Daily Charlotte Observer.

Vol. VIII. No. 11 CHARLOTTE, N. C., SATURDAY MORNING, JULY 13, 1895. PRICE 5 CENT

SPECIAL NOTICES.

ICE cream to-day, and the only place in the city you can get a first-class meal. Attentive waiters.
J. H. WILLIS.

WE carry a large and select line of frame moulding and can save you money on frames. Call and be convinced.
WHEELER WALL PAPER CO.

NEW, neat and nobby are the ladies' shirt sets at
J. C. PALAMOUNTAIN'S

WILL go at a bargain—must be sold at once—5-room cottage, 215 N. Clarkson st; lot 50x150; price $600.
W. S. ALEXANDER.

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.

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

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

CHEAP RATES TO BALTIMORE via S. A. L.—On July 16-17 the Seaboard Air Line will sell round trip tickets from all stations on the G., C. & N. and C. C. divisions to Baltimore and return at the extreme low rate of $10 for the round trip. Tickets limited August 5th, returning. Stop-over allowed at Norfolk and Old Point Comfort both going and coming. For time tables and other information call or address any agent of the company, or
J. G. BASKERVILLE, C. T. A., Charlotte.
B. A. NEWLAND, Gen. Agt. Pass. Dept., Atlanta.
T. J. ANDERSON, Gen. Pass. Agt.

LADIES who like Perfume to be retained on the skin for hours and who appreciate the beauty of a soft, white, velvety complexion, should dissolve about a quarter of a tablet of

PASTA MACK

in a quarter of a pint of water and wash the face, hands and neck with it.

It will beautify the complexion and the most delicate and refined aroma will result, especially upon coming into a warm atmosphere.

We are the exclusive agents.

R. H. JORDAN & CO.,
JORDAN & CO.,
The Retail Druggists.

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 Ten 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.

NORTH CAROLINA
College of Agriculture and Mechanic Arts.

The next session of this College will begin September 5th. Examination at county seats first Saturday in August. Young men desiring a technical education at an unusually low cost will do well to apply for catalogue to
A. Q. HOLLADAY, Pres.,
Raleigh, N. C.

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.

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.

Heins, Whelen, Lybrand & Co.,
PUBLIC ACCOUNTANTS,
DESIGN, AUDIT AND ADJUST BOOKS FOR BANKS, PARTNERSHIPS AND CORPORATIONS.
508 WALNUT ST., - PHILADELPHIA, PA.

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 Thoat.

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:
J. S. SPENCER, - President.
A. G. BRENIZER, - Cashier.
D. H. ANDERSON, - Teller.
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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.

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

John R. Irwin & C. A. Miscenheimer,
Physicians and Surgeons,
Office No. 3, Harty building, opposite 2d Presbyterian church.

TO MAKE A WAR SHIP RECORD.

The Columbia Will Have Her Hull Scraped at Southampton and Then Scoot.

WASHINGTON, July 12.—The announcement that the cruiser Columbia had been placed in dry dock at Southampton to have her bottom cleaned and made ready for her race across the ocean for war ship record was confirmed by Secretary Herbert to-day, who it appears had given Captain Sumner permission some days ago to incur this expense. This will materially change the conditions under which the Columbia will make the race, placing her in better condition, as far as a clean hull is concerned, than most of the trans-Atlantic passenger steamers when their records were made, and removes one of the possible excuses should she make a poor showing. It only remains now to increase the force of firemen on the vessel to make her equal in all respects to other vessels of the same coal capacity running between New York and European ports. Naval officers predict that the Columbia will sight Sandy Hook light in about seven days after she leaves Southampton and that it would be unfair to expect any greater performance from her for such a long run.

A TEMPERANCE LECTURER.

AND NOW A KEELY PATIENT—HIS TESTIMONY.

No doubt many friends will be surprised to learn that I am attending "The Keeley Institute" for the liquor habit. I only ask space for a few words, hoping to influence some poor unfortunate man who is struggling with an insatiable appetite, to come here and be cured.

I am now thirty-eight years of age. From 1878 to March, 1892, I drank periodically, all the while growing worse. I had fine educational and social advantages; was educated at Trinity College, this State, for three years—from '73 to '76. I married a beautiful Florida lady Nov. '76, and under most favorable circumstances we began life's work.

The appetite for strong drink seemed to be "inbred." My father was a pious, temperate Christian gentleman. The intervals between my debauches grew shorter and shorter. I knew it was wrong to drink, and with a bleeding heart and tearful eyes I oftimes promised my confiding wife that I would do so no more. I meant it, but the old appetite with its resistless and powerful cravings would return, and I would yield.

On the 9th of March, 1892, I was carried to my home in Bennettsville, S. C., by a friend, beastly drunk. I awoke about 2 o'clock a. m., discovered my wife on her knees by my bedside; I knew that she was praying for me. I resolved that I would assert my "manhood" and abandon the drink habit. I was urged to go to Keeley at the time; I said no, that a man could stop drinking if he tried.

In fact I had no faith in Keeley. I did quit at that time and for three years lived a sober life. Was reinstated in the Methodist Church, joined the Good Templars of South Carolina, and for a long while canvassed my native State in behalf of prohibition—speaking in nearly every town in the State; but there was always present that indescribable dread—yes, unsatisfied appetite. Last Christmas day I took my first drink and would have prolonged it into a fearful "spree," but a young friend of mine, a Methodist minister, and my Pythian brethren took charge of me, carried me to the country to my sister's, and I was sobered up. I said that if I ever drank again I would go to Keeley.

On the 18th of June last, I again yielded, and I drank until the 26th. I told my wife and children good-bye. Full of whiskey, I boarded the train for Greensboro.

I have been here two weeks. I was very sick for several days, but for the first time in twenty years, I can truthfully say that I am a free man. I have no desire for liquor. I will remain here two weeks longer to complete my course of treatment.

I write this simply with the hope of inducing some one to lay aside prejudice, assert their manhood and come here and be cured. The management here is excellent, eminent physicians and kind and trained attendants. I will return home to my family and friends a sober man. God bless the Keeley Institute.

Respectfully,
JOHN P. GIBSON.
Greensboro Record, July 10th, 1895.

LOCAL WEATHER REPORT.

S. L. DOSHER, Observer,
Charlotte, N. C., July 12, 1895, 8 p. m.

BAROM	TEMP.	WEATHER.	PRECIPITAT'N.
30.12	69	Lt. rain.	Trace.

Maximum, 71; minimum, 63.
Corresponding date last year:
Maximum, 92; minimum, 64.

WEATHER FORECAST.

For North Carolina: Intermittent Showers; variable winds.

PEOPLE'S COLUMN

10 Cents a Line, Six Words to the Line.

FOR RENT—Five-room cottage on East Hill street. Apply at Reese & Robertson's.

ATTRACTIVELY printed stationery will advertise your business. Leave orders at the OBSERVER Printing House.

FOR RENT—Refreshment car on Richmond excursion. Bids must be in by Monday 15th. I. W. Durham.

PRINTERS' profits are divided with those who have their printing done at the OBSERVER Printing House.

DON'T forget the date—July 22; to Richmond and return, $4.

FOR SALE—New furniture, carpets, linen and other fu nishings. See S. B. Waters or Chase Adams.

FRESH cream every day. McD Watkins

THE court house officials are now having their work done at the OBSERVER Printing House.

MOUNTAIN RESORT IN CHARLOTTE. Would rent my house, furnished, six or eight weeks, to one or more couples without children. Servants available. A. G. Brenizer.

EVERYBODY cannot go on the excursion to Richmond July 22, but there will be room for you.

THE young lady in bloomers will find the OBSERVER Printing House the place to have her cards and invitations printed.

DO you buy bread? If so, why not get the best? Fasnacht's City Bakery is headquarters for bakers' goods.

SITUATION wanted by druggist; twelve years' experience. North Carolina and New York reference. Druggist, box 39, Asheville, N. C.

THE stand pipe will probably remain where it is, but you can remove your orders for printing to the OBSERVER Printing House.

WANTED—Cook to go North. Must bring good recommendation. Apply to Mrs. John Wilkes, 508 West Trade.

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

FACTS, and not "fads," when you patronize the OBSERVER Printing House.

For Monuments

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

MORE ARGUMENTS.

ELOQUENCE IN THE COURT.

COL. JAS. E. BOYD'S ABLE EFFORT.

He Makes a Powerful Speech for the Prosecution—Mr. Z. V. Walser's Argument—Mr. Robbins for the Defense Makes a Highly Creditable Speech—Mr. Watson Begun, But Will Finish This Morning—The Scene in the Court Room—Prominent People in Attendance.

Special to the Observer.

LEXINGTON, July 12.—The court house is packed to the fullest to-day. All crevices and corners are full. On the right from the stand is a solid block of men and behind them a solid block of negroes, and on the left, near the wall, is a solid block of women, and near the mid-aisle is a block of men interspersed with women. The scene is that of a church, rather than a court house. Ladies are dressed in their best dresses and men in their best suits. Of course, there are some regular court house boomers, but the majority are well-dressed, intelligent-looking citizens.

Old ladies, heavy with age and feeble in step, came and sat till court adjourned, and by their sides came old, hoary-headed men, bent with age. Now and then, as your eye would flash across the crowd, you would see a batch of fair and beautiful Lexington girls, and in the immediate background a crowd of boys.

All during the trial the house-wife has abandoned her machine and dining room; men have quit their business; preacners, lawyers and doctors have left their studies. All have come. Many times women have stood for hours without being seated. Nothing has so excited the interest of the Davidson county people as this trial has, both parties being so prominent. All have their friends on one side or the other, or both. All have come at 8:30 in the morning and stayed till 7 at night, excepting an hour for dinner.

Leaving the court room and stepping out into into the street, we find there crowds, many wishing to go in but not able to find room; many are buying medicine from the medicine faker; many are trading horses, buying and selling lemonade. No scene is so natural now as to see the jury marching to and from the court house accompanied by two officers, one before and the other behind.

THE PRISONER'S DAILY TRAVEL.

Then, too, it is natural to see the prisoner accompanied by his wife and the jailor marching to and from the jail. It has become natural to see on the left in the bar the aged wife of Dr. Payne accompanied by her son and daughters, sisters and brothers, all of the ladies dressed in deep mourning, while on the right sits the prisoner, accompanied by his wife, little son, little daughter, brothers, sisters and mother. It is a sad sight to the families of the deceased and prisoner, sitting for hours and watching the proceedings of court, now and then weeping when some lawyer would touch upon a tender point.

On one occasion in the court house when a witness was on the stand and after being asked if he was related to the prisoner he said that he was not but thought his wife was. His wife being in the audience some distance off, cried aloud and said, "No, I'm not." Judge Boykin cut his eye out into the crowd for the intruder but found her not. A smile went up from the court house and the witness left the stand.

SHEMWELL TOPPLED OVER ONCE.

While Mr. Shemwell was on the stand he moved his chair a little too far back and fell backward off the stage. He showed weakness physically; he made two attempts to raise his chair before he succeeded in doing it. He being a very energetic man, always on the go, when confined for some months, has become quite weak from want of exercise.

This morning, during Mr. Walser's speech, one of the jurors became sick and had to be taken out and doctored. He soon came back and the trial went on.

WALSER'S SPEECH A FINE EFFORT.

Mr. Zeb Vance Walser spoke in reply to Mr. Buxton's speech, and made an able address. He ridiculed Mr. Buxton's attack upon the witnesses and then proceeded to take up the main point in the evidence, putting special stress on all. His speech was rather scattering, but to the point and thorough. I have heard it pronounced by many prominent men as a great speech for a young man. He seemed to be enthused with his subject, and spoke for over three hours and a half.

ROBBINS' SENSIBLE SPEECH.

At 12 o'clock Mr. F. C. Robbins took the floor for the defense, after Walser had concluded his speech. He began not by ridiculing the course of the State or by ridiculing or attacking the witnesses, their story, character, etc., but began right at the beginning of his speech to plow up the facts as told by witnesses, and he weighed and reweighed the consistent facts and picked out all the conflicts in the stories. He took the story up as the points came and weighed them all. Nothing had escaped his all-searching eye. He said that all the witnesses told what they thought was the truth, none intending to tell a falsehood, but they made mistakes. "I do not doubt Mr. T. W. Lee's sincerity when he says that he heard Baxter say: 'I have done what I desired.' But there are witnesses who were closer than him and they did not hear it. Mr. Lee thought that he heard it. It may have been said by somebody else.

"Now what is the theory that the State is following in this case? This is what it is: Baxter Shemwell went down street with a wilful, deliberate intention of killing one of the Paynes or maybe both. He went in a few feet of one almost as strong physically, and the other even stronger. Why did he, if he wanted to kill them, walk on in front before shooting? Why did he not stop and shoot them from behind? What, gentlemen, does this show? Would you have done it? If he had done it there could have been no more cowardly, dastardly action. But did he do it? Why did he act this way? Does it look like the work of one wishing to kill? You at once see that the State's theory is an impossible one.

"When Mr. Williams and others got up here for the State, instead of plowing right through, they sidled around some of the facts. Now after Baxter came up street he got guns, pistols, etc., say the State. But, gentlemen, who could have acted differently if he had any pluck? When men had stood and shot pistols and pointed guns, and called him a 'cowardly cur,' who could have quieted down after that? Could you? Shall we run a man out of the country because he is brave? No wonder he became indignant and prepared to defend himself."

The speaker said: "Now we will come down to the facts in the case; to the fact in which we get the essence of the case: Did Dr. Lee Payne draw that pistol on Shemwell before he shot the old doctor? I say he did, though he says he didn't. Now let me talk of Dr. Lee Payne. It is almost painful for me to do it, because the feeling between us has always been the kindest." Then the speaker took up each point on which Lee Payne has been contradicted by the State's witnesses and went deep into them and showed all the conflicts. "I talk of the morning difficulty in order to throw light on the homicide. That is the only relevance that it possesses. We are not here to traduce the memory of Dr. Bob Payne. Peace to his ashes and may the grass grow green over his grave. We never intended to kill him but we killed him in trying to defend ourselves against Lee Payne. I am not going to accuse Dr. Lee Payne of perjury, but I say here that you cannot rely upon what he here says about drawing the pistol on Baxter before he shot, for his feelings were such to Baxter Shemwell that he does not know what was done.

"Now talk to me about your delinquent and your black list; talk about rules of medical societies that will require a man to leave a dying man because another doctor, who will not obey those rules, is there to help attend the man; that is the way with John Harkey. When Dr. Payne refused to act in union with Dr. Buchanan—what a heart could do that.

"Now, gentlemen," said the speaker, "the story they tell could not be so, according to the range of the ball. The ball went upward, outward and backward, just reconciled by Baxter's story, and the only story that does reconcile it.

"There now is Dermot, a little boy—Mr. Walser says children and women tell a true story. He says that his mother said: 'I thought it was all over.' Now, we take Mr. Tom Tussey, a State's witness, who swears that the old doctor was over next to the fence. He saw the one that was next to the fence raise his hands, and that was Dr. Lee Payne next to the fence, as established by many other witnesses. Now Tussey says that the man next to the fence was the one that raised his hands. So we see 28 witnesses for the State say that Lee Payne was next to the fence, and now Tom Tussey says that he raised his hands. Can the State get over that? Fletcher Caudle told the same story about the man next to the fence."

The speaker continued: "Now gentlemen take all this positive evidence, and all this rational evidence, and take Dr. Lee Payne's feeling towards Baxter; his conduct for three weeks past; his conduct at the barber shop; his conduct at the morning trouble, and then take Mr. Shemwell as a brave, true, tender-hearted fellow and say what you believe about Lee Payne drawing the pistol before Shemwell shot. Is not Baxter telling the truth when he says that Lee drew his pistol first?

"Miss Alice Shemwell says that she saw something gleam in Dr. Lee's hand like a pistol at the time of the meeting. Now, we have got Baxter, Dermot and Miss Alice, saying that Dr. Lee Payne did draw a pistol, and we have Tom Tussy and Fletcher Caudell saying that the man next to the fence threw up his hands first. Now if this be the case we are entitled to a verdict of not guilty. Now, gentlemen, I ask you to carefully consider what I have said and say whether he is guilty or not. Life is sweet. Dr. Payne's life was sweet. He was a courageous, plucky man, a gritty old fellow. I admired him for it. I admire grit, pluck and backbone. I could say many other good things about the old gentleman.

"Now, gentlemen," said the speaker, "don't let us take the theory of the State that he left the drug store with the pistols in his pocket to go and catch the Paynes, and like a cowardly man, shoot them down from behind. But let us take this view, that he had made the arrangement with his wife to go to the country, and that he was on his way to carry out the plan made with his wife, and that Lee Payne drew his pistol as he started to pass by and was attacked. Now, you take Baxter's place and see his position. And he unfortunately shot the wrong man."

"Gentlemen, he explains all his little flights and shooting scrapes. Remember, gentlemen, 'Mama, mama, I have saved papa's life.' Now, let it be said by him, 'Mama, mama, the jury has saved papa's life.'"

The speaker made a strong and effective speech. He had the eyes of the jury. He spoke about two hours and a half.

MR. BOYD ADDRESSES THE JURY.

Mr. Jas. E. Boyd took the floor for the State at 3:40. The room became still as he rose, a noble-looking picture of manhood and health.

He said: "The time has come for me to address you on the evidence as I understand it and the law as it applies. I am no doubt different from the most of these men. I did not know personally either the deceased and family or the defendant and family till I came here. Some one has said in this case that there is a wrong feeling on my part for coming here to prosecute in this case. I am a lawyer coming here to do my duty to my profession and to my State. Did you gentlemen come here for love of the prisoner or did you come here as lawyers to do your duty? Give us credit for the same conduct.

"The State says this prisoner has ruthlessly taken the life of a fellow man. He says he was exercising the high, God-given right of self-defense. You, gentlemen, are men drawn from no particular class but from the people at large and placed in the box to render an impartial verdict on this matter. The State of North Carolina that you in part represent, comes relying on the fact that you are good men and will heed the evidence and law and decide on that. To the gentlemen of the defense, I would say that great legal minds as they are, they have fished in the rivulets and haven't struck the main stream. They are standing on mole hills.

"Capt. Robbins did right in apologizing for the attacks made on witnesses by the defense. He knew the people and knew these attacks were out of place. Linney compared his client to Moses. Moses slew an Egyptian, an enemy to God, under divine command. His client slew a servant of God, against divine and human law. Linney read the oldest Book I ever saw or heard of, but he did not read it all. In the Bosfield case he did not read the opinion of the Supreme Court but the dissenting opinion of Judge Battle. That is not the law of this State. They say the law of the State is a hard one. It is not to one who has not violated it.

"No thief e'er felt the halter draw,
With good opinion of the law."

"The counsel for the defense have dodged the main facts and talked side issues." Here the speaker eulogizes the attorneys for the defense. "I am glad," he said, "they are here. I should despise myself if I had come here to prosecute him when he labored under disadvantages. Suggestions have been made that witnesses had been tampered with. Where is the evidence that upholds it? They talk of it without a scintilla of evidence to back it. Suppose Lee Payne made the remarks to Adams? Did he tell him he was going to buy a witness? Not one. I suppose he has laid awake when he thinks of the old father shot down on that bright February morning and commending his soul to the Lord Jesus Christ. He has spent sleepless nights to bring the slayer of that father to justice. Why didn't they attack his character? They had the right, but he stands like the oak that needs no vine to support it.

"We don't say that Dr. Lee Payne loves Baxter Shemwell. Take the doctrine of 'love your neighbor as yourself' as far as you will, but it won't reach this. Such things as this are not in the human heart. Shemwell said ten days before the homicide, if Dr. Payne interfered with his business he would make it hot for him. Shemwell brought Dr. Buchanan here. Dr. Lee said that Lexington could sustain but three doctors. Did Shemwell shoot the old doctor to make room for his friend? If so he did it. They talk of the fee-bill. Did you never hear talk of in other professions? I have heard of it in the law, and of the farmers banding together for protection or mutual benefit. They talk of the Horkey case. That is all to lead from the main cause. They have skated on thin ice till they are about ready to fall through. I won't talk Scripture but I know that any man who lives up to the Old or New Testament will never take the life of his fellow-being." The speaker praised the Bible as the greatest of all books. If we follow the teachings of it we would never have such scenes as this.

"The State says Shemwell has committed the highest offense against the law. No matter who the deceased, whether from palace in Lexington or from the rural districts of Davidson county, the crime is the same. Are we here playing a tragedy for the amusement of these spectators? Look at that group (Shemwell, wife, son, etc.) and then at this group (Mrs. Baxter Payne, son, daughter, etc.) and you will know that it is no farce but a horrible reality. An awful crime has been committed, and you are here to uphold the dignity of the laws of North Carolina.

"I don't say that Dr. Payne, junior or senior, were without human faults or passions. Did Shemwell try to make peace in the barber shop Saturday night when he held a six shooter in his neighbor's face and say to him 'you are a liar?'

"When Mr. Robbins was up saying Dr. Payne, Sr., was a good, peaceful man and peace to his ashes, this was said before the air had ceased to vibrate from the denunciations of his fellow associates, that he was a deadly conspirator with a heart cankering with malice. Robbins, I am glad to say, saw fit to apologize for that, too."

The speaker then took up the morning difficulty, going into it at great length, handling it well and with great force and effect. Were the Paynes like warriors when the son was there dressing his father's wound? They were taking care of the wounded that Shemwell left on the battle-field. He comes on up town foaming with rage. When he starts back on his deadly mission he is prevented by that good creature that is as one sent from Heaven to throw her heart and soul between him and his hellish passions. Col. Boyd took up, one after another, each step of Shemwell's from this time to the time of starting to the point where the homicide took place, in his own vivid and forcible way.

"I now come to the grand fact that resulted in the death of Dr. Payne. Shemwell gave it when, in answer to his counsel's questions, 'what were you going to Dr. Payne's for?' 'I had been run and called a cowardly cur.' He is a man that won't take an insult and that picture never left his mind. He saw it at each corner, on each fence post, on every foot of ground, and he was a man who wouldn't take an insult. His mind became diseased and he was reeking with revenge. He said to his clerks it is all over, but when he left the drug store he took those peaceful arbitrators with them—holding up the pistols; and they are silent witnesses of the peace he sought. When witnesses come in and tell their story like parrots you may set those witnesses down as liars. There are twenty-nine witnesses who saw this murder from different points, and yet they all practically tell the same thing—twenty-five are disinterested."

The speaker took up and commented on Shemwell's story of the case—a most remarkable story.

He drew both pistols and fired the one in his right hand at Dr. Payne and hit his mark and inflicted a mortal and a deadly wound. The pistol in his left hand missed its mark, and for that reason alone Dr. Lee Payne is to-day a living man. He expressed it immediately afterward when he said: 'I wanted to get them both.'"

The speaker then proceeded to deliver a lecture to Mr. Linney for being so ungallant as to compare one of the lady witnesses to a rabbit-eyed man. He said: "They are dodging the question. That if they want to say Miss Gertrude Hamner lied why not say it and not beat about the bush about it. In talking of the witness Teague, a State's witness, and of the efforts to impeach him, he compliments Mr. Cy Watson as a crosse-examiner and calls him a stage actor as well as a lawyer. He says he envies him all except his ability to contort his face. Then the speaker took up the evidence of each witness, both for the State and defendant, and shows up in strong lights the strong points of the prosecution and the weak points of the defense. In speaking of the evidence of the little boy, David Crotts, he said: "Truth is the first instinct of the human heart, and falsehood comes from consideration or emergency."

THE COUNTRY AND THE TOWN LAD.

Here the speaker drew a minute and beautiful contrast between little David Crotts, the little country lad, who had never been to town more than once or twice in his life, and little Dermot Shemwell, the bright little town boy who knew that it was not against the law to kill a man in self-defense. "I am not here, gentlemen, for blood; but to have the laws of the State carried out. All that I ask is that you reflect and decide, from the evidence, whether this man is guilty or not."

Here the speaker eulogized the deceased, the good, just, honest, God-loving and God-fearing man, and referred to the killing being on the public sidewalk, in front of his church, on the threshhold of his home, in sight of his loving wife, and his children. He has been snatched from his family.

"Some say send Shemwell home. Can Dr. Payne be sent home? If he could be then I would say let Shemwell go home. I know the pangs that stick a father's heart at the cry of a child, for I have seen my grown son carried from my door to the cemetery. Oh, I know how the wife, the sons and the daughters feel. (While he spoke the ladies of the Payne family wept bitterly.) If I were to follow my feelings I would say send him home, but following the law and my duty I say let the law take its course and the consequences be what they may. When I look at that group my heart says let Shemwell go home. Then at this: can we send Dr. Payne home to again sit by his fireside in the quiet company of his wife and listen to the childish prattle of his grand-children? Gentlemen, we cannot. He sleeps out yonder no more to look upon the pleasant earth; no more to hear the sweet song birds; no more to wake to those that love him. If we could we would send both home, but we can't do that for one has gone, and now let justice be done though the heavens fall."

Mr. Boyd's speech was one of a high order, one from a learned man. It captured the crowd.

INTERESTED SPECTATORS.

Among those attending court to-day were: W. P. Bynum, Jr., solicitor fifth district from Greensboro; A. B. Andrews, Jr., attorney, from Raleigh; Dr. George W. Long, of Graham; J. M. Brown, attorney, of Reidsville; T. B. Bailey, attorney, of Mocksville; M. H. Pinnix and E. S. Parker, Jr., attorneys, of Lexington; Mr. McLaughlin and Chas. Armfield, attorneys, Statesville; Rev. D. M. McIver, of the Lexington Presbyterian church; Rev. T. A. Boone and the Rev. Mr. Sherrill, of the Methodist church, Lexington; Col. W. H. Henderson, attorney, of Lexington; L. B. Wetmore, attorney, of Lincolnton; Editor J. W. Goslin, of Winston; John F. Reynolds, of Winston; Prof. Weatherly and Rev. W. Lee Harrell, of High Point.

Cyrus B. Watson, Esq., began speaking this afternoon, but the bulk of his speech will be to-morrow morning.

Mr. Watson said that he was going to prove that the theory of the State is false and unreasonable. "We are going to prove that Shemwell did the shooting in self-defense, and that old Dr. Payne jumped in the way and caught the ball aimed at Lee Payne, and that Lee Payne had out his pistol. We will prove by the range of the ball that it was aimed at Lee Payne."

CLEVELAND ON MARRIAGE.

He Says His Own Married Life Has Been "One Grand, Sweet Song."

ATLANTA, Ga., July 12.—A letter from President Cleveland in which he speaks of his married life as "one grand, sweet song," has been brought to light by the news of the recent tender event at Gray Gables.

In December, 1890, Col. John Temple Graves, the Southern orator, was sending out invitations to his approaching wedding to Miss Annie Cothran, of Rome, Ga., He sent one to his personal friends, the ex-President and Mrs. Cleveland, who were then residing on Madison avenue, New York. Acknowledging the receipt of the invitation, Mr. Cleveland wrote as follows:

"My Dear Mr. Graves: We received the card of invitation to your wedding a day or two ago, and I am glad that your letter, received only a few hours ago, justifies me, on behalf of my dear wife and myself, to do more than formally notice the occasion.

"And first of all, let me assure you how much we appreciate the kind and touching sentiments you convey to us in our married state. As I look back upon the years that have passed since God in His infinite goodness bestowed upon me the best of all His gifts—a loving and affectionate wife—all else, honor, the opportunity of usefulness and the esteem of my fellow countrymen, are subordinated in every aspiration of gratitude and thankfulness.

"You are not wrong, therefore, when you claim, in the atmosphere of fast-coming bliss which now surrounds you, kinship with one who can testify, with unreserved tenderness, to the sanctification which comes to man when heaven-directed love leads the way to marriage. Let me wish for you and the dear one who is to make your life doubly dear to you, all the joy and happiness vouchsafed to man.

"You will, I know, feel that our kind wishes can reach no greater sincerity and force than when my wife joins me in the fervent desire that you and your bride may enter upon and enjoy the same felicity which has made our married life 'one grand, sweet song.'

"Very truly, your friend,
"GROVER CLEVELAND."

Colonel Graves has kept the letter in a white and gold frame, hanging in his parlor at Manchester. Two years ago he wrote to President Cleveland for permission to publish the letter for its influence upon the domestic life of the American people. Mr. Cleveland, replying, said that although he had forgotten the verbiage of the letter, he left the publication to the "delicacy and discretion" of his friend.

FREE SILVER DAY AT HICKORY.

Butler, Pritchard and Guthrie Spoke to About 1,000 People—Tillman and Sibley Not There.

Special to the Observer

HICKORY, July 12.—This has been in a certain sense a gala day at Hickory. As previously advertised, the Populistic idea of finance was to be made plain today by speeches from Senators Butler and Pritchard, and others, most notably Tillman, of South Carolina, and Sibley, of Pennsylvania. The latter two advertised speakers did not arrive, and really were not expected, though they had been invited to attend. However, Senators Butler and Pritchard, accompanied by Mr. W. A. Guthrie, did appear and did make speeches, in support of the Populistic idea of finance, to an audience of possibly 500 voters, with 500 non-voters, including women and children. The speeches were much as have been made from that standpoint for months past, and no comment thereon is necessary, save to say that Mr. Butler said that when he had so unequivocally endorsed the administration of Mr. Cleveland, he did not then know what he was doing. Query: Does he know now what he is doing?

ANOTHER SHOOTING MATCH.

Constables and an Ex-Liquor Man in Columbia Fight a Pistol Duel.

COLUMBIA, S. C., July 12.—Circuit Judge Townsend to-day sentenced an indicted ex-liquor dealer, Wm. Sheppard, to eight months in the penitentiary and $200 fine. The warrant for arrest and commitment was placed in the hands of Liquor Constable Speed for service. He got his force of men out and they finally surrounded Sheppard's place of business. No one was in there but Sheppard, and some 15 or 20 shots were fired before Sheppard finally surrendered to the city chief of police.

Sheppard was wounded and several of the spies grazed with bullets.

A Knitting Mill for Weldon.

Correspondence of the Observer.

WELDON, July 11.—A knitting mill is being contracted for by Messrs. Brown & Garber, of Washington, D. C.

The crops in this section are looking much better than they were a few days ago. We are having fine seasons.

E. Drumgoole, a prominent lawyer of Burnsville county, Va., suddenly died last week.

His Wife Has Fled With $100,000.

CHICAGO, Ills., July 12.—A special to the Chronicle from San Francisco says: The wife of Richard H. McDonald, Sr., now in jail awaiting trial for forgery and embezzlement in connection with the wrecking of the Pacific Bank, has fled with about $100,000, with which her husband had entrusted her to provide for his legal defense.

Settlers and Indians Fight.

OMAHA, Neb., July 12.—A report was received here to-day of a fight in Jackson's Hole, south of the Yellowstone Park, between settlers of the region and a party of Bannock Indians, who were unlawfully killing game. One Indian was killed and fifteen were captured.

The Usual Result.

PARIS, July 12.—Deputies Richard and Denoix fought a duel to-day with pistols, with the usual result, neither being injured. M. Bassett and M. Archain, members of the Seine Municipality also fought a duel to-day with swords, with the usual result that Bassett was wounded in the wrist.

A GREAT FLOOD OF BUSINESS.

IT IS OUT OF SEASON, IN JULY.

However, This is a Curious Year from an Industrial Standpoint—The Seasons Over-Lap and Crowd Each Other—Cotton, Iron, Wool—The Latter Advancing With Enormous Sales—Dun's and Bradstreet's Reports.

NEW YORK, July 12.—R. G. Dun & Co., in their weekly review of trade, will say to-morrow: A business flood so strong and rapid that the conservatives fear it may do harm, is out of season in July. But the seasons this year lap over and crowd each other. May frosts and frights, it is now evident, kept back much business that would naturally have been finished before midsummer, and the delayed culmination of one season gets in the way of efforts to begin another on time. But the volume of business, however it may be measured, is remarkably large for the month.

Cotton has not changed, though speculation still turns wholly on prospects, regardless of enormous stocks carried over. In Europe the manufacture lags but here it is satisfactory.

The weekly output of pig iron was 171,194 tons, having risen 13,970 tons in June and other furnaces have gone into operation since July 4th. The rapid rise in prices has brought into operation many additional works, and there is still a rush to buy before prices advance further. Influential manufacturers are sending out warnings that the rise may easily do mischief, and prices have in fact advanced nearly 6 per cent. in two weeks but are still 15 per cent. lower than in October, 1892. The demand for structural forms is enormous. Bessemer pig has advanced to $14.40 at Pittsburg, and wire nails to $1.55, both higher than in October, 1892; grey forge to $11.25, structural beams to 1.5 and angles to 1.35.

Wool is still advancing with enormous sales. As the sales are about four times the weekly consumption, it is obvious that the market is essentially speculative, but the rise abroad has set the country ablaze so that Western holders are asking even higher prices than heretofore. Scarcity of domestic wool helps them and the enormous sales of foreign only compensate for the reported decrease in the domestic clip. But buying by most manufacturers is already affected, and at the prices now asked for wool, some manufacturers are doubting whether a corresponding value for goods can be realized. Opening prices for many light weight goods show great irregularity, perhaps a majority being on a par with last year, but some lower and some higher. Cotton goods continue active and strong, with comparatively little difficulty as to labor. The Northern mills have taken little over 100,000 bales in the past three months, since cotton was below 7 cents, but with cotton bought cheap for five months ahead, they are able to do good business. It is not the season for activity in boots and shoes, and orders have fallen off. Prices of shoes, leather and hides are as stiff as ever.

Foreign trade is not quite encouraging, except for July showing a large decrease.

The failures for the first four days of July show liabilities of $1,258,500, of which $386,434 were of manufacturing and $702,066 of trading concerns. Failures this week have been 253 in the United States, against 247 last year, and 55 in Canada against 49 last year.

BLACKBURN'S QUITTING THE STUMP.

It Seems to Indicate the Weakness of the Silver Cause in Kentucky—No Leakage of Government Crop Reports—Personal.

Special to the Observer.

WASHINGTON, June 12.—Blackburn's cancelling of engagements for speeches at the instance of the State committee is commented on as either another knock-out of silver in Kentucky or as indicating the gravest danger to the party if a candidate for the Senate speaks for free silver on an anti-silver platform. His yielding shows that the silver Democrats there are not ready for a breach in the party and probably it will never be.

Assistant Secretary Dabney, who is a sort of North Carolinian, denies absolutely the telegraphed reports from New York that there is a leakage of the government crop reports. He explains any possible approach to the official figures by saying that outsiders are preparing statistics of the crop condition.

Representative Woodard is here on revenue business.

Mr. S. Gallert, of Rutherfordton, stays over a short while on his return from a visit to his family and friends in Maine. Mr. Gallert was once a prominent applicant for an office in the government's foreign service.

Arrived: R. M. Griffith, Charleston, N. C.; E. P. Slocumb, Wilmington; D. C. Hunt, Oxford; W. M. Carter, Winston; B. F. Havens.

CASE OF INFRINGEMENT OF PATENT

The Bonsack Machine Company vs Smith & Son to Be Heard Next Week—Preliminary Hearing in the Cherokee Ambush Case.

Special to the Observer.

ASHEVILLE, July 12.—Judge Simonton, in the United States Court room here next Tuesday, will hear argument in the case of the Bonsack Machine Company against W. S. Smith & Son, of Winston, for infringement on patents. The plaintiff will be represented by Duncan & Page, of New York, and A. H. Burroughs, of Lynchburg; the defendants by Glenn & Manly and Buxton & Watson, of Winston, and Mr. Baldwin, of Washington. The hearing is expected to last several days.

The Southern Railway and Steamship Association meets at Kenilworth Inn next Tuesday. There will be about 75 in attendance.

The preliminary hearing in the case of Will M. Wilkinson, who was in the buggy with Mrs. Jennys, near Murphy, Wednesday night, when she was