

and stated that their defense would be the letter, or killing in self-defense. The prisoner and counsel were on friendly relations up to the trial... General Butler followed Capt. Tradewell on the same side. He said that the case had been narrowed down to one of two things—murder or killing in self-defense; and he proposed to satisfy the jury that this killing was an act of self-defense, not by the law only, but by the facts as sworn to by the witnesses upon the stand. He then summed up the testimony, and read extracts from authorities to sustain the plea of the prisoner. The right of self-defense is founded in nature, and cannot be regulated by law or society. The prosecution had compared the prisoner to Cain. Cain escaped; had the prisoner attempted to escape? No; he has come before twelve of his countrymen for trial. And now that he is here, he is charged by the prosecution with being a malignant murderer—black-hearted, unfeeling, cold-blooded, and such like expressions. Does the State desire or is the State's officer warranted in exhibiting such a spirit in this prosecution? Surely not. We have put up the plea of self-defense, and have shown by the evidence that the prisoner had reasonable apprehension of great bodily harm, and fired upon and killed the man advancing upon him in a menacing attitude. He did no murder; he killed an assassin in self-defense. Gentlemen, this killing about hanging is a serious matter. You cannot hang a man on slight testimony. It is a serious matter to talk about unspending a man between heaven and earth, as not fit to dwell in either place. I want to see the law enforced, as a matter of justice to the living and the dead, as a protection to society; but it must be according to the evidence. The prosecution appears to want sympathy by reference to Caldwell's family. Why is this? The State surely does not desire the blood of the husband of her citizens. I do not wish to invade the privacy of the family of the deceased, or lift the veil of sanctity from his grave; for be it from me to take one little tittle from his manliness, integrity or bravery; not one larval would I take from his brow, placed there by counsel for the State; but rather, were I an artist, would I pencil a line here or a shadow there to improve the picture. General Butler referred to Judge Melton's part in the tragedy in severe terms. He then referred to discrepancies in the testimony as given by witnesses introduced by the State, and showed conflicting statements in minor particulars. Referred to experiment by Messrs. Talley, Youmans and Janney with pistol, on white surface, at short range, and said the General Government ought to grant them a patent or pension for their great efforts in behalf of science. His sarcastic allusions to the experiment created great humor in the court room, which even developed in laughter, which had to be arrested by the Court. He made jocular allusions to the remarks of the prosecution, that defendant's witnesses were good sort of fellows, and all that sort of thing; but, then, you know they would lie a little, just for friendship, you know. He said that was the style in which witnesses for the defense were spoken of. He then compared statements of witnesses for prosecution, and showed conflicting statements. Now, as to who has told the truth, the jury must judge. The witnesses for the State wish to show Caldwell as a peace-maker. His peace was like that of the Indian who puts on his war paint, seizes his tomahawk, and takes the war path; his peace was like that of the storm which lashes itself into a fury and destroys everything in its path. He was no peace-maker. He was an assaiant. Who put those marks on Tupper's face? Caldwell. Who put those marks on Caldwell's face? Tupper. They were in conflict. That was not peace-making. If the State wanted justice, and was not seeking blood, why not put up witnesses who had no interest in the affair? Why exclude them? No; the prosecution wants blood; they bring in interested witnesses; they make experiments; they want to convict; Tupper escaped on the evening of September 21, 1872; they say we lost him then; we have him now; we will convict him; we'll have his blood. They say Caldwell was a pacifist and tried to prevent Melton from fighting. I introduced testimony to rebut that. If the State wants to preserve order, she must keep her quondam judges out of bar room riots, or place them upon trial for violating the

law that should regulate the behavior of participants. However respectable, however honorable, however brave, his statements must be received with many grains of allowance. Another point. When the time came for selecting a jury, the prosecution, without cause, ordered gentlemen of intelligence and capable jurors to stand aside; and why? Because they wanted a jury to convict; they wanted to get some notion of their's upon the jury. We have no objection to the jury as composed, but speak of this to show the spirit in which the prosecution has been conducted. I cannot see why all this was done, unless there was a power behind that was willing and anxious to wreak its hands in Tupper's blood. After referring to other discrepancies in State's testimony, the counsel said: Gentlemen of the jury, we, as counsel, can do little or no more for the prisoner at the bar; we leave him in your hands and in the hands of the court. When you took your oaths as jurors, you banished all your prejudices. You will hold the scales of justice with an even hand. The State demands that the law be executed with truth and justice; you must do justice and temper justice with leniency. We sympathize with the family of the deceased. We regret the tragic event that has brought to them weeping and sorrow. We can drop a tear on the grave of the departed. But, gentlemen, while we sympathize with the dead, let us remember the living; they have a claim upon our sympathy; they should share in our feelings; we must save them from disgrace and ignominy. The great State of South Carolina does not want the blood of any of her citizens; in vindicating her honor, you need not consign one of her citizens to infamy. Mr. LeRoy F. Youmans, who had conducted the examination of witnesses on the part of the State, and had displayed great ability in discharging his unpleasant duty, and who seemed not to tire in his arduous labors, delivered the concluding argument. He began by saying this case is one of importance to the prisoner at the bar; and every homicide is of importance to the State. He had hoped for restriction in the argument, but it had been otherwise, and he would, of necessity, take a wide range of reply. The last counsel for the defense, with zeal and perseverance, aimed directed upon the course that I have pursued in this prosecution; so far as the charge of unfairness, quibbling or lack of generosity was intended for me, I deny it emphatically and entirely. And I will say for the gentlemen associated with me, that I have not seen any evidence of unfairness on their part. The counsel had also taken occasion to question the propriety of the State in securing the services of additional counsel in conducting the prosecution. There is no question of the right of the Solicitor to engage assistance in conducting a prosecution; he has the right in law; the State gives it to him; he has it by precedent. The Solicitor is a gentleman young in years, in experience and in the law; but were he a Beverly Johnson or a Babbery, considering the proportions the case has assumed, and the array of learned counsel displayed by the defense, he would be warranted in securing additional counsel. As to my feelings in the prosecution of this case, I have none; I have none against the prisoner at the bar; I have only my duty to discharge as counsel for the prosecution; and I shall discharge it with a just appreciation of the case and my relation to it. Gentlemen, we have heard the bitter portion of the very bitter speech in reference to a gentleman who had held the high position of Judge. I have never before heard such diatribes against a man of position as have been hurled against Judge Melton here to-day; while the card of Montgomery's, which was his means of justification, had been decried as inadmissible. Counsel went on to show that Judge Melton had resigned his office of Judge, for the purpose of entering actively into a political campaign, and as a candidate for another office, which was political, not judicial; but at the earnest solicitation of the Columbia bar, he again qualified as Judge; and two members of that bar have here to-day denounced him in unlimited terms. He referred to the feeling Montgomery's card engendered, and that the public were expecting a difficulty. Tupper and Montgomery paraded the streets, armed to the teeth; Tupper had walked his man past Melton and his great friend, John D. Caldwell; and they had done nothing; but they have to stand more than they have stood; Caldwell did not urge an attack; he urged Melton not to make an attack; tried to prevent him from fighting; this is the animus of the two men—the prisoner and the deceased. One boasts about his man; the other is a pacifist. That is a question of law; the jury can only go on the evidence adduced; the testimony that has not been contradicted must be taken as evidence. The evidence shows that Tupper killed Caldwell, and that he did it with malice. This is proven by his declarations to Morgan and Marshall. There is, as evidence of Caldwell's peaceable disposition, Melton's statement, that Caldwell advised him not to make the attack; Richard Washington says Caldwell tried to keep Melton back; Morgan says the same thing. Elmore and Fielding gave in testimony at the Coroner's inquest, in which they said not a word about Morgan and Caldwell grappling Tupper; neither saw any blows given; but here they testify that Morgan and Tupper grappled; no blow was struck, but the shooting was done then. The testimony of Washington at the inquest and here is substantially the same. The counsel continued to show discrepancies in Elmore's and Fielding's statements here and at the inquest, and said the statements given at the inquest, when the occurrence was fresh in their minds, should be accepted as the correct version of the tragical event. The experiment by Dr. Talley shows that Caldwell was killed, as testified by Major Morgan and Ri-

chard Washington, and the distance that arm's length from the paper. Had it occurred while they were grappling, as testified by Elmore and Fielding, the cloth would have been burnt by the proximity of the pistol. Tupper rose from his chair, placed his hand behind him, pulled out a pistol, pointed it, sighted down, and fired; and John D. Caldwell fell to the ground; that is not murder, what is it? Caldwell was sent to his long account unannounced and unawaited; with all his sins and imperfections upon him; he was hurried into the presence of the Great Jehovah. Tupper, the man who sent him there, is here. By the laws of the State, he could have gone upon the witness stand, raised his right hand, and swore that he did not rise from that chair and shoot Caldwell before he grappled him. Why has Montgomery not been put upon the stand by the defense? If George Tupper could have sworn that he did not shoot Caldwell with malice aforethought, why did he not do it? I believe he had too much honor, too much respect for the truth, to have gone upon the stand and made that statement. Had Morgan been killed, he'd have died an enviable death; the death of a peace-maker; the death that John Caldwell died. The family of the deceased has been referred to. The counsel for the State has been accused of a desire for vengeance. We do not ask for vengeance in the names of the widow, the fatherless children and afflicted mother; we do not ask for vengeance in the name of the State; but we do ask for justice, in accordance with the law and the evidence; the evidence you have heard; the law his Honor will give you. And now, gentlemen of the jury, in conclusion, I will quote: In order to rightfully judge of the guilt or innocence of the accused, it behooves you to banish from your minds all prejudice, hatred, friendship, indignation or pity. Counsel for defense asked the Court to instruct the jury that the prisoner's not going upon the stand should not be prejudicial to him. Judge Carpenter then charged the jury as follows: 1. The State has the affirmative, and must prove, to the satisfaction of the jury, not only the fact of killing the deceased, but all of the ingredients necessary to establish the crime charged in the indictment. 2. If the jury believe, from all the evidence in this case, that the prisoner at the bar killed the deceased, as charged in the indictment, and that the deceased did not come to his death with the prisoner after the deceased entered the dining room, the jury shall find him guilty. 3. If the jury believe, from all the evidence in this case, that the prisoner slew the deceased, as charged in the indictment, and before such slaying the prisoner had ill feeling or hatred against the deceased, and that such ill feeling or hatred continued up to the time of the killing, and that the prisoner, from hatred or revenge, killed the deceased, then, in contemplation of law, there was express malice, and they should find him guilty. 4. If the jury believe, from all the evidence in this case, that the defendant killed the deceased, as charged in the indictment, and that at the time of giving the mortal wound, of which Caldwell died, the prisoner was engaged in a sudden quarrel and struggle with the deceased and Morgan, or either of them, not fearing death or great bodily harm, and that, in sudden heat and passion, caused by such quarrel and struggle, without malice, the prisoner killed the deceased, they should find him guilty of manslaughter. 5. If the jury believe, from all the evidence in this case, that the prisoner killed the deceased, and at the time of said killing, the prisoner was attacked by the deceased and Morgan, or that he was attacked by Caldwell and Morgan, and that the defendant did believe, and that a reasonable man would have believed, and that the defendant did believe, that his life was in danger, or that he was in danger of great bodily injury, then the killing of the deceased was excusable, although the jury may believe that the deceased and Morgan had no intention of killing the prisoner, or of doing him a great bodily injury; and they should find him not guilty. 6. If the jury, from all the evidence in this case, have a reasonable doubt of the grade of crime committed by the prisoner, they should find him guilty of the less offence; and if they have such doubt as to the commission of any crime by the prisoner, they should acquit him. The jury retired at half-past 7 o'clock, and about fifteen minutes past 11 informed the Sheriff that they had found a verdict. The Judge was notified and at once attended; the prisoner was brought in, and the jury having been called and counted, the verdict was read, "manslaughter." General Butler, of the counsel for the defence, at once gave notice of an appeal. After some discussion, Judge Carpenter decided to hear the appeal, on Saturday, May 20, at 10 A. M.—to which time the Court of General Sessions was adjourned. The prisoner was remanded to the custody of Sheriff Dent. The Judge then announced that the Court of Common Pleas would open on Monday next, May 13, at 10 A. M. An Iowa man, who thought some things could be done as well as others, and that a penny saved was a penny earned, concluded to vaccinate himself, and save the necessity of paying a small fee to a physician. He cut a plug out of his arm, thrust in some virus obtained from the arm of his sister, who had been vaccinated by a physician a few days before, tied up the wound with a piece of wet newspaper and awaited the result. The surgeon found it necessary to amputate the arm in a short time, and the self-vaccinator is now in his grave, beyond the reach of small-pox and other contagious diseases.

public peace, but that officers will not otherwise interfere, excepting in assisting the proper authorities in carrying out the processes of the courts. General G. J. Wright has employed Chandler, of Virginia, Morton, of Virginia, and Colver, of Georgia, as counsel in his contest against Whiteley, for a seat from the Second Georgia District. The Treasury Department has approved sixty-eight changes recommended by the Collector of Customs at Baltimore. There are lively times there. The blow hits all grades. Despatches from all parts show that the courts adjourned in honor of Chase. It appears Gen. Emory has received no new instructions. His order to enforce Federal process and preserve the peace have not been countermanded, and he is promised reinforcements; should they be needed. General Sherman personally denies the authenticity of a despatch addressed to Kellogg, commencing, "The President directs me," &c. Hoax originated South. Probabilities—For the Gulf and South Atlantic States, generally clear weather, higher pressure and temperature. New York, May 8.—Receipts of the American Bible Society for this year \$669,607, including \$139,897 from legacies and \$428,897 from donations. New Iberia, May 8.—The latest advices from St. Martinville report the situation unchanged. During the skirmish, yesterday, a young lady of sixteen was wounded in the neck and one man in the arm. It appears the police fired on some houses, thinking there were armed men within. Badger's position is considered precarious, and his retreat may be expected at any time. The Mayor of the town has been imprisoned for high treason. The number of Metropolitan wounded is less than heretofore reported. The people here are less excited to-day, but firm; all look for startling news. Some white men were heard urging the negroes to take up arms, yesterday, and one threatening to buck and gag one of our best citizens, for discountenancing such a proceeding. The project, however, has failed, so far as the negroes are concerned. They say it's not their fight. Havana, May 8.—Vessels from New Orleans are quarantined two weeks. Boston, May 8.—All the liquor and beer dealers have been notified. State constables are going about the city to-day, serving notifications suited to various grades of liquor sellers. Wholesale dealers are not interfered with, but bar room keepers are notified to close at once, on pain of prosecution. Ale dealers, wholesale and retail, are warned against selling over a bar; eating house keepers are asked what they sell, and if the answer is ale, porter and older, a caution against giving their customers anything stronger is imposed upon them. Hotel keepers manifest a disposition to take no notice of the edict, and small dealers only vary their form of answering calls of customers. The principal brewers will hold a meeting to-night, and it is reported that a proposition will be urged to send their stock out of the State and suspend manufacturing. Philadelphia, May 8.—Judge Edward King is dead; aged eighty. New York, May 8.—Judicial business is generally suspended to-day, in respect to Judge Chase. He leaves about \$200,000. St. Louis, May 8.—The American Medical Association, this morning adopted a resolution providing for a committee of three to confer with the Royal Medical Society of England, regarding American representation in the revision of English system of nomenclature and classification of diseases, with a view to its adoption in this country. A resolution was adopted, favoring the establishment of a national medical bureau. Financial and Commercial. New York, May 8.—Noon.—Stocks heavy. Money firm, at 7. Gold heavy, at 17. Exchange—long 8½; short 9½. Governments dull but steady. State bonds quiet. Cotton dull; sales 251 bales—uplands 19½; Orleans 19½. Flour, corn and wheat quiet and steady. Pork dull and heavy—new 18 25@18 37½. Lard dull—Western steam 9½@9 1-16. Freights steady. P. M.—Cotton dull; sales 641 bales—uplands 19½; Orleans 19½. Flour quiet and steady. Whiskey firm, at 92½. Wheat—prime low, better and scarce; other grades steady. Corn firm and fair demand—yellow Western 68½@69. Rice dull, at 7½@8½. Pork heavy, at 18 25. Lard dull, at 9½@9½. Freights firm. Money closed at 4½. Sterling 84½@85. Gold 17½@17½. Governments firm—May and November a trifle stronger. States dull but steady. Cotton—net receipts 907; gross 20,099; sales for export 386; sales of futures 14,100, as follows: May 18½; June 18 5 16@18 ½; July 18 7-16@18 5; August 18 3-16@18 5; November 17. Louisville, May 8.—Flour quiet—extra family 350. Corn unchanged. Pork declined—18 00@19 25. Bacon—shoulders 8½@8½; clear rib sides 10½; clear sides 10½@10½. Lard—tierces 9½@10; kegs 10½@11; steam 9. Whiskey steady, at 88@89. Cincinnati, May 8.—Flour firm, at 750@9 00. Corn firm, at 46@47. Provisions quiet. Pork offered at 13 00. Lard quiet and unchanged. Bacon quiet—shoulders 8; clear rib sides 9½; clear sides 10½—some demand 1½c lower. Whiskey firm, at 88. St. Louis, May 8.—Flour quiet and unchanged. Corn firm—No 2, mixed, 39 on track. Whiskey higher—38@38½. Pork very dull and freely offered, at 18 00—only 17 50 bid. Bacon dull and lower—clear sides freely offered at 10; clear rib sides sold at 10. Lard nominal. Galveston, May 8.—Cotton dull and nominal—good ordinary 14½; net receipts 466 bales; exports to Great Britain 4 60; sales 50; stock 43,229. Baltimore, May 8.—Cotton dull, at 17; gross receipts 160 bales; exports coastwise 261; sales 323; taken out of stock 200; stock 9 2.

Augusta, May 8.—Cotton—demand good—middling 17½; receipt 114 bales; sales 659. Philadelphia, May 8.—Cotton dull—middling 19½. Norfolk, May 8.—Cotton flat—low middling 17½; net receipts 373 bales; exports; spotwise 570; sales 475; stock 6,588. Wilmington, May 8.—Cotton quiet, at 18; net receipts 61 bales; sales 4; stock 4,826. Charleston, May 8.—Cotton dull, at 18 for low middling; 17½ for strict low middling; ordinary 18½@19; net receipts 566 bales; gross 1,069; exports coastwise 681; sales 800; stock 24,773. Mobile, May 8.—Cotton—demand good, at 17½; net receipts 743 bales; exports coastwise 525; sales 500; stock 81,169. New Orleans, May 8.—Cotton—demand fair, at lower rates and irregular, 18@18½; net receipts 424 bales; gross 913; exports to Great Britain 3,750; contingent 1,231; sales last evening 1,000; to-day 12,000; stock 150,887. Boston, May 8.—Cotton dull and nothing doing, at 19½; net receipts 36 bales; gross 77; sales 75; stock 1,200. Savannah, May 8.—Cotton dull and unchanged, at 18; net receipts 578 bales; sales 570; stock 30,798. Memphis, May 8.—Cotton, dull—low middling 17; receipts 780 bales; shipments 840; stock 35,016. London, May 8.—Evening.—Bullion decreased nearly £500,000. Paris, May 8.—Specie increased 3,000,000. Rentas 64f. 52c. London, May 8.—Noon.—Consols 93½. 6s 89½. Liverpool, May 8.—P. M.—Cotton opened dull, and is now quiet and irregular—uplands 8½; Orleans 9½; to arrive unchanged; sales 16,000 bales; speculation and export 2,000; from New Orleans, April 8 11-16; Savannah and Charleston 8 11-16; Savannah and Charleston, May delivery, 8½; July and August delivery, 8½. Liverpool, May 8.—Evening.—Cotton—sales include 6,000 bales American; from Savannah and Charleston, April and May, 8½; from New Orleans, May and June, 8½; delivery from Savannah and Charleston, May and June, 8 11-16; New Orleans delivery, May and June, 8½. Nervous Debility.—A DEPRESSED, IRRITABLE STATE OF MIND; WEAK, NERVOUS, EXHAUSTED FEELING; NO ENERGY OR ANIMATION; CONFUSED HEAD, WEAK MEMORY, OFTEN WITH DEBILITATING, INVOLUNTARY DISCHARGES. The consequence of excesses, mental overwork or indiscretions. THIS NERVOUS DEBILITY ADMITS OF A SOVEREIGN CURE IN HUMPHREY'S HOMEOPATHIC SPECIFIC, No. 28. It tones up the system, arrests discharges, dispels the mental gloom and despondency, and rejuvenates the entire system; it is perfectly harmless and always efficient. Price 85¢ for a package of five boxes and a large 92 vial of powder, which is important in old serious cases; or \$1 per single box. Sold by ALL DRUGGISTS, or sent by mail on receipt of Price. Address: HUMPHREY'S SPECIFIC HOMEOPATHIC MEDICINE COMPANY, No. 562 Broadway, N. Y. For sale by GIBBER & MCGREGOR, Columbia, S. C. April 17ly Wood, Wood, Wood, F. HAMBURG, at the Charlotte, Columbia and Augusta Railroad Depot. Union Council, No. 5, R. and S. M. An extra convocation of this Council will be held at Masonic Hall, THIS EVENING, at 8 o'clock. The R. and S. M. Degree will be conferred. By order: May 9 JOHN AGNEW, Jr., Recorder. Extra Fine French Confections. JUST received a fine selection of BON-BONS, FRUITS, CAMELS, CHOCOLATE and CHOCOLATE CREAMS, ROASTED BURNT ALMONDS, &c., &c. SPRING GOODS. CROQUET SETTS, RING GAME, Batts and Balls, MARBLES, TOPS and TOYS of all kinds. Something entirely new, the MAGIC MGCKE-ING-BIRD. ICEBERG SODA, Pure Syrups. ICE CREAMS moulded and put up for hotels and private families. CAKES and CANDY manufactured daily. May 9 3 McKENZIE'S, Main street, Columbia, S. C. State of South Carolina, EXECUTIVE DEPARTMENT. Columbia, May 6, 1873. THE following named gentlemen are hereby appointed delegates to represent the State of South Carolina at the Convention to be held at Atlanta, Georgia, on the twentieth day of the present month, for the purpose of considering all matters connected with the proposed Atlantic and Great Western Canal: Ex-Governor B. K. Scott, of Richland. Dr. E. W. Wheeler, of Richland. Robert Howard, Esq., of Charleston. Hon. Joseph Rogers, Esq., of Charleston. Hon. John A. Frazier, Esq., of Richland. Hon. J. L. Neagle, of Richland. Wm. McKinley, Esq., of Charleston. Professor Reynolds, of the South Carolina University. Hon. N. G. Parker, of Richland. Samuel H. Garrett, Esq., of Charleston. Edward H. Hope, Esq., of Richland. Thomas Small, Esq., of Charleston. Wm. Dart, Esq., of Charleston. Col. C. C. Puffer, of Richland. Hon. W. G. DeSaussure, of Charleston. H. H. DeLeon, Esq., of Charleston. Col. W. L. Trenholm, of Charleston. Gen. Wm. Evans, of Marion. L. C. Carpenter, Esq., of Richland. Hon. Amos J. East, Esq., of Abbeville. E. W. Moore, Esq., of Sumter. Hon. P. H. Maniett, Esq., of Greenville. Maj. A. C. Haskell, of Richland. R. E. Evans, Esq., of Charleston. By order of his Excellency the Governor. R. H. D. BYRON, Private Secretary. May 9