

IN TILLMAN CASE EVIDENCE IN

Mr. Gonzales some distance down the street, looking at me very intently. I had my glove in my left hand; did not have on my gloves that day at all, and my overcoat was buttoned. I don't think Senator Talbird had on any overcoat at all. It was a comparatively warm day, not to say warm, but sort of medium weather. Senator Talbird was talking. He was on my left and was talking something about the nature of a joke. I believe about Governor Sheppard. And just as I got across on the pavement walking along, we were walking along leisurely. Mr. Gonzales was walking along rapidly, his overcoat was very tightly buttoned, both his hands in his pockets, and I never took my eye off him nor did he take it off me when he started to cut across the pavement toward me.

"When he started to cut across the pavement towards me his overcoat was tightly buttoned up and both his hands were thrust in his overcoat pocket. The thumb of both of his hands were outside of his overcoat pocket until he started to cut across that sidewalk coming directly toward me, and then the thumb of his right hand disappeared in his pocket and it happened almost directly in three or four seconds after that I was expecting him to shoot, and I said 'I got your message' and fired. I was expecting instantly to be shot down."

"I was unfortunate, perhaps in calling it a message. That was in my mind the conversation he had at the State House with Capt. White and Mr. Holzenback. That is what I meant when I spoke of a message."

Senator Talbird stepped in between us and threw up his right hand and said: "This thing has got to stop right here." He looked at me and looked back at Mr. Gonzales. Mr. Gonzales came on past me to the corner. He never did take his hands out of his pockets.

Mr. Tillman said that walking down the street Senator Talbird was on the outside, he was in the middle, and Senator Brown was on the inside. That Mr. Gonzales was on the outside coming down. That although there was plenty of room for Mr. Gonzales to pass on the outside, he cut diagonally across the pavement, coming directly towards him. "If Mr. Gonzales had passed the side of the pavement," said Mr. Tillman, "and passed on by me without cutting across the pavement, coming directly towards me, he would have been as safe from harm as you are sir." Mr. Tillman said he did not shoot the second time because Mr. Gonzales did not return his fire, as he expected. He held his pistol in position after the first shot because he expected Mr. Gonzales to return his fire.

Mr. Tillman was subjected to a rigid cross-examination lasting for over an hour. He explained the difference in his affidavit on motion for bail and his testimony on the stand by saying that his attorney did not care to give away his whole defense on a motion for bail, that only a part of it was stated. In his affidavit on motion for bail Mr. Tillman explained the presence of pistols on his person by saying he was moving them among his other personal belongings preparatory to turning over his office to his successor. Mr. Tillman admitted that he had been to the State office many times to see Mr. Watson and had taken a drink with him since 1892, and he thought Mr. Bellinger was present and took one with them. He said he never had any ill feeling towards Mr. Gonzales until the Spanish-American war. In the main, however, he held strictly to his testimony given on direct examination.

The defense put up three witnesses after Mr. Tillman: W. J. Hyatt, who testified as to threats, W. J. Bauer, weather observer, who testified as to the weather on the day of the shooting, and J. Frost Walker, the clerk of court of Richland county, from whose office several legal documents were obtained.

GONZALES HAD A WEAPON IN 1896. One of these was an affidavit made by Mr. Gonzales about the year 1896, in a case in which he was indicted for carrying concealed weapons, in which he testified that he carried a weapon during a personal difficulty with T. J. Lamotte, at that time a reporter for the Columbia Register, published by Chas. A. Calvo. That later on the day of this difficulty he was attacked by Mr. Calvo and beat Mr. Calvo on the head with the weapon when Mr. Calvo attempted to cowhide him, but that he did not fire the pistol. That later on this same day Calvo's brother attacked him and attempted to draw a pistol on him and that he beat him over the head with his weapon, but did not fire.

The defense then closed. THE STATE IN REPLY. H. N. Edmunds testified that Col. Tillman frequently visited the State office while his regiment was in Columbia. A number of witnesses

swore that they would not believe Holzenback on oath.

SATURDAY'S SESSION. On Saturday morning the State placed on the stand about twenty witnesses, some of them next door neighbors to Holzenback, who swore that they would not believe him on oath.

W. B. Ceer, of the State, denied ever having told Victor B. Cheshire that Mr. Gonzales was carrying a pistol for Tillman. Alfred Wallace, superintendent of the Columbia street railway, testified that Flowers had told him he knew nothing about the tragedy. And so it went on, the impeachment of character and the contradiction of evidence. Considerable time was devoted to attacking the character of T. D. Mitchell, who swore that Mr. Gonzales told him if Tillman ever batted his eyes at him "he would fill him so full of lead that he could not tote it off."

THE DEFENSE IN REBUTTAL. The defense in rebuttal placed on the stand a large number of witnesses, who swore that Holzenback's character has always been good and that they would believe him on oath.

THAT MAN HOLZENBACK. Holzenback was one of the star witnesses for the defense. He corroborated Capt. White as to threats made by Gonzales in the vestibule of the senate chamber, the day before the shooting, the threats Mr. Tillman referred to when he said to Mr. Gonzales just before shooting him "I received your message." Capt. White did not know Mr. Gonzales and Holzenback told him who it was. He was one of the eye-witnesses produced for the defense. His testimony was given in the last issue. His character was very properly assailed and as strongly attacked by people who knew him.

MR. TILLMAN'S POSITION AND HIS VIKING. During the examination of J. D. Livingston, for the State, who said he would not believe Mitchell on oath, the witness was asked by the defense if he did not support Tom Johnson, Republican candidate, against Dr. Stokes for Congress. Mr. Bellinger objected, saying that political parties had nothing to do with his character. Judge Gary said that, owing to our peculiar conditions, "a man in this State who voted the Republican ticket was open to suspicion, and that the question could be asked."

AN IMPORTANT DECISION. Attorney General Gunter Decides that Children May Attend School in Districts Where They Do Not Reside. Columbia, October 9.—Attorney General Gunter rendered an important opinion this morning, at the request of Superintendent of Education O. B. Martin, regarding the attendance of school children, who live in one district and who attend school in an adjoining district, where, perhaps, a special tax levy has been placed for school purposes. The opinion reads as follows:

In your communication of the 6th inst., you request to be advised upon the following statement: "A school trustee desires to be advised upon the following point: A patron of an adjoining district, who lives two miles from the district line, has transferred his children to the school of the aforesaid trustee. The district in which the trustee resides has special levy of three mills in addition to the regular source of income. The adjoining district has no special levy. Is it legal for the children of said patron to be transferred and receive the benefit of the special levy, regardless of the wishes of the trustees of the special tax district?"

Section 1,214. When it shall so happen that persons are so situated as to be better accommodated at the school of an adjoining district, whether special or otherwise, the board of trustees of the school district in which such persons reside may transfer such persons for education to the school district in which such school is located; and the trustees of the school district where the school is located shall receive such persons into the school as though they resided within the district: Provided, that children shall not be transferred from a school district in one county to a school district in an adjoining county without the consent of the board of education of the respective counties in which the transfer is made: Provided, further, that if any taxpayer pays taxes in two or more counties he shall have the right to send his children to the school of any one of said counties."

This is the only law that I can find that applies to the proposition presented, and from this provision it is manifest that persons so situated as to be better accommodated at the school of an adjoining school district, whether special or otherwise, can be transferred to the board of trustees of the district in which such persons reside, regardless of the distance of the school-house or the tax levy or any other

condition of either district, such action being limited only by the condition that such person must be so situated as to be better accommodated, and this condition is determined by the board of trustees from which the persons are to be removed, it being mandatory that the trustees of the adjoining district shall receive such person.

large body in our city helped to make many for the time forget their sorrows and turn over another of the sad pages of life to begin with new hope and cheer life's struggles and battles. Not a few of God's people might learn from them the power of a smile and the uplifting influence of good fellowship and good will. The kindly spirit of "Hello Bill" might work well in some churches, where there is a superabundance of cold formality and unfriendliness, where members of the same church pass each other without speaking and where the stranger must wait and hunt for a seat.

It were worth the visit of the Elks to Baltimore to have this sentiment for them expressed from the pulpit—a world of truth in one brief paragraph, worded by a reader of the human heart. It is evident that Dr. Zimmerman did not look for what he could find bad in the Elks (as the chronic critic would do any body of men), but that he looked for any thing good he might be able to see and he found "the sweet kernel, the kind heart and spirit of benevolence and charity." The very presence of this class of men "helped to make many for the time forget their sorrows and turn over another of the sad pages of life to begin with new hope and cheer life's struggles and battles." The writer of this is not an Elk, but he knows the Elks to be benevolent, charitable, full of good deeds—just the kind of men to make others forget their sorrows—and it is clear that this Baltimore pastor who we judge, is a preacher of the gospel of love, has analyzed them from the standpoint of the good Christian "Hello Bill." May your tribe increase and salutations to you, Dr. Zimmerman! May your tribe also increase.

GENERAL NEWS NOTES. Items of More or Less Interest Condensed Outside the State. The Oriental situation seems to be more threatening. There was a large increase in the number of yellow fever cases at Laredo Friday. Auditor Castle of the postoffice department, has resigned because of the postal scandals. An Argentine gunboat has sailed for the Antarctic regions to search for the Nordenskjold expedition. The arguments in the Alaskan boundary case are all in. The commission will now deliberate as to its decision. It is learned that the terms of a general treaty of arbitration have been concluded between France and Great Britain. The American ship Benjamin Sewall has been lost at the Pescadores. Only twelve of the persons on board were saved. Sir John Burgoyne, who aided former Empress Eugenie in her flight from France, was married Thursday to Kate Gretton in London. China has at last signed the commercial treaty with the United States. This insures the opening of additional ports in Manchuria. Joseph Chamberlain is losing no opportunity to spread his fiscal gospel. John Redmond says the new cabinet will go to pieces. "Al" Morrow, confidential clerk of Governor Dockery, of Missouri, has been indicted on a charge of aiding fraudulent naturalization. The situation in the Orient is still threatening. Russia has made no move to evacuate Manchuria and has a great fleet off the coast of Korea. New York city was Friday harried by one of the greatest rain storms ever experienced. Damage amounting to thousand of dollars was done. The Daughters of the Confederacy of Union Springs will urge Charleston convention to legislate against celebrations held on the Sabbath. Near Nashville, in Berrien county, Gordon Bennett, a lad of 14, fatally wounded his cousin, Ben Cornelius, with a gun supposed to be empty. Russia has made no move to evacuate Manchuria. It is stated that ninety Russian warships have left Port Arthur for the coast of Korea. The prosecution in the Ernest Hayward case, now on trial at Raleigh, announced Thursday that it would only ask for a conviction for murder in the second degree. Michael Davitt, the noted Irishman, who has lately made a trip through the Jewish pale in Russia, warns the czar that the conditions in the pale will result in catastrophe. Former Chancellor of the Exchequer Ritchie, speaking of Chamberlain's fiscal proposals, said that Great Britain should be careful not to give United States cause for injuring Canada. At the trial of a tyber in Germany for whipping a boy to death, the spectators became so excited by the revelations of brutalities that a lynching was feared in court. The agricultural commissioners of the southern states who have been in session at Montgomery Friday issued an estimate of the south's cotton crop, placing it at 10,271,000 bales. Seven hundred freight handlers have gone on a strike on the Savannah docks. They demand an increase of 6 cents per hour and double pay for overtime. Sam Johnson, the negro preacher who robbed the Misses Battle at Barnett, was found guilty at Warrenton and sentenced to fifteen years in the penitentiary.

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MOVED! Newberry Hardware Co. MOVED!

WE are now doing business in the two stores under the Crotwell Hotel, just below the dispensary, where we will be pleased to see all of our old customers and friends. If you are in the market for anything in the Hardware line it will pay you to get our prices. We are headquarters for low prices on

Belting, Guns, Loaded Shells, Paints, Oils, McCORMICK HARVESTING MACHINERY, and Mower Repairs.

We are agents for the celebrated L. & M. PAINTS, they are absolutely guaranteed to give...satisfaction...

Thanking you for past favors and wishing to serve you in the future. We are, Yours truly,

Newberry Hardware Co.

AN ORDINANCE Fixing the Rate and Prescribing the Time for the Payment of Town Taxes for the Year 1903.

BE IT ORDAINED BY THE Mayor and Aldermen of the Town of Newberry, in the State of South Carolina, in council assembled, and by authority of the same: That for the purpose of raising a revenue and in the exercise of the taxing power of said Town, the following taxes are hereby imposed for the fiscal year ending December 31st, 1903, upon all real and personal property within the corporate limits of said Town (except such as is exempt from taxation under the Constitution and laws of this State) upon the valuation thereof as assessed for taxation for County and State purposes, viz: Section 1. That a tax of sixty cents on each one hundred dollars worth of real and personal property within the corporate limits of the Town of Newberry, in the State of South Carolina (except such as is exempt from taxation under the Constitution and laws of this State) is hereby levied for the purpose of raising a revenue to defray the ordinary expenses of said Town for the fiscal year ending December 31st, 1903. Section 2. That a tax of three-fourths of a mill on each dollar's worth of real and personal property within the corporate limits of the town of Newberry (except such as is exempt from taxation under the Constitution and laws of this State) is hereby levied for the purpose of raising a revenue to defray the bonded indebtedness of said town for the Opera House. Section 3. That a tax of two and a half mills on each dollar's worth of real and personal property within the corporate limits of the Town of Newberry, (except such as is exempt from taxation under the Constitution and laws of this State) is hereby levied for the purpose of raising a revenue to pay the interest on and create a sinking fund for the bonded indebtedness of said town for the Sewerage System. Section 4. That a tax of one mill on each dollar's worth of real and personal property within the corporate limits of the Town of Newberry (except such as is exempt from taxation under the Constitution and laws of this State) is hereby levied for the purpose of raising a revenue to pay the interest on and create a sinking fund for the bonded indebtedness of said town for the Water Works and Electric Light Plant. Section 5. That all taxes herein imposed or levied shall be paid to said town in lawful money of the United States, between the 15th day of October, 1903, and the 15th day of November, 1903, and that after the 15th day of November, 1903, a penalty of ten per cent. is hereby imposed upon and shall be added to all taxes in arrears. Section 6. That execution issue according to law for the collection of all taxes, fines or penalties past due and unpaid for Thirteen days, and the costs of said execution. Done and ratified under the corporate seal of said Town this 14th day of September, A. D. 1903. W. E. HATHAWAY, Mayor of the Town of Newberry, S. C. THOS. O. STEWART, Clerk and Treasurer.

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NEWBERRY SAVINGS BANK of Newberry, S. C. Organized 1896. Capital - - - \$50,000 Surplus - - - 19,500 Paid Stockholders since organization 21,000 Paid Depositors in Savings department since organization - - \$9,200

CURED OF RHEUMATISM

Is what one of our customers told us a few days ago after using two bottles of our Rubv Nerve and Bone Liniment. It penetrates without harm, removes soreness, relaxes inflammation, swells and lameness, healing surely and quickly. Have it always on hand ready for accidents. It costs but twenty-five cents and may save you many dollars.

Mayes' Drug Store. WE ARE LOOKING FOR YOUR COLUMBIA... J. C. COLEMAN

Watches, Clocks, Silver and Plate Ware, Cut Glass and Table Ware

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