

THE LARGEST CIRCULATION OF ANY NORTH CAROLINA DAILY.

SHEM WELL ON TRIAL

THE SLAYER OF DR. PAYNE CALLED TO ANSWER FOR HIS CRIME.

MOTION FOR REMOVAL BY STATE.

Judge Montgomery Reads an Affidavit Setting Forth Reasons Why a Fair Trial Cannot be Obtained--The Defendant's Counsel Will File an Answer This Morning--Shemwell's Confinement Has Told on Him Sadly--A Strong Array of Legal Talent.

LEXINGTON, N. C., July 1. The case of Shemwell, who is on trial here for the killing of the late Dr. Payne in February last, was called to day at the afternoon session, Judge Boykin presiding. All the distinguished counsel were within the bar as follows: For the prosecution, Solicitor John Q. Holton, assisted by Messrs. Zeb Vance Walser, B. F. Long, S. E. Williams, J. E. Boyd and Judge W. J. Montgomery; for the defendant, Messrs. C. W. Watson, Judge Armfield, R. Z. Linney, Robbins & Raper, and R. T. Pickens, the last named being a partner of Zeb Vance Walser.

Young Dr. Payne, the son of the deceased, was in court, as was also the defendant, Baxter Shemwell. Sitting beside Shemwell were his wife and little boy, his sister, Miss Shemwell, and his father-in-law, Mr. Bernheim. Shemwell looks clammy white but does not seem to have lost much flesh. His eyes, large, full blue, are bright, but his general appearance is one of sadness and haggardness.

A semi-sensation was at once sprung upon counsel for defence by Judge Montgomery, who made a motion to have the case removed to another county on the ground that it could not be fairly tried in Davidson. Judge Montgomery then read a somewhat lengthy affidavit which he had prepared after consultation with his colleagues, a synopsis of which is as follows:

That Shemwell is largely connected by blood and marriage in the county; that he is a man of large substance; that his friends have been diligently at work since the finding of the indictment and there have been thirteen or more persons actively canvassing all parts of the county; that the county in his interest; that the present county Treasurer, who has been sixteen consecutive years in office as such, a man of great influence in the county, has actively espoused the cause of the Treasurer's son, former postmaster in Lexington, is the defendant's brother-in-law and another son is deputy clerk of the court and these two also are active in formulating public sentiment in favor of the defendant; that the defendant's father-in-law is a Lutheran minister and has been pastor of several churches in Davidson county and he now lives in Lexington and has been actively engaged in work for the defendant; that the sheriff of the county has been there attended by the friends of the defendant in order to deter him in the selection of veniremen; that one of the defendant's canvassers has been heard to say that the defendant has plenty of money and would fix the jury; that another of defendant's friends had threatened a juror drawn on the regular panel that if he convicted Shemwell he would be killed; that a prominent minister in Lexington shortly after the killing is said to have preached a sermon against capital punishment and when his attention was called to the impropriety of such a sermon at such a time he replied, "Now is the time to work;" that there is a sentiment against capital punishment in Davidson, that there have been seventeen trials in the county since the Surrender for murder with not a single conviction, all were acquitted save one who plead guilty of manslaughter; that the case has been so much discussed that every man competent to sit on a jury in the county has formed and expressed an opinion about the case; that the friends of the defendant have circulated throughout the county untruthful and perverted statements of facts about the case; that the defendant's statement published in the NEWS AND OBSERVER, of February 28, 1895, was widely circulated in the county; that one of the defendant's agents has stated that he travelled through the county and took the sentiment of citizens and kept a book so that when a man was called on the jury they would know where he stood.

After recovering themselves, the counsel for the defendant were led in a spirited resistance by C. W. Watson who, with the rest of his colleagues, insisted that the names of the persons referred to accompany the specifications. There was a rough sparring pro. and con. The result being that the paper was handed to the defence, the court ruling that the names and parties should be furnished which was agreed to by the prosecution, who amended the paper with the names at the proper places.

The State's motion for removal of a case struck everyone as unusual, and Mr. Boyd was the only one who cited a precedent recalling the case of Swepson who killed Moore in 1877 and whose case, on motion of Solicitor Strudwick, was removed from Alamance to Orange. During the remarks of Mr. Linney, reference was made to the long and weakening confinement of the prisoner and a plea was put in for a speedy trial, which, he said, was the first object of the law. Both Shemwell and his wife

DOWN BY THE BRINY SEA

THE PAST WEEK WAS ONE OF UNUSUAL GAIETY AT MOREHEAD.

MANY DISTINGUISHED GUESTS.

Full Dress Germans, Complimentary Sails, Delightful Luncheons, Exciting Fox Chases, Good Fishing and Fine Bathing are Among the Pleasant Features of this Fashionable Summer Resort--The Fourth of July to be Celebrated on a Grand Scale.

MOREHEAD CITY, July 1. The past week has been one of unusual gaiety at the Atlantic Hotel, where is assembled a large and congenial number of guests from all sections of the State. It is truly a representative body of the people of North Carolina, hence the congenial intercourse and unreserved enjoyment. Among the pleasant features of the week, which will be held in pleasing remembrance by all who participated therein, was a complimentary sail given to Miss Maie Broadfoot, of Fayetteville, by Mr. Tom Rollins, of Asheville, after which a delightful luncheon was served by the chaperones, Mrs. D. H. Matson and Mrs. Josh. Tayloe; a complimentary sail to Gov. Carr by Mr. and Mrs. Felix Harvey, of Kinston; a sail given to the young people of the hotel by Hon. Thos. Settle, with delicious refreshments elaborately served, preceded by a full dress german gracefully led by Mr. Milan Howard, of Newbern; a complimentary sail to Miss Lucy Taylor, of Catharine Lake, by Mr. Rob. Collins, of Jacksonville; trollying escapades in abundance and surf parties every afternoon. Governor Carr and party were out trollying yesterday and brought in a fine "catch" of blue fish and mackerel. Some very fine fox hunts have been had the past week and several "brushes" taken.

Among the prominent guests recently arrived at the Atlantic are: Gov. Carr and two daughters, Mrs. Jno. C. Winder and son, Mr. and Mrs. Maxwell, Dr. Turner, Col. John W. Hindsdale, Mr. Ed. Chambers Smith and little son, Mr. and Mrs. E. B. Barbee, and Mrs. Julius Lewis, all of Raleigh; Mrs. Geo. Wilson and daughter, Charlotte; Mr. and Mrs. Powell, Asheville; Mrs. Meyers and daughters, Washington; Mrs. Sam Bradshaw and two daughters, Asheboro; Mr. and Mrs. S. E. Eure, Nashville; Col. and Mrs. J. S. Carr and family, Durham; Senator and Mrs. Marion Butler and Mrs. Faison, Elliott; Mr. and Mrs. W. E. Boeden, Goldsboro; Dr. and Mrs. Chas. Duffy, Mrs. Jno. Hughes and daughter, Mrs. W. H. Moore, Newbern; Col. Taylor and daughters, Catharine Lake; Mrs. Cherry, Greenville; Mrs. Gillespie and daughter, Tarboro.

Drs. Frank and Chas. Duffy, of Newbern, are the attending physicians, although the health of the guests here has been so excellent that their services have been little needed. The event of the current week is the fourth of July celebration, which comes off Thursday night, and on an elaborate scale, with grand and varied fireworks on the water, thrilling national airs by the splendid band, appropriate vocal solos by a number of favorite lady singers, the reading of the Declaration of Independence by Mrs. Marion Butler, of Elliott, and an oration by Mr. Joseph E. Robinson, of Goldsboro. The patriotic occasion is under the supervision of Col. Julian S. Carr, of Durham, whose well known patriotism and aggressive public spirit are a sufficient guarantee that the celebration will be lacking in nothing to make it a credit to the anniversary of the birthday of our great Republic. Special rates have been secured over all the rail roads for the occasion and a large crowd of visitors from the interior is expected. The capacity of the "Atlantic" is equal to the accommodation of all who may come, and their comfort will be studiously looked after by the management.

QUAY WILL BE BEATEN. Governor Hastings will Have a Majority in the Convention.

PHILADELPHIA, July 1.--The Ledger (Ind. Republican) to day says: "Based on a canvass of every county in the State, an estimate is made that in the contest for the control of the Republican State convention, October 28, Governor Hastings and friends will have 145 delegates and Senator Quay and followers 117 delegates. Silver delegates are classed as doubtful. Philadelphia is thought likely to have 55 Hastings delegates and 6 Quay delegates, 9 being doubtful.

"While the above estimate may not be absolutely accurate, it is believed that it shows the strength of both factions for the first time, and that the figures cannot be successfully questioned to an extent that would change the result. It will be seen that Governor Hastings and his friends have just a majority of the State Convention, and if they can hold those they will have absolute control of that body. Conceding to Senator Quay's friends the sixteen doubtful delegates and eleven delegates, from counties not heard from, they would have 144 delegates, or 1 less than a majority."

The faction controlling the convention will elect a State chairman, and thus control the party organization in Pennsylvania. The candidates for the State chairmanship are Senator Quay and Gilkeson, the latter now holding the office.

A Whiskey Trust Concern Closed. PEORIA, Ill., July 1.--The Monarch Distillery the largest trust house closed down Saturday night for an indefinite period. The Great Western, the only trust house now in operation, is expected to close July 5th.

UNIVERSITY SUMMER SCHOOL.

One Third of the Counties and Several States are Represented. Special to the News and Observer.

CHAPEL HILL, July 1.

The extent of patronage at the Summer School, is not confined to a small area, but one-third of the counties of the State are represented, and also several other States besides our own. The following counties are represented: Orange, 8; Franklin, 2; Vance, 2; Durham, 3; Guilford, 3; Carteret, 2; New Hanover, 7; Wayne, 7; Wake, 2; Wilson, 1; Craven, 1; Edgecombe, 2; Alamance, 2; Joneson, 1; Granville, 3; Mecklenburg, 4; Otham, 1; Cumberland, 1; Cabarrus, 1; Duplin, 1; Rutherfordton, 3; North Hampton, 1; Hertford, 1; Bladen, 1; Iredell, 1; Randolph, 1; Rockingham, 1; Bertie, 2; Harnet, 1; Robertson, 1.

The States that are represented are North Carolina, Tennessee, Pennsylvania, South Carolina and Virginia. Of the number present, 26 are public school teachers; 14 are private school teachers; 34 are preparing to teach, and 4 are college professors.

Miss Lucia Swanson, one of Alabama's charming young ladies, is visiting her school-mate, Miss Mamie McCauley.

BASEBALL YESTERDAY.

At Brooklyn: 1 1 0 0 1 2 1 1 x-7
New York, 0 0 0 1 0 0 0 0-1
Batteries: Stein and Grim; Rusland and Wilson.
Base hits: Brooklyn, 7; New York, 6.
Errors: Brooklyn, 1; New York, 5.
At Philadelphia: Phila. 0 0 1 0 0 0 0 2 0 0 0 2-5
Boston, 0 0 1 2 0 0 0 0 0 0 0 0-3
Batteries: Carsey and Clements; Nichols and Gazzell.
Base hits: Philadelphia, 13; Boston, 10.
Errors: Philadelphia, 4; Boston, 2.
At Washington: Washington, 0 0 1 0 0 1 1 0-3
Baltimore, 1 1 3 0 1 7 0 x-13
Batteries: Mercer and McGuire; Hoffer and Clark.
Base hits: Washington, 9; Balto., 10.
Errors: Washington, 2; Balto., 4.
At Cleveland: Cleveland, 1 2 2 1 1 0 0 2 x-9
Pittsburg, 0 1 0 0 0 0 3 0-4
Batteries: Young and Zimmer; Hart and Merritt.
Base hits: Cleveland 14; Pittsburg 7.
Errors: Cleveland 1; Pittsburg 1.
At Chicago: Chicago, 2 1 6 0 0 0 6 0 x-15
St. Louis, 0 0 0 0 0 1 0 4-5
Batteries: Terry, Thornton and Donohue; Breitenstein and Peitz.
Base hits: Chicago 16; St. Louis 7.
Errors: Chicago 4; St. Louis 3.
At Louisville: Louisville, 0 0 0 0 0 5-5
Cincinnati, 2 0 3 3 0 0 8-11
Batteries: McCreery, Weyhing, Spies and Warner; Foreman, Parrott and Vaughan. (Called darkness).
Base hits: Louisville 7; Cincinnati 7.
Errors: Louisville 4; Cincinnati 0.

IN THE FIELD OF LABOR.

Factories Resuming Operations and Wages Being Advanced. CLEVELAND, Ohio, July 1.--The Otis Steel Company has posted a notice of a ten per cent increase in wages, beginning to day. The notice is signed by the receivers Alvin Carl and P. J. Benlow, and affects all departments. There are 800 men employed at the works. FLORENCE, N. J., July 1.--The employees of R. D. Wood & Company's Florence Iron Works, went to work to day in better heart than they have for some time. An advance of 10 per cent. in their wages will take effect to morrow. This will affect 500. BRILGTON, N. J., July 1.--The Cumberland Nail & Iron Company resumed operations to day after an idleness of over a year. Employment is given to 150 men. MORRISTOWN, Pa., July 1.--Nearly 2,000 persons went to work at this place today at increased wages. The greatest advance is that of the Narrow Loom Weavers at the Woodstock Mills, 20 per cent, which will affect 100. At the Eagle Iron Works of R. S. Newbold & Son, Company, 8 per cent for 100. At R. H. Btksher & Son's furnaces at Swedeland, five per cent for 300. The Alanwood Company, iron manufacturers at Conshohocken, 10 1/2 per cent for 600. John Wood & Sons Company, rolling mills and iron manufacturers, 12 per cent for 600. Conshohocken Tube Works, 10 per cent for 100.

Dr. Buchanan Electrocuted.

SING SING, N. Y., July 1.--Dr. Buchanan was electrocuted this morning. The current was turned on at 11:21 at 1,740 volts for four seconds, reduced to 400 volts, left on for 30 seconds when it was turned into 1,740 volts again and gradually reduced until it was turned off 58 seconds after it was first applied. Buchanan entered the room with his eyes closed and did not open his eyes at all. He walked along beside the attendant without assistance to the chair. His leg was slightly scorched and smoked during the last few seconds of the execution. The body was perfectly motionless after the current was turned on.

Wants to be Hanged Next Friday.

ASHEVILLE, N. C., July 1.--A special to the Citizen from Charlotte, says John Sims, who murdered his wife last Friday wishes to waive trial and be hanged next Friday, "to be near his wife." The grand jury has returned a true bill against him.

WAKE COUNTY'S TAXES

TREMENDOUS FALLING OFF IN PROPERTY VALUATION EVERYWHERE.

INCREASE IN THREE TOWNSHIPS.

In the Others the Reports of the Tax-Listers and Assessors Show a Total Decrease of Nearly \$250,000 as Compared with the Valuation of Four Years Ago--The Board of Equalization Makes an Increase all Around on a 5 per cent Basis for Buckhorn.

The County Commissioners met in regular monthly session at the court house yesterday at 10 o'clock. All the members of the board were present. The most important business transacted during the morning was the issuing and selling of \$5,000 of the 6 per cent. bridge bonds to Mrs. F. P. Tucker, executrix. The regular list of outside poor was also taken up and disposed of. The following were granted license to sell liquor in the county: M. W. Woodard, Potter and Scott, L. N. White, J. R. Ferral & Co., C. W. Hoover, M. Rosenthal, James Freeman, F. L. Bailey, E. M. Cheek, Sam T. Smith, John U. Smith.

An order was passed by the board to the effect that all parties who are selling liquor and fail to take out license within the first ten days of July will be debarred from taking them out at all. At twelve o'clock, as required by law, the commissioners went into joint session with the chairman of tax listers and assessors of each township, forming the Board of Equalization and passed on the tax list as handed in by the list-takers and assessors. They found that there was in a majority of the townships a great decrease in the valuation of property as compared with that of four years ago. In only three townships was there an increase, viz: Barton's Creek, increased \$3,314; Middle Creek, \$1,823; St. Mary's, \$31,123.

The other townships show decrease as follows: Buckhorn, \$8,964; Cary, \$27,364; Cedar Fork, \$14,796; House Creek, \$12,977; Holly Springs, \$3,039; Little River, \$8,078; Middle Creek, \$12,747; Neuse River, \$9,572; New Light, \$7,608; Oak Grove, \$24,644; Panther Branch, \$17,021; St. Matthews, \$15,940; Swift Creek, \$1,011; Wake Forest, \$51,790; White Oak, \$10,706. This makes a total decrease in the county of nearly \$250,000.

The report has not yet been handed in from Raleigh township. It is believed, however, that it will not show any increase in valuation of property. A motion was passed to increase Buckhorn, which fell off \$8,964, 5 per cent., and all the other townships in the same proportion to their decrease. This, as figured out by Register of Deeds Rogers yesterday afternoon, will make the valuation of property in the various townships, as compared with that of four years ago, as follows:

1891	1895
Barton's Creek, \$136,338	\$139,649
Buckhorn, 101,926	97,610
Cary, 170,765	150,571
Cedar Fork, 149,201	141,125
House Creek, 186,062	181,739
Holly Springs, 153,302	157,776
Little River, 188,483	189,425
Mark's Creek, 163,519	165,942
Middle Creek, 109,517	101,608
New River, 106,848	101,750
New Light, 143,164	142,394
Oak Grove, 105,102	84,480
Panther Branch, 129,944	118,569
St. Mary's, 277,214	308,337
St. Matthews, 184,722	177,222
Swift Creek, 182,083	190,624
Wake Forest, 389,930	355,047
White Oak, 188,237	186,407
Raleigh, 3,066,353	

This increase put on by the commissioners, together with the increased valuation in St. Mary's, Barton's Creek and Middle Creek will bring the valuation nearly up to what it was four years ago.

Chairman W. O. Stronach was asked yesterday to what extent this decrease would affect the finances of the county. "Well," said he, "I think we will have enough to defray all the expenses of the county during the coming year, but we will not be able to pay any on the floating debt of the county, which has been accumulating from year to year. The truth is we have been making too small a levy every year, even when the valuation of real estate was high. The board has economized in every way it could, but the expenses of the county are heavy and no set of men can pay expenses unless they have the money, and the only way to get it is by levying taxes. Of course it is not pleasant to pay taxes at any time or for anything, but they are a necessary evil. "It is an unfortunate state of affairs that confronts us, but I think we can pull through all right."

A large number of people who claimed that their property had been taxed too high were before the board. The county school board meets to-day. **Raleigh Banks Declare Dividends.** The directors of the Commercial and Farmers Bank met yesterday and declared the usual dividend, 4 per cent. semi-annual; the directors of the Raleigh Savings Bank met and declared the usual 6 per cent. semi-annual dividend; the directors of the Citizen's Bank met yesterday and declared the usual 4 per cent. semi-annual dividend; the directors of the National Bank of Raleigh met yesterday and will hold another meeting later in the week.

MET A MOST TRAGIC DEATH.

A Two-Year-Old Child Killed by a Passenger Train Near Cary.

Through a horrible mistake of an engineer of the Seaboard Air-Line passenger train No. 48, the little two-year-old boy of Mr. Thos. Jones was horribly mangled just this side of Cary. As the train was speeding along over the glistening rails at a tremendous rate, engineer Niemyer saw ahead of him something white fluttering in the wind. It was on the left-hand side of the road bed, just outside the track, and in the distance looked like a newspaper. There was no sign of impending danger. The train scudded along and the rails made a merry chant beneath the flying wheels.

But soon what seemed a shapeless mass of paper began to take the form and face of a laughing rosy checked boy of two years. In an instant the engine was reversed, the air brakes were applied and the faithful engineer had done all in his power to save a human life--but in vain. With slackened speed the engine slid along the track toward its unsuspecting victim. The child still sat, laughing in glee at the huge monster creeping upon him. The front part of the engine passed it but the steam cylinder struck the curly head and all was still.

The train stopped and dead child mangled and bleeding lay upon the embankment. He was taken into the house of his father, Mr. Thomas A. Jones, who lived only a few yards from the track, and the bright Sabbath closed for that household in darkness and mourning. The little fellow, it seems, had left home in the morning with the other children to attend Sunday school. When the services ended his companions went to a neighbor's house near by to play, and sent the little fellow home alone along the railway track, with the above fatal result.

The track were the accident occurred goes down a steep grade, and the train breasting the up-grade just ahead comes down it at tremendous speed. It was just as the train had started down this grade that the engineer first saw the white dress of the child, and supposed it to be a newspaper.

LIGHTS FOR THE CAPITOL.

The Lights at the Base of the Monument Have Been Discontinued. Until the Confederate Monument was built the State lighted the capitol square by four large lights, one at each gate, at an expense of \$40, or \$10 each, per month. When the Monument was built the light at the west gate was discontinued and four electric lamps, of three incandescent lights each, were placed at the base, for which the State paid last month \$40. This added to the \$30 paid for the remaining three arc lights gives a total of \$70 paid last month for lighting the capitol grounds, or an increase of \$30 over previous months.

At a recent meeting of the Board of Public Buildings and Grounds, the matter was discussed and the lights at the base of the monument ordered discontinued, both on account of the increased expense to the State and because the lamps as now placed throw light only on the base of the monument. It is believed that if the arc lights now in use at the gates of the capitol square are brought inside the square they will show the monument to better advantage by night, and light the grounds more satisfactorily. Some of the members of the board believe that by thus placing the lights inside the square three lamps will do more satisfactory service than those now in use, and also save to the State \$40 per month.

The lights at the base of the monument have been discontinued for the present, pending the final decision of the board. The monument, however, will be properly lighted.

Funeral of Miss Montague.

The remains of Miss J. Zollie Montague, who died in New York city on Saturday last, were expected to arrive via Seaboard Air Line yesterday afternoon at 3:30 o'clock, but owing to an accident the train was delayed four hours, and the burial will take place to-day (Tuesday). Funeral services at the First Presbyterian church at 10:30 a. m., after which the body will be taken to Oakwood cemetery for interment.

A Thirteen-Year Old Bride.

New Hill had a Gretna Green affair and quite a social sensation Friday night, when Dr. Battle ran away with Miss Myrtle Bright, the 13-year old daughter of Mr. Cary Bright, a prosperous farmer of that section. Dr. Battle is a man about 30 years of age and considered well read in his profession and his marriage to a mere child was both a shock and surprise to the community.

Lt. Wilkes will be Acquitted.

To-day the order regarding the court-martial of Lt. J. Frank Wilkes, commanding the Charlotte Naval Reserves, will be issued by Governor Carr, through Adjutant General Cameron. The decision will be a virtual acquittal, relieving him from blame in the affair.

No More Gambling in Montana.

HELENA, Mont., July 1.--At mid-night this morning every gambling house in Montana was closed for good. When the clock struck 12, and Monday, July 1st, was ushered in, the roulette wheels were given a final whirl, the cards dropped, money was handed over and legalized gambling in Montana ceased for all time to come.