

# THE BARNWELL PEOPLE.

VOL XXVII.

BARNWELL, S. C., THURSDAY, OCTOBER 15, 1903.

NO.

## THE TILLMAN TRIAL

### What the State Proves Against Him by Its Witnesses.

### AN INTERESTING REVIEW

Remarkable Strong Character of the Evidence and the Evidence Most Damaging to the Defendant.

The Columbia State of Tuesday gave a summary of the case against J. H. Tillman that has been made in the city at Lexington. This review is particularly interesting from the fact that it is written by Mr. James A. Hoyt, Jr., the present assistant to the Governor of the State, who held that position also under the man Tillman killed, and was peculiarly in his chief's professional confidence and held his close friendship. Mr. Hoyt had also been a witness himself in the trial of Tillman, testifying to the dying statement of Mr. Gonzales. The summary of the trial written by Mr. Hoyt is the first report of any phase of the whole case—except the question of the assignment of a trial judge—that has been made in the State, by a member of that paper's regular staff. Mr. Hoyt's review is as follows:

For six successive days the trial of J. H. Tillman for the murder of N. G. Gonzales has been in progress. During that time the evidence upon which the State of South Carolina asks the prisoner's conviction has been largely presented, and with one day more it will probably all be in. Then the defendant's side of the case will be put before the jury, and afterwards will come the testimony in reply and in rebuttal. This will doubtless consume all of the week now beginning and as the argument will take several days it will be well to next week, perhaps near its close, before the trial can be concluded.

The analysis and interpretation of the evidence for the assistance of the jury in determining truth and justice is the province of the attorneys on each side. This newspaper would not essay such a task. But the court has ordered the State shall not be read by the jurors, and it is therefore not unreasonably to present an analysis of the proceedings so far for the benefit of its readers who are interested, some of whom may have the time to pursue the evidence in detail as it is given in the State day by day. This analysis is given with a full understanding that certain persons stand ready to charge partiality, animosity and bias to its writer, as the newspaper in which it appears.

The prosecution has proved that Narciso Gonzales, editor of the State was on January 15, 1903, shot by J. H. Tillman, then Lieutenant Governor of South Carolina; that the shooting occurred on the corner of Main and Gervais street, in Columbia; that the shot was fired from a Luger magazine pistol, a large and deadly weapon, unfamiliar to people in that part of the country; that Mr. Gonzales died from his wound on January 19, surgical skill being unable to save his life; that within an hour of the shooting he made to his assistant and friend a statement as to the occurrence and that within another hour he made another statement, more formal but differing only slightly from the other, to four or five men, each of unimpeachable veracity; that before making these declarations Mr. Gonzales expressed the belief that he was going to die, that he had received a mortal wound. To the establishment of the main fact in the case, the shooting itself, the prosecution has brought up eye-witnesses to the deed whose testimony not only agrees the one with the other remarkably well, but which coincides just as well with the statements of the deceased.

This main fact is that N. G. Gonzales was walking along on the east side of Main street towards the capital and J. H. Tillman, with two men, was coming in the opposite direction; that as they approached each other, Mr. Gonzales went from the outside to the inside of the pavement towards the transfer station corner, and as he passed the three men Tillman fired. As to what was said then testimony does differ, but so far there has been no evidence to show that Mr. Gonzales did anything inconsistent with his own statement that he intended to pass Tillman and proceed to his home.

There is no evidence that he made any movement towards his assailant either before or after the shot was fired and it is clearly proven that Mr. Gonzales' face showed no sign of hostility, that he wore his usual expression, and that he was walking in his usual absent-minded fashion, neglecting to speak or even to good a friend as Wyatt Alken or falling in his near-sightedness to recognize him. As Mr. Ball said, yesterday, to those who knew N. G. Gonzales this picture is as true to life as it could be drawn. No one knew N. G. Gonzales better than the man who writes this, yet time after time Mr. Gonzales has passed him on the street, close enough to touch, without seeming to see him at all. And the hands in the overcoat pockets with the thumbs outside!

With Mr. Gonzales this was not only a personal habit—it is a family habit. Turn from this picture to another. The first, if you will, be painted by the friends of the dead editor. You may disregard if you wish the declaration to Black and to Trenchard of the intention to kill Gonzales, but you may disregard the conversation which took place overheard by Adams, and which is reported in the State, but there is no getting around the fact that Adams and Trenchard were present and saw the conversation.

There are two other pictures. One is drawn by another friend of the prisoner, Representative H. Spann Dowling of Bamberg, who roomed next to Tillman at the Caldwell, and was in his room that morning and with him during the day. As soon as he heard of the tragedy he went to the jail and expressed his regrets that his friend was in trouble. Then at his request, he went to ascertain the condition of the man lying so sorely stricken, and returning with his report was told by Tillman: "If I hit him where I aimed, he is sure a dead man. The ball I used won't change its course." In connection with this, remember Senator Talbird's testimony as follows:

"Q. Do you know or not, did Mr. Tillman ever say why he did not shoot again? A. Well, sir, about that he gave two reasons when I went around to the jail. One was, he said that he did not shoot again because he was afraid of hitting me; the other was, that when I threw up my hands and said, 'This thing must stop,' he did not shoot again."

The other picture is about the same time as this. The wounded man is being carried to the hospital in an ambulance; he is accompanied by none of his family nor his friends, only a private physician who knew him but slightly. It is Dr. James H. McIntosh who portrays this scene:

"Q. On the way did he ask you any questions about his condition? A. Yes, sir; on the way to the hospital he looked around the ambulance and saw there was no one else in it, and he said to me: 'Doctor, I want you to tell me frankly whether I am mortally wounded or not.' I replied to him: 'Yes, Mr. Gonzales, I am afraid you are mortally wounded,' and he simply said: 'Yes, I think the fellow got me,' and with that he covered up his face."

It was after this knowledge that he was on the border of eternity, after these moments of undisturbed reflection as he looked death in the face, that he gave his second account of the shooting to such men as Dr. J. W. Babcock and August Kohn. Prepared to meet his God, he said he had sent his slayer no message, that so far as he was concerned it was all ended five months before.

This is the main fact in the case against J. H. Tillman. What the defense will be is, of course, impossible to conjecture. To break down the evidence of the prosecution is an accepted mode of procedure which will prove impossible in this case. It is useless to impeach the veracity of such persons as Senator Thomas Talbird and George W. Bryson, of Mrs. Emma C. Melton, C. M. Lide and the other eye-witnesses—all of whom are persons of unusual intelligence and the highest repute. To prove by witnesses their equals in character and intelligence that N. G. Gonzales was about to assault J. H. Tillman when Tillman shot Gonzales is necessary for the making of a case of self-defense. Can it be made? There is no other legal provocation for the killing which Tillman can plead, unless it be that he knew Gonzales had threatened his life or that he had sent the defendant a warning message. The implication of the defendant's statements up to this time has been that some such justification would be attempted. The difficulty of proving it can not be underestimated even by the defendant's own counsel.

Already one witness for the defense has testified and she told of alleged remarks the deceased made in her presence concerning the prisoner, Miss Koper, a trained nurse who repeated a conversation in a death chamber, simply said that Mr. Gonzales said he had made Mr. Tillman show the "white feather" twice, that Col. Tillman had challenged him to two duels which he did not acknowledge and that Col. Tillman had no more resentment than to come in the hotel lobby and offer him a cigar, which he refused. There is not the semblance of a threat in this nor did Miss Koper say Mr. Gonzales had made one. Her testimony, in fact, had no bearing at all on the killing, since she merely repeated the opinion of Jim Tillman which Mr. Gonzales had expressed to her, the same opinion he so often expressed in his paper.

This is the legal case. There are in evidence in the court at Lexington every copy of the State published during the year 1903. It was during six of those twelve months that N. G. Gonzales as editor of the State so persistently assailed the public record of the then Lieutenant Governor. These editorials have been read to the jury and the jurors will have the right to inspect them for themselves. They are available to be found by any person who wishes to do so.

State Constables captured a blockade still within two miles of DeWitt Wednesday night. They found upon the road a number of men, some of whom were armed with shotguns and rifles. The constables were on their way to the jail when they were stopped by the blockade. The men were taken to the jail and the constables returned to their duty.

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supporter, who advised him to meet his accuser face to face and resent his occasional man to man, offering to ensure fair play by his own presence. There is the accused refusing this plan and declaring, "I will snuff his light with this" taking up a pistol. There is the accused commenting on the reputation of the man who was to meet him, asserting: "He can call it back to me if he wishes so, but I will make it the God damned tragedy that ever happened in South Carolina!" And how the end bore out this prediction!

"Ned" Adams is too well known in Richland county to admit of the thought that any effort will even be made to impeach his veracity, yet the tragedy itself was sufficient to sustain the truthfulness of his testimony; his bearing on the witness stand—indicating a straight forward fearlessness, an inherent and inherited love of justice and manliness—could but make an ineradicable impression on all who heard him.

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## ON THE STAND

### James H. Tillman Gives His Version of the D Healty

### BETWEEN HIM AND GONZALES

Me Tells of His Various Transactions With Mr. N. G. Gonzales in Public and Private Life

James H. Tillman took the stand in his own behalf on Thursday afternoon. After saying that he was a son of the late George D. Tillman, was born and raised in Edgefield county, and had studied at various schools, he said:

"I had occasion to go to Willsboro to read law in the office of my brother-in-law, Judge O. W. Buchanan. He was not a judge at that time, being a member of the house of representatives. While there I had occasion to have written an article concerning N. G. Gonzales. Mr. Gonzales at that time was the Columbia correspondent of the News and Courier. He had misrepresented a speech which Captain Tillman, now Senator Tillman, made before the March convention, and I took occasion to correct it. I signed the non-deplorable 'Fair Play,' to the article written."

"Mr. Gonzales wrote to the editor of the Willsboro paper demanding the name of the writer of the article. I did not care to get into a newspaper controversy and my friends advised me not to give my name. But, when Mr. Gonzales wrote a bitter article in reply to mine, I did give him my name and published it in the News and Herald. It was absolutely incorrect to say I would not give my name."

"I had many transactions with N. G. Gonzales. I do not recall what was the next, but when my uncle was made governor in 1890, I was invited to attend the state ball. I found it would be necessary for me to join the South Carolina club. I got the endorsement, voluntarily, of former Governor Shepard, of Edgefield, and General Bonham. Late in the afternoon some of my friends came to me and told me that N. G. Gonzales had drummed up enough of his friends, under the rules of the club, to blackmail me. My friends then withdrew my name. It was never formally presented to the club. I was about twenty-one years of age at this time and had never held any public position or even aspired to one."

In consequence of the South Carolina club affair, I sent Mr. Gonzales a message by George S. Legare, who is now a congressman from the First district. I did not want to violate the laws of my state by sending a challenge according to the code, and Mr. Legare simply extended to Mr. Gonzales an invitation to meet me over in Georgia.

Mr. Legare carried only a verbal message, and when he returned after seeing Mr. Gonzales, he told me Gonzales wanted me to reduce my invitation in writing, which I refused to do, because I thought it was a trick set to place my uncle, then governor, in an awkward position. I declined to reduce the challenge to writing, as it would then have been a violation of the laws of South Carolina. I went to Georgia, but Mr. Gonzales did not come. After remaining there several days I wrote him a letter in which I told him the least he could do was to pay my hotel bill, while I was walking on him."

At this time I do not think Mr. Gonzales was connected with any newspaper. I think Mr. Tipton or some one had succeeded him as correspondent of the News and Courier.

Shortly after this the Eusebe matter was published in the Columbia Evening Journal and other newspapers by Mr. Gonzales.

"This was just about the time of the establishment of the State newspaper. The next clash when I was in the newspaper business. For a considerable period I was at Washington for the Augusta Chronicle and Columbia Journal, and afterwards for the Atlanta Constitution.

I arrived there shortly after election of President Cleveland for the second time to cover South Carolina and Georgia news, particularly with reference to the distribution of patronage for those states and to ascertain the different aspirants for positions.

"I wrote on the current news of the day from the best information I could obtain, as all newspaper men do, except in South Carolina.

"Mr. Gonzales, as I recollect it, was an application for the position formerly held by General Kennedy as consul general to China. It has been said he wanted to go to Rio Janeiro, but my impression now is that it was Shanghai, China. I wrote he would not be appointed. The statement was written on the best authority obtainable as a news paper correspondent."

"The Metropolitan Hotel in Washington is headquarters for Southern people in Washington and three-fourths of those stop there and hang around the lobbies. It was where I always went to get Southern news. When Mr. Gonzales came on to Washington he asked about the article and why should the statement have been printed as sent out by him."

had not been appointed and bought some cigars. There was a crowd standing around and after buying them I returned and passed them around. I did not know Mr. Gonzales was there, and saw at once I had made a mistake in offering him any.

"I remained in Washington until 1894, when I returned and began the practice of law with Colonel Croft.

"When the Spanish-American war commenced I offered my services to the government, and I was appointed lieutenant colonel of the First South Carolina Volunteers. Without any application on my part this position was tendered me.

"After the regiment was organized in Columbia we were sent to Chickamauga Park and then to Jacksonville, Fla. We thought that Brooks' Army Corps, in which we were first put, was not to get into the fighting and through some influence at Washington, the regiment was transferred to General Fitzhugh Lee's Army Corps, which we understood was going to be sent to take Havana.

"After the war with Spain was at an end I felt that it was unjust to the private of my regiment, who had volunteered to get to the front, and who had given up lucrative positions to accept the government's pay of \$13 or \$16 a month, to keep them longer in the service. Many of them were married and had left their families.

"I did not care to take them over to Cuba to make roads as though they were in a convict camp.

"For this Mr. Gonzales criticized me very seriously, and said after my appointment as colonel of the regiment, that I was trying to keep the men from being mustered out, while I was in really doing all I could to have them mustered out, so that they could return to their homes. He was always very bitter towards me. He criticized me and tried to have me court-martialed. Old George, a negro, had gone to the regiment with me, was the pet of the regiment. I gave him a very fine pistol. Some little negro boys out there had stolen it while he was down town. I took the negro boys down and gave them a good whipping. Mr. Gonzales then attempted to have me court-martialed and dismissed. I was arrested and brought before a magistrate and the case was dismissed. He took the matter up with the war department and the adjutant general of the army dismissed it because he said it was nothing but malice. I was mustered out in October, 1898.

"I was much abused and criticized by Mr. Gonzales' editorials in connection with the organization of an Indian company to go to the Philippines.

"Before I come to that I want to say there had been considerable hard fighting between a number of the officers of the regiment and myself. We all agreed, however, to make friends before we were mustered out, so that we would exhibit to the state our regiment before we separated and went to our homes. The hard feeling was caused by the position I took that it was unfair to the enlisted men to keep them longer in the service when there was no chance of their doing any fighting.

"In reference to the Leech Lake Indians referred to by Mr. Gonzales in his editorials he had said I was trying to keep the regiment in the service after I was promoted. That was untrue, for immediately after my discharge I tried to enlist as a private in the regiment commanded by Col. William J. Bryan, of Nebraska.

"When the Spanish war veterans' organization was effected in Washington I was elected junior vice-commander-in-chief and at the second election, when General Miles was made commander-in-chief I was elected senior vice-commander-in-chief, my opponent being General Joe Wheeler.

"I was criticized by Mr. Gonzales and vilified. The Leech Lake Indian editorials were brought out by my efforts to organize a company of Nez Perce and Chippewa Indians for service in the Philippines. A number of Indian chiefs were then in Washington where I was. The army officers opposed the organization of this company, fearing the Indians might learn our methods of warfare. President McKinley told me frankly that he was afraid the Indians might get to scalping over there. The president and my father served in congress together and were quite friendly. Mr. Gonzales had me pictured editorially all in war paint and feathers as the chief of the Chippy-munks and ground-hogs. He ridiculed me quite considerably on that point, if you can call abuse such a thing. On the day after I was elected senior vice-commander-in-chief of the Spanish War veterans, the press dispatch announcing it was headed in the State just 'Poor Miles.'

"That brings me down to the unfortunate time I entered politics. The first time I was in any political place was in 1900 when I was elected a delegate to the Democratic national convention at Kansas City. Subsequent to that I made a canvass for lieutenant governor and was elected."

"How were you treated by Mr. Gonzales during that period?" Colonel Croft asked.

"I think those editorials are a pretty fair sample of it," the defendant answered.

given any cause for such a charge?" asked Colonel Croft.

"I have not intentionally," Tillman replied. "If I had I do not think the senate would have passed unanimously resolutions, thanking me for the manner in which I presided."

When asked whether or not there were any prior editorials reflecting on him published in the State before 1901, Tillman answered: "I think the paper has been pretty well devoted to me since 1892, and to other members of my family. During all that time he has never once let up on me nor given a word of praise for any act of mine."

In answer to the question by Colonel Croft—"After the adjournment of the general assembly of South Carolina on the 15th, where did you go; state the circumstances of your leaving the state house"—James H. Tillman, in his statement in his own behalf—in the trial of the case against him, said:

"Well, I had a little business to attend to before going up town, and as well as I recall I walked over to the house wing to see some one, and when I got back I met Wyatt Alken, Congressman Alken now, who was in the army with me, and we have always been warm friends, and chatted with him. He was talking to Mr. Fraser Lyon (I think that is the young man's name) he is now his private secretary, and he was then one of the clerks in the senate. I saw Senator Talbird and Senator Brown about to go down the steps and I spoke in a loud tone of voice and told them to wait a few moments and I would go with them. I went and got my hat and coat and joined them at the stairs. I don't know whether the head of the stairs or part of the way down.

"We went out on the state house, myself and Senator Brown and Senator Talbird, as before stated, walking down the street across the state house ground and up Main street, and just before I got to the transfer station I noticed Mr. Gonzales some distance down the street looking at me very intently. I had my gloves 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 Shepard. And just as I got across the pavement, walking along, we were walking along leisurely, Mr. Gonzales was walking along rapidly, his overcoat was very tight buttoned, both his hands in his pockets, and I never took my eye off him nor did he take his off me, and when he started to cut across the pavement toward me—if you will give me that map I can explain it more intelligently than I can without it."

"Do you prefer that (indicating map introduced in evidence) or the blue print?"

"I would rather have the blue print. I am a little near-sighted, weak eyes." When the map was brought it was spread out before the jury and Colonel Tillman began:

"This is the state house down here, gentlemen, and we were walking down together, Senator Brown, Senator Talbird myself, and about the time I got to this point, just before we got on the pavement, I noticed there is that vacant lot—Mr. Gonzales was about along there, no nearer than that, and had just passed Congressman Alken and Mr. Fred Dominick, possibly not far from about that point. Mr. Gonzales got about along there, he was coming down the street next to the curb stone. We three were walking along in the middle of the sidewalk, as near as I can recollect it. Just before Mr. Gonzales got to me he cut across towards me. I said: 'Mr. Gonzales, I got your message, and fired.' Talbird was on the outside."

"What space was there between Mr. Talbird and the curbstone?"

"I suppose three or four feet."

"Was there room enough for Mr. Gonzales to have passed without cutting in front of you?"

"Certainly, sir. When he started to cut across the pavement toward me both hands were thrust in the overcoat pockets. The thumbs of both of his hands were outside of his overcoat pockets 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 unfortunate, perhaps, in calling it a 'message.' That was in my mind the conversation he had at the state house with Captain White and Mr. Hohenback. That is what I meant when I spoke of a 'message.'"

"Show that jury the motion of his hand in his pockets?"

"His overcoat was buttoned up and he was coming down that way, standing and illustrating his overcoat was pulled tightly towards his front, and just as he started toward me his hand went down. I expected instantly to be shot down."

"Was he watching you?"

## TILLMAN'S STORY

### Is the Great Trial Now Being Held at Last?

### PRESENTED TO THE JURY

The Lawyers in a Tilt, but the Judge Puts a Stop to the Row in the Court Room.

On account of the sickness of one of the jury the Tillman case was adjourned from Saturday until Wednesday when it was resumed. Sharpe, the sick jurymen, looked very much pinched when he took his seat in the box Wednesday morning. All eyes were turned on his haggard features and every man, woman and child in the court room was mentally measuring what his strength might or might not be. When it was announced that he thought himself well enough to stand the strain of the hearing for a few hours anyhow, there was a great sigh of relief throughout the entire court room for the suspense in this matter has been very bothersome, as well as expensive to all concerned.

The defense began with a motion to rule out the testimony of Yedder Zimmerman, Frances Weston Smith, George King and Dr. Lankett. These people all testified to seeing a pistol in the possession of the defendant several days prior to the shooting. Judge Gary declined to rule out this testimony.

The next move was to introduce an editorial, June 22, 1901. It was entitled "A Plea for a Sporting Statesman." The editorial was concerning a visit of Tillman to a cock-fight held in Sumter county, prior to date of editorial. It was charged that he lost \$1,000 on the fight, which he alleged was due in a large measure to his habit that enables him very frequently to see double and therefore he saw more sand in the cock-fight than it really possessed.

A second editorial from the State of Oct. 26, 1898, under the head "From Change" came next. It dealt in part with Tillman's record as commander of the First South Carolina. It was charged in this editorial that Tillman when lieutenant colonel of the regiment took the men of the private and advocated the abandonment of the regiment, and as soon as he succeeded to the colonelship he sided with the officers and went to see what he had formerly done. It charged practically that he deserted his men when he was made the head of the regiment.

Next a number of editorial paragraphs reflecting on Tillman were read from the State. Some of these paragraphs referred to articles reprinted from the New York World and New York Sun. It was asked to introduce these clippings in evidence because they appeared in the State and the references in the editorial paragraphs were to them. The state objected to this and after argument the court allowed the clippings and editorials to be admitted.

The argument, while short, was interesting. Mr. Nelson argued that the defense had a right to show that deceased bore ill-will toward the entire Tillman family, and that it was right and just to put in the evidence.

A WAR OF WORDS.

Mr. Bellinger objected because of the political coloring that was being given to the case.

Mr. Nelson rose quietly in his place and in a slow, measured voice, replied that any statement from any source whatever, charging him with anything, was false.

Mr. Bellinger arose again and said that while he did not mean any reflection in the sense that Mr. Nelson seemed to take it, he did think that it was the intention to give a slight political coloring to the case. He said he was willing to reiterate his statement on the outside of the court house.

Mr. Nelson was in no way excited. He rose to reply as calmly as before. He said that the explanation of Mr. Bellinger was an unsatisfactory one as the original statement. He said he had no reason to change his original statement.

Matters began to look equally at this juncture as they had before. Mr. Gary took a hand. He said that the matter must be dropped, and he ordered Mr. Crawford, the government attorney, to address himself to the question that editorials be printed in the State and the references in the editorial paragraphs were to them. He urged that only such writings as reflected directly on the defendant were to be admitted.

Col. Johnston replied for the defense and was eloquent and convincing indeed. Before he had finished his address the court announced that the case was to be read, and that the jury was to be sworn.

One of the editorials, clipping after clipping, was read.