Nashville Union and American
NASHVILLE TENNESSEE

E. G. EASTMAN & CO.

E. G. EASTMAN, F. C. DUNNINGTON, J. C. GRIFFITH, G. G. POINDEXTER.

DAILY $8; TRI-WEEKLY $5; WEEKLY $2.
INVARIABLY IN ADVANCE.

THURSDAY, DECEMBER 1, 1859.

The Eastman Fund.

A gentleman from Shelbyville sends $40; two ladies in this city send each $25, and one lady in the city sends $100. The friends in this city and county are doing their duty. News from Sumner and Rutherford indicate liberal donations. Let each friend in the State do something.

President's Message.

We shall be prepared to supply, at a reasonable rate, the interior press, with any number of copies of the Presidents message, in extra form, for their papers, with the names of their paper printed on the message, if we receive their orders in time.

This will enable them to bring the message before their readers at a less expense than the usual cost of composition, and at an earlier day. Such as may desire to avail themselves of this offer, should write immediately.

The Testimony in the Case of Allen A. Hall.

We commence to-day to the exclusion of all other matter, and shall conclude to-morrow, the publication of the evidence in full, as given before the Court, in the case of the State vs. ALLEN A. HALL, upon the charge of having murdered GEORGE G. POINDEXTER. It would have appeared in our paper from day to day as the examination progressed, but for a due respect to an order of the Court forbidding such publication until the case passed out of their hands. The *Banner* of yesterday having given its report of the proceedings to the public, we can not consent to withhold longer the facts from our readers.

Various rumors having obtained circulation, unfounded in fact and grossly unjust to the memory of Mr. POINDEXTER, we trust to the legal examination, which we now place before the public, when properly weighed and considered, to vindicate his character in the minds of all just and impartial men, against any injury which it may have sustained.

Memphis Items.

We copy the following items of Memphis news from the *Avalanche* of the 29th inst:

ANOTHER CONTERFEITER ARRESTED—LARGE HAUL OF BOGUS MONEY.—We have spoken of the probable existence in the city of an organized band of counterfeiters, and gave the particulars a short time since of the arrest of a fellow calling himself A. E. Taylor, who was arrested while in the act of getting off some bogus money. Yesterday, officers B. A. Carter and R. G. Tucker arrested a man who calls himself John Barrett, and upon his person a considerable amount of counterfeit money was found. Early yesterday, as it was ascertained, he succeeded in passing a counterfeit bill on Louis Raja, who keeps a grocery opposite the Beale st. market, and also a spurious bill of the same denomination upon an oyster house-keeper. One hundred and twenty-one dollars and twenty cents in good money was found upon his person—$26 20 of which was in half dollars, and the balance in paper. From the several articles also taken from him, among which were a pair of large buckskin gloves, it is evident that his occupation was to trade his bogus money for good, and to do this he would purchase a small article, offering a ten dollar counterfeit bill and receiving good money in change. How many he had succeeded in passing before he was arrested it is impossible to tell, but the probabilities are that he has carried on an extensive trade. The bills in his possession on the Citizens' Bank of New Orleans are the best executed counterfeits we ever saw, and no less than six thousand dollars, we understand, were received by the Bank itself before the discovery was made. Those on the Canal Bank of N. O. are not so well gotten up, but would be likely to deceive persons unused to the money. The following is a list of the spurious bills found on Barrett's person: Three $10 notes on the Citizens' Bank of New Orleans; four $10 notes on the Canal Bank of New Orleans; one $2 note on a broken Tennessee Bank, and a $10 note on the Manufacturers' Bank at Poughkeepsie, N. Y.

The existence of an organized band of counterfeiters throughout the South is now no longer doubtful. Daily in our exchanges we read of attempts at getting off spurious money on the Canal and other banks at New Orleans, and caution all to refuse Louisiana money unless they are competent judges as to its soundness. That Garrett has accomplices near at hand is the most probable thing in the world, and a sharp lookout will be maintained by the police.

A SUSPICIOUS CHARACTER.—Since the recent developments in regard to the Harper's Ferry affair and the probability that Memphis contains co-conspirators of Old Brown, the police are keeping a strict watch upon such individuals as cannot give a good account of themselves. On Saturday night last, officers Stainbach and Oakley, in their regular rounds on Poplar street, heard the most unconscionable snoring, which proceeded from the house being erected by Bishop Otey, next to Grace Church. The officers proceeded to explore the building, and discovered, fast asleep, and literally smothered in newspapers, a fellow by the name as Andrew J. Jones. Being unable to give any account of himself, the officers, in accordance with their duty, locked him up. He was tried before the Recorder yesterday, and sent to the chain-gang for thirteen days as a vagrant. Jones is a respectable looking man, well dressed, and evidently possesses a superior education. The papers under which he was found are of late dates, from all sections of the country, and, strange to say, nearly every one of them contain full reports of the trials of the Harper's Ferry insurgents. We do not wish to occasion alarm, but the facts (as we take them to be) divulged in the Palmer case should cause more than ordinary vigilance to be exercised.

A NEW ENGLAND CLERGYMAN IN THE MEMPHIS CHAIN GANG.—An old sot named Thomas Quinn, who has repeatedly been before the Recorder intoxication, was sentenced yesterday to thirteen days on the chain-gang for being drunk. Quinn was formerly a clergyman, and was raised, and spent a good portion of his life in New England. So it is! The person who cannot control his appetite must take the consequences, which are sure to follow. We had much rather, however, see some of the "three thousand" who have stolen the livery of God to serve the Devil," in Quinn's place—and we don't know but we may consistently promise them safer, if not better quarters, if they'll come here.

A BOSTON MAN EMBRACES A NEGRO.—On Saturday night a man who gave his name as John Crosby, and who hails from Boston, was seen in close conversation with a negro belonging to Mr. Maddox, a policeman observed the pair, and saw Crosby with his arm about the neck of the negro, and concluded to arrest the fellow, and Crosby was accordingly locked up. He was before the Recorder yesterday and fined $10 for the embrace and received some wholesome admonitions as to such proceedings in future.

TRIBUTE OF RESPECT.—At a called meeting of the Nashville Typographical Union, No 20, held on Tuesday night, December 29, the following preamble and resolutions were unanimously adopted:

The All-wise Dispenser of human events having seen fit again to visit us with an afflictive hand, and to remove from us an esteemed associate, it becomes us suitably to recognize the melancholy event. Be it therefore

Resolved, That in the death of Mr. JOHN WESSELLS we sustain no common loss. Distinguished for uprightness, ability, integrity, and the most scrupulous fidelity in the discharge of every duty, both to God and man, he was, in his sphere, a pattern and examplar to all with whom he was associated. Courteous, forbearing, just, charitable, and amiable in all his intercourse with his business superiors, equals and inferiors, he won and enjoyed the friendship and esteem of all in a remarkable degree. In the closer and more tender relations of husband and father he was all that was admirable; just, affectionate, watchful, wise; anxiously solicitous concerning the welfare of those whom God had given him; self-denying and unceasingly laborious in behalf of their interests, to which he ever sacrificed his own. Humble and unassuming in his deportment, he possessed a true worth which outshines all the meretricious display of the self-seeking and self-asserting; and stood, in true rectitude, "the noblest work of God." AN HONEST MAN.

Resolved, That we sincerely sympathize with the bereaved family of our deceased friend, and commend the widow and fatherless children to the care of the gracious God who has in tenderness afflicted them.

Resolved, That we will unite in paying the "last sad tribute of respect" to our lamented friend, by attending his funeral in a body, and by wearing suitable badges of mourning.

R. F. ARMSTRONG, Chairman.
J. PLANTON, Secretary.

TOBACCO.—The Petersburg *Intelligencer* says:—This great staple product of Virginia is coming into our market in immense quantities, and just now in a loose state principally. It is always common for this market to be supplied with loose tobacco to some extent, from curing time in the fall till Christmas—the supply being brought in, as a general thing, by those living contiguous to the city, and who raise the weed in comparatively small quantities. But from the number of carts and wagons which we daily see unloading at our warehouses, it is fair to suppose that such another crop has not been made in Virginia—at least for years past. The price for the loose article is considerably depressed, owing, doubtless, to the great "glut," and to the large crop which has been made.

JEROME BONAPARTE, of Baltimore, who recently returned to the United States, has refused the dignity of Senator of France, offered to him by his father, Prince JEROME, in order to induce him to return in France. Mr. Bonaparte preferred the simple title of American citizen to that of Senator of France. After the efforts made by the American branch of the BONAPARTES to obtain recognition as legitimate members of the Imperial family, the news of this refusal will create some surprise.

SALE OF MONEY.—The sale of the money of the Nashville Building Association will take place tonight at the usual hour.

EXAMINATION
OF
Allen A. Hall
ON THE CHARGE OF
MURDERING
G. G. POINDEXTER.

Personally appeared before me W. D. ROBERTSON, an acting Justice of the Peace for Davidson county, Tennessee, SAMUEL C. EASTMAN, who makes oath that the following report of the evidence given in the case of the State vs. ALLEN A. HALL, was taken down by him as a Phonographic Reporter, and is a correct and impartial statement of the same. SAMUEL C. EASTMAN.
Sworn to and subscribed before me this 28th November, 1859.
W. D. ROBERTSON, J. P.

[In the course of the examination of this case, the counsel for the defence proposed to introduce the paragraphs from the Daily *News* and UNION AND AMERICAN out of which the difficulty between Messrs. HALL and POINDEXTER originated, which being agreed to were considered as read and before the Court. For the better understanding of the public we will introduce them here instead of inserting them in the body of the proof. The UNION AND AMERICAN of of Nov. 12th, in an article replying to an interrogatory of the *News*, contained this paragraph:

We do not believe that the statesmen of the South have ever held it immoral to hold slaves, notwithstanding the senior editor of the *News* does maintain that his newspaper—the *Republican*—"most truly reflected the sentiment of the State of Tennessee in 1834," when it asserted that "*the nature of things—the march of public intelligence—the voice of religion*—ALL HAVE SAID THAT SLAVERY MUST HAVE AN END."

The Daily *News*, four days afterwards, Nov. 16th; copied the foregoing paragraph, and replied to it in an article of near two columns, containing among other things, the following offensive paragraphs:

"The UNION AND AMERICAN is at its old trick of garbling—of suppressing a part, and a very material part of the truth, for the unworthy purpose of perverting the words and meaning of a political opponent." * * * * * "The three last lines have been cut short off, and unscrupulously suppressed by the UNION AND AMERICAN." * * * * * * *

"With the obvious intent of perverting our words and meaning the UNION AND AMERICAN garbles the paragraph, and suppresses the fact—the expression by the Convention of the identical sentiments contained in the paragraph—upon which we expressly based our statement, that it truly reflected the public sentiment of the State *at the time* it was written! The fact every way justifies the statement. We leave it with the public—and we conceal from its readers all knowledge of it—and to assail the statement based upon it, is entirely characteristic of the disreputable tactics upon which the UNION AND AMERICAN is conducted."

To which the UNION AND AMERICAN on the following day replied as follows:

"The charges and insinuations against this paper, contained in the leading editorial article in the Nashville *News* of yesterday, are utterly destitute of truth. We cannot consent to carry on a newspaper controversy with an editor who utters calumnies against a contemporary trusting to the supposed privileges of age to shield him from responsibility."

The *News* of the next day contained the following:

A CARD.—Yesterday morning there appeared in the UNION AND AMERICAN the following paragraph:

"The charges and insinuations against this paper, contained in the leading editorial article in the Nashville *News* of yesterday, are utterly destitute of truth. We cannot consent to carry on a newspaper controversy with an editor who utters calumnies against a contemporary trusting to the supposed privileges of age to shield him from responsibility."

The "charges" I made against the UNION AND AMERICAN in the article of the *News* above referred to, I established by undeniable facts then and there adduced. I made no "insinuations."

To assertion that I trust to the privileges of age to shield me from responsibility for any statements I make, is false and calumnious. He wishes the assertion trusts to the pistol to shield from exposure the misrepresentations and falsehoods of the journal with which he is connected. That is the plain english of the matter. The shield he has selected will prove insufficient for this purpose. I shall go on a Hunting Tour, with a thorough exposure of all the misstatements, misrepresentations and falsehoods which may appear in the UNION AND AMERICAN, and which I may deem worthy of notice—fully able and prepared to protect my person against assault and punish the assailant.

ALLEN A. HALL.

FRIDAY, November 24, 1859.

The preliminary examination of ALLEN A. HALL, on the charge of murdering G. G. POINDEXTER, was commenced to-day, before Justices JOSIAH FERRIS, P. W. MAXEY, and JOHN COLTART. Attorney General BATE, Hon. ANDREW EWING, and JOHN REID, Esq., were the Attorries for the State, and EX GOV. NEIL S. BROWN, Hon. E. H. EWING, and Judge JOHN S. BRIEN, Attorneys for the defence.

Witnesses for the Prosecution.

Mr. T. J. Seabury. Direct examination by Mr. Bate. My office is at No. 47, Cherry street, in Cooper's building. Last Friday morning, between 8 and 9 o'clock. I was standing in my door; while there I saw a difficulty that occurred between Messrs. Hall and Poindexter. I was coming over about 9 o'clock, Friday morning, and went into the door. My father and George Darden were standing in the door. I just stepped into the side of the door, standing on the sill, some four or five minutes, I reckon, previous to the shooting; presently I saw some person coming up the street and in a few moments I saw Mr. Hall step out of the *News* office, with a shot-gun in his hands. He held the gun, as near as I remember, in his right hand, with the muzzle pointed to the ceiling, and hallooed "stop." He spoke very loud. I looked around to see who he was hallooing to. I saw a little negro boy running down the street and supposed it was him. Presently he hallooed again. Then I saw two gentlemen; one stepped up against the side of the wall, that was the left side of the door as Mr. Poindexter. He had his umbrella up, rather drooping as I thought. As Mr. Hall hallooed the second time, Mr. Venable stepped to the side of the building. There was another gentleman between Mr. Hall and Mr. Poindexter, who he was I don't know. He went against the wall also. The second time Mr. Hall hallooed he said "stop sir;" the third time "stop I say," as near as I can remember it, and upon that he fired. Mr. Poindexter reeled about half round and fell upon his arm. The umbrella fell upon the edge of gutter into the street. As soon as he fell, I remarked to my father, "I believe he is killed;" he said "I reckon not;" I then picked up his umbrella with a pistol in it. (The umbrella, at the request of the counsel, was then produced.) That umbrella was above Mr. Poindexter when he was shot. I picked it up out of his hand. I picked it up. The stick was broken as it now is, and the hole in it. I then shut it down. I found a Colt's revolver. It was laying in the umbrella, pointing towards the wall, visible to those persons in Mr. Childress' office. The pistol I handed to Mr John C. Thompson, soon after Mr. Poindexter was taken into Mr. Childress' office. It was a double barreled revolver—not a navy, I think. The pistol was not cocked. I judge the pistol was loaded, as I saw caps on all the barrels. I took it up in the umbrella. The umbrella I took in my keeping and kept it until this time, and I found it in the condition it is now in. Mr. Hall was apparent on the street first attracted my attention. At that moment I don't know that I had seen Mr. Poindexter. What attracted my attention was the hallooing. I expected there would be a difficulty that day. As I came over I accidentally heard of a pretty severe article in the *News*, but no one had informed me of it then, and I was not thinking about it at all. I had not heard that one shot. I did not hear Mr. Poindexter say anything either prior or subsequent to that shot. I judge I was forty feet from where Mr. Poindexter was. At the suggestion of Mr. Venable I measured this morning the distance from the place where Mr. Hall was and where Mr. Poindexter was. As near as I measured it, I could judge, it was forty-three feet from where Mr. Hall was to where Mr. Poindexter was when he was shot. He did not advance after he was shot. As near as I can judge he was walking when he was shot. I did not know he was the person Mr. Hall ordered to stop until he hollowed the second time, and I saw Mr. Venable and the other gentleman hauling up against the sides of the house and him walking along. I did not know him and I had never seen him before that I know of. I knew Mr. Hall. I cannot say exactly as to the interval between the commands. They were in quick succession. My best idea is that he hollowed about this way. (The witness here repeated the words, in the manner Mr. Hall uttered them, as nearly as he could.) It was but a very little after the "stop, I say," before the explosion—not more than three or four seconds. It seemed to me that he was raising the gun to his shoulder as he hollowed "stop, I say," and fired as soon as he got the gun to a level. I don't think Mr. Poindexter spoke at all. I don't know that I can remember of seeing any person previous to the shooting, because I was not looking at any thing of the kind. I think I saw Mr. Barry, and Mr. Fisher standing in the *News* office or thereabouts. The person leaning against the wall was about 20 or 22 feet from Mr. Hall. He seemed crowding against the wall. I did not see a pistol in Mr. Poindexter's hand. I did not see it until I took it up. He was not in full view as his side was towards me, his right side. I was nearly about opposite to him. I think the umbrella was in his left hand. His right side was in full view. Mr. Darden was near me and my father standing in the same door. Mr. Darden was above me. I don't know that all had the same view. I was standing a little in the rear of them. They were standing in the door. There was no obstruction between me and the opposite side of the street. I did not hear any remarks before Mr. Hall said stop. I heard nothing like any question "where is he?" I was almost exactly opposite Mr. Poindexter. Mr. Poindexter was coming up the street towards the *News* office, going south—going from the Commercial Hotel towards the UNION AND AMERICAN office. I know where Mr. Haywood's office is. Mr. Poindexter was on a line between that office and the UNION AND AMERICAN office, going from that direction towards the UNION AND AMERICAN building. The place at which Mr. Poindexter fell was at a distance of 43 feet from the *News* office, where Hall was standing, also on a line between the points mentioned. Mr. Poindexter fell on the pavement. The umbrella fell off the pavement. I did not assist in carrying him into Mr. Childress' office. I assisted in raising him up, and then Mr. Venable came up and my father also, and I left him and picked up the umbrella. There is one piece in the umbrella that looks as if a bullet had grazed the stick, and also a hole in the covering. I had not seen Mr. Hall before on that morning. It was raining, though not, perhaps, very hard. The umbrella was dipping over his face when Mr. Hall said "stop." I don't know that I saw him raise the umbrella from that position. I don't remember that I saw any motion of the umbrella before it fell; there may have been, but I was somewhat excited. Mr. Poindexter died in a few minutes.

Cross-examination by Gov. Brown. (At the request of Mr. Brown, Mr. Seaberry hoisted the umbrella and held it as he thought Mr. Poindexter carried it.) Mr. Poindexter held it on a line with his person. He was walking along and he did not stop when he was told to stop, but was still advancing. As soon as the gun was fired he commenced reeling, but up to this time he was still advancing. I thought his coat-tail moved back and I thought he was making a motion to get a pistol, but I did not see any. I did not see him make any other motion. His side was towards me. I have lived in this town all my life. I know nothing of Mr. Poindexter's character except from rumor. People said he was regarded as a dangerous man.

Mr. Bate said: We are not prepared to admit that there is any legal right to ask questions as to that character in that manner, but are willing to waive the objection as we want the whole matter examined.

Direct examination resumed. I was not acquainted with Mr. Poindexter at all. I know nothing of his character except from rumors.

Cross-examination resumed. By rumors I mean what people say. I have heard a great many say that. I don't know how long he has lived here. I understand a couple of years.

Direct examination resumed. I don't know whether the people knew him who said that. I don't know that it was his hand, but I saw his coat move with his arm, immediately after Mr. Hall said "Stop, sir!" the second time. Mr. Hall's gun was right before him in full view.

Simeon Venable. Direct examination by Mr. Bate. I saw the difficulty which occurred on Cherry street, which resulted in the death of Mr. Poindexter. It was immediately after I had taken breakfast, and I had taken breakfast rather late that morning. I had no watch, and could not say what the hour was. I was returning from the Commercial Hotel, where I had taken breakfast, going up Cherry street on the pavement that leads by the *News* office. Mr. Poindexter passed me somewhere about Deaderick street. I don't remember the precise point. He passed me on the right, walking rapidly. As he passed me, he turned his head and spoke to me, saying "Good morning." I returned his salutation, saying, "Good morning, Mr. Poindexter." That is all that passed between us. The idea of a hostile meeting at that time between him and Mr. Hall did not occur to me, or I should have stopped him. I was not when the occurrence took place. Mr. Poindexter continued having passed me, to go before me on the pavement. He was going fast—faster than I was, which of course threw him in advance of me. In coming up the street I remember that I casually saw Mr. Poindexter as I might see any other gentleman, going before me on the pavement. But at the time the occurrence took place I was walking thoughtlessly, carelessly, at least so far as concerned Mr. Poindexter and Mr. Hall. The first thing that attracted my attention was a pretty loud exclamation, "stop!" I am satisfied I was not looking at any man at the time that I heard that exclamation, and if I was looking at any thing, it must have been the pavement. I raised my head and I remember looking directly in front of me. I saw a man about the door of the *News* office, I think standing pretty much in a line with me. It was that which attracted my attention after hearing the exclamation "stop!" He had a gun in his hands. The moment I saw a man upon the pavement with a gun, without waiting to recognize him, which I cannot say of my own knowledge now, who that man was; without hesitating to recognize him, the first thing I did was to turn instantly to my left and go to the wall; when I got to it, I leaned against it, leaning my left side against the wall, and then turned my face to see what was going on. My eyes were first cast upon Mr. Poindexter. At that time the gun fired. But when I heard the exclamation "stop," as I was going to the wall, I heard another exclamation; I think it was the name of Poindexter pronounced. I had a good deal of difficulty in my own mind in regard to that thing. The impression was that it left upon my mind was that he said, "stop, Poindexter." But on reflection it occurred to me that the space of time intervening between the exclamation "stop" and the pronouncication of the name "Poindexter" was too great for them to have been coupled in the same sentence. But those are the words that I recollect, and as I think, pronounced in the same voice that said "stop." When the gun fired Mr. Poindexter threw his head forward bringing his arms before his breast. At that time his umbrella and pistol fell. I would not like to undertake to say much about the umbrella and pistol, except that I saw them. My memory is at fault in regard to the umbrella—I mean as to how Mr. Poindexter was carrying it, and I am led to distrust it very much when I know that I do not recollect how I was carrying my own umbrella. I have some indistinct recollection of Mr. Poindexter's having an umbrella when he passed me in the street, but the first distinct recollection that I have of it was when I saw it fall. I saw the umbrella and pistol fall at the same time. The umbrella and pistol falling were mere incidents of my attention. The main object of my attention was the man. In looking at the man, I accidentally saw the umbrella and pistol fall. He made the inclination that I have mentioned—throwing his head forward, and his arms on his breast. When the gun was fired he was facing towards the man that shot—whom I will call Mr. Hall—and I do not think that he changed his position immediately, but threw his head forward, dropping the umbrella and pistol. After that he made violent spasmodic efforts—stepping several times upon the pavement as if in death agony. As I have stated, instantly upon the firing of the gun, nor when the pistol and umbrella fell. In stepping upon the pavement and making the spasmodic efforts that I've mentioned, he came towards me—I recollect distinctly that I saw his face—I recollect distinctly that I saw his face and move. He fell upon the pavement nearer to me than he was standing when he was shot. In the efforts that he made in his movements after he was shot, he moved down the pavement in the direction that I was standing. He did not fall heavily upon the pavement. He sank gradually, coming down, as I remember, upon his right side. When I saw him standing in the way I approached him and assisted in carrying him into Mr. Childress' office, when he expired very soon. The main movement after the firing of the gun was in the direction of myself. The first movement was not in that direction, but was a mere convulsion. I was at no great distance against the wall of Mr. Ewing's office, as well as I can remember, nearer to my house. I think I was perhaps standing upon the cellar door. Mr. Poindexter was before me, standing to my right, as nearly as I can estimate, for it is a mere matter of opinion, at an angle of 45 degrees. He was upon the outside of the pavement near the curb-stone. The distance was the width of the pavement with the addition of the angle. The width of the pavement is about eight or ten feet. I think—it is a matter of opinion. My eyes rested upon Mr. Poindexter but for an instant when I turned my face. He passed me as well as I remember about Deaderick street. The distance from Deaderick street to the place where he was standing when shot is about two hundred yards. I don't know whether I am correct or not. That is the place where he bade me good morning and passed by. The distance from where Mr. Poindexter fell, to the point where Mr. Hall stood with the gun, as Mr. Seabury and I measured it, was forty-three paces. We went to the place where he fell, measured from the points that we supposed they occupied at that time. When he passed me, he turned his face to his left far enough for me to see him and recognise him. My acquaintance with Mr. Poindexter was very slight, and I barely recognized him as he passed. I cannot say what was the precise time I did not see his face except when he passed me. The situation of the ground is uphill. I could not undertake to say the angle. I don't know the difference in the altitude of the pavement where Mr. Hall stood and where Mr. Poindexter stood. The pavement is considerably inclined upward. The first thing that attracted my attention was the exclamation "Stop." I raised my eyes and saw the gun, and turned to the left to go to the wall. As I was going to the wall, I heard the name Poindexter pronounced by the same voice, as I thought. There were no sounds that I heard, but that I said before, I think there was too much space between the two expressions to have been in the same sentence. They came from the same position. The gun he seemed to have held in his hands. What the precise range of the the gun was I cannot say, nor the kind of a gun. I heard but one explosion. I did not see Mr. Poindexter's pistol until it fell—that was the first—both simultaneously. I cannot tell the position of his right hand. I was to the left of Mr. Poindexter, and behind him. He being in advance of me and to my right, of course his body was between me and his right arm. I cannot state whether the right arm was extended or not when the gun fired. I heard the exclamation, "Stop," Mr. Hall was in a line with me, and Mr. Poindexter was to my right. When I turned my eyes they were withdrawn from Mr. Hall and of course from Mr. Poindexter. What he was doing from the time I heard the exclammation till I heard the firing of the gun, I cannot say, because my eyes were withdrawn from him. I don't remember that I saw any motion of the umbrella before it fell; there may have been, but I was somewhat excited. Mr. Poindexter died in a few minutes.

Cross-examination by Gov. Brown. (At the request of Mr. Brown, Mr. Seaberry hoisted the umbrella and held it as he thought Mr. Poindexter carried it.) Mr. Poindexter held it on a line with his person. He was walking along and he did not stop when he was told to stop, but was still advancing. As soon as the gun was fired he commenced reeling. The width of the street is forty-nine feet. My attention was first called to the article in the *News*. I was reading that, and shortly after I had read it, Mr. Darden came up and said there would probably be a difficulty. While we were standing in the door he said, there comes Mr. Poindexter now. As he walked up, getting nearly opposite to where he was shot, perhaps ten or twelve feet from it, I heard Mr. Hall call out "stop!" Not directing any attention to Mr. Hall at the time, I did not know who it was. Mr. Poindexter was about twelve feet from Mr. Ewing's door. I then looked towards Mr. Hall and heard him say again, "stop, sir!" or something to that effect, and Mr. Poindexter still advanced. He again called to him to stop, but he did not, and Mr. Hall fired. I heard him call "stop" three times. Mr. Poindexter did not stop at all as I saw. He had his umbrella spread over him. I could not see which hand it was in. I thought he advanced a little faster as he was told to stop. It is a gradual ascension. I suppose about one or two seconds intervened between the last call and the firing. I don't know as I could say distinctly about the interval between the exclamations. I had not seen him (Hall) previous to that time, that morning. My impression is, he leveled the gun up to his shoulder when he first exclaimed "stop." I did not notice the umbrella until after I had assisted to carry Mr. Poindexter into the office. The word "stop" was said in a very loud and distinct voice. I did not see any pistol in his hands that morning. I had no watch, and could not say what the hour was. I was returning from the Commercial Hotel, where I had taken breakfast, going up Cherry street on the pavement that leads by the *News* office. Mr. Poindexter passed me somewhere about Deaderick street. I don't remember the precise point. He passed me on the right, walking rapidly. As he passed me, he turned his head and spoke to me, saying "Good morning." I returned his salutation, saying. "Good morning, Mr. Poindexter." That is all that passed between us. The idea of a hostile meeting at that time between him and Mr. Hall did not occur to me, or I should have stopped him. I was not when the occurrence took place. Mr. Poindexter continued having passed me, to go before me on the pavement. He was going fast—faster than I was, which of course threw him in advance of me. In coming up the street I remember that I casually saw Mr. Poindexter as I might see any other gentleman, going before me on the pavement. But at the time the occurrence took place I was walking thoughtlessly, carelessly, at least so far as concerned Mr. Poindexter and Mr. Hall. The first thing that attracted my attention was a pretty loud exclamation, "stop!" I am satisfied I was not looking at any man at the time that I heard that exclamation, and if I was looking at any thing, it must have been the pavement. I raised my head and I remember looking directly in front of me. I saw a man about the door of the *News* office, I think standing pretty much in a line with me. It was that which attracted my attention after hearing the exclamation "stop!" He had a gun in his hands. The moment I saw a man upon the pavement with a gun, without waiting to recognize him, which I cannot say of my own knowledge now, who that man was; without hesitating to recognize him, the first thing I did was to turn instantly to my left and go to the wall; when I got to it, I leaned against it, leaning my left side against the wall, and then turned my face to see what was going on. My eyes were first cast upon Mr. Poindexter. At that time the gun fired. But when I heard the exclamation "stop," as I was going to the wall, I heard another exclamation; I think it was the name of Poindexter pronounced. I had a good deal of difficulty in my own mind in regard to that thing. The impression that it left upon my mind was that he said, "stop, Poindexter." But on reflection it occurred to me that the space of time intervening between the exclamation "stop" and the pronouncication of the name "Poindexter" was too great for them to have been coupled in the same sentence. But those are the words that I recollect, and as I think, pronounced in the same voice that said "stop." When the gun fired Mr. Poindexter threw his head forward bringing his arms before his breast. At that time his umbrella and pistol fell. I would not like to undertake to say much about the umbrella and pistol, except that I saw them. My memory is at fault in regard to the umbrella—I mean as to how Mr. Poindexter was carrying it, and I am led to distrust it very much when I know that I do not recollect how I was carrying my own umbrella. I have some indistinct recollection of Mr. Poindexter's having an umbrella when he passed me in the street, but the first distinct recollection that I have of it was when I saw it fall. I saw the umbrella and pistol fall at the same time. The umbrella and pistol falling were mere incidents of my attention. The main object of my attention was the man. In looking at the man, I accidentally saw the umbrella and pistol fall. He made the inclination that I have mentioned—throwing his head forward, and his arms on his breast. When the gun was fired he was facing towards the man that shot—whom I will call Mr. Hall—and I do not think that he changed his position immediately, but threw his head forward, dropping the umbrella and pistol. After that he made violent spasmodic efforts—stepping several times upon the pavement as if in death agony. As I have stated, instantly upon the firing of the gun, nor when the pistol and umbrella fell. In stepping upon the pavement and making the spasmodic efforts that I've mentioned, he came towards me—I recollect distinctly that I saw his face—I recollect distinctly that I saw his face and move. He fell upon the pavement nearer to me than he was standing when he was shot. In the efforts that he made in his movements after he was shot, he moved down the pavement in the direction that I was standing. He did not fall heavily upon the pavement. He sank gradually, coming down, as I remember, upon his right side. When I saw him standing in the way I approached him and assisted in carrying him into Mr. Childress' office, when he expired very soon. The main movement after the firing of the gun was in the direction of myself. The first movement was not in that direction, but was a mere convulsion. I was at no great distance against the wall of Mr. Ewing's office, as well as I can remember, nearer to my house. I think I was perhaps standing upon the cellar door. Mr. Poindexter was before me, standing to my right, as nearly as I can estimate, for it is a mere matter of opinion, at an angle of 45 degrees. He was upon the outside of the pavement near the curb-stone. The distance was the width of the pavement with the addition of the angle. The width of the pavement is about eight or ten feet. I think—it is a matter of opinion. My eyes rested upon Mr. Poindexter but for an instant when I turned my face. He passed me as well as I remember about Deaderick street. The distance from Deaderick street to the place where he was standing when shot is about two hundred yards. I don't know whether I am correct or not. That is the place where he bade me good morning and passed by. The distance from where Mr. Poindexter fell, to the point where Mr. Hall stood with the gun, as Mr. Seabury and I measured it, was forty-three paces. We went to the place where he fell, measured from the points that we supposed they occupied at that time. When he passed me, he turned his face to his left far enough for me to see him and recognise him. My acquaintance with Mr. Poindexter was very slight, and I barely recognized him as he passed. I cannot say what was the precise time I did not see his face except when he passed me. The situation of the ground is uphill. I could not undertake to say the angle. I don't know the difference in the altitude of the pavement where Mr. Hall stood and where Mr. Poindexter stood. The pavement is considerably inclined upward. The first thing that attracted my attention was the exclamation "Stop." I raised my eyes and saw the gun, and turned to the left to go to the wall. As I was going to the wall, I heard the name Poindexter pronounced by the same voice, as I thought. There were no sounds that I heard, but that I said before, I think there was too much space between the two expressions to have been in the same sentence. They came from the same position. The gun he seemed to have held in his hands. What the precise range of the the gun was I cannot say, nor the kind of a gun. I heard but one explosion. I did not see Mr. Poindexter's pistol until it fell—that was the first—both simultaneously. I cannot tell the position of his right hand. I was to the left of Mr. Poindexter, and behind him. He being in advance of me and to my right, of course his body was between me and his right arm. I cannot state whether the right arm was extended or not when the gun fired. I heard the exclamation, "Stop," Mr. Hall was in a line with me, and Mr. Poindexter was to my right. When I turned my eyes they were withdrawn from Mr. Hall and of course from Mr. Poindexter. What he was doing from the time I heard the exclammation till I heard the firing of the gun, I cannot say, because my eyes were withdrawn from him. I don't remember that I saw any motion of the umbrella before it fell; there may have been, but I was somewhat excited. Mr. Poindexter died in a few minutes.

Cross-examination by Gov. Brown. (At the request of Mr. Brown, Mr. Seaberry hoisted the umbrella and held it as he thought Mr. Poindexter carried it.) Mr. Poindexter held it on a line with his person. He was walking along and he did not stop when he was told to stop, but was still advancing. As soon as the gun was fired he commenced reeling, but up to this time he was still advancing. I thought his coat-tail moved back and I thought he was making a motion to get a pistol, but I did not see any. I did not see him make any other motion. His side was towards me. I have lived in this town all my life. I know nothing of Mr. Poindexter's character except from rumor. People said he was regarded as a dangerous man.

Mr. Bate said: We are not prepared to admit that there is any legal right to ask questions as to that character in that manner, but are willing to waive the objection as we want the whole matter examined.

Direct examination resumed. I was not acquainted with Mr. Poindexter at all. I know nothing of his character except from rumors.

Cross-examination resumed. By rumors I mean what people say. I have heard a great many say that. I don't know how long he has lived here. I understand a couple of years.

Direct examination resumed. I don't know whether the people knew him who said that. I don't know that it was his hand, but I saw his coat move with his arm, immediately after Mr. Hall said "Stop, sir!" the second time. Mr. Hall's gun was right before him in full view.

Simeon Venable. Direct examination by Mr. Bate. I saw the difficulty which occurred on Cherry street, which resulted in the death of Mr. Poindexter. It was immediately after I had taken breakfast, and I had taken breakfast rather late that morning. I had no watch, and could not say what the hour was. I was returning from the Commercial Hotel, where I had taken breakfast, going up Cherry street on the pavement that leads by the *News* office. Mr. Poindexter passed me somewhere about Deaderick street. I don't remember the precise point. He passed me on the right, walking rapidly. As he passed me, he turned his head and spoke to me, saying "Good morning." I returned his salutation, saying. "Good morning, Mr. Poindexter." That is all that passed between us. The idea of a hostile meeting at that time between him and Mr. Hall did not occur to me, or I should have stopped him. I was not when the occurrence took place. Mr. Poindexter continued having passed me, to go before me on the pavement. He was going fast—faster than I was, which of course threw him in advance of me. In coming up the street I remember that I casually saw Mr. Poindexter as I might see any other gentleman, going before me on the pavement. But at the time the occurrence took place I was walking thoughtlessly, carelessly, at least so far as concerned Mr. Poindexter and Mr. Hall. The first thing that attracted my attention was a pretty loud exclamation, "stop!" I am satisfied I was not looking at any man at the time that I heard that exclamation, and if I was looking at any thing, it must have been the pavement. I raised my head and I remember looking directly in front of me. I saw a man about the door of the *News* office, I think standing pretty much in a line with me. It was that which attracted my attention after hearing the exclamation "stop!" He had a gun in his hands. The moment I saw a man upon the pavement with a gun, without waiting to recognize him, which I cannot say of my own knowledge now, who that man was; without hesitating to recognize him, the first thing I did was to turn instantly to my left and go to the wall; when I got to it, I leaned against it, leaning my left side against the wall, and then turned my face to see what was going on. My eyes were first cast upon Mr. Poindexter. At that time the gun fired. But when I heard the exclamation "stop," as I was going to the wall, I heard another exclamation; I think it was the name of Poindexter pronounced. I had a good deal of difficulty in my own mind in regard to that thing. The impression that it left upon my mind was that he said, "stop, Poindexter." But on reflection it occurred to me that the space of time intervening between the exclamation "stop" and the pronouncication of the name "Poindexter" was too great for them to have been coupled in the same sentence. But those are the words that I recollect, and as I think, pronounced in the same voice that said "stop." When the gun fired Mr. Poindexter threw his head forward bringing his arms before his breast. At that time his umbrella and pistol fell. I would not like to undertake to say much about the umbrella and pistol, except that I saw them. My memory is at fault in regard to the umbrella—I mean as to how Mr. Poindexter was carrying it, and I am led to distrust it very much when I know that I do not recollect how I was carrying my own umbrella. I have some indistinct recollection of Mr. Poindexter's having an umbrella when he passed me in the street, but the first distinct recollection that I have of it was when I saw it fall. I saw the umbrella and pistol fall at the same time. The umbrella and pistol falling were mere incidents of my attention. The main object of my attention was the man. In looking at the man, I accidentally saw the umbrella and pistol fall. He made the inclination that I have mentioned—throwing his head forward, and his arms on his breast. When the gun was fired he was facing towards the man that shot—whom I will call Mr. Hall—and I do not think that he changed his position immediately, but threw his head forward, dropping the umbrella and pistol. After that he made violent spasmodic efforts—stepping several times upon the pavement as if in death agony. As I have stated, instantly upon the firing of the gun, nor when the pistol and umbrella fell. In stepping upon the pavement and making the spasmodic efforts that I've mentioned, he came towards me—I recollect distinctly that I saw his face—I recollect distinctly that I saw his face and move. He fell upon the pavement nearer to me than he was standing when he was shot. In the efforts that he made in his movements after he was shot, he moved down the pavement in the