THE DAILY CITIZEN.

VOLUME V. ASHEVILLE, N. C., THURSDAY, JUNE 27, 1889. NUMBER 65.

THEY ARE FREE MEN.

BRADLEY AND DONOVAN ACQUITTED AND SET FREE.

Solicitor Carter's Strong Argument, and Judge Moore's Able, Learned and Exhaustive Charge to the Jury.

The court room was literally packed with interested spectators at 9.30 o'clock yesterday morning when the trial of Bradley and Donovan was resumed in the criminal court. The end of a long and tedious trial was drawing near and everybody present seemed to realize that within the next few hours a jury of twelve of their countrymen would decide the fate of the prisoners at the bar, who stood charged with the awful crime of murder. The prisoners scanned closely the faces of the jurymen, endeavoring to read in their countenances some sign indicative of what the verdict would be, but the "twelve men good and true," appeared to notice them not, and the expression they wore were, to a man, as meaningless, so far as significance was concerned, as the countenance of an Egyptian sphinx. They were making up, each within himself, the verdict from the evidence rendered upon the trial, and were only awaiting the argument of the Solicitor and the charge of His Honor for fuller instructions for the discharge of the solemn duties imposed upon them by their oaths.

At 9.40 o'clock Solicitor Carter arose and addressing His Honor and the jury, began in an earnest and impressive manner the closing argument in the case on behalf of the State. He spoke for nearly an hour, and his speech was decidedly one of the most brilliant efforts of his long career as an attorney. What he said was to the point; his language strong and well chosen, and his summing up of the whole case and its presentment to the jury, was a powerful arraignment of the accused.

As Mr. Carter closed his speech, Judge Moore amid the solemn stillness that reigned within the court room began his charge to the jury. It was a learned, able, and masterly compilation of the law bearing upon the case, and is an honor to the learned Judge who has so faithfully and impartially presided over the trial. Judge Moore said:

Gentlemen:—Homicide is defined to be the killing of any human creature; homicide may be murder, manslaughter, or justifiable or excusable. Murder is where the killing is done feloniously, with malice aforethought. Manslaughter is where the killing is done feloniously, but without malice aforethought. Malice is the distinguishing feature between murder and manslaughter. Justifiable or excusable homicide is where the killing is not done feloniously or unlawfully or with malice aforethought.

The defendants are indicted for murder; that is, the felonious and unlawful killing of one Winston Hines, with malice aforethought. If you shall find, and are satisfied beyond a reasonable doubt, from the evidence, under the charge of the Court, that the defendants unlawfully and feloniously killed Winston Hines, with malice aforethought, your verdict will be "Guilty." If you shall find, and are satisfied beyond a reasonable doubt, from the evidence, under the charge of the Court, that the defendants unlawfully and feloniously killed Winston Hines, but without malice aforethought, your verdict will be "Guilty of felonious slaying." If you shall find from the evidence, under the charge of the Court, that the defendants killed Winston Hines, but that the killing was not felonious and unlawful and was without malice aforethought, your verdict will be "Not guilty." Unless you shall find, and be satisfied beyond a reasonable doubt, from the evidence, under the charge of the Court, that the defendants did kill Winston Hines, your verdict will be "Not guilty" in any event.

The law casts upon the State in this case the burden of proving to the jury beyond a reasonable doubt, every essential element of the crime charged against the defendants before they can conviet. When the killing is proven to have been intentional, or it is admitted or proven to have been done with a deadly weapon, the law presumes it to have been done maliciously, and that it, of course, amounts to murder; and it is incumbent upon the person admitting or proven to have so done the killing to show such circumstances of mitigation, excuse or justification to the satisfaction of the jury, as may lessen the grade of the offense to manslaughter, or excuse, or justify the killing. He may show either by the circumstances and testimony introduced by the State against him, or by evidence introduced by himself, that the killing was only manslaughter, or that it was justifiable, or excusable, but the burden is upon him to satisfy the jury of the truth of the mitigating, justifying or excusing facts upon which he relies to mitigate, excuse or justify the killing.

The first inquiry of the jury is, did Winston Hines come to his death, because and in consequence of a wound received by him at the hands of the prisoners, or either of them, as alleged in the bill of indictment?

It is admitted by the prisoners at the bar that the prisoner Bradley shot the deceased and wounded him; that he intentionally so shot and wounded him, and that he is dead, but they deny that the deceased died because and in consequence of the wound. This leaves the burden on the State to satisfy you beyond a reasonable doubt, by the evidence, that the deceased actually died because and in consequence of the wound; and if the State has not so satisfied you, you need go no further in your inquiries, but will return a verdict of "not guilty" as to both defendants. As to the cause of death, the Court charges you that if you shall be satisfied, from the evidence, beyond a reasonable doubt, that Winston Hines died of laryngitis, and that this disease was the result of the wound, then you will find that he did die because and in consequence of the wound inflicted upon him by the prisoner Bradley.

You cannot, in any event, convict the prisoner Donovan unless you shall find that he was actually present at the time the wound was administered to the deceased, ordering, counselling, encouraging, aiding and abetting the prisoner Bradley, and participating in his purpose and intentions. If you should so find, however, after finding that the deceased came to his death because and in consequence of the wound, then the same presumptions arise as to him as to the prisoner Bradley, and unless they shall satisfy you as to the truth of the matters set up by them in mitigation, excuse and justification, your verdict will be "guilty," as to both.

It is the duty of the State to satisfy you beyond a reasonable doubt that the prisoner Donovan was actually present, ordering, counselling, encouraging, aiding and abetting the prisoner Bradley, and participating in his purpose and designs. * * * * The Court charges you that if the defendants have satisfied you that the deceased, Winston Hines, had been carrying a pistol, a deadly weapon, concealed upon his person, being off his own premises and in the city of Asheville, and that one Hampton, a policeman of the said city, arrested him for the crime, and that he had escaped from said Hampton; and that a lawful warrant had been obtained by the defendant Bradley, from the mayor of the city of Asheville against the defendant charging him with carrying a concealed weapon off his own premises and inside the corporate limits of the city of Asheville; and that the defendant Bradley was a policeman of said city; or that being such policeman he had reason to believe that the deceased, having been guilty of carrying a concealed weapon, would make his escape; and, or having reason to believe that the deceased would make his escape, having no such warrant, that the defendant Bradley clothed with such warrant, whether the affidavit attached to it was sworn to or not; or whether he knew it was sworn to or not, went to the house of Walter Duffy, and that while in attempting to execute his warrant and arrest the deceased, that the deceased was about to strike the defendant Bradley with a bar of iron, such as the defendants insist he had in his hands; that it was drawn over his shoulder in a striking attitude with both hands, and that he was making at the defendant Bradley with it, and that it was actually necessary for the defendant Bradley to shoot to save his life, or himself enormous bodily harm, the defendants would be "not guilty." As to the warrant introduced here the Court charges you that it is in due form, and that it was the duty of the defendant Bradley, if it was in his hands, to execute it.

The Court further charges you that if the prisoners have satisfied you of these facts, and that from them and such other facts as you may find, the defendant Bradley had reason to believe, and did actually believe he was in danger of losing his life at the hands of the deceased and shot and wounded the deceased because of such reason and actual belief, the law would excuse the shooting and neither of the defendants would be guilty. The defendants must, in this view of the case, however, satisfy the jury, from the evidence, that the defendant Bradley had reasonable grounds to believe, and did actually believe, that he was in such danger; and in order to determine whether or not the defendant Bradley had reason to believe he was in such danger of losing his life, or of suffering enormous bodily harm at the hands of the deceased, the jury may as far as possible, place themselves in the situation of the defendant Bradley, at the time, surrounded with the same appearances of danger as surrounded him, if there were any; with the same degree of knowledge of the deceased's probable purpose, which the defendant Bradley had, if he had such knowledge. In passing upon and determining whether there was such actual danger, or whether the defendant Bradley had reasonable ground to apprehend such danger, and whether he shot and wounded the deceased because of such actual danger, or reasonable apprehension of danger, the jury must take into consideration all the circumstances and all the evidence adduced in the case. If the prisoners have failed to satisfy you that the defendant Bradley shot and wounded the deceased because of such actual danger, or because of such reasonable ground to believe, and his actual belief, that such danger was imminent, and you shall find that the deceased came to his death because and in consequence of the wound inflicted upon him by the defendant Bradley, you will return a verdict of "guilty" as to the defendant Bradley, and if you shall find that the defendant Donovan was present, ordering, counselling, encouraging aiding and abetting the defendant Bradley, and participating in his purpose and designs at the time, you will return a verdict of "guilty" as to both of the defendants, unless they shall satisfy you of other mitigating, justifying or excusing matters relied upon by them, as to which I now proceed to charge you. * * * As to this defense the Court charges you that, if the prisoners have satisfied you that the defendant Bradley had in his possession and was clothed with a warrant against the deceased, charging him with a violation of the law of the State, or an ordinance of the city of Asheville, issued to him by the Mayor of the city of Asheville, and that he had summoned the defendant Donovan to aid him in executing the warrant, that it was the duty of the defendant Bradley to execute the warrant by taking the deceased into his custody and carrying him before the proper court for trial; and that it was the duty of the defendant Donovan to render him all necessary aid and assistance in so executing it.

If the prisoners have satisfied you that the deceased put himself in resistance to the defendant Bradley and his guard Donovan, they were not only authorized, but were bound to use such a degree of force as was necessary in order to execute the warrant by taking the body of the defendant into their custody; and if you shall be satisfied that the wound administered to the deceased by the defendant Bradley, though it may have been the cause of his death, was administered in executing such warrant, and that it was necessary in order to execute the warrant, your verdict will be "not guilty," as to both of the defendants. The law does not clothe an officer with the authority to judge arbitrarily of the necessity of killing the person charged with crime and for whom he has a warrant of arrest. He cannot kill him unless there is necessity for it, and the jury must determine from the testimony the existence or absence of necessity. In determining whether it was necessary to administer the wound or not in effecting the arrest, the jury may take into consideration all the surroundings and circumstances; whether the deceased had abandoned his purpose of resisting further; whether he had been before that so disabled by blows from the billies of the defendants that he could not further resist; whether or not he had ceased his resistance; whether or not his resistance was of such a violent and determined character as to call for the shooting, and make it necessary; whether there were bystanders whose duty it was, if called upon, to aid in making the arrest; whether they were willing to aid in making the arrest, whether or not defendants could have avoided the shooting by calling them to their aid. And you may also take into consideration the fact that the deceased was armed: First, with a chair, and then with a bar of iron, if you are satisfied he was at the time so armed; that his mother was holding the defendant Bradley around the waist, and had his arms pinioned to his side, if you are satisfied such was the fact. These and all the other circumstances and entire surroundings and situation must be taken into consideration by you, in passing upon the question of necessity; and, in thus passing upon the question of necessity, you need not weigh in "gold scales" the conduct of the defendants, or the amount and character of the force used by them in attempting to make the arrest. * * * The Court charges you that if you shall find that the defendant Bradley did obtain such warrant, and that he obtained it not in good faith to execute it, but as a cover for a design and purpose to feloniously and maliciously take the life of the deceased; that he did not in good faith and according to his sense of right and duty try to execute such warrant, but obtained and had it to shield him from the consequences of a malicious purpose in inflicting the wound, if you shall be satisfied beyond a reasonable doubt that the wound was the cause of the death of the deceased, he would be guilty of murder. And if you shall find that the defendant Donovan knew of such felonious and malicious purpose on the part of the defendant Bradley, participated in it, and was present, ordering, counselling, encouraging, aiding and abetting him in the execution thereof, he would also be guilty of murder. * * * * The Court charges you that it is the duty of one in whose hands there is a warrant of arrest, who is not a known officer of the law, to show his warrant, and read it if required, unless the person to be arrested has notice of it; and if you are satisfied beyond a reasonable doubt, from the evidence, that the deceased came to his death because and in consequence of the wound inflicted upon him by the defendant Bradley, then, unless the defendants have satisfied you, from the evidence, that they were known officers of the law; or that one of them was a known officer of the law, that is, so known to the deceased; or that they showed the warrant to the deceased, or indicated to him the character in which they came and the purpose for which they sought to arrest him; or that he knew such character and purpose, the presumption would not be rebutted arising from the killing with a deadly weapon. The law throws its protection around its officers while in the discharge of their official duties, but they must perform them with due care and compliance with its requirements; otherwise the law gives them no greater protection than is given to private individuals. In determining whether or not the defendants were known officers of the law, or whether one of them was such, that is, so known to the deceased; or whether they showed the warrant to the deceased, or indicated to him the character in which they came, and the purpose for which they sought to arrest him; or whether the deceased knew of such character and purpose, you must take into consideration all the circumstances, the surroundings and situation; whether it was in the night time and the character of the night, the defective eyesight of the deceased, if you shall find he had defective eyesight; the dress of the defendants, whether it was that of a policeman; whether they had on badges such as policemen usually wear; whether they had policemen's billies, and whether or not the deceased could see the dress, badges and billies at the time; whether they spoke to him and whether he could recognize their voices and persons, and whether he knew them or either of them, to be officers if he could see them. All of these facts, if you find them to exist, and any others bearing on the situation, must be carefully weighed by you. * * * * The Court charges you that, if you shall be satisfied beyond a reasonable doubt that the deceased came to his death because and in consequence of the wound admitted to have been inflicted on him at the hands of the defendant Bradley, and that the defendant Donovan was present, ordering, counselling, encouraging, aiding and abetting him in the act, then the defendants must satisfy you, from the testimony, that it was absolutely necessary for the defendant Bradley to shoot the deceased, as he admits he did, or your verdict will be manslaughter as to both defendants. It is the *necessity* to shoot, to effect the arrest, in this view of the case that distinguishes between manslaughter and excusable homicide. If there was no necessity to inflict the wound upon the deceased, or if its infliction was the exercise of more force than was necessary, then, if the wound produced the death of the deceased, it would, in the absence of malice, be manslaughter. In estimating the amount of force necessary and the amount of force used, you need not, as heretofore charged, nicely balance the scales, or, as sometimes it is said, you need not weigh in "gold scales."

The jury then retired at 12 o'clock, and at the reassembling of the court which had adjourned in the meantime until 3 o'clock in the afternoon, again came into the room, and in the presence of an immense throng, returned a verdict of "not guilty" as to both of the defendants, and they were discharged from custody.

Our opinion, after a careful consideration of the whole testimony, is that this result is the natural and correct one, and that officer Bradley had reason to believe that he was in danger of serious bodily harm at the moment of firing the fatal shot.

Several circumstances were elicted connected with the general management of the police force of Asheville, which we deem it our duty, as a journal conscientiously striving to promote the best interests, peace, harmony and happiness of our people, to criticise seriously, and earnestly to urge their amendment.

First, it appears that the warrant for the arrest of the deceased was issued about midnight, the Mayor being aroused from his bed to do so.

While we have no doubt that our mayor acted conscientiously, we think his course was ill advised. No more serious offense had been committed than that of a man having had a concealed weapon on his person. The weapon had been captured and was safely in the charge of the police; the offender had escaped. The worst consequence that could have followed, had the warrant been delayed till morning, would have been the escape of a person guilty of a misdemeanor, which in this case would have been the riddance to the community of a violent-tempered and troublesome negro boy. If he had not escaped his arrest could, in the daylight, have been effected easily and safely. We respectfully suggest to Mayor Blanton in future, to issue no warrant at irregular hours, except in cases of more serious nature than the one under discussion.

This mistake of our Mayor, however, was trivial, as compared to our next criticism. The habit of policemen presuming to deputize any person they choose, and giving to such person their weapon, and authorizing him to arrest, or help to arrest an offender is, in our opinion, quite unendurable.

Had officer Hampton asked Donovan to go in order merely to identify the offender, he would have done only his duty, but he gave him his "billy," which is recognized as the distinctive weapon—almost the badge of a policeman. Hampton knew Donovan's character as was shown by ex-officer Harkins' testimony; he knew that he was a mere lad of nineteen; he knew that he had no connection whatever with the police department, and his action was utterly and undeniably wrong.

Officer Bradley was certainly wrong in allowing Donovan to accompany him, armed as a policeman, and understanding that he was deputized and authorized to act as such, and he was especially to blame for allowing this boy to strike the deceased, while a prisoner, a cruel blow over the head. A prudent officer would have seized the offender, informed him that he had a warrant for his arrest, and if resistance was offered, have called on Donovan or any other bystander to assist in holding him. The unnecessary blow, struck by an unauthorized person, was calculated to inflame the worst passion of even a much better man than the deceased, and the result that followed was its natural consequence. The violent negro, with his passion thoroughly aroused, rushed into his mother's house, and after being knocked down by the policeman's billy, seized an iron bar to attack the officer. Donovan called out "shoot him;" the distracted mother seized the policeman, and he found himself in a position in which he was obliged to shoot in order to protect himself. But was he not seriously to blame for allowing such a state of things to come about? Did it not naturally follow upon the aggravated assault committed by Donovan on the person of the prisoner? We conclude then that, both Hampton and Bradley are seriously culpable, and should be punished by dismissal.

The police force should be taught that the use of a billy upon the person of a prisoner, will not be allowed except in cases where there is danger of the officer receiving personal injury, or in case of resistance to arrest, where the the assistance of bystanders cannot be obtained. The officers must be protected in the lawful exercise of their duties, and must be allowed a wise discretion, as to the amount of force they may use, but this indiscriminate and free use of the billy must be curtailed. It is often used in cases uncalled for, and in a manner calculated to brutalize the beholders, composed as they usually are in part of boys, educated by the dime novel of the day, to seek pleasure in just such disgusting scenes.

FOLKS YOU KNOW.

Who They Are; Where They Are, and What They Are Doing.

J. C. Cunningham and wife, of St. Louis, Mo., are stopping at Mrs. Nathan's, 87 Bailey street.

Col. A. B. Andrews, third vice-president of the Richmond and Danville Railroad Company, was in the city yesterday on his way home at Raleigh from Atlanta.

Mr. S. H. Bryson, of Jackson, magistrate and county commissioner, was in the city yesterday in connection with the assessments upon the Murphy branch of the W. N. C. R. R.

Mr. John C. Hester, of Raleigh, representing the Southern Home Seekers' Guide is in the city. The title of the book suggests the object of his visit; and he will gather here much attractive information for "Home Seekers."

Mr. Robert Barr, "Luke Sharp" of the Detroit Free Press, is in the city. He is one of the brightest newspaper men in the Union, and his descriptive sketches in the Free Press have given him a world-wide reputation. He will remain in Asheville about ten days.

Mr. E. W. Barrett, a representative of the Atlanta Constitution, is in the city, giving us a pleasant call yesterday. He will be welcomed as an old acquaintance in Western North Carolina, where the Constitution is so well known, the fireside companion of many households. Mr. Barrett is an exceedingly pleasant correspondent of his paper, and we presume he will not omit Asheville in his note gatherings.

Teachers' Assembly.

The first literary and musical entertainment of the session took place on the evening of the 24th. Among those who participated in what was a representation of the finest musical talent of the State, was Miss Burmeister, of Asheville. Mr. Ernest Mangum, of Asheville, also took part.

Before the Parnell Commission.

LONDON, June 26.—Mr. Sexton, member of Parliament, and the Lord Mayor of Dublin appeared before the Parnell Commission to-day. Sexton would not say he opposed the principles of the Fenian society. He claimed that boycotting was a necessary evil.

The Weather.

WASHINGTON, D. C., June 26.—Indications for North Carolina—Fair, preceded by light rain on the coast; slightly warmer; southerly winds.

CONFEDERATE VETERANS.

ORGANIZATION OF A COUNTY ASSOCIATION JULY 4.

Senator Vance and His "Rough and Readies" Asked to Meet at Asheville Instead of Gombroon, on That Day.

We gladly give space to this call:

The Confederate Veterans of each county in the State are requested to assemble at their respective court houses on Thursday, the 4th day of July, 1889, to form a Confederate Veterans' County Association.

The following plan of organization has been adopted by the executive committee, viz:

The election of a president, vice president, secretary and an executive committee of five.

The secretary to enroll the name, company and regiment of each ex-Confederate soldier and the name and vessel of each Confederate sailor who presents his name for membership.

Each county association to recommend two ladies in each township who will be especially commissioned by the president of the State Association to "aid in the glorious work of establishing a "Home" for the old and broken down veterans of North Carolina.

The secretary of each association will, as soon as possible, report to W. C. Stronach, Secretary of the State Association, a full record of officers and members and names of ladies designated by his association.

JULIAN S. CARR, President.

State papers will please copy.

A trouble seems to exist in the selection of a day. Senator Vance has long ago invited his old company, the Rough and Ready Guards, to re-assemble at hospitable Gombroon on July 4. The following compromise is suggested, as is shown by our letter to our old Governor:

ASHEVILLE, June 26, '89.

Dear Governor:—I suppose you have seen the call for reorganization of Confederate veterans on July 4. I understand that your company will have a reunion that day, and continuing several succeeding days. How can this conflict of time be avoided? Cannot you meet your good men here, join in reorganization of veterans, be the President of the county association, and after getting it in good tune, adjourn with your boys to Gombroon and have a good time? I would wish I had been a Rough and Ready, if I had not been an old 60th man.

Please try to carry out this suggestion. Mr. T. F. Davidson joins me in it.

Yours most truly,

T. W. PATTON.

We hope to-morrow to present Senator Vance's reply, and that it will be favorable.

A word now, to our old comrades of the Sixtieth Regiment. Fellow-soldiers! there are but few of us left. It will be impossible for us, in person, to be with you on July 4, but THE CITIZEN is at your service. We will be with you in heart. Meet brethren, and refresh your recollection of old days, and do fresh honor to those brave comrades who have gone before us, only a little while.

One thing is especially near to our heart. Let us, comrades, join in erecting a suitable monument to brave Col. Weaver. We could not find his body, but no doubt his spirit is with us. We all remember how he never spared himself in times of danger, but always spared us, when he could. Let us honor ourselves by honoring his memory.

Veterans, brethren; if THE CITIZEN can serve you call on it. It tenders you the service of a secretary gratuitously until you get one to suit you better. He will serve you faithfully, gladly, willingly. If you do not wish his services in this position call on him for whatever else you may need. It will not matter to him; only let him help the good work in some way.

THE FLATHEAD INDIANS

Refuse to Surrender the Murderers—A Battle Imminent.

HELENA, Mon., June 26.—There is no change in the Indiana trouble on the Flathead reservation. Capt. Sloan's company of Montana militia is at Jocko, at which point 10,000 rounds of ammunition were sent on the Captain's order. Col. Lawson, of Fort Missoula, has gone to the scene with three companies, of the 25th Infantry and three days' rations. A dispatch from Jocko says the Indians shot by the sheriff's posse died yesterday and the situation grows more serious. Indians from various parts of the reservation are flocking to the scene of trouble. The greatest alarm is felt for the settlers who live on the borders of the reservation. Last night all save seven of the sheriff's posse returned to Missoula, leaving the military to assist the sheriff in making arrests. Seventy-five men spent the entire day trying to find the Indians but without success. Three hundred Indians are camped near Kaville and Sevier. They will not give up the murderers whom the Indian police and half-breeds have concealed. The sheriff is determined to have them, and if he makes another trial battle will surely ensue.

THE MOB SPARED MITCHELL.

But Hanged His Companion, Ardell, to a Tree.

LOUISVILLE, Ky., June 26.—A mob went to the jail at Shepherdsville, at one o'clock this morning, and demanded of jailor Bowman the surrender of Thomas Mitchell and Charles Ardell, confined there, and charged with the murder of a peddler named Joseph Lavine. Dawson refused to surrender the men, and took his stand in the front of the door with a shot gun, declaring he would kill the first man who tried to pass. Mrs. Bowman hearing the threats, and fearing her husband would be killed, ran forward and gave the mob the keys, begging Bowman not to provoke them. The leaders then unlocked the doors and went to the cell where the prisoners were confined. The jailor followed, begging them at least, to spare Mitchell, who, he believed was innocent. They yielded to his entreaties, telling Mitchell he might thank Bowman for his life, and binding Ardell took him to the woods. The men were all masked, and it is belived they hung Ardell near the town.

LATER—The body of Charles Ardell was discovered this morning hanging to a tree in the woods about a mile and half from Shepherdsville.

McDOW ON THE STAND.

He Tells the Story of the Murder Twice—Perfectly Calm and Apparently Unconcerned.

CHARLESTON, S. C., June 26.—McDow was put on the stand this morning in the Dawson case. He presented a haggard appearance, and gave evasive answers to all questions. His story, briefly, was that Capt. Dawson came into his office and said that he had come to expostulate with him (McDow) against his attentions to the French maid and forbid his coming on his (Dawson's) premises again. McDow replied, and called Dawson a d—d scoundrel, and ordered him out of his office, when Dawson struck him on the head with a cane, and he shot Dawson. As Dawson fell exclaiming, "You have killed me," McDow replied, "Yes, d—n you, I have; you came to kill me, and I have killed you."

After killing Dawson, McDow dragged his body to a closet under the stairway and tried to bury it; but finding that he could not do it, dragged the body back to his office and laid it out, after which he wiped off the blood with a towel, brushed his clothes, and then surrendered himself to the policeman.

Dr. McDow told the story of his killing Capt. Dawson twice to-day, once on direct and again on cross-examination. He was on the stand for two hours and was as white as a sheet when he began to testify, but before his story had halt been told he became perfectly calm and apparently unconcerned. In all of his recital of the details of the tragedy he was led by his counsel, Judge Magrath, and testified to just what his counsel wished. There were several spats between the counsel for the State and the defense as to the leading character of the examination, but the court generally sustained the defense.

Dr. McDow said that Capt. Dawson came to his office, rang the bell and was admitted by him. Dawson, he testified, was very domineering in his manner and warned him that he must not speak to the French maid again or come on his premises. McDow replied that he would speak to her whenever he chose and until he (Dawson) could show his authority for forbidding him to speak to her; that Dawson then said to witness that he would publish him in the papers, whereupon he (McDow) denounced him as an infernal scoundrel and ordered him out of his office. Upon this Dawson struck him on the head with his walking cane and followed it up with two blow from his hand, when he (McDow), believing himself to be in danger of his life, shot him.

Dawson, the witness said, exclaimed in half articulate tones, "You have killed me," The witness replied, "Yes, d—n you, you came to kill me, but I have killed you;" and with that Dawson died immediately.

McDow said he was so appalled by the effect of his shot that he would have resuscitated Dawson if he could. He then tried to bury the body in the closet under the stairs, but failing in this, dragged his victim's body back again into the office, wiped the blood from his face and finally, after two or three hours, surrendered himself.

The witness was not excited in giving his graphic account of the tragedy. Altogether it was a horrible story, and told calmly and almost unconcernedly. What the effect of McDow's statement will be on the case no one can tell.

The State will take up the case to-morrow, and it will probably consume the rest of the week.

A NORTH CAROLINA BOY

Secures a Scholarship at the University of Virginia.

CHARLOTTESVILLE, Va., June 26.—This was comme cement day at the University of Virginia, and degrees were conferred and diplomas awarded in the presence of the faculty, board of visitors and a large assemblage. The meeting of the alumni society was addressed by Henry F. Kent, of St. Louis, on the danger of unrestricted immigration and the want of a stronger national spirit. Gov. Lee, of Virginia and ex-Gov. Wall, of Alabama, made brief addresses in response to repeated calls. Senator Gorman, of Maryland, was chosen the next alumni orator. The Corcoran scholarship was awarded to James C. Southall, of Richmond, Va., the Isaac Carey scholarship to A. L. Bondurant of Mount Vincova, the McCormick scholarship to J. H. Fry of Greensboro, N. C., and the Miller scholarship to Jno. D. Lindsley, of Charlottesville Va.

Surprising and Distressing.

RALEIGH, N. C., June 26.—The Board of Directors of the State Insane Asylum met here in special session to-day to investigate the serious charges which have been made against Dr. Eugene Grissom, superintendent of the asylum. The charges are brought by the steward and assistant physician of the institution, and include allegations of immorality and misappropriation of funds, and supplies, and cruelty to patients. The Board adjourned after hearing the complaint and will investigate the charges to-morrow.

University Commencement.

COLUMBIA, June 26.—The commencement exercises of the University of South Carolina took place to-day. The annual address was delivered by Hon. Edward Atkinson, of Massachusetts, on the consumption limited, production unlimited. The graduates included three Masters of Arts, fourteen Bachelors of Arts, seven Bachelors of Science and twelve Bachelors of Law. Edward Atkinson received the honorary degree of Doctor of Laws and Rev. R. N. Wells, of this State, that of Doctor of Divinity.

Death of an Old Virginian.

RICHMOND, Va., June 26.—Col. Sherwin McRae, formerly a prominent lawyer, an ex-member of the legislature from Henrico county, compiler of State records, and of late years connected with the State Library, died here to-day, aged eighty-four years. He was, it is said, a descendant of Pocahontas on his mother's side.

Captain and His Wife Drowned.

DELAWARE BREAKWATER, June 26.—The steamer William R. McCabe ran into and sank the schooner Jessie W. Knight, off Sharp's Island in Chesapeake Bay, at 1 a. m. yesterday. The captain, his wife and one of the crew of the schooner were drowned. The steamer was not injured.

Burning of a Tannery.

BENICIA, Cal., June 26.—The Pioneer Tannery, owned by McKay & Chisholm was burned this morning. The loss will exceed $200,000; insurance $37,000.

Ex-Senator Cameron Dead.

LANCASTER, Pa., June 26.—Gen. Simon Cameron died at 8 o'clock this evening.

PHELPS APPOINTED

TO SUCCEED "GENTLEMAN GEORGE" PENDLETON.

As Envoy Extraordinary and Minister Plenipotentiary at the German Court—Furious Over Shaffer's Appointment.

WASHINGTON, June 26.—[Special.]—The majority of the North Carolina Republicans here are furious over Shaffer's appointment to the Raleigh postoffice. They say it was virtually promised to Loge Harris, and they speak of making an organized effort to defeat Shaffer's confirmation by the President.

The charges against Geo. French, recently appointed postmaster at Wilmington, have been successfully answered, and I saw his commission on the way to the White House to be signed a moment ago.

GRANVILLE.

WASHINGTON, June 26.—Bond offerings to-day aggregated $139,650 at 129 for fours, and 106¼ for four and halfs.

The President to-day appointed William Walter Phelps, of New Jersey, envoy extraordinary and minister plenipotentiary of the United States to Germany.

The President to-day appointed the following postmasters: Wm. E. Clarke at New Berne, N. C., vice Matthias Manly, removed; O. D. Foster at Fredericksburg, Va., vice Frank L. Forbes, removed.

Senator Bruce and Fourth Auditor Lynch headed a delegation of colored representatives who waited on the President to-day and presented an address adopted at the Jackson, Miss., conference on June 12, in regard to the political situation in the South, and their utmost confidence in the President's policy towards the colored people in that region. The President thanked them for their confidence, and said that they could rest assured that he would do the best he could towards all classes. He recommended the conservative stand taken by them, and said they would have his assistance in every endeavor to improve their political status.

The examination of witnesses in the case of New Orleans Cotton Exchange vs. the Illinois Central Railroad Co., on hearing before the inter-state commerce commission, was concluded this morning. Owing to the fact that the questions raised in the case next to be considered, are in many respects identical with those in this case, argument was deferred until the evidence in both cases is completed. The case of the New Orleans Cotton Exchange vs. the Cincinnati, New Orleans and Texas Pacific, New Orleans and Northeastern and associated roads, under the name of the Queen and Crescent System, was then taken up. At the conclusion of taking testimony the commission adjourned until to-morrow when the arguments will be made on the two cases in which the evidence has been submitted.

A TRIPLE COLLISION

Of Freight Trains on a Pennsylvania Railroad—Several Persons Killed Outright.

PITTSBURG, Pa., June 26.—A triple collision of freight trains occurred near Latrobe, Pa., forty miles east of this city, on the Pennsylvania Railroad about 2.30 o'clock this morning. Thirty cars were wrecked, and seven persons killed, four of them unknown. The freight train, west bound, left Latrobe and had just reached the bridge about thirty yards west, when it collided with an extra freight train coming in an opposite direction. Another east bound freight train was standing on the side track on the bridge, and the wrecked trains crashed against it, causing one locomotive and a number of cars to go over the embankment into the creek, a distance of fifty feet. Engineer Caldwell and his fireman were supposed to have been killed instantly. Their bodies are still in the creek. Brakeman Miller was terribly crushed; he is still living, but will die. The bodies of four tramps were taken from the wreck. There was nothing about their clothes to identify them. They were stealing a ride and were coming west. The cause of the accident has not yet been learned.

The loss to the railroad company will be very heavy. A dispatch from Greensburg, ten miles from Latrobe, states that a party of about 35 workmen from Johnstown were stealing their way home on the freight train when the accident occurred. The wreck caught fire from a lime car and the men were cremated. The story is not credited here; and the Pennsylvania railroad officials know nothing of it. Two men injured in the accident were brought here this afternoon One of them, named Flanagan, says he is a Johnstown laborer returning to Pittsburg, and that twelve persons were on the car with him when the accident occurred. He knows nothing of their fate. His companion is unconscious and probably fatally hurt.

Condensed Telegrams.

Chief engineer Wm. H. Hunt, (retired), of the navy, died at Washington last night. He was placed on the retired list in 1871.

Lieutenant Edward P. Turner was acquitted of the murder of his brother-in-law Robert Flournoy, at Warrenton, Va., yesterday.

Fire Alarm Foraker was renominated for Governor of Ohio by the Republican State convention at Columbus yesterday. E. L. Thompson was nominated for lieutenant governor.

Geo. B. Ormsby, dismissed from the navy, has brought suit against the government for $100,000 damages. The papers in the case were served upon secretary Tracy, of the Navy Department, yesterday.

Commodore W. S. Schley, chief of the bureau of equipment and recruiting, Navy Department, has resigned and will be assigned to the command of the new cruiser Baltimore. By his resignation Schley drops from the rank of commander to captain.

Boulanger's Pension Stopped.

PARIS, June 26.—The Figaro says: "At the request of the senate committee, which made an investigation into the charges against Gen. Boulanger, the payment of Gen. Boulanger's pension has been stopped. Gen. Boulanger will bring suit against the government to compel payment.

Don't Want Geronimo Back.

CHICAGO, June 26.—A special from Tucson, A. T., says: The entire territory is up in arms against the proposition to remove Geronimo and his Apache murderers from the east to Arizona. The people all stand by General Miles' policy, which has given the territory peace for three years.