

# TILLMAN MURDER TRIAL

## Circumstances of the Shooting as Gonzales Told Them.

Editor Called Assailant a Coward After the Shot—Probability Case Will Continue Two Weeks.

10-1-03-3

LEXINGTON, S. C., Sept. 30.—At the beginning of the third day of the trial of James H. Tillman Dr. B. W. Taylor, one of the physicians who assisted in the operation performed on N. G. Gonzales, resumed his testimony, and said he had no hope of the patient's recovery after he examined the wounds.

Dr. F. P. McIntosh, the next witness, said he rode in the ambulance with Mr. Gonzales to the hospital after the shooting and that they were alone in the ambulance. The doctor said Gonzales asked him to state frankly if he was mortally wounded. Witness said he told him he was afraid he was and that Gonzales said: "Yes, I think the fellow got me."

M. C. Wallace, a compositor on The State, swore that Mr. Gonzales told him while lying in the office of The State something to the effect that he could not live. J. A. Hoyt saw Mr. Gonzales in The State office about fifteen minutes after the shooting.

"Did he say anything about his condition?" the solicitor asked.

"Yes, he said he was afraid he would die before his wife got there," the witness replied.

Asked if Gonzales made any statement to him, Mr. Hoyt replied:

"He said that he left The State office to dinner, he was walking on Main Street toward the State Capitol and he got nearly to the City Railroad Transfer Station when he saw Jim Tillman coming from the Capitol with two men whom he did not recognize. He cut diagonally across the pavement toward the corner of the transfer station, and as he was going across he saw Tillman pull a big pistol and shoot. He said that he turned and faced him and exclaimed: 'Shoot again, you have killed me!' He looked toward Tillman in the face, and Tillman held the pistol toward him, but did not shoot. He said that then some gentlemen ran up and helped him. He said that as Tillman shot he exclaimed: 'I have done what you said!' or 'I have taken you at your word!' or something like that."

The statement Hoyt said was made about half an hour after the shooting.

Dr. J. W. Babcock, Superintendent of the State Insane Hospital, saw Gonzales at the hospital just after he was received there. He said Gonzales made a statement to him, which he said he took down in long-hand notes. The statement, as read, was practically the same as that made to Hoyt.

August Kohn, a newspaper writer, who was at the hospital at the time Dr. Babcock was there, said Mr. Gonzales told him at that time in answer to a question that he (Gonzales) had not sent a message to Mr. Tillman.

The court adjourned at 6 o'clock, the cross-examination of Mr. Kohn not having been completed.

# HOW GONZALES WAS SHOT

## Witnesses Say Tillman Fired as Editor Passed His Party.

First Witness for Defense Says Gonzales Told Her Tillman Was Not a Brave Man.

10-4-03-13 — N.Y. TIMES

LEXINGTON, S. C., Oct. 3.—When the trial of J. H. Tillman was resumed to-day Judge Gary announced that an adjournment would be taken at 1:30 P. M. until 10 A. M. Tuesday.

A. G. Lamotte of Columbia, the first witness, said on the afternoon of Jan. 15 he was standing on Main Street, Columbia, near the corner of Gervais Street and on the transfer station side, with his back toward the corner. The witness said he heard a sharp report.

When he turned and looked toward the corner he saw Mr. Gonzales going toward that corner. He saw Mr. Tillman toward the outer edge of the pavement. He did not see a weapon in Mr. Tillman's hands until the defendant, subsequently turned around so as to expose his right hand.

C. M. Lide of Columbia said he was walking on the left side of Main Street, going to his dinner, on Jan. 15, and when he was just south of the transfer station he saw Mr. Gonzales walking ahead of him, going toward the State House. Continuing, he said:

"When I got about the front of the billboard next to the transfer office I just saw Mr. Tillman throw up his arm and shoot just that way, (indicating.) I did not see where he drew his pistol from."

He said that a man whom he afterward learned to be Senator Talbird jumped between them and said:

"This thing must stop."  
"Tillman," the witness said, "had his pistol over the shoulder of this gentleman, moving it back and forth several times, as if he was trying to get a chance to shoot again."

Gonzales, he said, turned and walked toward the corner. On cross-examination he said Mr. Tillman had on a dark grayish brown overcoat.

A. F. Schledemann, who was present at the time of the shooting, said he heard a shot and saw Mr. Tillman with a pistol in his hand. He said he heard the defendant say:

"I received your message."

He then described the movements of the defendant and Mr. Gonzales. The witness said he did not think Mr. Tillman backed off the pavement, but that he turned and walked away. The defendant, he said, raised the pistol again, but did not point it at Gonzales.

Mrs. Emma Melton, a clerk in the engraving department of the State Legislature, stated that she was walking down from the State House on Jan. 15, and that in front of her were Lieut. Gov. Tillman and two other men. Mr. Gonzales, she said, was coming from the opposite direction, and as he approached the three men he passed diagonally across to the inside of the pavement to pass through the opening between Senator Brown and the wall of the transfer station.

She started toward the same opening, intending, she said, to pass the three men, and was looking at Gonzales, intending to speak to him. She said had Mr. Gonzales taken one more step he would have passed the three men. When she heard the report, she ran away, not knowing who had fired.

Mr. Tillman, she said, was on the outside; Senator Talbird in the middle, and Senator Brown on the inside.

When Mrs. Melton left the stand Solicitor Thurmond announced that the State practically was ready to close, but desired to pass the closing until Tuesday. At the request of Tillman's counsel the defense was permitted to put on a witness, Mary J. Roper of New York, all rights being reserved to the State.

Miss Roper said she was a trained nurse in New York City, but was in charge of a hospital in Spartansburg, S. C., in 1902. She formerly lived in Edgefield County, S. C., her family being connected by marriage with the Tillman family.

She said she nursed Capt. Elliott, an uncle of N. G. Gonzales, in the Spartansburg Hospital, and that Mr. Gonzales called to see the Captain. Asked if she had heard Mr. Gonzales say anything about Lieut. Gov. Tillman, she replied she had heard him talk with Capt. Elliott about him, and said further:

"He asked me if I considered Gov. Tillman a brave man. I told him I certainly did, and he said that he did not; that he had made Tillman show the white feather twice; that Tillman had challenged him to two duels which he did not acknowledge, and that Tillman had no more resentment about him than, while in a hotel lobby, to offer him a cigar, which he declined."

Court adjourned shortly before 1 o'clock.

# TILLMAN DEFENSE BEGUN.

Nine Witnesses Heard, Several of Them  
Testifying to Gonzales's Threats.

LEXINGTON, S. C., Oct. 7.—The defense in the case of J. H. Tillman entered upon the presentation of its testimony to-day. Solicitor Thurmond announced when the trial was resumed that the State had no further evidence and would rest. Nine witnesses for the defense were heard. It is estimated that the defense will consume the remainder of the week with its witnesses.

The first witness called was T. D. Mitchell, who was a resident of Columbia in 1902. He swore that he met Gonzales in 1902 and asked him if he did not "think it about time to let up on 'Old Jim.'"

Witness said Gonzales replied: "I can slap his face, and he wouldn't resent it." The witness further swore that Gonzales said:

"If he ever bats his eyes at me, I'll fill him so full of lead he can't tote it off."

The witness said he told Tillman of the conversation.

A. J. Flowers, a street railway conductor, testified that he overheard a conversation on his street car in Columbia in 1902, in which Gonzales said that "if he did not succeed in defeating Tillman for the Governor's office he would never be seated, because he would kill the rascal."

P. W. Hughes of Warrenton said he was in Columbia in 1902, and while walking down Main Street with four men, they met Gonzales. A Mr. Stroud of their number, he said, asked Gonzales if he didn't think he had done Tillman a great injustice, to which Gonzales replied that he "would get greater injustice after election and it ought to be lead."

N. B. Cheshire, a printer on an Anderson (S. C.) newspaper, testified as follows:

"I told Tillman, in 1900, that a representative of The State (newspaper) told me that Gonzales carried a gun for him, and that he had better not jump on him with a stick, for if he did he would get h— shot out of him."

James Davis, the last witness called, had but begun his testimony when Judge Gary ordered an adjournment, that Mr. Sharpe, the sick juror, might not be overtaxed.

## TILLMAN ON THE STAND.

Testified That Gonzales Had Been Bitter Toward Him Since He (Tillman) Was Twenty-one.

10-9-03-1 N.Y. Times  
LEXINGTON, S. C., Oct. 8.—James H. Tillman went on the stand to-day as a witness in his own behalf in his trial for the murder of N. G. Gonzales. It was just one hour before adjournment that his counsel asked that the defendant be called. With perfect self-composure, he arose from his seat among his attorneys and walked to the clerk's desk to take the oath. He was on the stand an hour, and will continue his testimony to-morrow.

When he took the stand, he was asked to explain regarding any messages he may have sent to Gonzales. He replied that he had sent a verbal message to him by George S. Legare asking him (Gonzales) to meet him in Georgia. He said Gonzales wanted the invitation put in writing, but he was afraid it was a trap. He said also that he did not want to violate any of the dueling laws of his State.

Answering further questions, the witness said that when he was correspondent in Washington for a Southern paper Gonzales was applicant for the position of Consul General to Shanghai, and that he wrote to his paper that Gonzales would not be ap-

pointed and said he had had some hot words with him in a hotel lobby in Washington.

Asked as to Gonzales's attitude toward his military career, he said: "It has always been bitter toward me since I was twenty-one years old."

The question of his military career and the comments of The State were then taken up, Tillman testifying, among other things, that Gonzales wanted to have him court-martialed. Relative to the organization of a company of Indian scouts which has been referred to, the defendant said he wanted to organize such a company to take to the Philippines, but that President McKinley and the army officers in Washington opposed it.

Asked how he was treated by Gonzales in his campaign for Governor, the defendant replied: "I think those editorials are fair samples of it." He was asked next what had been the attitude of Gonzales toward him prior to 1902, to which he replied: "I think the paper has been pretty well devoted to me since 1890," and in answer to a further question he said the editorials in The State had been extremely abusive of him.

Twelve other witnesses were sworn during the day. Cole T. Blease testified that he had heard Dr. Adams advise Tillman to go down to The State office and fight Gonzales, to which Tillman replied that he was "Lieutenant Governor, and could not afford to have a difficulty, that he would be impeached." The witness swore that on another occasion he heard Tillman say: "If Gonzales attempts to carry out one of his threats I will make it the worst tragedy that ever happened in South Carolina."

Other witnesses described the shooting of Gonzales.



# TILLMAN'S OWN VERSION

## Slayer of Gonzales Tells the Story of the Shooting.

Testifies He Saw Editor's Thumb Go Into His Pocket, and Thought He Was Going to Fire.

10-10-03-5 — N.Y. Times

LEXINGTON, S. C., Oct. 9.—James H. Tillman was on the stand to-day over four hours, a witness in his own behalf. For one hour he was subjected to the fire of cross-examination by counsel for the State. But one other witness was placed on the stand by the defense, after which the defense rested. Witnesses in rebuttal placed on the stand by the State were heard during the closing hours. Great progress was made to-day toward the conclusion of the trial, which already has consumed nearly two weeks.

Mr. Tillman was asked what impression was made upon him by the editorials written by Mr. Gonzales. He replied that they were intensely bitter.

He said he did not make threats in Edgefield, or on the train going from Johnston to Columbia, as testified to by witnesses for the State. He also said that he had no conversation in a livery stable at Edgefield relative to Gonzales, as has been stated in testimony.

He was questioned with reference to the conversation which took place in his room in a hotel in Columbia on the night of Aug. 21, when Dr. Adams and Col. L. Bless, a witness of yesterday, were present. Mr. Tillman said the statements were made by him in reply to remarks which were made concerning threats reported to him.

He said he had been told in a dozen places in South Carolina that he could not come to Columbia and say what he had said on the stump elsewhere about Mr. Gonzales. Also, he said, it had been reported to him that the Opera House in Columbia, where he was to speak, was to be packed, and he was not to be let out alive. He testified that he said if that threat was carried out it would be the — est tragedy in South Carolina.

Mr. Tillman, giving his version of the shooting, said he was walking down from the State House after the adjournment of the State Senate, Jan. 15, in company with Senators Talbird and Brown, the former being on the outside, the latter on the inside.

Before reaching the transfer station, he said, he noticed Mr. Gonzales down the street, looking at him very intently. He said he (defendant) had on his overcoat, buttoned. He never took his eyes from Mr. Gonzales, and Mr. Gonzales did not take his eyes off him.

He said Mr. Gonzales had on an overcoat tightly buttoned, with hands in his pockets, thumbs sticking out. Mr. Gonzales cut diagonally across in front of him, he said, and the thumb of his right hand disappeared in his pocket. He said he thought Mr. Gonzales was going to draw a weapon and he fired, saying, "I got your message."

The message, he said, referred to the statements reported to him by Witnesses White and Holzenbach. These statements were to the effect that Gonzales had said he had made Tillman show the white feather twice before and would do it again.

The defendant said he did not fire a second shot, as Mr. Gonzales did not draw a pistol. Mr. Tillman concluded his testimony shortly before noon, when Gen. Bellinger, of counsel for the State, entered upon cross-examination.

On cross-examination the defendant said he had reason to expect, from the moment he saw Mr. Gonzales that he (Gonzales) would shoot when they met. He also said he sent word to Mr. Gonzales to come to the meeting at the Opera House in Columbia and make his charges then, saying he did this so he could reply to them.

The cross-examination consumed just one hour.

In answer to questions the defendant said the differences between Gonzales and himself began in 1890. He wrote a letter to Gonzales in 1892 thanking him for a kindness, and their differences were at an end that time. He identified the letter, which was offered in evidence by the State and read.

On further cross-examination Mr. Tillman said he had no ill-feeling against Gonzales until the attacks were made on him about the time he was in the army.

"You spoke of him severely on every stump in the State?" queried Mr. Bellinger. "Pretty near every one," was the reply.

Tillman, having stated that he did not care to get in any trouble while Lieutenant Governor, Mr. Bellinger asked

"You did not mind carrying a concealed weapon while you were Lieutenant Governor?"

"Not after my life was threatened. The law gives me that right."

"Did not you tell some of your friends that you and Gonzales had an understanding that when you met you would shoot this thing out?"

"I made the statement that it was the general understanding that when we met we would have to shoot it out."

# TILLMAN EVIDENCE ALL IN.

10-11-03-11 N.Y. Times  
Court Rules Witness's Support of Re-  
publican Nominee May Be Shown  
to Discredit Testimony.

LEXINGTON, S. C., Oct. 10.—The last witness to be heard in the trial of James H. Tillman, charged with the murder of N. G. Gonzales, left the stand at 4 o'clock this afternoon, thus concluding the taking of testimony.

On Monday and Tuesday counsel will address the jury, seven hours being allotted each side. On Wednesday morning Judge Gary will deliver his charge, after which the case will go to the jury. This arrangement was announced by the court just before adjournment to-day.

Counsel for the defense proposed that the case be submitted to the jury without argument. The State suggested that three hours be devoted to each side, but the court proposed a day each, which was accepted by the attorneys on both sides.

The employment of expeditious methods has materially hastened the end of this important case. A large number of witnesses have been heard, and a great volume of testimony for and against the defendant has been placed before the jury. Never was a case in this State more closely contested than this one has been.

The testimony of character witnesses offered by both the State and the defense and arguments by counsel on disputed points consumed the time of two sessions to-day, only one witness being on the stand at the afternoon session.

One of the character witnesses for the State to-day was asked about his support for a certain Republican candidate for Congress. Counsel for the State objected, Gen. Bellinger saying in the course of his remarks that that was calling attention to his political standing. Judge Gary, in ruling that the question was competent, said:

"Generally speaking, Mr. Bellinger, I think your view the correct one, but under the peculiar conditions down here it may affect a man's character."

The defense in rebuttal put on upward of twenty witnesses to testify as to the good character of R. H. Holsonback, one of their witnesses, who testified relative to the shooting.

W. Ager, a traveling representative for The State newspaper, testified that he did not make the statement that Mr. Gonzales was carrying a pistol for Mr. Tillman, and that if Mr. Tillman attacked him with a stick he would get shot out of him, a remark attributed to him by a witness for the defense.

By agreement of counsel, the fact that Mr. Gonzales's defective eyesight was admitted, thus rendering unnecessary the introduction of further witnesses on the part of the State.