

## IN TILLMAN CASE EVIDENCE ALL IN.

THE CASE WILL PROBABLY GO TO THE JURY TOMORROW.

James H. Tillman Tells His Story Graphically and in an Impassive Manner. The Arguments.

[Special to Herald and News.]

Lexington, S. C., October 11.—The taking of testimony in the case of James H. Tillman, charged with murder in the killing of N. G. Gonzales, was concluded at 4 o'clock Saturday afternoon, and the record is complete so far as, under the circumstances, it could be made complete. When the last witness came off the stand the trial had lasted through exactly two weeks. Two days will be given to the arguments, and His Honor Judge Gary will charge the jury on Wednesday. Thus the case will go to the jury on Wednesday morning, the third day of the third week.

### MR. TILLMAN'S VERSION.

The keenest public interest in the case centered in the testimony of the defendant, Colonel James H. Tillman. For the first time he gave his version of the affair. Col. Tillman was placed on the stand an hour before the time for adjournment on Thursday afternoon and his testimony was concluded a few minutes after three o'clock on Friday. He was on the stand about six hours all together. He was collected and bore himself with ease amounting almost to a seeming absence of interest. It was apparent from his answers, however, that he had weighed each word carefully before it was uttered. He was subjected to a severe and skillful cross-examination by Mr. Bellinger for the State, but never once did he lose his self-possession.

### THE LINE OF DEFENSE.

A review of the State's testimony has already been given in these columns, and with that side of the case the readers of this paper are entirely familiar. The evidence for the defense was along three distinct lines:

Testimony was produced to contradict the evidence brought forward by the State that Mr. Tillman had made threats against Mr. Gonzales' life.

Testimony was produced to prove that, on the contrary, Mr. Gonzales had long cherished bitter animosity against Mr. Tillman's family and against Mr. Tillman and had repeatedly made threats against Mr. Tillman's life.

Testimony was brought forward to prove that at the fatal moment when Mr. Gonzales and Mr. Tillman met, Mr. Gonzales' action was such that Mr. Tillman, seeing it in connection with the threats which had been repeated to him as having been made by Mr. Gonzales, considered that action a demonstration against his own life, and fired as he thought to protect himself. "Had he pursued his straight course, he would have been safe from harm," testified Mr. Tillman.

### "HE CUT DIAGONALLY ACROSS."

The strong point in the State's evidence,—that Mr. Gonzales, when he met Mr. Tillman, cut diagonally across the pavement to avoid brushing against him,—Mr. Tillman turned to his own account. The construction placed on this move of Mr. Gonzales, whether it was a demonstration against Mr. Tillman's life or an attempt to avoid Mr. Tillman, has differed with the relative positions on the pavement assigned Mr. Tillman and the two gentlemen with him. All the witnesses for the State, except Senator Talbird, placed Mr. Tillman on the outside, Senator Talbird in the center, and Senator Brown on the inside. Mr. Gonzales, they said, was walking down the street in the center of the pavement. When he approached Mr. Tillman and Senators Talbird and Brown he cut diagonally across towards the inside, going away from Mr. Tillman on the outside of the pavement and seeking both through the opening between the car and the corner of the street station. Therefore, we see, Mr. Gonzales cut on the 9th and cut to avoid brushing Mr. Haynesworth.

Lawyers of the State for the defense are sure will make the out-look, Mr. Tillman and Senator Brown on the street, Mr. Gonzales, they said, was walking down the street in the center of the pavement and when he approached Mr. Tillman and Senators Talbird and Brown he cut diagonally across towards the inside, going away from Mr. Tillman on the outside of the pavement and seeking both through the opening between the car and the corner of the street station.

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ators Talbird and Brown. Both sides agree as to the move, the State holding it was an attempt to avoid Mr. Tillman, the defense holding that it, taken with other circumstances, was a demonstration against Mr. Tillman's life.

The evidence for the State and the evidence for the defense is contradictory at almost every point. Both sides have been presented with consummate skill. Which witnesses are to be believed? The jury must decide, and upon the answer which they give to that question must depend their verdict.

### COL. TILLMAN'S TESTIMONY.

James H. Tillman, the defendant, was placed on the stand at about five o'clock Thursday afternoon. The burden of Mr. Tillman's testimony was that for many years Mr. Gonzales has pursued him with relentless malice; that within recent years he had repeatedly made threats against his life; that when he and Mr. Gonzales met Mr. Gonzales cut diagonally across the pavement towards him instead of continuing his course in order to pass, at the same time thrusting his hand deeper in his pocket as if to draw a weapon, and that these movements, taken in connection with Mr. Gonzales' bitter editorials and the threats which had been repeated to him as having come from Mr. Gonzales he considered a demonstration against his life, and shot as he thought in order to protect his own life.

Mr. Tillman was examined by Col. Croft, and testified in substance as follows:

While in Winnsboro reading law in the office of his brother-in-law, O. W. Buchanan, he wrote an article for the Winnsboro News and Herald, replying to an article which Mr. Gonzales had written for the News and Courier (Mr. Gonzales at the time being the Columbia correspondent of the News and Courier), in which Mr. Gonzales had misrepresented his uncle, now Senator Tillman. Mr. Gonzales wrote to ascertain the name of the writer, which was at first withheld because his friends advised him not to get into a controversy, but upon a second request from Mr. Gonzales his name was given.

The next transaction that arose between Mr. Gonzales and himself was when he applied in 1890 for membership in the South Carolina club. Mr. Gonzales, he said, drummed up enough of his friends under the rules of the club to blackball him and he withdrew his name. Then he challenged Mr. Gonzales to a duel to be fought over in Georgia. He refused to reduce the challenge to writing because he was afraid it would be used against his uncle, then Governor B. R. Tillman. He went to Georgia and waited for Mr. Gonzales a couple days, but he didn't come. In that year Mr. Gonzales made a bitter attack on him in the afternoon paper in Columbia and in other papers, calling him a contemptible scoundrel and he didn't know what else.

Mr. Tillman said he was once the Washington correspondent for several papers. Mr. Gonzales at that time, just after the second election of Cleveland, was an aspirant for the position of consul general to China. Mr. Tillman, upon the best information he could gather, as he said, "all newspaper men do except in South Carolina, where they never try to hunt any facts at all," wrote to his papers that Mr. Gonzales would not be appointed. Mr. Gonzales was in Washington, and they met in the lobby of the Metropolitan hotel, where they had some hot words. The next day he walked up to the cigar counter and bought some cigars. A crowd was standing around and he turned around to offer a cigar to somebody. He did not know who was there, and he felt he had made a mistake in offering Mr. Gonzales one. Mr. Tillman said he came back to Columbia, where he was Columbia correspondent for the Atlanta Constitution for some time. He went to Edgefield to practice law about 1894.

When the Spanish war broke out he was appointed lieutenant colonel of the First S. C. Regiment, his first public office. Asked about the reference which had been made in articles in the State about his trying to get the regiment disbanded, Mr. Tillman said that was true. After the war was virtually over he did not feel that it was just to the private to go to the front, giving up lucrative positions for \$15.40 a month. The conduct of the State was very bitter towards him during his military life, it had always been very bitter towards him since he was 21 years of age. Mr. Gonzales on one occasion wanted to have him court-martialed because he had some negroes whipped because they had stolen a pistol from an old

negro along with his regiment. "He had me arrested and brought before a magistrate, and the magistrate dismissed it." When Col. Alston died he was promoted to the colonelcy. It was attempted to be represented against him that after he was made colonel he wanted to keep the regiment in service. To show the falsity of that, he said after his colonelcy expired, he tried to enlist in the Third Nebraska Regiment, of which W. J. Bryan was colonel. After that Mr. Gonzales had vilified him when he attempted to organize a company of Indian scouts to go to the Philippines and had ridiculed him when elected senior vice-commander-in-chief of the Spanish War Veterans' Association, to which position he was elected over Gen. Joe Wheeler.

Mr. Tillman's narrative at this point reached his entrance into political life, his campaign for lieutenant governor in 1900. The statement that he was a traitor to his uncle and had tried to defeat him when he ran for governor was absolutely false and that man (Mr. Gonzales) knew it when he wrote it. Mr. Tillman denounced as absolutely false a number of editorials in the State in reference to his official and personal acts during the time he was lieutenant governor. Asked about the attacks which Mr. Gonzales had made upon him, Mr. Tillman said he thought Mr. Gonzales' paper had been pretty well devoted to him and to members of his family since 1890. These articles had always been extremely abusive and scurrilous.

At this point a long argument ensued as to whether or not Col. Tillman could testify as to the truth or falsity of the editorials. In the midst of the argument the court adjourned until Friday morning. At the conclusion of the argument, Judge Gary held that Col. Tillman could not testify as to the actual truth or falsity of the editorials, but that he could testify what feelings those editorials engendered in his breast.

Mr. Tillman continued his testimony. He had given no cause for the charge in the editorials that he had withheld money collected for a Confederate monument at Edgefield, and at one of the meetings in the last campaign had produced a telegram from Mrs. Gen. Evans, the president of the monument association in which she received for all the money he had collected.

As to the Jenkins sword incident, Col. Tillman said he withdrew the invitation to Mr. Roosevelt to present the sword at the Charleston exposition, because in withdrawing an invitation to Senator Tillman dining at the White House became. Senator Tillman had engaged in a fight on the floor of the senate, Mr. Roosevelt insulted the State of South Carolina by insulting one of her senators, who was also an uncle of his. The first thought of withdrawing the invitation came from some of the subscribers.

He only wished he could get another chance to withdraw an invitation, since Mr. Roosevelt had got to dining with Booker Washington and appointing negro officials in Charleston. Mr. Gonzales' editorials upon this incident and others in connection with it, he said, contained about as much venom as a rattlesnake.

Col. Tillman denied that he had told Mr. C. J. Terrell that he would kill Mr. Gonzales. He had never been intimate with Mr. Terrell and would hardly take a man into his confidence who had fought him as bitterly as Mr. Terrell had. Mr. Tillman denied in toto having made any threats against Mr. Gonzales' life, corroborating Mr. Blease's testimony as to his conversation with Dr. Adams. He corroborated the witnesses who testified to having repeated to him threats made by Mr. Gonzales against his life.

Col. Tillman said that the afternoon before the shooting his own pistol was out of order and he had given it to Mr. F. H. Dominick to carry to the gunsmith. In view of the threats made by Mr. Gonzales, considered it unwise to go unarmed and the afternoon before the shooting he borrowed Mr. L. J. Williams' pistol and later gave it to his nephew Tillman Bunch to return. He went down to the State House on the morning of the shooting with Tillman Bunch's pistol. He found his pistol in his room at the State House when he got there.

Mr. Tillman continuing, described the meeting with Mr. Gonzales, and the shooting, as follows: "Well, we went on out of the State House, myself and Senator Brown and Senator Talbird, as before stated, walking down the street, across the State House grounds and up Main street, and, just before I got to the transfer station I noticed

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