ed the city Tuesday from Austin and will be a witness for the defense, the present plan being to call him this morning.

The Day's Proceedings.

When court convened exactly at ten o'clock James H. Dougherty of counsel for the defense announced that Judge Hopkins would be the first witness. Judge Hopkins said that he had been judge of the 25th district since 1906 and that for twelve or fourteen years previous thereto he had been judge of Nueces county.

He told why he had been in Hidalgo county on the day following the last general election saying that the term of district court in that county lasted but two weeks and that the court dockets were crowded. Consequently, he testified, he returned to Edinburg from Corpus Christi so that he could be on hand the following morning for the court session.

Independent Lawyers Called.

Judge Hopkins testified that on the afternoon of election day, about six o'clock, E. B. Ward and Frank Z. Counsey, representing the independent party called at his home with an application for a writ of habeas corpus in behalf of Joe Aceto. He said that the lawyers asserted that Aceto was being held without complaint being filed against him so far as they had been able to ascertain. Hopkins said that in the case he had acted as he did in all others issuing an order for a hearing and citing that Aceto be brought before him next afternoon at two o'clock at Edinburg. He stated that this would give both sides time to gather their witnesses for the hearing.

Judge Hopkins was asked if he took any active interest in the campaign between the Democrats and the Independents and he replied:

"Absolutely none other than to vote the Democratic ticket."

The government contends that Aceto was arrested because he was a prominent worker for the Independents and that E. B. Ward, attorney for the Independents, had told Judge Hopkins that to date the writ returnable the following day would be useless. Ward saying that he had cited "They ran Aceto home when the sun went down."

Could Reach Edinburg.

Judge Hopkins was asked if it would have been possible for the attorneys to have Aceto in the court at Edinburgh Wednesday afternoon at two o'clock, having Corpus Christi that morning and he replied "yes" adding that he had told the district clerk that the hearing would be held and that he had expected that Aceto would be brought before him.

A letter that was published in the Caller last July from W. E. Everhart and that evoked a reply signed by R. L. McKibben and G. L. Harris was brought into the trial and both the Everhart letter and the McKibben-Harris letter were read to the jury by Judge Hopkins, the gist of the McKibben-Harris letter being that the grand jury in Judge Hopkins' court had been "packed."

Judge Hopkins told of summoning the two men before him for contempt and said that when McKibben told him that he had not seen the letter and that he knew nothing of its contents only signing it by request that he let the matter drop and did not prosecute the contempt proceedings contemplated. Judge Hopkins testified that all of this was last July several months in advance of the general election.

Voted the Democratic Ticket.

Mr. Wilson asked Judge Hopkins if he had traveled all of the way from Edinburg to vote for "Timon Grant."

"I did not take the Timon ticket" said Judge Hopkins "I voted the Democratic ticket and Judge Timon was one of the candidates on that ticket for county office."

Judge Hopkins was asked if he knew what the charge against Aceto was and he said no, adding that Mr. Ward had told him "That he did not know what the charge was."

"You think, did you not, that Aceto was a prominent Mexican and influential in political circles" asked Wilson.

Judge Hopkins replied "yes" adding "Do you want me to tell you anything further about Aceto."

Government and defense counsel argued at some length over the admissibility of the McKibben-Harris letter, and Judge Harris said that and other testimony made at the time he would not have permitted the introduction of the matter as it was not material. "I would have sustained such an objection half an hour ago. No objection was made, so the questions were allowed" said Judge Harris.

Mr. Wilson asks that the court and uncontested witnesses that he thinks and that it was the desire of the government not to bring the jury alleged in the letter before the court and to attempt to prove or disprove the many charges made in the letter that were irrelevant to the case on trial.

Mr. Dougherty asked the witness if it was not a fact that the McKibben-Harris letter asserted that Joe Dowsey, G. O. Wright and J. C. Baldwin were the jury commissioners that "packed" the grand jury.

"The letter made such an assertion but it was not true. They were not the commissioners" replied Judge Hopkins.

W. J. Smith Testified.

W. J. Smith of the Corpus Christi Hardware Company, the second witness of the morning said that he had lived in Corpus Christi for the past ten years, that he voted the Democratic ticket in 1914 and in every other election since he had been able to vote.

He said that he attended a meeting held in Judge Timon's office previous to the last general election and that attending were Fred Headley and Julius Dorenfield, Jr. Headley and Dorenfield had testified that at this meeting Judge Timon said "It would take from $700 to $1000 to carry the bill on election day."

"Did Judge Timon or anyone else at that meeting make such a remark" asked Mr. Dougherty.

"No sir. Judge Timon did not make any such statement, nor did any other person present. I was seated about four or five feet from Judge Timon and I am positive that he did not make such a statement" said the witness.

Question Not Asked.

"Did August Uehlinger attend that meeting and if so did he ask Judge Timon how much it would take to carry the bill on election day" asked Mr. Dougherty.

"Uehlinger was at the meeting and he sat five or six feet from me. He did not ask Judge Timon such a question" said Mr. Smith.

Mr. Smith testified that at the meeting the poll tax lists were examined and that as various ones would say that they knew Dunn, whose names would be called that lists would be made up for the purpose of allowing the committeemen to secure names of those who possibly would be persuaded to join the Democratic ticket in the general election.

Remark Not Correct.

On cross-examination the witness was asked if when the names were read the reading of Mexican names was omitted after Judge Timon had said:

"Never mind about the Mexicans I will attend to them."

The witness replied that Judge Timon never made any such remark.

"Did Headley and Dorenfield attend the meeting" was asked to which the witness replied that both had attended but that it was the only time that he saw Headley at any of the Democratic meetings in that campaign.

"Did Headley leave before the meeting was over" was asked, to which the witness replied:

"I do not remember either Headley or Dorenfield leaving until after the meeting was over."

Segrest Attended Meeting.

Dr. David R. Segrest, dentist, said that he had attended the meeting at Judge Timon's office and he denied the statement that Headley and Dorenfield made about Judge Timon saying that "It would take from $700 to $1000 to carry the bill on election day."

Dr. Segrest testified that he was at the meeting from the start to the finish, "down up with the crowd" and that no such remark had been made as that he would hear it.

He said that those who attended the meeting included Judge Timon, August Uehlinger, Fred Headley, Julius Dorenfield, Jr., Joe Dowsey, J. C. Baldwin, W. J. Smith, Dennis Kelley and others. He was not sure whether or not Henry Stevens, Ed Castleberry or Ed Oliver were at the meeting.

"Did Headley leave the meeting and what did he say when leaving" was asked the witness to which he replied.

"Headley left before the meeting was over and he said that if there was anything that he could do to let him know."

"Was that all" was asked, to which he said:

"That was all."

Afternoon Session.

At two o'clock when court met for the afternoon session Judge Hopkins asked permission to correct a statement made at the morning session to the effect that he had never contributed to a campaign fund. "In the gubernatorial campaign of last July a meeting in the interest of Tom Hall was held on the night before the primary and at that time I spoke for about fifteen minutes in the interest of Colonel Hall and I contributed $5 to assist in paying the expenses of that meeting" said Judge Hopkins.

Baldwin at Meeting.

J. C. Baldwin, county commissioner of precinct four, general manager of the Orgain Orange Grove Company and the owner and manager of a "cotton patch" of 1300 acres twelve miles west of the city was the first witness at the afternoon session.

Mr. Baldwin testified that he attended most of the Democratic meetings prior to the last general election and that he attended the one held at Judge Timon's office at the courthouse. He said that Headley and Dorenfield were at that meeting and that others attending were Judge Timon, Joe Dowsey, Horatio Dussett, Dr. David Segrest, August Uehlinger, and others.

Witness testified that as the lists were called the names would be checked and that those attending would each keep lists of those whom they would see.

"Did you, Mr. Baldwin" asked Mr. Dougherty "hear Judge Timon make a remark that it would take from $700 to $1000 to carry the bill on election day."

"I did not" answered the witness. "Judge Timon made no such remark."

We all sat around a table discussing the campaign and checking the poll lists and had he made such a statement I am sure that I would have heard it."

Headley at One Meeting.

Mr. Baldwin testified that he never saw Headley at but the one meeting and that he believed that Dorenfield "seldom if ever missed a meeting, adding that usually "Dorenfield tried to do most of the talking." Headley left the meeting in Judge Timon's office saying that he had some business to attend to and he told R. B. Russell before leaving that if "he could do anything to let him know."

Thought Headley Traitor.

"Was there any other thing that you distinctly remember about that meeting" asked Mr. Wilson.

"Yes" said Mr. Baldwin as he leaned over from the chair and intently looked Mr. Wilson in the eye "I remember very distinctly that as Headley left I said to the crowd 'but I thought Headley was a dam traitor.' Dorenfield said that I was wrong. I did not and do not think so," said the witness.

"Why did you think that Headley was a traitor" first said Mr. Wilson to which the witness replied:

"Just from the way he acted. He pretended to be on one side for awhile and on another for awhile and no one could place him and I never did trust him. I did not consider Headley as one of the men on our side."

"Dorenfield told me that Headley was straight and I said:

"You will have to show me" testified Baldwin.

The witness was then questioned as to the raising of money for the campaign and he said that no one had asked him to contribute anything to any fund other than it towards paying the expense of chartering a special train to Robstown and that he had spent money for placing his announcements in three of the county newspapers. Otherwise he testified that his campaign expenditures were confined to a small amount spent in going about the county campaigning for the Democratic ticket.

T. M. Lawrence Was Next.

T. M. Lawrence, truck grower residing four miles west of the city and commissioner of precinct number one and a native of Nueces county was asked if in the general election he had any opposition.

"I think so. I have been told that someone opposed me in the general election."

Mr. Lawrence said that he came to the city in his wagon on the day of the general election and that he reached the hill part of town early in the afternoon stopping at the office of Henry Stevens which was the general headquarters on the hill for the Democratic party. He said that Henry Stevens, Judge Timon, Mike Wright, Ed Castleberry and usually several others were in the room while he was there.

Asked if any Mexicans had entered the office he said yes, saying that he distinctly remembered that one Mexican named Stevens, who was a notary, to fill out for him an affidavit so that he could vote, taking out his poll tax receipts.

"Did Stevens fill out the affidavit" asked Mr. Dougherty.

"He did" replied the witness.

The witness was asked if he witnessed the purchase of any votes or if he had heard that votes were being bought that day and he answered:

"I did not. If there were any votes bought I did not hear of it."

In fact I did not think that I needed any votes or that any of the others on our ticket needed any" he added.

Contradicted Gonzales.

Fermin Gonzales a government witness last Wednesday testified that in the election of last year he was working for Dennis Kelley and that Kelley had sent word to him (Gonzales) by Fortunato Hinojosa to tell some Mexicans Gutierrez that if they would not "vote for a dollar each that they could go to hell."

"Did you pass such a message from Dennis Kelly to Fermin Gonzales" asked Mr. Dougherty.

"I did not. I did not see Mr. Kelly or Fermin on that day. Fermin was wrong" he testified speaking in Spanish with Tom Hines swapping good English for the Mex talk.

On cross examination he said:

"I can prove it by Mr. Kelly that I did not even talk with him on primary or election day," declared Hinojosa.

Was Car Conductor.

The allegation in the conspiracy charge so far as connecting Olivo Conde is that he participated in the alleged illegal arrest of Joe Aceto on the night before the general election, this occurring at the Allende Hall.

The defendant was called to the stand and he testified that at the time he was working as conductor for the street railway company, working on the Epworth line, as his trip sheet would prove, and that he did not attend the Allende Hall meeting.

The government had nothing to ask the witness.

Served as Deputy.

Amos Roark, a defendant, was then called to the stand and was asked to relate his version of the episode wherein E. L. Caldwell a government witness has stated that on the last day of January 1914, Amos Roark handed to W. H. Hull a package of something that he was quite sure were fifteen or twenty poll tax receipts.

Mr. Roark said that on the last two days of January he at the request of County Collector Ed Oliver, served as deputy collector and that on the last day W. H. Hull came to the office and said that he wanted to "see about the assessment of taxes against him and the San Antonio Brewing Association, handing me several letters."

"I told him that I would find out and I went the hand that nothing was assessed. I then handed him the letters back."

Asked if Caldwell was in the office during the day he said:

"Yes, I believe that he was there during the day at some time."

Assisted in Arrest.

Roark testified that during special times he assists Sheriff Wright as a deputy and that on the night before the general election he was at Allende Hall when "Aceto raised a roughhouse." He stated that Aceto in Spanish cursed a Spanish speaker and that when officers attempted to take Aceto out of the room they practically had to carry him out. He said that he assisted them toputtin Aceto in the hack and that Aceto was put in the city jail.

"Why was he not put in the county jail" was asked.

"The old jail was being used at that time and it was full, in fact there were not accommodations for all of the prisoners then in the jail" said the witness.

W. H. Hull Testified.

W. H. Hull, another of the defendants was called and he testified along the same lines as Amos Roark with reference to the E. L. Caldwell allegation that Amos Roark at the courthouse gave Mr. Hull "a package that looked like fifteen or twenty poll taxes." The witness testified that Roark did not give him any poll taxes and that his mission to the courthouse that day was to determine if the taxes of the C. C. Transfer Company and the San Antonio Brewing Association had been paid.

"It was the last day of the month and when I reached the office I found that there had been no assessments made against the property. I handed Amos Roark the papers from the brewing company relative to the property and asked him to find out about it for me. In a few minutes he came back and said that there were no assessments."

"After that day" asked Mr. Dougherty "did it develop that the taxes had been paid and did you refuse to pay the penalty" to which the defendant added "that cost was the fact."

Denied Dorenfield Story.

Julius Dorenfield, Jr. had testified that sometime last autumn defendant Hull had shown him a package of poll tax receipts.

"Did you or did you not show Dorenfield such poll taxes" asked Mr. Dougherty to which the witness replied:

"I did not, because I did not have any poll taxes other than my own. If I had had any such poll taxes Dorenfield would have been the last person in the world I would have shown them to" he said.

Worked at Factory.

Martin Kelly, was another of the defendants called, he testifying that on election day he worked at the bottling plant throughout the day and that he did not leave the plant during the day except during the morning to vote and at noon for lunch.

The government has presented three allegations against Martin Kelly. Pedro Flores a Mexican testified that after he voted the Democratic ticket Martin Kelly directed him to see Ed Castleberry and that the latter paid him two dollars.

Juan De Dios Flores testified that Martin Kelley gave him two or three dollars to vote the Democratic ticket and that he voted the Democratic ticket except for Mike Wright, sheriff.

James K. Hipp, who was the independent candidate for county commissioner testified that on the afternoon of the election he saw Martin Kelley "strip from a roll of bills a ten dollar bill which he handed to Angel Gutierrez" this alleged occurrence taking at the office of defendant Martin Kelley.

Kelly said that on last November 2 he received a shipment of machinery for his bottling plant and that throughout the following day and the day after he was engaged in placing the machinery.

Wanted Beer on Credit.

Kelly said that he first met Flores about two years ago when Flores came to his office and wanted to buy a case of beer on credit and that he refused. "Since that time I have had no conversation with him" he said.

"Did you or did you not on election day direct him to the office of Ed Castleberry, after Flores had voted the Democratic ticket" Mr. Dougherty asked the witness to which Kelly replied no, adding that at that time he and Castleberry were not on speaking terms.

He said that he and Juan De Dios Flores had had trouble some time ago. "I caught Flores stealing from our store and I told him that if I ever caught in our store again that I would break his neck" testified Kelly.

"Did you give Juan De Dios Flores $2 or $3 to vote the Democratic ticket last November 2" was asked to which Kelly replied:

"I most certainly did not. I did not see him."

Kelly said that Angel Gutierrez had a saloon across from the Kelly Bottling Works and that he was a good customer of the Kellys. He remembered, he said that Gutierrez was in his office on election day and that while there Hipp passed.

Asked if he gave Angel a ten spot as Hipp had testified, Martin said "no" that he had not. He said that he noticed that Hipp in company with three or four others passed his office that day.

Would Convict Three.

Arturo Lemos, a mechanic for Noakes Brothers testified that several weeks ago he and Carmel Tamez were at the B. & M. depot and that Juan De Dios Flores told them that he was going to testify in the present trial and that "he would tell a lie if necessary to convict Judge Timon, Mike Wright and Johnson, three of the defendants."

He said that several days ago he saw Flores and that the latter asked him (Lemos) not to repeat what he had said at the depot.

Niland Last Witness.

E. J. Niland was the last witness of the day he testifying that in the general election he was in and that he was absent from his home for longer than an hour and that he voted in the afternoon at the fourth precinct. He testified that he took no active interest in the election.

Juan Garza testified that Nicholas Niland after he (Garza) had voiced grade from a present of $2. Niland denied this.

Garza at the same time testified that Fermin Gonzales a witness who is serving the Federal Court as a runner had told him (Garza) on any of the witnesses asked that Niland vote his ticket. The Democratic ticket.

At 3:30 court adjourned to meet this morning at ten.

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