Daily Charlotte Observer.

VOL. VIII No. 7. CHARLOTTE, N. C., TUESDAY MORNING, JULY 9, 1895. PRICE 5 CENTS

PEOPLE'S COLUMN

10 Cents a Line, Six Words to the Line.

WANTED—Twenty-five hands for Canning Factory. H. L. Davidson, 508 North Tryon.

FOR up-to-date printing at down-to-date prices, call at the Observer Printing House.

THE ladies and merchants' excursion to Richmond, July 22nd, will be the most enjoyable trip of the season.

GO to Richmond on the excursion July 22nd. You can spend a day in Washington, Baltimore or New York.

WANTED—Energetic young man to take charge of branch office for Manufacturing Establishment. Salary, $900 and share in profits. Must furnish $500 cash and good references. Address, I. X. L., Box 56, Asheville, N. C.

FOR SALE—25 shares Victor Mills stock; 5 shares Ada Mills stock. Apply to S. Price Elliss, 339 Market street, Philadelphia, or Clarkson & Duls, att'ys, Charlotte, N. C.

WANTED—To buy a good second-hand pneumatic tired Bicycle. Have the cash for a real bargain. C. C. Jones, Cameron, N. C.

DR. D. W. DILLEHAY will have charge of Dr. C. L. Alexander's office during his stay at Morehead.

LADIES will have special attention on the Richmond excursion July 22nd. Round trip only $4. Jas. A. Sanders, Raleigh, I. W. Durham, Charlotte, managers.

BILL HEADS, letter heads, statements, cards, tags, envelopes and all classes of commercial work printed at the Observer Printing House.

SPECIAL NOTICES.

HONEY B. bacon, fat mackeral, dew drop coffees, green or black, India, Japan or China teas and a small lot of dried peaches, pears and nectarines at a bargain. BETHUNE & WHITE.

LADIES' Shirt Sets. The latest novelties. J. C. PALAMOUNTAIN.

WE HAVE the finest decorations for public buildings that are made in the country—such as Lincrusta Walton, Stereo Relief, Metalized and Pressed goods. WHEELER WALL PAPER CO.

DO YOU NEED MONEY?—When you are short call on Charlotte Loan Office, No. 15 E. Trade St. They will lend you money on anything of value.

SEND in your order to-day for your Sunday cream. No dinner complete without J. H. Willis' ice cream.

AT a bargain—9-room, two-story residence East 3d street; lot 82x93½ 2½ blocks from square. W. S. ALEXANDER.

DR. E. P. KEERANS, DENTIST, 7 West Trade Street, Charlotte, N. C.

NOTICE.

The public is cautioned against buying or negotiating a note of the McAden Mills, payable to the order of and under J. H. McAden for Two Thousand Dollars, dated July 6th, payable September 15th, 1895, at the Mercantile National Bank, New York. This note has been lost and payment will be stopped.

Note McAden Mills, $10,000.

Contract Pee Dee Manufacturing Co., July 5th.

Contract Roberdel Manufacturing Co., July 5th.

Contract Randleman Manufacturing Company.

2,000-mile ticket, Southern Railway. Subscription list to "Cone Co." with 275,000 subscribed.

Subscription list to Revelation Mills with 8,000 subscribed.

Subscription list to Proximity Mills with 7,000 subscribed.

For cleaning the teeth, perfuming the breath and preventing deposits of tartar on the teeth use SHEFFIELD'S CREME DENTIFRICE. You will like it. Sold By R. H. JORDAN & CO., The Retail Druggists.

DR. W. H. WAKEFIELD WILL BE IN HIS OFFICE AT 509 N. Tryon St., Charlotte, All days except Friday and Saturday of each week. 'PHONE 74. Practice limited to Eye, Ear, Nose and Throat.

ORGANIZED 1874.

THE Commercial National Bank, OF CHARLOTTE, N. C. United States, State and City Depository.

Paid up capital	$175,000
Surplus and undivided profits	162,000
	$337,000

OFFICERS: S. SPENCER, President. C. HERVEY, Cashier. D. H. ANDERSON, Teller.

DIRECTORS: JAMES H. HOLT, WM. JOHNSTON, FRANK COXE, WM. E. HOLT, LAWRENCE H. HOLT, R. M. WHITE, JNO. L. MORRHEAD, L. BANKS HOLT, H. C. ECCLES, J. S. SPENCER, R. M. MILLER, Sr.

INTEREST PAID ON TIME DEPOSITS. Especial attention given to accounts of merchants and corporations. Cotton Mills will find it to their interest to establish relations with this bank, as it has had large experience in managing that class of accounts. Strength, Courtesy, Promptness.

DR. H. C. HERRING, DENTIST, Of Concord, has located in Charlotte for the practice of his profession, and respectfully asks the public for a share of their patronage. Office in the Davidson building.

CHAS. C. HOOK, ARCHITECT, CHARLOTTE, N. C. VISITS MADE TO ANY PART OF THE CAROLINAS, ON SHORT NOTICE.

John R. Irwin & C. A. Misenheimer, Physicians and Surgeons, Office No. 3, Harty building, opposite Presbyterian church.

AN EMBEZZLER CAPTURED.

He is from Georgia and Claims Relationship With the Late Henry W. Grady.

NEW YORK, July 8.—Edward W. Torbert, aged 20 years, who claims to be a cousin of the late Henry W. Grady, was arraigned in the Jefferson Market Court this morning, charged with embezzlement. It is claimed that two years ago Torbert and a man named Floyd were conducting a brokerage business at Columbus, Ga., and that Torbett misappropriated $1,500 of the firm's money and became a fugitive from justice. He came to this city and then went to the Cape of Good Hope and thence to Melbourne, Australia. About nine months ago he returned to this city and obtained a position as conductor on the Broadway Cable road. A month ago he was recognized on his car by a former Columbus acquaintance. The latter notified the Columbus police and the New York department was communicated with and put two detectives on the case. Torbert, however, had taken alarm and resigned, and the detectives had a long search for him. Torbert's lawyer demanded examination and announced his determination to fight the extradition proceedings.

BUSINESS IMPROVING.

The Managers of Woolen and Worsted Goods in Rhode Island Will Increase the Wages of the Operatives.

PROVIDENCE, R. I., July 8.—Wages in the woolen and worsted industry all over the State will be increased during the present month from 7½ to 12 per cent. In some factories the increase will affect only the weavers for the present, but in the other departments an increase will probably follow by the middle of August. Leading mill owners stated last night that the promises made to the operatives in the latter part of 1893, when the cut in wages were made, were about to be fulfilled. The increase will also affect the big Olneyville Factory district in this city. The mill owners, it is learned, have made better rates on light weight cloth work, the manufacture of which will begin during the present month. This assures higher wages to the operatives in this locality. The smaller mills all over the State will at once follow the lead of the Olneyville mill owners in making the advance. The formal announcement of the Olneyville increase will be made soon.

Populist Accused of Accepting Bribes.

TOPEKA, KAN., July 7.—The State Insane Asylum investigating committee submitted a report to the Governor yesterday, in which it finds the entire Populist board of charities incompetent, and that the members were guilty of accepting coffee and other groceries and merchandise from State contractors in the nature of bribes.

The Treasury lighthouse board, at a meeting yesterday, considered the question of a permanent light system at Mobile, Ala.

LOCAL WEATHER REPORT.

S. L. DOSHER, Observer, Charlotte, N. C., July 8, 1895, 8 p. m.

BAROM	TEMP.	WEATHER.	PRECIPITAT'N.
29.77	81	Cloudy.	Trace.

Maximum, 88; minimum, 69.
Corresponding date last year: Maximum, 81; minimum, 63.

WEATHER FORECAST.

For North Carolina: Fair; slightly cooler; westerly winds.

MASONIC DIRECTORY.

1ST TUESDAY—EXCELSIOR LODGE NO. 261, A. F. & A. M.
2ND TUESDAY—CHARLOTTE COMMANDERY NO. 2, K. T.
3RD TUESDAY—PHALANX LODGE NO 31, A. F. & A. M.
4TH TUESDAY—CHARLOTTE CHAPTER NO. 39, R. A. M.
5TH TUESDAY—ROYAL COUNCIL.

Trinity College, Durham, N. C.

Trinity offers courses in Mathematics, Philosophy, Latin, Greek, German, French, English, History, Political Science, Political Economy, Social Science, Chemistry, Astronomy, Mineralogy, Geology, Physics, Biology and Bible.

BEAUTIFUL LOCATION, BEST EDUCATIONAL ENVIRONMENTS AND THOROUGH INSTRUCTIONS.

$171 to $220 pays all college expenses per year.

Next session opens September 4, 1895. For Catalogue, address JOHN C. KILGO, President.

The Atlantic Hotel, Morehead City, N. C.,

The management of this famous seaside resort have decided to make the rates of board for balance of the season, $2.50 per day or $8 per week and upwards, giving everybody a chance to enjoy the pleasures of this delightful place. For further particulars address WINK TAYLOR, Manager, Morehead City, N.C.

RICHMOND FEMALE SEMINARY, NO. 8 EAST GRACE ST., RICHMOND, VA. John H. Powell, Principal; Mrs. T. G. Poyton, Associate Principal. The twenty-third session of this Boarding and Day School will begin September 25th, 1895, and close June 15th, 1896. Course of instruction from Primary to Collegiate Department full and thorough. The best advantages in Music, Art and Languages. Richmond offers many advantages for improvement in Lectures, Concerts, &c. For details, apply for catalogue to the principal.

For Monuments Buy Iredell Blue Granite, the prettiest monumental stone in America. CHARLOTTE GRANITE COMPANY.

TO make home attractive use CHURCH'S COLD WATER ALABASTINE On the walls of your room. Can be mixed and applied by any one. —TRY IT.— For Sale By BURWELL & DUNN, BURWELL & DUNN, Wholesale and Retail Druggists.

WHAT THE SELLER SAYS.

What is the use of talking hard times? Don't you know it makes times harder? Stop and think what the effect is. It does no good for you, and makes the man think hard times are here sure enough. It doesn't make the cloud scatter or the sun shine brighter; nor does it make gold, silver or paper dollars circulate more; and if we wait we are sure to get left.

The girl can't strike a match on the seat of her pants, because she does not wear them; but when she wants her wheel with her bloomers on, then watch her and see if the fire doesn't fly.

I am not advertising either, but am ready, willing and anxious to sell you a Pratt cotton gin, Boss press, steam engine, saw mill, corn mill, cane mill, or fly fan; and if you want machinery of any kind, even a wheel barrow, drop me a postal and I will see you as soon as possible. S. F. HOUSTON, M'g'r. No. 43 S. College St., Charlotte, N. C.

SHEMWELL'S STORY

PRISONER TAKES THE STAND.

HIS VERSION OF THE KILLING.

He Did Not Intend to Fire But Wanted to Pass the Paynes Before They Got to Their Office Where He Thought They Had Arms—He Did Not Mean to Shoot the Old Doctor But Wanted to Shoot Lee Payne—His Testimony Regarding the Troubles in the Morning Which Finally Ended Fatally—Old Dr. Payne Began the Quarrel—Previous Encounters in Which Shemwell Were Engaged.

Special to the Observer.

LEXINGTON, July 8.—At 12:30 o'clock to-day Mr. Baxter Shemwell was called to the stand. He said: "I was 37 years old in March. Have been married since June 8th, 1882. I bought an interest in the Lexington Drug Company in January, 1895. Owned part in it at that time. Had made no threats against Dr. Lee Payne. We met in the barber shop Saturday night, the 23rd of February. Had some words. After it was over I met Chief-of-Police Michael and told him something relative to the trouble and also told my wife when I reached home.

OLD DR. PAYNE HAILED SHEMWELL.

"Monday morning early I was coming up street to my business. Had got five or six feet beyond Dr. Payne, Sr's., yard gate; heard some one say 'Shemwell;' looked and saw the old doctor beckoning me with his right hand and closing front door with left, which was about 75 feet from the gate. I stepped back to the gate and put my arm on the gate post to await his arrival there; waited till he came within eight or ten feet and said: 'Good morning Dr. Payne.' He made no reply to my salute, but walked up near me and said: 'I understand that you drew a pistol on my son.' I said: 'He put his hands to his pocket and I just did it to save myself; besides I thought that this matter was settled.' Then he kinder turned as to walk back to the gate, and said: 'You are armed now, are you not, sir?' Said it twice. I never answered but looked enraged at him. Then he caught hold of his coat and said: 'I can whip you myself, sir.' Then I think I said, 'if you are going to whip me, come outside and don't stand inside and abuse me.' Then he threw up to me about practicing for my mother and making no charges. Something else passed, I can't remember what. Soon after I said I wanted you people to let me and my business alone. He then asked me: 'How are we bothering your business?' I replied you had continually bothered Wheeler and ruined his business by circulating that he he kept old medicines and substituted prescriptions. He immediately shook his fist in my face and called me a liar. I had a cologne bottle in my hand. I reached over and struck him with it. He immediately pulled out his pistol and snapped it at me. About the same time I reached for mine, and just then Mr. Redwine stepped up and caught me and my pistol went off, shooting into the ground below. Mr. Redwine shoved me off into the street. About that time I saw Lee Payne coming from the office with pistol in hand. Then I don't remember who fired first. I, retreating across the street, emptied my pistol and got behind a tree. All three of us did shooting. I was about the middle of the street when I fired my last shot. Then I got behind the tree. I heard either Mrs. Hargrave, Dr. Payne, Sr's., sister, or his wife say 'Come back, Brother Robert, and the other, who was standing in Dr. Payne's porch, say 'Run, Shemwell or they will kill you.' When I was leaving I heard Dr. Lee Payne say 'Run, you cowardly cuss!' also saw him go to the office and come back with a gun. I could not tell what kind of gun and I did run. I though he was stooping from inside of the fence as if trying to shoot me.' I remember telling Will Hamner to bring me a gun, after seeing Dr. Lee Payne with a gun.

"IF YOU GO, I GO."

"I went over to Peacock's store and called for a gun, but didn't get it. Went immediately to Redwine's. Got a box of cartridges at Peacock's. At Redwine's I got a double-barrelled shotgun. Said to nobody that 'yesterday I was glad that I didn't kill him, but today I am sorry.' I went on down the street from Redwine's, somewhere near Mrs. Adderton's gate. Then I met my wife, who said to me: 'You are not going down there. If you go, I go, and if they kill you they will kill me, too.'

"Mrs. Adderton came out, caught the lapel of my coat, and said: 'Baxter, be quiet. You used to listen to Mr. Adderton; now I want you to listen to me and be quiet.' I said: 'They way-laid me and tried to kill me,' and then came on up the street. I did not say that I would kill them both before night. I came on with my wife to the drug store. I did not dare the Paynes out of the office; did not see them in the office.

"I went in the drug store. I don't remember what I did with the gun. Sent my little boy down street with the cartridges. In the drug store I went back to the office, my wife with me. While there Will Hamner came and said: 'You better watch out, the Paynes said they were going to kill you before night.'

"I think I sent for my Winchester rifle at once; tried to fit some cartridges in my pistol but they would not fit; sent my little boy home after some but neither would they fit. My wife came part of the way. I went and got it. Came to the drug store and loaded it and set it down in the office of the drug store. My boy brought some cartridges that would not fit. I had sent for my horse in the meantime. I told my wife what I wanted with him. I wanted to get out of the town, to avoid the crowd. But when I got on my horse I went home and got some cartridges that would fit my pistol and also got the large pistol from under my wife's bed. It was her pistol, one I left her for protection when I was away; never had carried it myself. Went home by the back street, because I didn't care to pass the Payne's office. I came quite away from old Dr. Payne's, and went quite a way from Payne's. I came on back and an officer came pretty quick. I sent my horse back to the farm when the officer notified me of the trial.

DECLINED TO GIVE UP HIS PISTOLS.

"I asked June Michael, the officer who came to me, why didn't he arrest the Paynes first. He did go for them, I think, and left them and came to me. I said: 'Have you disarmed the Paynes?' He pulled out the two pistols and said 'yes.' I went on into the court house with Mr. Griffith when I declined to give up my pistols. I was coming out of the door of the grand jury room. He (June Michael) asked me for my pistols. I told him to come and go to the drug store and I would place them there. I walked back to the grand jury room with him. In there I gave him one of my pistols. I raised the window and jumped out, he grabbing my coat and pulling it off. Then I walked straight to the drug store. He brought my coat and also the pistol, and I put them in the drawer. After I put away my pistols I went to Griffith's office and then from there back to the drug store where Michael came and showed me the Payne's pistols. Then I went into the court room for the trial, sitting next to my counsel, Robbins & Roper. We gave bonds for our appearance. The Paynes left the room at once, after signing. They could have gone nearly home before I left. (I have no recollection of saying 'I wished I'd got the other eye').

SHEMWELL REMARKED THAT ALL WAS OVER.

"I had made arrangements to go with my wife to the farm after the trial. I think I had returned the shotgun. I came out and went into the drug store and asked where my wife (Lauta) was. I remarked to some workmen that all was over now, to get down to business; went back, got my pistols and looked over my mail. As I come back somebody met me and talked to me a few minutes. Then I stepped out, met ex-Sheriff Griffith and told him all was over. I was going home. I intended to take my wife's pistol home to her. Was going home to get my team and take the family out on the farm, according to my custom. When I came out on the street from the court house, the Paynes were not in sight. Did not know they had gone to Lawyer Williams' office. They had had time to get home. Started on home; met my wife about the March House, told her I was just going down to Hinkle's store, for I did not want her to go all the way home as she was tired; told her to stay till I came back. My little boy was with me. I had my arms about his neck. He stopped a little at the March House, but later on he caught nearly up and called 'Papa, stop.' I told him to come on. He was not far behind me.

DISCOVERED THE PAYNES AHEAD.

"About the lower corner of the Methodist church I saw the Paynes the first time that I knew they were ahead of me on the sidewalk. I looked up and saw the doctors. Saw somebody with them who had on a cheviot. I may have quickened my step a little to pass them before they got to the office, for I knew that they had guns there. I caught up, passed Mr. Crotts; he was about eight or ten feet behind. I spoke to him, called his name. After passing him and about even with Dr. Payne, Sr., Crotts hollered out: 'Doctor! doctor! Shemwell is on you.'

SHEMWELL'S ACCOUNT OF THE FATAL MEETING.

"About that time I was a step ahead of the old doctor, and about even with the young doctor. As I got ahead of the old doctor, young Dr. Payne immediately drew a pistol. I stopped to grab for mine. The old doctor grabbed me by the arm, shoved me out in the street beyond the ditch. I stumbled and liked to have fell. He shoved me beyond the ditch. I jerked my left hand loose, jerked the other loose, got my pistols out and looked and shot at Dr. Lee. Payne. He (Dr. Lee) was running around trying to shoot me as the old doctor shoved me back. Just as I shot the old doctor grabbed at me a second time and got shot. I grabbed (Lee) Payne's beard and fell, the old doctor falling on top. Somebody came up and I hollered take him off. Didn't know that the old doctor was shot. As we were pulled up the old doctor had my coat. I said: 'Take him loose, and tried to loosen him, when he turned loose. He staggered and fell. Then I knew, for the first time, that he was shot. I never attempted to get my pistols till Dr. Lee Payne drew his on me. I got them out as soon as I got loose from the old doctor at first. Think I shot both pistols. Pulled both when Dr. Lee drew his pistol; was walking on by them on toward home.

CROTT'S CRY THE SIGNAL FOR DRAWING GUNS.

"Neither doctor made any demonstration till Crotts said 'Shemwell is on you.' Lee Payne immediately drew his pistol when Crotts spoke. My pistols were in my pocket. I never attempted to draw mine till Dr. Lee Payne drew his. When I was taken out of the fight I was very weak. As I came upon the side walk, just before I got there my wife came up and caught hold of me. I also put an arm around her waist. She said: 'Honey, I thought this thing was settled.' I replied: 'So did I, but I had it to do.' About this time, or possibly before this, my little son cried and said: 'Papa is not guilty. I saw Dr. Payne draw his pistol first.' He also said: 'I saved my papa's life. I pulled the pistol off of his heart.' I told nobody that I was going to kill both.

"I came on back up the street. Met June Michael somewhere and said: 'June, I thought you disarmed those men.' We were near Mrs. Adderton's gate when I said it.

"I HAVE KILLED THE WRONG MAN."

"Then I came on to the drug store. Mr. Kenney, deputy sheriff, was with me. I asked him to let me wash. I was muddy. Was behind the counter, about half way of the store. I saw Sheriff Leonard step in. I threw up my hands and said: 'Sheriff, I am your prisoner,' and think I said: 'I have killed the wrong man'—substantially that. Then I was taken to jail. About a week after the homicide I went to Charlotte jail.

THE CROSS-EXAMINATION.

On cross-examination, the prisoner said: "I have no knowledge of going to Dr. Thames a week or so before the killing, and threatening Dr. Lee Payne; did not call him names, etc., to Dr. Thames. I don't think that I told Dr. Thames that I was going to make it hot for Dr. Lee Payne and tell him to tell Dr. Lee Payne. Don't remember the conversation.

"Yes, I did draw a pistol on Dr. Lee Payne at the barber shop. I recollect it and calling him a liar, and drew the pistol on him, because he slapped his hand to his pocket. Dr. Lee Payne was sitting in a chair when I drew the pistol on him, but had no newspaper then. I held the pistol in his face some minutes. Don't remember the barber telling me not to do that. I held it on him till I thought there was no danger. I told him while holding it on him to take his hands off his pistol. Have no recollection of saying that I had the drop on him and could have killed him. I remember saying that I was glad that I did not kill him, but don't remember saying that I wish I had killed him.

"I was glad that under the spur of the moment I did not kill him. As I passed the gate at Dr. Payne's I understood him to say 'Shemwell.' He may have said 'Baxter,' but I think not. He usually called me 'Shemwell,' not Baxter.

"I said, 'Good morning, Doctor.' He said, 'I understand that you drew a pistol on my son.' I said, 'Doctor, he slapped his hand on his and I had to protect myself. Besides I thought it was settled. We had words in the barber shop to that effect.

ASTONISHED AT THE OLD DOCTOR'S MANNER.

"I was at Dr. Payne's gate in conversation three or four or five minutes before I struck him. Yes, I was astonished at Dr. Payne's manner in asking me if I was then armed. He never had approached me in that manner. He called me a liar. That is why I struck him. I had used no impolite language to him. I struck him as soon as he called me a liar. Didn't immediately pull my pistol and shoot at his head. He snapped at me. Don't know of but one snap. Didn't shoot him. Redwine caught me and the ball went in the ground. Am certain of that I emptied my pistol after that.'

"Think I shot five times. My pistol—the bright colored Colt's—is a five-shooter. His sister, Mrs. Hargrove, and his wife were both on the porch. Can't tell which said, 'Come back, Brother Robert,' but thought it was Mrs. Hargrove. I was shooting from the street. Went on to Mr. Peacock's. Can't say whether I tried to take a gun from the rack, but I know that I went there for a gun and was forbidden to take one. Bought some cartridges, however.

"Mr. W. D. Smith did tell me to 'Let's have no more of this,' when I asked for a gun. I was mad and wanted to protect myself from the attack. Don't remember that anybody entreated me at Peacock's to let this matter alone. Went on to Redwine's. There were several in there. My impression is that they first declined to let me have a gun, but I told them I wanted it for protection. Don't remember how many I took down. Don't know whether I got the gun down myself. Yes, Will Lowe loaded the shells with buck-shot. Don't remember telling him to do it. Don't remember John Lee's meeting me. Have no recollection of Mrs. Redwine catching me on the street's and importuning me to come back. It may be so, I can't recall it. Yes, did go on toward Payne's, probably beyond Mrs. Adderton's gate, and then met my wife.

AT FIRST INTENDED TO KILL ONE OR BE KILLED.

"I had been run and called a cowardly cuss and I expect if my wife had not come I would have gone down then to Payne's and had it out. I intended to go and have it out, kill one or be killed. I had been waylaid and run. My wife implored me to come back. I don't remember flourishing my gun or pointing it toward the Drs. Payne. Yes, Mrs. Adderton came after I had started back. She caught me by the lapel of my coat and said that her husband was a friend and that she wanted to be now.

"I know that I did not use the expression that Mrs. Adderton said that I did. Don't remember hearing my wife say to Mrs. Michael that she could do more with me than anybody else, and to go away. Don't remember when, but did tell Jim Hunt to go get my Winchester rifle because I had Mr. Redwine's gun, and wanted to return it. Don't remember what I told Redwine about the gun. I may have told him to charge it to me. Yes, I went down to Hinkle's store where some one had taken it from Jim Hunt and placed it. Yes, I took it to the store and loaded it. It was a 17 shooter. Don't remember June Michael coming to me and trying to arrest me and I telling him to go away, he had nothing to do with me. I told him positive to go and arrest the Payne's first as they attacked me first. When he tried to arrest me he did arrest me. No, I am not in habit of riding horseback, but do ride some time. I did ride down the back street to home; went down there to get some cartridges to fit my pistol and to get the big pistol of my wife's. I wanted to be ready for I had been attacked. I went to Redwine's the second time after a couple of pistols, but sent them back as soon as I loaded mine. I think the pistols from Redwine's were 38; think that I loaded them. They were both loaded.

"Have no recollection of the officer saying to me that the Drs. Payne wanted to give bond in their office and wait awhile till things got quiet. Do remember that I told my counsel that I wanted the trial at once and get it settled. Don't remember the officer telling me that the Paynes were coming unarmed, and that I must go unarmed. He may have said it but I have no recollection of it. But when Mr. Michael brought the pistols and assured me that they were unarmed, I thought it.

"The officer met me in the court house and took me back to the grand jury room. He asked me for my pistols. I gave him one; don't remember telling him that I didn't have another. I did decline to give it up at that time. I don't think that I pulled out my pistol as I jumped out of the grand jury room. I jumped out because I had been attacked and wanted to put my pistol in the drawer. My recollection is that I sent for Jim Michael to bring my coat. He did. I gave him both pistols or I took both and put them in the drawer. I don't remember leaving the grand jury rooms twice but I may have done it. I went to the grand jury room as soon as Michael showed me the pistols of the Paynes. Don't recollect being against going on a peace bond at the trial. Have no recollection of being approached about a peace bond. Don't recollect putting on my hat and starting out but do remember getting up and my counsel told me to sit down and sign the bond. Went on to the drug store; don't remember telling Wheeler to attend to his business to anything he said (viz: to stop this thing.) Have no recollection of Chas. M. Griffith saying: 'Now Baxter, for God's sake, let's have no more of this. I have stood to to you like a man. But do remember telling him that I was going home. Told my wife I was going down to Hinkle's, would be back in a few minutes. I new that that was not true when I told her.

HAD PASSED THE OLD DOCTOR BEFORE SHOOTING.

"I thought that all was settled; I knew that it was on my part. They had had time to get home. I got my pistol for two reasons—first, that I feared that I might be attacked; second, that one of the pistols was my wife's, and I would take it home—when I saw the Paynes in front. I may have quickened my step in order to pass the Paynes before they reached their office, because I knew that they did have arms there. I told my wife a story because she was tired and I knew that she was tired, and that I could drive back after her, and allow her to rest. I did not beckon to my little boy to stay back. He got behind and I heard him say: 'Papa, wait.' I motioned to him to come on, I think. I most positively swear that I did not pull my pistol till I had passed the old doctor's. Never drew it till I shot.

"I had gotten across the ditch when I shot the old doctor. I just got past the old doctor's. Lee drew his pistol—the old doctor instantly jumped and caught hold of my arms, got between myself and Lee, Lee trying to shoot me all the time, but could not for his father being in the way. The old doctor backed me in the street; got my left hand loose; then jerked my right hand away; got my left hand pistol first. I was watching Dr. Lee trying to shoot me. When I shot the doctor I cannot say how far he was from me, for I was watching Dr. Lee. He was trying to shoot, and when I shot, I shot both pistols at him.

PREVIOUS DIFFICULTIES.

"Yes, I have been in the habit of carrying pistols there at home—up to a year ago. Have a pistol belt; have worn it, but have not in several years. Have had several difficulties. No, I had no trouble with Haynes or Gibbs, nor with Mr. Parker. Yes, had a little difficulty with a Mr. Hines. He came in drunk and insulted a lady friend and I showed him out the door. He afterwards came back and apologized to the lady and myself.

"Yes, I did draw a pistol on Mr. Long in Shelby. He was a large, rather bad man. He called me a liar and extended his arm as if to hit and I drew my pistol to protect myself.

"Don't remember that I threatened the present sheriff of the county with a stick. Did go to Mr. Pinnix's office, but don't remember and do not think I did threaten him personal injury.

"Did not knock down Col. Davenport with a stick, but did knock him down with my fist for saying that my sweetheart (his present wife) had lied.

"On one occasion I bought a ticket from Asheville here; it was punched to Salisbury. I lost it. The conductor came around and treated me discourteously, and tried to throw me off by main force with a crowd. I pulled my pistol for self-protection. I and Mr. John Hunt, ex-postmaster, had a fisticuff fight. But I did not attack him with a stick. Mr. Chas. Heightman and myself had a little trouble about a claim that I had on him. He was carrying a pistol for me, I met him in the court room; he started to draw a pistol and I knocked him down and took his pistol from him. "Yes, Dick Thompson had some trouble about a delicate matter, and I whipped him. Yes, I did fight a duel here in the town with Chas. M. Thompson, my uncle. It was a family affair. We met and I shot at him and he at me for several times. He shot me three times.

"A. S. Smith and myself had no fuss and difficulty. Did not threaten him. Henry Smith, a blacksmith, made at me with a hammer and I hit him with an iron.

"No; never had any trouble with a man named Smith. Had no fight with Chas. Pinnix. Yes; I wrote Mr. T. L. Peacock a letter notifying him to quit selling my patent right bed-brace. But can't think it could be called threat.

"Have no recollection of knocking down Bill Trueblood with a stick. He was a negro that lived on father's place about 13 years ago. Have no recollection of a difficulty with him."

Witness was re-taken by Mr. Watson for the defense. "I never shot or cut a man in my life till this trouble," he said.

All the troubles mentioned above are from childhood up.

TELEGRAPHIC BRIEFS.

The Western country from Nebraska to Texas was storm-swept Saturday night, causing great damage to crops and the loss of many lives.

The Queen has signed the proclamation dissolving Parliament and fixing August 12th as the date of assembling for the new Parliament.

The New York commissioner of the Cotton States and International Exposition visited Atlanta yesterday and selected the site for the New York building.

A message from Gov. McCorkle, of West Virginia, who is upon the scene of the trouble at the mines, says there is no immediate danger of an outbreak at present.

A terrific hail storm and water-spout occurred near Guthrie, Okla., yesterday, doing great damage to crops, wrecking several houses and injuring live stock.

An electric car became unmanageable at East Liverpool, O., yesterday, sliding down a hill and jumping the track. One man was killed and several persons injured.

The Sharon, Pa., Iron Works imported negro laborers to take the place of the strikers, but owing to some disagreement as to the wages to be received they refused to go work.

Judge Clark, of Waco, Tex., has submitted a lengthy opinion on the proposed Corbett-Fitzsimmons fight at Dallas, and states that there is no lawful power to interfere with such contests.

Pliny Fassett, a son of ex-Congressman Fassett, and his cousin John D. Young, Jr., had an altercation Saturday night, which ended by Fassett cutting Young's throat, from which he died.

Argument was begun in the Lexington, Va., bank case yesterday. Hon. J. Randolph Tucker made an address in behalf of W. C. Irvine, the defendant, and Hon. John Daniel, United States Senator, will make an appeal for the defense to-day.

Acting Secretary Wike, of the Treasury Department, has somewhat modified his order as to quarantine regulations at Shieldsboro, Miss. A free pratique from the officer at Ship Island or Dry Tortugas only is necessary for vessels from infected European ports.

Secretary Herbert has decided to detail Chief Constructor Fernald and Civil Engineer Assesson, of the New York Navy Yard, who will remain under reduced pay. Constructor Bowles and A G. Menocal, of the Norfolk yard, will succeed them. Irregularities in their departments is the cause of the Secretary's action.

ROWAN GRANITE.

It Will Probably Be Exhibited at Atlanta—A Meeting of the King's Daughters—Cutting Affray—Personal.

Special to the Observer.

SALISBURY, July 8.—Prof. William C. Day, special agent of the United States Geological Survey, was in the city today in consultation with the granite men here regarding a display of Rowan granite at the Atlanta exposition. Prof. Day visited some of the quarries this afternoon.

Rev. C. B. King, pastor of the Lutheran church, left this morning for Baltimore, to visit relatives.

The customary fight occurred near Schul's barroom about 10 o'clock Saturday night. Burt Spencer and Frank Cauble were fighting when John Fraley, a friend of Cauble's ran to his assistance. Spencer drew his knife and cut Cauble several times severely. Cauble was badly cut, though not dangerously.

The King's Daughters held their first meeting in their new chapter house this afternoon. The building is erected in the Episcopal church yard, and is a comfortable house.

Postmaster S. H. Boyden left this morning for Beach Haven, N. J., to spend a month or more for his health.

HON. JOHN W. FOSTER RETURNS.

Served as Counsellor of the Chinese Peace Envoys—Fatigued and Ready for a Vacation.

WASHINGTON, July 8.—Hon. John W. Foster has arrived at his home in this city from China where he served as counsellor to the Chinese peace envoys in the negotiations to end the Chinese-Japanese war. Mr. Foster has been absent from Washington on this mission nearly seven months, having started on the 22d of December last. Until the day he left Shanghai for home, after having accompanied Lord Li to Formosa to transfer that island to the Japanese in accordance with the provisions of the treaty of Shimonoseki, Mr. Foster was engaged almost night and day in the labors of his office, and he comes back somewhat fatigued and ready for a summer's rest.

THE POPULISTS ARE CLAIMING

THEY CAST 60,000 VOTES LAST FALL.

There Will Be Republican-Populist Fusion Again—An Important Case Regarding the Water Works Company—Questions of Moment to Come Up Before the Pharmaceutical Assembly—Death of Mrs. Lifsey.

Special to the Observer.

RALEIGH, July 1.—It will be remembered that after the last election the Republicans declared the Populists did not cast over 30,000 votes in this State. The Populists have had little to say about this, but at last they speak and say Senator Butler has election returns which show they cast no less than 60,000 votes. This is their first statement, but their second one is stranger still. They say their party has more white voters than either the Democrats or Republicans.

The Populists will fuse again with some party. With which? The odds are ten to one that it will be with the Republicans. For though the Populists declare loudly that the Republicans cannot lead them and were angry with them during the legislative session because they would not be led, yet the indications now are that the Republicans will play the same old game.

Populists are claiming that the Republicans are sorry because the Populists would not agree to overturn the whole order of things, and now these Populists say they alone prevented such a change; that the Republicans were in for office and that they would to-day join forces with the Democrats if they thought such a step would be more resultful. This shows pretty clearly the true view the Populists take of their new political associates and allies. It is certainly far from flattering to the Republicans.

The term of the Superior Court which began here to-day has 80 cases on the docket. The chief one is that to compel the water works company to drain and abandon the use of the pond covering some 60 acres, which furnishes the power to operate two large turbines. This is at a point a mile south of the city. There are also steam pumps. Water-power is used almost daily in connection with steam.

Gov. Carr leaves to-morrow for a trip to the western part of the State and may spend a few days in Burke county.

J. H. Babbitt, of Raleigh, who is the president of the State Pharmaceutical Association, left today for Morehead City, where the annual meeting begins Wednesday. He says the attendance will be very large, and that some specially important questions are to be considered. One is the 4 per cent. tax on druggists, another the $50 license tax on those who sell spiritous liquors and the third the eleglibility of Dr. John B. Carr as pharmacist at the Insane asylum. No doubt the session will be quite lively. The State board of pharmacy meets to-morrow.

News reached here to-day of the death at her home at Newport News, Va., of Mrs. Lifsey, who was formerly Miss Katie Poe, of this city, and who was well known.

Not before August will all the information regarding the cotton and woolen mills of the State, which the Bureau of Labor Statistics is so carefully collecting, be in hand.

Mr. J. A. Smith, of Bessemer City, N. C., has purchased the Swift Creek Cotton Mill, three miles from Petersburg, Va. This mill cost $140,000, and has been idle since 1889. In two months the mill again be in operation.

The weekly weather-crop bulletin, for the week ending last Saturday, says the reports of correspondents, are generally favorable. Very discouraging reports are received. The rainfall the first of the week was beneficial, though irregularly distributed, some points receiving too much, but only a few. More rain, in fact is needed in most sections. Following the rain the temperature fell below the normal, rising slightly towards the end. For a few days the weather was peculiarly hazy. The only crop which is really very poor is cotton. It is the smallest for the 4th of July ever known and as a good many places is being injured by lice, this crop is bound to be small, but all others are doing finely.

A CYCLONE IN GEORGIA.

Great Destruction of Property and Damage to Crops.

ATLANTA, Ga., July 8.—News from the path of yesterday's cyclone comes in slowly. In Morgan county, in addition to the damage reported last night, comes the news of the destruction of the home and buildings of S. W. A. Higginbotan. At E. L. Brabston's the wind swept away all his barns and outhouses, leaving his dwelling intact. His family took refuge in the storm pit. At Mrs. D. E. Butters' plantation several farm houses were blown and her crop was badly damaged.

The worst feature of the storm seems to have been the destruction of Mr. Lally Pennick's house, while he and his wife were in it. Parties who have seen the wreck to-day say it was simply a miracle that saved them from death. His house is a mass of ruins. At Mr. Albert Collier's place, two of his children had their limbs broken by the falling of the timber of the dwelling house. G. D. Perry's plantation lay in the storm's path and several of the farm houses and much of his crop are ruined.

SENATORIAL PRIMARY.

Copiah County, Miss., Gives a Big Silverite Majority—A New Mode of Selecting Senators.

JACKSON, Miss., July 8.—A special from Hazlehurst says the primary in Copiah county for United States Senator today resulted: Hooker, 627; Money, 465; Lowry, 333, all free silver candidates, while Governor Stone, the sound money candidate, gets but 117 votes. Thus the Copiah vote may be taken as a fair estimate of strength of the contending factions in the State. The gold standard candidate gets only 117 votes to 1,425 for the three advocates of the 50 cent dollar. That the proposition to elect United States Senators by a direct voteof the people is popular in Mississippi is shown by the fact that nearly every county has ordered the sentiment taken and that the members elected for the Legislature consider themselves instructed to vote