

Shot By Constables.

Sheppard Sentenced to the Penitentiary for Contempt by Judge Townsend—He is Shot by Constables who Arrest Him.

A Fusilade of Shots on Columbia Streets.

The case against William Sheppard, for contempt of court, for selling whiskey in violation of an injunction issued by Judge Townsend, was concluded yesterday, in Columbia, and Sheppard was sentenced to serve eight months in the penitentiary and pay a fine of \$200. The order for Sheppard's arrest and commitment was turned over to Dispensary Constable Speed for execution. The result is told in the *State* as follows:

Soon it became known that the force of constables were out in the western portion of the city, and intended to surround the place where Sheppard was supposed to be. Although Sheppard had been advised by friends to leave the city and State early in the morning he remained. He was finally found in the place of business kept by his brother on Gervais street, formerly his own place of business. About 6 p. m. a telephone message reached the State office to the effect that a perfect battle was raging in the neighborhood of Sheppard's place. A representative of the *State* hastened there, to see the street filled with people of both sexes, all more or less excited, to see a wagon moving off on Gates street, watched by a very large crowd of people; to find the door of Sheppard's place of business closed, and to get at the facts of the case.

All of the civilian witnesses tell practically the same story of the affair. The story told by Mr. Davis Miller, given below, is practically the same as that told by all these witnesses. All agree that some fifteen or more shots were fired. Sheppard's pistols, when taken from him by Chief of Police Daly, showed that he did not fire more than four shots, for only four chambers were empty, two in each pistol. Inside the store in the partition there are eight bullets that can be seen.

MR. MILLER'S STORY.

Mr. Davis Miller says that he had been standing by Sheppard's store door and was talking to William Sheppard when a negro came along and told Sheppard that the constables were coming. Sheppard said "All right," and stepped back in the store. Miller walked off a short distance. Then Speed and one other constable came along, and stopped at the door. Jenkins and Martin came across the street from toward the Hill House. Speed stepped up into the door. Jenkins coming up, whipped out two pistols and said to Sheppard, "Throw up your hands," and fired. Then he repeated this and fired again. Once more he fired, and still no fire had come from within. None did come, Miller says, till Jenkins had fired three times. Miller says Jenkins stood there and fired five or six times. He heard two shots come from inside. Speed and Sheppard were in there. He could not say how many times they fired. Chief Daly came up with two policemen and the chief called to the men to stop shooting, that he could get Sheppard without shooting. The chief at first could not stop Jenkins from shooting. Finally the chief had to step aside to keep from getting shot himself, and then Jenkins stopped. The chief went in and took charge of Sheppard, who had a flesh wound through one leg, had his neck cut by a bullet and a knuckle injured by another. They brought Sheppard out, all the constables coming along, and took him up to the corner where they got a wagon and drove off with him. Miller says further that Constable Martin ran down to the corner below about a half block with his pistol in his hand. Holloway was with Jenkins, and fired three or four times into the store. The officers with Chief Daly were Corley and Sheppard. He thought about fifteen shots were fired altogether.

CONSTABLE SPEED'S STATEMENT.

State Constable Speed gave the following statement of the affair: "This evening about 5 o'clock the warrant for the arrest of Sheppard was placed in my hands. I sent my men down on Gervais street and stationed them along to watch for him. I, with George Beach and A. T. Davis and Henry Holloway, went over near Sheppard's dwelling. We looked around there awhile and could not find him. I left Beach and Davis there to watch his house. Holloway and myself came back to Gervais street to his place of business to look for him. When I got in front of his door, I saw Sheppard standing about the middle of the front room. I walked in and told him I had a warrant for his arrest. He told me to stop; that he didn't propose to be arrested. I stopped and told him that I was an officer of the law and proposed to arrest him. He said he'd be damned if he intended to be arrested and immediately drew his pistol, which he held behind him, and began firing at me. He fired twice before I drew my pistol. His first ball grazed the skin on my left hand. I fired at him as quick as I could get ready. He dodged behind the counter when I fired, and kept up his firing through the lattice work—the

screen. I also kept up my firing at him. Jenkins and Holloway, about that time rushed to the door and began firing too. Jenkins told Martin about that time to go to the back alleyway to keep him from coming out, and Martin did so, standing there until he was called away. When Sheppard fell, I turned and walked out of the door thinking maybe he was dead. As I walked out of the door he shot at me again. Immediately Holloway and Jenkins returned the fire. That is about all about the shooting. We arrested him, put him in a wagon, and, with the assistance of several constables, we took him to the penitentiary, and turned him over to the authorities to serve out his sentence of eight months, imposed on him by Judge Townsend for selling whiskey. This is a correct statement of the whole facts. One of Sheppard's bullets grazed the left side of my neck."

CONSTABLE JENKINS' SIDE.

Constable Jenkins gave the following statement of the affair: "I had business at the State department this evening. I was requested by officials not to leave town, which I had arranged and expected to do later. While at the State House I was met by Lieut. Speed, who informed me of the fact that he had a warrant for the arrest of Wm. Sheppard with an order to carry him to the penitentiary. He asked me to go at once to our room, where the other constables were expected to be, and see to the proper placing of the same to surround Sheppard to prevent his escape. Mr. Speed was to come in from the back way, I and Mr. Martin went down Gervais street, while Mr. Beach, Mr. Holloway and Mr. Davis went a back way. After going down Gervais street, I saw Sheppard at his place of business. We waited for some time and saw Mr. Speed come and turn the corner and go to Sheppard with Holloway. I said to Martin: 'Now we've got him; let's go.' We crossed directly across the street. About the time I got to the pavement, Sheppard fired at Speed. At the time of the fire Speed dodged to the right. The ball grazed my neck. Speed returned the fire, and I fired almost at the same time Sheppard dodged behind the screen. He jumped in an instant from behind the screen and fired again. I fired back at him. There were some other shots passed. I held till I saw Sheppard come from behind the screen in the attitude of firing again. I then fired and he dodged back. Thinking that he was shot, I instructed Constable Martin to make for the rear of the building, and if he attempted to come out to catch him. About this time, two or three policemen came up and said: 'Gentlemen, cease firing.' I told them all right, to go in and get Sheppard. There was some parley about the door. I, after they had got in front of the door, made for the back of the building to make sure that Sheppard did not escape. While there, I was apprised of the fact that the police had secured him. I returned to the front, where the shooting occurred. At that time I did not know but what Speed was injured. With the assistance of the police, we carried him to the penitentiary."

Constable Holloway made statements corroborating the two above statements.

CHIEF DALY'S STORY.

Chief of Police Daly gave a very complete story of the affair and he is most capable of telling the story, as he was right on the spot. He says: "I had been over about the Hill House, across the street, looking after some matters. When I came out and started up street I saw William Sheppard and two or three others standing on the sidewalk. Glancing up the street I saw Speed coming up from the corner with Constable Holloway. When they came up, Jenkins and Martin crossed the street from where I was. I came along behind them with Officers Sheppard and Boland. I kept looking around to where Speed and Holloway were. These two walked up the step of the store. Jenkins and Martin began to run ahead of me, and Jenkins began to shoot into the store, but I can't tell who fired the first shot. I did not hear any shots before I saw Jenkins fire. Sheppard was inside the store. Speed stepped back off the steps and fired once or twice into the building. Holloway shot into the store from the sidewalk once or twice. I went up and hollered to them to cease firing. Jenkins shot once or twice after this. Then I went to the door and found Sheppard with a pistol in each hand, the one in his left hand raised and leveled. He started to shoot at me, not knowing me in the excitement, I suppose. I told him to surrender. He replied: 'Yes captain, I surrender to you, but I won't to anybody else.' I took two double-action pistols with two chambers in each empty, and a razor from him. I brought him out and carried him up to the corner. There he had to sit down as his wounded leg was weakening. I called a wagon, put him in and we carried him to the penitentiary. Speed having the commitment paper. He was bleeding pretty badly from the wound in his right leg, the bullet passing through just above the knee. His neck was cut on the right side by a glancing bullet and the skin was cut on one of the knuckles on his left hand."

OFFICER SHEPPARD.

Officer Sheppard of the police force, tells a story almost exactly similar to that told by Chief Daly, but he says Speed was inside the store. He testifies, too, that Jenkins fired three times before he heard any other shot. The

fourth shot came from inside the store. He says that Holloway shot four times. He says that Speed did not get inside the door till towards the end of the fusilade.

Sheppard on the way to the penitentiary stated that if the sheriff or chief of police had come to arrest him he would have surrendered to either of them. He was given medical attention at the penitentiary. His injuries are not serious. Sheppard will lose his thick beard at the penitentiary.

AFTER SHEPPARD'S BROTHER.

In testifying at the hearing of Wm. Sheppard, Henry Sheppard, his brother, admitted claiming some whiskey that was put off the Augusta train at Cayce's. As a result of this, he was yesterday arrested in Brookland for violation of the dispensary law and required to give bond in the sum of \$500 for his appearance for trial at the next term of the Court of General Sessions in that county. He will likely be placed under an injunction also.

Trying Habeas Corpus.

Chief Justice Fuller is Asked For a Writ.

The State authorities have not been remaining as inactive in regard to the cases of the constables jailed by order of Judge Simonton for contempt of court in seizing liquor in violation of his order of injunction, as has been believed. When the constables went to jail, the State's attorneys announced that they would have to serve their sentences. Now, however, every possible effort is being made to have them released.

Attorney General Barber yesterday returned to the city and then it became known that he had been to Sorrento, Me., where Chief Justice Fuller of the United States Supreme Court, is spending the summer and that a few days ago he had presented to the Chief Justice a petition for habeas corpus in the case of Lafar, the constable who is confined in the Riohland jail. Of course, the case of Lafar is taken up, because the decision in that will govern all the other cases.

Attorney General Barber stated that the petition he had presented to the Chief Justice was substantially the same as that presented to the United States Supreme Court in the case of Constable Beach, except that they are taking in the amendment made to the bill of complaint by Attorney Bryan. He stated further that he intended to go to the very last ditch in all these liquor cases.

THE PETITION.

The representative of the State could not secure a copy of the long petition presented, but the following is the way it concludes, giving in brief form all of the grounds upon which the writ is asked for:

1. That the United States circuit judge was without jurisdiction and exceeded his authority in granting the order of injunction, in the above entitled case, and the disobedience of a void order, or so much of it as may be void, cannot be punished as for a contempt.
2. That the party filing the petition in this proceeding of attachment for contempt was not a party to the record, and the petition is insufficient to authorize an attachment for contempt, so far as he is concerned and should be quashed.
3. That the injunction is in fact a final one, broader than the prayer in the bill for the temporary injunction, and is void, insofar as it enjoins the seizure of ales, wines and liquors of other persons than the complainant, and a violation of so much of it as is void cannot be punished in this proceeding.
4. That the order of injunction is indefinite, uncertain, ambiguous and difficult of construction and understanding, and is not such an order as will authorize punishment by way of contempt proceedings or its violation, especially when a copy of it was not served upon two of respondents.
5. That the respondent was not a party to the original bill in the case, nor agent nor servant of, nor co-conspirator with any of the defendants named therein, and cannot be punished for a violation of the injunction until after service of the writ upon him.
6. That the respondent, as a State constable under the dispensary law of South Carolina, is required to enforce the law, and in the discharge of his official duties has not wilfully and defiantly disobeyed the order of injunction, but has acted conscientiously to the best of his knowledge and ability, and, if there has been any technical violation of the order, it has been the result of honest mistakes on his part, arising from the uncertainty of the order, for which he should not be punished, especially when so difficult and delicate a duty has been imposed upon him of determining when liquors are imported for personal use and consumption.
7. That the question of the authority of the circuit court to grant the order of injunction has been submitted to the Supreme Court of the United States in a habeas corpus proceeding, and that court has ordered the filing of the petition, which decision practically renders uncertain at least the validity of the injunction, and respondent ought not to be punished for contempt for its violation, before the final decision in the habeas corpus proceeding; that action should at least be suspended until such decision, as irreparable injury might otherwise result.
8. That the circuit judge exceeded his authority in adding imprisonment until

the return of the liquor seized, as this is requiring an impossibility of petitioner, as the liquor is in the possession of the State.

Wherefore your petitioner insists that he is held in custody against law and contrary to the Constitution of the United States, the supreme law of the land.

Wherefore, to be relieved of said unlawful detention and imprisonment, your petitioner prays that a writ of habeas corpus, to be directed to the said John T. Hunter, United States marshal aforesaid, may issue in this behalf, so that your petitioner may be forthwith brought before this court to do, submit to and receive what the law may require.

WILLIAM A. BARBER,

Attorney General for S. C., for petitioner.

MR. BARBER'S STATEMENT.

Attorney General Barber had the following to say about the case: "I do not know whether the constables now in jail will be released under this proceeding or not, but it raises some questions not raised in the Beach case. It is the purpose of the State to have the issues involved in all these proceedings passed upon by the Supreme Court of the United States at the earliest possible date. It is my view that the question should be settled, and its early settlement I regard as vitally important. This office is, therefore, ready to use every effort to have the Supreme Court pass upon and settle every issue raised in the proceedings in the United States Courts affecting the dispensary act. We are confident that in the end the act will be sustained."

Governor Evans made a similar statement in regard to the case, and said that the State was now attempting to get as speedy a hearing as possible in the United States Supreme Court upon the merits of the dispensary law.—*The State*

A Writ Issued to Nobody.

The Law Set at Naught by an Angry Judge.

COLUMBIA, July 14.—It is very likely that in the course of a week or two Mr. John McMaster, who is the attorney of Sheppard, sentenced to the Penitentiary by Judge Townsend for contempt, will take some legal steps to get his client out of prison. Exactly what line he proposes to follow to accomplish this purpose has not yet been determined, but it is probable that the case will be taken to the United States Courts. Mr. McMaster is very confident that if the matter can be brought to that Court Sheppard will be released.

In connection with the arrest of Sheppard by the constables an interesting legal point has been raised as to the right of the constables to make arrest under such circumstances. Judge Townsend in issuing the order of arrest directed it to no one, but left that blank. As a matter of fact the papers were given to Constable Speed, who is the chief of the force here, to serve upon Sheppard. The statute in reference to such matters provides that every writ that issues out of the Circuit Court must be issued under the seal of the clerk of the Court and directed to the sheriff. This being so it is held that Constable Speed and his men had absolutely no right to arrest Sheppard, and that they are liable for damages and a criminal prosecution. It is not known, however, whether this will be made a feature of the proposed appeal or not.—*News and Courier*.

Fire on a Ship.

The Eventful Passage of the Great French Liner, La Normandie.

NEW YORK, July 14.—The French liner La Normandie, which arrived from Havre this morning, had a decidedly eventful voyage. Just after her departure from Havre, one of the firemen, Francois Leflem, was instructed to open one of the coal bunkers. He did so, using a naked light. As soon as the latch was opened there was a rush of gas which instantly ignited from the lamp flame and exploded with tremendous force, instantly killing Leflem and doing more or less damage to the bunker fittings. Leflem was only nineteen years old and was a native of Brittany. He was buried at sea.

On July 9th, just after the passengers had seated themselves at dinner, fire was discovered in the forehold and a fire alarm was instantly sounded. The crew ran to fire stations and lines of hose were stretched along the decks. The passengers were quiet and orderly under the circumstances and there was no panic. Officers and crew worked systematically all night long and towards morning had the fire well under control. At 9 o'clock on the morning of the 10th the fire was entirely out.

The passengers headed by Bishop O'Connell, Mr. James Campbell, Mrs. Henry M. Sanders and J. Busat drew up a set of resolutions, thanking Capt. Deloncle, his officers and crew for their bravery and energy. La Normandie made port without further incident. On July 6, off the Lizard, the St. Louis passed in sight of the French steamer and quickly drew ahead and out of sight.

Greenville Under Guard.

Fearing the Midnight Torch of Desperate Negroes.

Incensed at Lynching of Ira Johnson They Threaten to Lynch a White Murderer.

GREENVILLE, July 5.—An armed mob from the upper part of this county forcibly entered the jail here at an early hour this morning and lynched Ira Johnson, a negro who killed Frank Langford, a white man, at Piedmont last Saturday week. As a result, the townspeople are intensely excited over the reported threats of the negroes to give a dose of the same medicine to James Lewis, a white man now in the same jail, also charged with murder. The Butler Guards and the Greenville Guards were called on this afternoon by telegrams from the Governor, and are ready to quell any possible disturbances. The former company is guarding the jail and the latter resting on arms in their armory, ready to march to any part of the city.

Reports have been current all day that the negroes were to congregate at various places, but so far no gathering has been seen. The colored population are avowedly indignant, but up to midnight no sign of trouble has appeared. There are no negroes on Main street and several rumors of their meeting together to make mischief have been investigated to no purpose.

Every policeman on the force is on duty and the members of the fire department are about their machine hoses ready for any incendiary fires should this dreaded species of revenge be resorted to. Except for these and the soldiers, most of the citizens are at home looking out for their property and families.

The lynching party are believed to have come from the Marrietta section of the county, where Langford lived, joined by a few from Piedmont. Their numerical strength is variously estimated, but probably 100 will cover the number.

They came into town entirely unexpectedly about 2 o'clock this morning and knocked at the jail door with an axe. The jailer, Homer Storey, opened it and in went the leaders of the party and demanded the keys. He stoutly and persistently refused to give them up, but they were finally found in his room and the negro secured.

While looking for the keys, Sheriff Gilreath, who was at home and asleep and who was awakened by a policeman, came up to the edge of the crowd, but was stopped by an armed picket, who leveled a shotgun at his head. While attempting to pass the sentry, the sheriff saw the men come from the jail with the prisoner. They carried him away immediately—some being mounted and some in buggies and wagons—out the Bancombe road to the Perry place, and there, near the roadside, hung him. The party then dispersed, leaving the body hanging. It was cut down by the authorities and brought to the city to-day.

For a week there have been threats of lynching Johnson, and in consequence, an unorganized body of colored men have been seen nightly on Broad street near the jail. Several times they dispersed by request of the mayor, sheriff and chief of police, but Thursday night negroes who were disorderly, were arrested and heavily fined.

The authorities assured the negroes that their presence was unnecessary and that the man would be protected, so none were there last night. It is the failure to do this which has caused the excitement among them.

The better element of the race are disposed to talk gloomily on the situation as an example of justice, while the more reckless are disposed to talk threateningly. However, it is probable that there will be no trouble to-night.

The scene of last night's tragedy was thronged all day by curious people from the city and adjacent country. The news spread to the North Carolina line before noon. It was the topic of conversation in every household and there is no doubt of its being a shock to the community.

Johnson's counsel said to-day that he had six witnesses who would swear that Langford had snapped his pistol at him twice before the negro fired.

The military companies responded promptly. The Greenville Guards were called out first and afterwards the Butlers. Every man on each company roll who is in the city is on duty.

The body of Johnson was riddled with bullets.

THE STORY OF JOHNSON'S MURDER.

Johnson had been confined in the Greenville Jail for just one week, having been brought on Sunday, 7th, from Piedmont, twenty-two miles from Greenville, where he had that day killed the young white man, Frank Langston. The story of the killing as told by bystanders is that Langston, in company with several other white men, found a small white boy quarrelling with a negro boy at the depot at Piedmont, whom they separated, and Johnson coming up then took the part of the small negro,

and upon being ordered to move on, drew his pistol and threatened to shoot one of the white men. Langston advanced on him and told him to put up his pistol, whereupon Johnson turned upon him and shot him twice, and then fled. He was pursued and captured, and narrowly escaped lynching, but was finally taken to the Greenville jail. Langston died of his wounds the next day. There were some rumors that he would be lynched, but the authorities placed no confidence in them, in so much that a crowd of negroes who gathered about the jail for the purpose of protecting Johnson on Monday, Tuesday and Wednesday nights, were arrested on Wednesday night and the leaders heavily fined on Thursday morning for not having dispersed when ordered to do so by the police.

A Dreadful Visitation Upon Cherry Hill, N. J.

CHERRY HILL, N. J., July 13.—A tornado swept over this place at 3.30 this afternoon, and besides rendering twenty five families homeless, killed three persons outright, namely, Condar Friedman, proprietor of the Cherry Hill Hotel; a Hungarian named Anton, in the employ of August Munn, and the eighteen months-old son of Wm. Ahren. Edgar Chinnock, while attempting to release his horses from a barn, was caught in the ruins and his head badly crushed. The depot of the New Jersey and New York railroad was picked up and carried up the tracks nearly two hundred feet, and then fell on the opposite side of the track. Agent Van Wetling claims he went along with a part of the depot, and was found under a freight car.

A large beam went through the side of the Reformed church, which edifice was knocked two feet off its foundation. Condar Friedman was in the act of closing the upstairs shutters when the wind blew him out of the window and he landed on his head on the hay scales, death being instantaneous. M. S. Ahrens' baby was found in the ruins when her house and that of a neighbor's was lifted into the air together and came down in a confused mass.

All the injured may recover, though Chinnock's condition is critical. Hill stones fell at Hackensack, a mile south of here, but the wind storm was not felt.

Omahas on the War Path.

A Son of Their Great Chief Murdered by Indian Police.

PENDER, Neb., July 14.—Two of Capt. Beck's Indian police are in the Thurston county jail to answer to the charge of murdering George Parker, son of Fire Chief, the last great chief of the Omahas. The crime occurred last night on the Omaha reservation, near the tribe's celebration grounds, and two policemen had a narrow escape from being burned to a stake by the 500 Omahas that were near at hand. The policemen are Winebogee, Frank Ewing and Black Elk. Ewing claims the shooting was accidental, but other reports state that he made the assertion that he just wanted to kill an Omaha. The two tribes are very unfriendly.

People from the reservation will call attention to this crime to prove that Beck's Indian police are not the proper persons to be given fire arms. The Omahas are excited over the murder, and a tribal war is possible.

First Bale of 95-96 Cotton.

GALVESTON, TEX., July 13.—The first bale of the season, classed as strictly middling, was sold at auction to-day to Kuhn & Fraussen. The price paid was \$100.

If you would have an abundance of dark, glossy hair, if you would have a clean scalp, free from dandruff and irritating humors, or if your hair is faded and gray, and you would have its natural color restored, use Ayer's Hair Vigor. It is unquestionably the best dressing.

Ayer's PILLS
Received Highest Awards
AT THE World's Fair AS THE BEST Family PHYSIC

NOTICE.—I WANT every man and woman in the United States interested in the Opium and Whisky habits to have one of my books on these diseases. Address R. M. Woodley, Atlanta, Ga. Box 382, and one will be sent you free.

Claremont Lodge No. 64, A. F. M.

THE REGULAR MONTHLY COMMUNICATION of Claremont Lodge, No. 64, A. F. M., will be held on Thursday Evening, August 1st, at 7 1/2 p. m. Brethren will take due notice and govern themselves accordingly.
By order, A. C. PHELPS, W. M.
H. C. MOSS, Secretary.
July 10