to peeped out," continued Dr. Payne, the cause of death, autopsy, etc. Michaels said he saw Shemwell and then I closed the door thinking that my appearance upon the and Payne in the barber shop Saturday night before the Monday shootscene might stand in the way of ing, Shemwell walking to and fro possible reconciliation, when I and saying s mething about Payne heard a shot and went out with my and saying with his business. Dr. Payne, he testified, said : "If you

Watson was very severe on Payne let my business alone I'll not infor not having mentioned this up terfere with your's, and there will be to this time, and put it against the no trouble." Shemwell said : "You earlier statement he alleged Payne shall let my business alone, or there had made, namely, that Payne was will be trouble." Under cross exwriting a letter when he heard the amination this statement was

shot. With this exception there changed to run thus : "They said did not seem to be a rough piece in if there was no interference with one Payne's testimony, which, however, was pretty varied by Tussey, who interference there would be trouble." did not report Shemwell as stand-Michael's evidence described mosting on the side ditch with one foot, ly what has already been told, with but said he came from behind, as the exception of his relations with it he were going between the two the prisoner and the Paynes that doctors, and stopped and shot old day. Michaels failed to take Shemwell's fire arms away from him by

All the troubles over the drug force or refusal of Shemwell to give stores of the respective parties were them up and finally wound up by gone into and the latter things giving back to Shemwell the pistols leading up to the trouble were gone already given up to him, on condition that Shemwell'would lay them away in his drawer in the drug store, which was done. 'It was a little

after the laying away of these pis-In the first fight of the morning tols in the drawer, that the same nobody was hurt, old Dr. Payne pistols were brought away from the receiving, however, a blow over scene of the killing. Two pisto's of the eye. There were several shots the Paynes, also were brought away excharged, and two hours later from the scene and a few days later came the fight which ended in the another pistol was brought to Michkilling. Payne claimed that in the aels scemingly the same one which first fight his father stopped Shem-S. E. Williams had lent to young well, and asked for peace between | Payne after the apperance in court. One of Michaels' statements was "I says, 'Now Baxter give me the passed, Shemwell shot, young Payne went to his rescue, and a pistols,' and he says, 'No we will go general fusillade followed with no- to the drug store and lay them away." While Michaels had gone to arrest the Paynes, he left Snem-

well in the hands of other officers, Lexington, N. C., July 6 .-- It seems but on returning with the Paynes, he left them for some reason, and went to the drug store and found Shemwell out of the hands of the officers with whom he had left him. Then Shemwell went to the court house with Michaels, who went back to the drug store and finally found out, after difficulty, that the pistols were still laid away in the drawer and were still logically on Shemwell's All the pistols were exhibited in

defence will stoutly hold that there loading them one of the empty shells the passage of Scripture, "Vengeance was a conspiracy between Dr. Payne that contained the bullet that, of the is mine, sayeth the Lord," and had tow shots, may have been the one said to Boone that he was surprised that killed Dr. Payne, fell on the that there should be such bitterness. the bow was playing on the viol outmorning occurred. And that is why floor with a hollow sound that was heard over the court house and

Monday.

## THE STATE RESTS ITS CASE.

the Was the Only Woman Whittle ; the At 11:35 Solicitor Holton, rising, aid: "The State rests." On this The late Evelena Bray Downoy there was a slight commotion. Mr. would doubtless have livel and died Watson called Sheriff Leonard to unknown to the world but for the the stand, who said when Shemwell fact that the bachelor poet. Whittier, surrendered to him he did not remember his saying "I have accom- once wanted to marry her. She was plished what I had determined to barely 17 years old when Whittier first met her at the Haverhill acaddo," but under cross examination of emy. She was Miss Evelena Bray Montgomery said that Shemwell might have said something else than then. Her home was in Marblehead. "I am your prisoner" and he not She was a beautiful young girl," with heard it, as there was quite a crowd hazeleyes" and "soft brown tresses," at the door. and the fair complexion and rosy

cheeks of those girlhood days she re-W. D. Smith, a store keeper, was called by Mr. Watson. He saw the tained as long as she lived. The two morning row; saw Shemwell strikyoung people formed a strong attaching Dr. Payne with something like a newspaper package; could not see ning of their acquaintance. what Dr. Payne was doing; saw Shemwell shooting and retreating toward the street; Shemwell shot once and then three times in quick succession; then a pause of ten seconds, then four more shots between young Dr. Payne and Shom well: old Dr. Payne had in the meanwhile gotten behind and for some time after his death it a large tree in his yard; did not see old Dr. Payne have a pistol; saw top of Dr. Payne's head behind his gatepost and gun barrel pointed at Shemwell, who was running from tree to to her. It is affirmed by several who tree across the street and calling for knew Miss Bray intimately that the

Under Long's cross examination and that she would have accepted Smith said Dr. Payne's tone when he but for a reason which no one knows. called Shemwell was kindly. They The only explanation she ever gave seemed to be talking in a friendly way for five or six seconds before to a school friend in Haverhill, whose the striking.

Mr. S. L. Adams, insurance agent recollection of Evelena Bray and of Alamance, was called; he was in Whittier was very clear. Still, when she was herself well on to see young Dr. Payne nearly two months after the killing and said the road to 80, said this friends eakthat Dr. Payne said he was cortainly ing a few months ago: "I once said going to hang Shemwell; said he to Evelena, 'You were too naughty, spoke of Dr. Buchanan's unprofes- too proud, that you refused John sional conduct and said he was Whittier.' 'No,' she answered, 'I either an infamous or contemptible scoundrel; that Shem well's own kinspeople were coming to him with evliked the good things of the world, idence against Shemwell; said he was not sleeping much at nights, but Quaker." was preparing the case against Shemwell.

Under cross-examination by Montgemery, Adams said that Payne had said that this man had murdered his father; that Shemwell or Broderick had tried to displace his father as medical examiner. Adams had told Rev. T. A. Boone, a minister here, court and Michaels was sent to a and an old triend. Adams said he back room to unload them. In un- and the preacher were discussing

SHEMWELL ON THE STAND.

## White Plains News.

Rev. T. W. Wooten preached an ble sermon at Friends, Sunday last. Mr. Jessie Merideth, of Iowa, is epending the summer at this place. and is doing some work as an elder in the church.

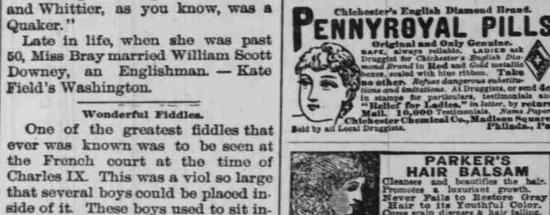
There is some talk of Mrs. Merlin Marshall and daughter, of lows, taking charge of the Graded school at this place in the fall.

Mr. Vestal Hutchins, living near this place, is in his 88 year of age. He has 11 children living and 2 dead, 61 grand-children living and 9 dead, 48 great grand-children living and 8 dead. Total, 149.

The sad death of Mrs. C. J ment for each other from the begin-Draughn the past week was very shocking to her many friends around Before Miss Bray left the academy White Plains, which place has been she had a portrait painted of herself her home all through life until shout by John Porter, then a popular art-ist. Whittier thought the portrait seven months ago. She was taken sick and carried to Mount Airy last the most beautiful he had ever seen. winter, where she could have special Miss Bray afterward gave it to him, treatment by the doctors. Mrs. Draughn was a consistant member remained in his home at Amesbury. of the Missionary Baptist church Recently, however, the executors of the Amesbury estate obtained the and was always ready to perform her duty at home and abroad. Her address of the original and sent it remains were carried to Dover church, near this place, for interpoet twice asked her to marry him, ment. Revs W. H. Beamer and T. W. Wooten conducted the funeral services. She leaves a husband and four little childrep to mourn their for her refusal to marry Whittie so R. M. far as can be ascertained, was given

White Plains, N. C., July S. COLLEGE VIRGINIA

For Young Ladies, Roanoke, Va. Opens Sept. 12, 1895. One of the leading chools for Young Ladies in the South. Magificent buildings, all modern improvements Campus ten acres. Grand mountain scener, in Valley of Va., famed for health. Europeal ind American teachers. Full course. Superior idvantages in Art and Music. Students from wenty states. For catalogues address the President, W. A. HARRIS, D. D., Roanoke, Va. think it was only diffidence on my part.' But Eyelena was proud and





**VIDYOUGETYOUR** 

There were 3,134,534 Packages of

HIRES' ROOTBELR sold in 1894,

which made 15,675,735 gallons,

HIRES'

Rootbeer

THE CHAS. F. HIRES CO., Phila

and COLIC are quickly CURED with Pain-Killer. Cramps may assail you at any time, without warning. You are

a complete disadvantage-co sudden and violent is their attackunless you are provided with a sure cure.





One-third of which is in Town Lots, balance lying adjacent to town. If you want to rent a residence or store room, or, if you doen purchase property in or near Mount Airy, we will be giad to give nformation by letter.

We offer Special Inducements to those proposing to establish. facturing enterprises. CORRESPONDENCE SOLICITED.



R. T. Nutt & Co.,

glistened all over the court room. upon the late coming evidence of Dr. The women of the Payne family Payne, which, however, he said he who were present were deeply would have given sooner had he overcome by the distressing narra- been asked or thought of it. In this tion, but there was no sensational giving way to their emotions.

DR. PAYNE'S STORY OF THE TRAGEDY.

"The killing," said Dr. Payne, "took place on the main street," of the questions, that the defence is and the place was located. "My trying to establish the fact that at father, my little boy, Mr. David the time of the second shooting, one Crotts and his grand son, of the Paynes attacked first, and to-David Jacob, and I were walking day Mr. Watson called attention to quietly down the street, talking the dent in the unexploded cartridge about some sick people at the poor in the pistol carried at that time by house. Suddenly Mr. Croots cried young Dr. Payne. But the witness out, 'Look out, Shemwell's coming, Policeman Alenaeis, said he did not Paynes, and that he walked along think the dent came from a snapping with them in his bands, and also with them in his bands, and also or Shemwell's on you,' I am not sure about the words; I was then rub. walking three or four feet in advance of my father. As I turned facts which came out from witnesses I heard the defendant say, 'We'll to-day for the State, the first three have it out now." I saw my father simply in corroboration of Dr. Payne, half turned, facing towardt he road; and not containing any new matter the defendant with two pistols, one | worth attention. But W. B. Hamner toward me and one near my father's was called as fourth witness. He is breast. The defendant was stand- a harness maker living quietly across ing with one foot on the curbing the street from where the tragedy of the pavement, the other on the occurred. He was in his shop at side ditch, and just as I turned and work and saw the Doctors Payne caught these ail at one glance, the going down the street. In a moment he heard little Dermott, Shemwell's defendant fired at my father.

"My tather immediately after the firing, grasped Shemwell. They struggled out into the street and fell. Shemwell had two pistots in his hands when my father tots in his hands when my father walking very rapidly. He stepped grasped him. I expected to see to the door and Shemwell was four Shemwell shoot him again. I took or five steps behind the Doctors a pistol from my own pocket and Payne with a pistol in his left hand. I tried to shoot the defendant, but | threw up his right hand and fired inped me, and as my father, weakened from the loss of blood, lost his hold, he (Shemwell) got upon me pistol. in the struggle. We were struggling there in the street until we were separated. When we were separated and I started toward the walk. ing.' blood with my finger. He said, distance as he knew the boy well, time of the shooting. 'Lord Jesus, receive my soul.' "

Dr. Payne with a choking sound. dramatic moment, the more dramatic because in the midst of the glimmer of tears which shone from touched by their emotions.

Shemwell.

which caused the women of the Payne family to bury their faces in their hands. testimony Dr. Payne said that he opened the door, heard friendly to make friends and he was sorry words between his father and Shemnow that he had gone. Michaels well and then closed it.

Saturday

said moreover, that in the trial the Moreover, it seems from the trend old Doctor said he would have to "I wish I had got the other."

There were, however, some new This witnesss got rather badly o'clock.

son, crying earnestly from across the shooting I saw Mr. Shemwell run- reached in his pocket pulling out his

street, "Papa, papa," and "I saw him ning across the street. At Dr. pistol and snapped. I reached for making gestures," continued Ham- Payne's office 1 saw his son, Dr. Lee mine, and about the same time Mr. ner. Looking out Hamner said he Payne, have a gun. Some little Redwine came up and caught hold saw Shemwell just across the street time afterward I was going down to of me. I saw Dr. Lee Payne comrushed to my father's asassistance. Reaching the Paynes Shemwell hold of the end of the lapel of Mr. treated, emptied my r ol and got he caught me by the leg and trip- to Dr. Payne's bosom. Hamner said coming in. I said, 'Mr. Shemwell story has been substantiall told by he couldn't see Shemwell's right hand, but that he had not shifted the in a rage.' I said, 'Think of your well denied that he had said to Mrs.

Watson attacked the eyesight of the place.' All the time he said, Paynes before night, but said, 'They the witness, who said he was sixty- 'Much obliged to you, Mrs. Adder- have waylaid and tried to kill me. three, said his door and window was ton, but I intend to kill both the distant 6 or 7 feet and the window Paynes this day.' I was inside my not a particularly clean or particu- fence. Mr. Shemwell's wife was dosidewalk I caught my father, for larly dirty one. Watson's questions, ing her best to get him back up the he was falling and called for help, moreover, inferred that if Hamner street, but he kept looking intently and 1 removed him to the side heard little Dermott's exclamation at the office." Witness said she had My father said, 'I am dy- at that distance young Dr. Payne had the kindliest feelings in the I tried to stanch the flow of should have heard it too at closer world to the Shemwells up to the

little Payne being a paymate of his. A countryman named Teague. The last sentence was uttered by Hamner said in reply to a question who said he was a stranger in the from Montgomery that he was no town, testified before Mrs. Adderton, He paused and his eyes fell. It was relation to Payne and that his, Ham- saying that he had heard Shemwell ner's, son was now working for say that the Paynes had waylaid or "double teamed" on him with shot

John W. Lee, chairman of the guns. That when Shemwell came board of county commissioners, was out of the drug-store he said, "Yeshundreds of faces, there were eyes called, and said he heard the prisoner terday morning I was glad that I that were dry and by contrast were cold looking, but the profound si-cold looking, but the profound silence betokened the impressivences say, "I have accomplished what I merning I was sorry I did not kill of the moment, and the jurymen, had determined to do." He said he him." Teague said he saw Shemeach one of them, had their eyes was no kin to any of the parties. well take a pistol out of his hip pockupon Payne as if in a kind of a Cross-examined by Watson he said et and something out of his left and trance, two of them being visibly he didn't go into the store at all was right close to the Paynes; that ouched by their emotions. where Shemwell gave himself up, the Paynes were walking up the but he said he was right near to the street when he first drew his pistol;

Sec. 1

Shemwell the important parts touching the two difficulties is as follows: On cross examination Michaels said that the old doctor said he had gone That in the first difficulty he was called, on his way to business, by old Dr. Payne from his house, and waited for him at the gate. Old Dr. Payne said that he understood he dler had to stand on a table to use put his spectacles on to sign the had drawn a pistol on his son. Snem- his bow at the proper point on the bond. Upon which Shemwell said, well said that Payne had slapped his hand on his pistol-pocket, and Charlie Christian, another eye wit- that he had done what he did simply ness, agreed with the other eye wit- to protee: himself, and that it was nesses save that he positively swears settled. Then old Dr. Payne asked that pistols were drawn by Shemwell was he not armed now. He looked sov. I am pumped dry. some distance before he reached the at him in amazement, when Dr.

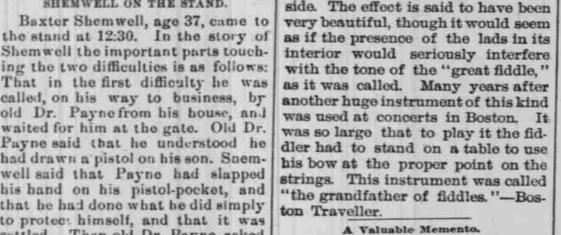
Paynes, and that he walked along Payne caght holt of his coat saying, "I can whip you myself, sir." Then mond ring yet. Go and pawn it. that there were two shots ; that he he threw up to me," said Shemwell, A.-I couldn't think of it. The heard both reports and saw both pis- "about practicing free for my mother, ring is a memento of my late aunt. tols smoking in Shemwell's hands. and several things passed. 1 told memento of my deceased father .-bim I wanted them to let me and bothered as to the location of the my business alone. That they had Paris Temps. homicide, on cross examination. continually bothered my brother-in-

W. H. Nelson, who is in the drug busi-Court adjourned till Monday at 10 law and ruined his business by cir ness at Kingville, Mo., has so much conculating reports that he kept old fidence in Chamberlain's Colic, Cholera medicine and substituted prescripand Diarrhœa Remedy that he warrants tions. He immediately shook his every bottle and offers to refund the Lexington, N. C., June 8 .- Mis. fist in my face and said, 'You are a money to any customer who is not sat-Adderton, sister-in-law of Dr. Payne, liar.' I had a cologne bottle in my isfied after using it. Mr. Nelson takes no risk in doing this because the remedy is a certain cure for the diseases for deceased, and Baxter Shemwell were both put on the stand today. Mrs. hand, wrapped up in a paper. I im-mediately reached over and struck which it is intended and he knows it. Adderton testified: "After the first him in the face. He immediately It is for sale by D. A. Houston, Druggist When Baby was sick, we gave her Castoria. When she was a Child, she cried for Castoria.

spend the day with my sister, Mrs. ing out with his pistol. This was Dr. Payne, and as I was opening about the time that Mr. Redwine the door Mrs. Shemwell raised her shoved me off the sidewalk. Then J hand and I went to her, and I took don't know who first fired. I re-Shemwell's coat and insisted on his behind the tree." The rest of this wife and child and many friends in Adderton that he would kill the

travagance in eating, by disre-AS TO THE SECOND SHOOTING. garding the laws of nature, or As to the second shooting, Shem

physical capital all gone, if so, well says that he said in his store after the trial that the whole thing was settled and it was understood by him and his wife that they would Tutt's Liver Pills will cure you. ride out to the farm in their car-For sick headache, dyspepsia, rage; that he left his wife at the drug store because he did not care sour stomach, malaria, torpid to drag her through the crowd of liver, constipation, biliousness people. So he started home to get and all kindred diseases. the carriage, telling her be was going across the street for a few mo-**Tutt's Liver Pills** ments, in order to keep her from knowing that he thought that the Paynes had gotten home and that they had been disarmed; that he had two pistols, one of which was his wife's that he was carrying back, the other one being that which he had emptied and had reloaded since; Corrected Weekly by Robt. Belton. that he saw the Paynes some distance from their office, and tried to The following are wholesale buying prices paid by the merchants up to the pass them, thinking that, once in their office, they would get guns and time of going to press, and may be reagain attack him; that just before Wheat, per bushel,



B.-Well, you see, my money is a

When she became Miss, she clung to Castoria.

constitution undermined by ex-

NEVER DESPAIR

an absolute cure.

Mount Airy Market.

ARE YOU

Wonderful Fiddles.

side this queer instrument and sing

Field's Washington.

EVELENA BRAY DOWNEY.

Poet, Ever Lor.s.L.

or 313,494,700 glauses, suffcient to give every man, woman and child in the United States, five glasses each-dil you get your shure? Be sure A .- I say, old fellow, lend us a and get some this year. A 25 cont geeleen rechtet 5 gallens, Dies breit, Klaster B .- But you have got your dia-

1837.

Davidson College, DAVIDSON, N. C. Next term begins Sept. 12th. Ample Laboratories, Apparatus, Cabinets, Li-braries, Reading Rooms, Gymnasium, Ball Grounds, Tennis Courts, &c. Classical, Mathematical, Scientfic, Literary, Biblical, Commercial. When she had Children, she gave them Castoria. Send for a catalogue. J. B. SHEARER, President. DO YOU WANT TO STOP TOBACCO ? YOU CAN BE CUBED WHILE USING IT. BANKRUPT in health,

The habit of using tobacco grows on a man until grave diseased conditions are produced. Tobacco causes cancer of the mouth and stom-ach, dyspepsia, loss of memory, nervous affec-tions, congestion of the retina, and wasting of the optic nerve, resulting in impairment of vision, even to the extent of blindness, dizzi-ness or vertigo, tobacco asthma, nightly suffo-cation, duil p in in region of the heart, fol-lowed lated by sharp pains, palpitation and weakened pulse, resulting n fatal heart dis-ease. It also causes loss of vitality. QUIT, BEFORE IT IS TOO LATE. To quit suddenly is too severe a shock to the

QUIT, BEFORE IT IS TOO LATE. To quit suddenly is too severe a shock to the ystem, as tobacco-to an inveterate user, be-omes a stimulant that his system ontinually raves. "BACO-CURO" is a scientific and reli-ble vegetable remedy, guaranteed to be per-ectly harmless, and which has been in use for he last 23 years, having cured thousands of abitual tobacco users-smokers, chewers and SAULT-DIPPERS. YOU CAN USE ALL THE TOBACCO YOU WANT, WHILE TAKING "BACO-URO," IT WILL NOTIFY YOU WHEN TO STOP. WE GIVE A WHITTEN GUARANTEE to perma-

GIVE A WRITTEN GUARANTEE to perma-dently cure any case with three boxes, or re-fund the money with to per cent interest. "BACO-CURO" is not a substitute, but a re-liable and scientific cure-which absolutely destroys the craving for tobacco without the aid of will power, and with no inconvenience. It leaves the system as pure and free from nicotine, as the day you took your first chew or smoke.

or smoke, Sold by all druggists, at \$1.00 per box, three boxes, (thirty days treatment and GUAKAN-TEED CURE.) \$2.50 or sent direct upon receipt of price. SEND SIX TWO-CENT STAMPS FOR S AMPLE BOX, BOOK LET AND PROOFS FREE. Eureka Chemical & Manufacturing Company, Manufacturing Chemists, La Crosse, Wisconsin.

OLD THROWN AWAY

