

MILITARY TRIAL.

[CONTINUED.]

CITADEL, April 2, 1866.

The Commission met at 10.30 A. M., and continued the trial of James Crawford Keys, his son, Robert Keys, and Elisha Byrum.

Captain B. A. Bray, 1st Maine Battalion, a witness for the defence, being duly sworn, deposed as follows: I was lately in command at Walhalla; on the 8th of January I left that place for Salubrity, in Pickens District, with a squad of men; I arrested that night W. S. Williams and his son Herbert; I then went to the house of Mr. Thomas Williams, four miles distant, and leaving my horses half a mile from the house, went up to the house with eleven men, whom I deployed around the house; I called Mr. Thomas Williams and asked him if there was a man there named Largent; he said that he did not know; that there was such a man there the evening before, and that the last he saw of him he went into that room (pointing to a certain bedroom); one of my men went to the bedroom and opened it, and some one shot at him; the soldier called and said, "He is in here;" I passed through the house to place my men, and as I stepped out some one made his escape from the room, ran through the house, jumped over the fence, and ran into the woods near by, leaving his coat and pants; I asked a colored man if Largent had any horses there, and he went and brought me a gray mare, branded U. S., and a sorrel mare not branded at all; I went to Williams to arrest Largent, under orders to go to that neighborhood and arrest all persons supposed to be engaged in breaking up a colored man named Cato; I understood Largent would not be arrested; if he preferred being taken dead, I was going to take him any way; I took the same precautions with others arrested that night that I did in regard to him.

Questioned by accused.—What was the character of Largent?
The Judge Advocate objected to the question, as Largent's character cannot be proven when he is neither on trial nor a witness. The objection was overruled.

Answer.—The majority think he is a bad man; I notified Largent that I had come to arrest him; as I passed through the house I said to him, I supposed to be Largent, that if he fired again I would kill him; that I meant to take him dead or alive; I had not called on him to surrender before he fired the first shot; as my men followed him they fired some twenty shots at him; he fired more than once; I found in the pocket of his coat the letter of W. S. Williams, given in evidence in this case on the 28th of March; the sorrel mare died near Pendleton last Friday, from blind staggers.

Being cross-examined by the Judge Advocate, the witness said: The attempt to arrest Largent had nothing to do with the Brown's Ferry murder; I heard that E. Dickerson examined the sorrel mare at Walhalla; she had lost two teeth on the lower left jaw.

The evidence for the defence here closed. The Judge Advocate proceeded to offer evidence in reply to the defence of the accused.

W. P. Brown, a witness for the prosecution, deposed: Warren Howell was in my employ three months before the 8th October, attending to the ferry, and taking the ferrage; I did not hear of his bad character until after the murder; I never heard any of the witnesses in this case speak against him before the murder, except Earle.

Question by Judge Advocate.—Did Earle have anything against Howell?
Answer.—He did.

Question by Judge Advocate.—What was it?
The accused, by their counsel, objected to the question unless the witness is required to speak of his own knowledge, hearsay not being admissible. The Judge Advocate withdrew the question.

Question by Judge Advocate.—Did the quarrel grow out of personal transactions between Howell and Earle?
Answer.—I only know what I heard from Earle.

Question by Judge Advocate.—What did Earle say?
The accused objected to the question, as it introduced hearsay evidence, and that is not the best which the case admits of. The objection was overruled.

Answer.—He seemed to be angry with Howell for sending a company of soldiers by his house to get corn and bacon, and for forcing a bushel or two of corn from his miller; I did not state in the Stowers' case that I recognized the voice and features of Keys, because I was not asked the question.

Lemuel (colored,) a witness for the prosecution, deposed: I did not drive the carriage to church on Sunday, the 8th October, as I stated in my previous examination, but drove it on the Sunday before the 8th; on the 8th I and Fred went to Anderson together; I did not expect to be asked these questions, and did not study on them.

Question by Judge Advocate.—When you saw the party ride in on Monday morning, which of them went to the stable?
The accused, by their counsel, objected to the question, as eliciting matter not

responsive to the defence. The objection was sustained.

Lemuel deposed further: I was asked on my previous examination who generally made fire in Crawford Keys' room, and I said Joe; I don't know of my own knowledge who made the fire on Monday morning, the 9th October; it is on my mind that all the horses were in the stable on Sunday night, because I fed them; I don't recollect any pastures open at that time, except some wheat fields, which had been cut; one three-quarter, another two, and a third between one and two miles from the house; there was a corn field in front of the stable, and only a part of the corn had been pulled; if the horses had been put in the field one-half mile from the house they could not have got into the corn field, as there was no gap; there is a fence between the nearest wheat field and the corn field, but it had no gate.

Eveline (colored,) a witness for the prosecution, deposed: I am 53 years of age, and am the wife of Lemuel; I lived, on the 8th of October, at Crawford Keys', and was at home that night; I heard Miss Eleanor Keys call Rachel; Rachel was called three times that night. A colored woman, Phyllis Byrum, had come to see me, and was talking about Edmond who had got hurt that day; she was there when Rachel was called, and when she came out of the house again, Lem called Rachel first, and then I; as she did not wake, Lem told Betty to wake her, which Betty did, and Rachel went into the house; Lem was absent from home on the 8th of October; on the Sunday previous he drove the carriage to church; the corn was not all gathered in the field by the stable on the 8th of October; the horses could not run in the field by the stable without getting in the corn; some times master would turn the horses; he rode into fields of corn, for a little while to pick up grass; I never know him to do so over night of a Sunday.— We were at that time gathering corn and shucking on the farm.

Question by Judge Advocate.—What time did you get up on Monday morning, and what did you see?
Answer.—I got up a little before day on Monday morning, and went out as I generally do.

At this point the accused, by their counsel, objected to the question; the consideration of the objection was postponed, and the Commission adjourned to meet on the 3d inst., at 10.30 A. M.

April 3, 1866.

The witness, Eveline, having been asked, at the last meeting, by the Judge Advocate, the question,

"What time did you go out on Monday morning? and what did you see?"

The accused, by their counsel, now objected to the question, on the ground that it is not in reply to anything adduced by the defence; that, if it is intended to criminate the accused, the witness should have been adduced on the examination-in-chief; if not intended to criminate the accused, it is irrelevant.

The Judge Advocate insisted on the question being put. All the transactions that took place at the house of the accused constitute the *res gestas* involved by the *alibi*. It was unnecessary for the prosecution, in the opening of the case, to enter upon any of the circumstances that occurred at the house of Crawford Keys, as they form no necessary part of the direct evidence.

The fact that that part of the testimony on that subject has been anticipated in the original case does not affect the question. The point, and the only point submitted is, whether the evidence is proper rebutting evidence.

The objection was sustained, and the question was not put.

Rachel, colored, witness for the prosecution, having appeared before the Commission, the accused asked that she might, before being sworn, be examined touching her knowledge of the existence of a supreme being, of a future state of rewards and punishments, of the obligation of an oath, and of the consequence of swearing falsely. Rachel was examined by the Judge Advocate on these points, and having returned satisfactory answers to the questions put to her, she was sworn, and deposed: I don't know my age; at the time of the murder I lived at Crawford Keys; I was formerly a slave of Crawford Keys; the night of the murder I went to bed not long after supper; that night Betty, who slept in the room with me, woke me up and went into the house and carried a bucket of water into Mrs. Peter Keys' room; Miss Eleanor Keys told me to get the bucket of water; I did not at that time see Crawford or Robert Keys; I don't know who called me that night.

Fred Clark, colored, a witness for the prosecution, being recalled, was asked by the Judge Advocate the following question: "When did you see Elisha Byrum first Monday morning after the murder, and where did he go?"

The accused, by their counsel objected on the ground that the question is not in reply to anything adduced by the defence, and that it assumes a fact and then inquires into it.

The objection was sustained. Fred deposed further: I went to the village Sunday morning, the 8th October, with Lem; that night the parties left C.

Keys' a good while before the moon rose; on Monday morning, when the party returned, Elisha Byrum rode up to the gate, halted and rode off home: I was 20 or 30 steps from the gate; I did not say in my former testimony that Mr. Byrum rode into the yard; I said then he rode up and halted and rode off; that is the way I should have stated it; that is the way I saw it; I can't recollect that my attention has been called to the fact of my not stating (in my previous examination) that Byrum stopped at the gate; I did not know Lem had sworn he had not seen Byrum in the party.

Sarah, colored, a witness for the prosecution, deposed: I live at Elisha Byrum's; Crawford Keys came to Mr. Byrum's on the 8th October, about 3 o'clock, and staid until about an hour before sunset.

The Commission adjourned to meet on the 4th inst., at 10.30 A. M.

April 4, 1866.

Cyrus (colored,) a witness for the prosecution, deposed: on the 8th October I was at Elisha Byrum's, where I live; Crawford Keys came there that day at 3 o'clock, and staid till an hour before sunset.

Question by Judge Advocate.—Who are the members of Elisha Byrum's family?
The accused, by their counsel, objected to the question as irrelevant and as seeking testimony not in rebuttal of the defence.

The objection was sustained. Joseph Y. Fretwell, a witness for the prosecution, deposed: I live about one mile from Crawford Keys; on the morning of the murder I saw Crawford Keys at my house about nine or ten o'clock; he staid about an hour; I cannot say whether he rode to my house, as I was sick and did not go out of my house; I saw Robert Keys that evening, between eight and nine o'clock, at my house; he was riding, and staid but a very few minutes; he came to see me about going on a hunt; there was a wedding at my house in December last; that night Peter Keys came near the house; he did not come in; it he had a purpose in coming, or came to see any one, I did not know it; Major Keys was at the wedding; I don't know if he was there when Peter came to the house; I don't know if he went out to speak to Peter; I know Largent; he has been some two or three times at my house; he staid at my house in July; in the forepart of December he came there on business, but did not stay; at the wedding I saw Peter Keys; he came to the gate and sent for me to go out to him; I expect others saw him besides myself; he has not been at my house at any other time since the murder, though he has passed by there; I am on friendly terms with the accused; when Peter Keys was at my house I expect he was aware that the Military Authorities wished to arrest him.

Question by Judge Advocate.—Was the Sheriff of Anderson District at the wedding?
The accused objected to the question as irrelevant, and as seeking evidence not in rebuttal of the defence.

The Judge Advocate insisted upon the question, on the ground that he desired to implicate the witness Fretwell as an accomplice after the fact, by showing that he screened Peter Keys, and did not report him to the Sheriff, and thereby to characterize the interview between the witness Fretwell and Robert Keys on the evening of the murder.

The objection was sustained, and the question excluded. The Judge Advocate stated that he here closed the evidence for the prosecution.

The accused having, by their counsel, asked time to prepare their defence, the Commission adjourned to meet on Monday, the 9th inst., at 10.30 A. M.

THE LAST PRISONER OF WAR.

There arrived in this city last evening, on his way to North Carolina, the last of the Confederate prisoners who have been confined at Fort McHenry. His name is Hayton Davis, and he served through the war as a member of Barksdale's Brigade, of the Army of Northern Virginia. He lost his leg in the battle of Cedar Creek, October, 1864, and was there captured. He was detained by the nature of his wound, and speaks in the most grateful terms of the kind treatment received from the United States officers and soldiers at the fort.—*Petersburg Index.*

—Why is it easy to break into an old man's house? Because his gait is broken, and his locks are few.

—An editor in Iowa has become so hollow from depending upon the printing business alone for bread, that he proposes to sell himself for a stove pipe at three cents a foot.

—"Thank God that I have got my hat back from this congregation!" said a disappointed clergyman, turning it upside-down, when it was returned empty to him at the close of a contribution.

—A smart chap who has studied considerably, says he is satisfied that the reason why girls are in the habit of pouting out their lips is because they are always willing that theirs should meet yours half way.

—Josh Billings said the other night that a good way for a man to train up a child in the way it should go, was to travel that way occasionally himself.

From the New York Express.

Personal.

Jeff. Davis, in his prison house, at Fortress Monroe, continues to be the subject of much gossip, with parties who occasionally get access to him. Mr. Davis speaks very freely with some officers, and with some he retains a most distant and haughty reticence. No one is more quick to discern and read character. His quick natural preceptions, his extended experience in public officers and careful study of the world and men, have made him so. He still, when the weather admits, keeps up his daily out door exercise; and, with this and his morning bath and uniform habits and careful diet, though with a bill of fare of extended and choice variety, maintains good health. Savage fits of petulance occasionally possess him, and then again he is in temper, word and bearing as mild as a May morning. It is still remarked that he makes very rare allusion to his trial, though why no one ventures to ask him. On congressional proceedings, and on all the great and exciting topics of the day, he is profoundly observant, and occasionally lets drop remarks concerning them, showing an interest as permeating and undying in the affairs of nations and the problem of the world's destiny as marked the closing career of the great conquering Corsican, or of Robespierre and Richelieu. He endures his prison life with a singular admixture of stoicism and impatience.—Hope now lights his eye and glows in his cheerful, brilliant conversation, then his features become frowning, the bitterness of disappointment is in his speech, and he looks and asserts defiance to the government and everything. The other day a military officer, in a brusque, if not boorish style, desirous of pumping him as to his views on public affairs, addressed him in this inquisitorial style:

"Don't you think the Fenians a great power?" asked this man of shoulderstraps. "Some of the papers say so," replied Mr. Davis. "Ain't they bound to be successful?" the officer further inquired.

"So very many say and claim to believe," Mr. Davis answered, quietly as before.

"But Canada is scared, and the British throne is tottering to its foundation with just alarm," boldly declared this evident believer in the subject of Fenianism. "Well, what then?" asked Mr. Davis.

"What then! That's just it," continued this man of penetrative gaze, pursuing a great destiny mapped out for the Fenians. "Why, the Fenians will soon have it all their own way. They can take Prince Edward's Island and defy the world."

This climax of position, power and defiance so clearly and positively pointed out as the future of Fenianism evidently carried very little conviction to the mind of Mr. Davis, judging from his following it with inquiring of the officer if he had ever heard the fable of the fly and the ox. The officer did not pursue his researches.

Clement C. Clay, who is also a prisoner at the fort, has been allowed greater liberty of late. By this new arrangement he is allowed at all hours of the day, from reveille to sunset, free range within the limits of the fort, unattended by any guard. At night, however, he is compelled to remain in the room he has recently been occupying, under the continued surveillance of the vigilant and sleepless prison patrol. The arrival of his wife simultaneously with the granting of this parole, as may be supposed, gives additional zest and enjoyment to the new freedom allowed him. She is the guest of Dr. Cooper, and her husband also takes his meals with the doctor. Mr. Clay, though naturally possessing a delicate constitution, shows his protracted imprisonment very slightly. With the officers of the fort he has always been exceedingly popular, from his amiable bearing, rare culture, and uniform courtesy.

—Two sons of Erin were standing by a hydraulic press, when one called out to the other: "Jim, I'd like to put yez under and squeeze the devil out o' yez." "Would ye, indade, my boy?" was the answer. "Squeeze the devil out o' yez, an' there'd be nothing left!"

—A gentleman advertised for a wife through the papers and received answers from eighteen hundred and ninety-seven husbands saying that he could have theirs. This is a practical illustration of the value of advertising.

—Some men's minds are so badly tumbled that they can't be made up

—If three feet make a yard how many will it take to make a garden?

—There's no use in distributing tracts among the intractable.

—If a farmer doesn't wish to break, let him break the ground.

—We like not the woman who, when present, is distant.

—Where is paper money first mentioned in the Bible? When the dove brought the green back to Noah.

—Some people's virtues are only found on their tombstones.

—When a man is saddled with a bad wife there is sure to be stir-ups in the family.

Negro Testimony.

A friend recently related to us the following: Not long since a Federal officer, who had just been mustered out of service in this State, was passing through the country homeward, on horseback, and stopped all night with a gentleman in a neighboring county. During the evening, before bedtime, several matters were discussed between the two, when at length the subject of "negro testimony" came up, the officer contending most strenuously that it was safe, should be valid, and was apt to be correct testimony; that Cuffee fully understood and appreciated the importance of an oath, and would be willing for the negro to appear against him as a witness should it become necessary, etc., etc. His host, being somewhat stiff on the other side of this question, contended long and well with his guest. Finally bedtime came, conversation was closed, and the officer rose to retire, when suddenly "mine host," catching sight of a very magnificent pair of spurs on the gentleman's heels, asked him, in well affected astonishment, how he (the Federal) had gotten possession of his (the host's) spurs. It was now the officer's turn to manifest a real astonishment, as he declared the spurs were his own, and entered into a full explanation as to when, where and how he obtained them. But the landlord protested that the spurs were his; that he had worn them for years; that every negro on the place knew them, and he could prove by them that they were his. The officer feeling certain that his own spurs were his own spurs, challenged the proof. Jack, a big, black, ivory-mounted buck, promptly obeyed the former master's well known voice, and made his appearance at the door. A wink from old master, and Jack's attention is directed to the spurs, with the question,

"Jack, are these not my spurs?" And the answer "Yes, sir!" comes in clear and distinct tones.

"But how do you know they are your master's spurs, Jack?" asked the really puzzled officer.

"Cause," answers the honest witness, "I have blacked old master's boots a thousand times, and always had to pull off the spurs."

"But, Jack, will you swear these are your master's spurs?" continues the officer, as he enters into full particulars as to the nature and importance of an oath, so that the witness may not swear without enlightenment.

"Oh, yes, sir," replies the appreciative witness, "I'll swear 'fore God they's master's spurs!"

"In the mouth of two or three witnesses every word shall be established," thought the officer, and at his suggestion several other safe witnesses were called. Each one received a sign from old master, and each tracked the first in his testimony. Confounded and astonished, the officer was about to deliver the spurs in accordance with the "law and evidence," when the host relieved him from embarrassment by informing him that he had simply been made a victim to the folly of his own opinion of negro testimony, and told him that he could just as easily have taken his horse as his spurs, by the same means. That officer, we imagine, went on his way a wiser if not a better man.—*Tyler (Texas) Reporter.*

Our village, on last Saturday night, was the scene of a disgraceful disturbance. Some soldiers belonging to the garrison went through the principal streets, hooting and shouting and firing arms, to the great alarm of the women and children. They set fire to the house of a woman named Kate Lewis, a courtizan, and to the building used as a school room for the freed people. Great fears were entertained that they would burn the town, and, indeed, we narrowly escaped that danger, for, had the Masonic Hall, which stands contiguous to the old school room, caught, the principal part of the buildings on the public square could not have been saved. The spite of the soldiers seemed directed especially to the freed people, several of whom were beaten quite severely.—*Marion Star.*

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