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THE TRIAL OF JAMES H. TILLMAN.

THE STATE HAS PRACTICALLY CLOSED ITS CASE.

One Witness for the Defense—A Review of the Proceedings of the First Week of the Trial at Lexington.

(Special to Herald and News.)

Lexington, S. C., October 5.—Half of the story is a tale that is told. In the case of James H. Tillman, charged with the murder of Narciso Gener Gonzales, the State practically closed at 11.32 on Saturday morning. The defense was allowed to begin its case with the understanding that the State could put up two additional witnesses on Tuesday if it so desired. The defense placed on the stand Miss Roper, a native of this State but now a trained nurse of New York city, who gave her testimony, at the conclusion of which the court took a recess until tomorrow (Tuesday) morning, today being salesday.

It was with a great deal of pleasure that those in attendance upon the trial heard the order on Saturday morning adjourning court until Tuesday morning at 10 o'clock. The trial is one of countless phases and endless detail, and to those in attendance it becomes very tedious. The State consumed five days and a half in making out its case. How much time the defense will consume is a matter of wild conjecture. It has been stated to your correspondent on good authority that the defense will consume only two days. It has been stated on equally good authority that the defense can not possibly get in all its testimony in less than a week. When the defense has concluded the arguments on both sides will take up a good many hours. It is said that at least five speeches will be made for the defense.

A BATTLE OF THE GIANTS.

The little court house here, with a seating capacity of only about four hundred, is the scene of probably the greatest legal battle ever waged in South Carolina. Counsel on both sides have proved themselves worthy of the arena in which they have been placed—an arena upon which the attention of the whole country is centered. There is not a detail, however small, which does not command their closest attention and their most earnest thought. The verbal sword plays are sharp and quick, and the fire, as it were, may almost be seen to flash, when brain meets brain, as steel clashing against steel. Hardly a minute passes in which objection and counter-objection are not raised and able and eloquent arguments produced by each side to sustain its point. In the fierce heat of this forensic battle Special Judge Gary is remarkably calm and collected and his decisions on strenuously contested points are as fair as they are prompt. Judge Gary is making an enviable record.

A STRONG CHAIN.

Every link has been supplied in the chain of evidence produced by the State and every link has been strongly welded. Both sides admit that James H. Tillman killed N. G. Gonzales. The defense says that the then lieutenant governor of South Carolina, a few minutes after adjournment of a session of the court over which he presided, upon Main street in Coon's office, drew two pistols in his hand. The brilliant newspaper, shot Mr. Haynesworth, whom almost all lawyers of the State, the capital, are sure will make a strong case, bring forward the deed, of the evidence at the beginning of the year Lieutenant, standing in Edge-wood, Gonzales confessed to him he was going to shoot him. The honor of South Carolina has been en-

would give a mad dog. That after that time Tillman had made threats against Gonzales' life and upon one occasion attempted to send a threat to Mr. Gonzales by Mr. E. J. Watson, of the State, who declined to take it. That on a number of occasions subsequent to this he made threats against Mr. Gonzales' life. The State has produced evidence to show that for some time before the shooting took place Mr. Tillman carried a pistol, for the avowed purpose of killing Mr. Gonzales.

The State has produced evidence to show that Mr. Tillman waited until Mr. Gonzales was about on a line with him, said "good morning," and then said something about a message, and fired.

The State has produced evidence to show that at the time, Mr. Gonzales made no demonstration whatever, seeking to pass unharmed and unmolested; that he and Mr. Tillman were both on the outside of the pavement, and that Mr. Gonzales cut diagonally across to the inside to avoid meeting Mr. Tillman; that Mr. Gonzales was not armed.

The State has read the editorials in the files of the State newspaper to show that Mr. Gonzales had no personal feelings against Mr. Tillman, and that he attacked Mr. Tillman only as a public officer and as a candidate for the highest office in the gift of the people of South Carolina, and that this attack was made in the interest of the welfare of the State which Mr. Gonzales loved.

By all of which the State has attempted to show that the shooting was premeditated and with malice aforethought; that Mr. Gonzales was given no chance for his life; that, therefore, it was cold blooded murder. Is there a link lacking?

THE DEFENSE.

Both sides were anxious to introduce in evidence the editorials written by Mr. Gonzales during the year 1902 attacking Mr. Tillman. No doubt the defense will argue that under this brilliant, but none the less vehement attack Mr. Tillman had passed the point of mortal endurance. That no one with a spark of manhood in him could remain passive when denounced in the public prints as a "liar, gambler, coward, debauchee, black-guard." And yet the last editorial so far produced which appeared in the State in reference to Mr. Tillman was published about the middle of September, and Mr. Tillman killed Mr. Gonzales more than four months later.

By its first witness, Miss Roper, the defense has attempted to prove that Mr. Gonzales was bitter in his feelings towards Mr. Tillman, denouncing him in private as well as in his newspaper; his attack, therefore, being of a personal nature, as well as an attack in the interest of the public weal.

IN THE HANDS OF THE JURY.

The State has produced a strong chain of evidence. The able counsel for the defense will seek to break through this chain, to unravel the net which the State has woven around James H. Tillman. The defense has not yet been heard. What it will bring forward can not be definitely foretold. Until this evidence is brought forward no lover of justice will form an opinion.

The jury in the case have listened intently and earnestly to the evidence. Even to the reading of the editorials of the State newspaper, which consumed ten hours and more, they gave the very closest attention. No one can tell what effect the evidence is producing upon them. They are kept under guard the whole time, day and night, and have no communication whatever with the outside world. Until they render their verdict nothing save the evidence will engross their attention. The duty entrusted to them is as solemn as was ever entrusted to any jury in the land. The life and liberty of James H. Tillman are in the hands of twelve of his peers. The honor of South Carolina has been en-

trusted to the keeping of twelve of her citizens.

VICTORY FOR EACH SIDE.

In the continuous contests which have been carried on upon each point as it was raised, both sides have gained an important victory.

The prosecution secured the admission of Mr. Gonzales' dying statements, made to Mr. Jas. A. Hoyt at the State office and to the physicians at the hospital. The statements appeared in the evidence of the witnesses, printed in the last issue of The Herald and News.

The defense fought hard to have these statements ruled out. It claimed that when the dying statement was made by Mr. Gonzales to Mr. Hoyt in the State office, immediately after the shooting when Mr. Gonzales had been carried there mortally wounded, that Mr. Gonzales had been told by one of the physicians, Dr. L. A. Griffith, that he was better, and Mr. Gonzales smiled, showing that he entertained a hope for recovery. That after this, hope revived in his mind, he having consented to an operation which he would not have consented to and which the physicians would not have performed had there been no hope whatever. The defense also in its cross-examination attempted to prove that Mr. Gonzales when he made his dying statements had been given morphine in sufficient quantities to cloud his mind. And in this way the defense argued: That if Mr. Gonzales had hope at the time he made his dying declaration, that declaration was not admissible. That if death did not occur immediately, even if he had no hope, the declaration was not admissible. That if hope was revived subsequently, even if Mr. Gonzales thought at the time there was no hope, then the declaration was not admissible. The State took the ground at the time the declaration was made Mr. Gonzales had no hope, and this fact alone was sufficient to admit the declaration. The declaration was admitted under the ruling of the court on dying declarations, which ruling was printed in full in the last issue.

VICTORY FOR THE DEFENSE.

At 11.32 on Saturday morning the State announced that it had no more witnesses ready, but that it would probably have two on Tuesday—Capt. Black, in the hospital in Augusta, and a man who was sick in an adjoining county. The State asked that it be given time to secure these two witnesses.

The defense objected, counsel saying they had a witness whom they desired should testify that morning, Miss Roper, from New York. That if she did not get back to New York by Monday (today) she would lose her position in one of the hospitals in New York, her leave of absence being limited.

The State objected to having its evidence broken into.

Judge Gary ruled that if the State had no more evidence it must rest, and if the State had no more evidence that morning the defense could begin its evidence, putting up Miss Roper. However, that the State would be allowed to put up two witnesses on Tuesday if it is so desired.

LITTLE INTEREST IN LEXINGTON.

There have been few Lexington county people in attendance upon the trial. At no time has the small court house been uncomfortably crowded and at times the crowd has dwindled to a mere handful. Attorneys and newspaper men have been in the majority.

TILLMAN'S WIFE AND MOTHER.

During almost every hour of the trial the wife and the mother of the defendant have sat in the court room. At times they are accompanied by several ladies, at all times by Mrs. M. A. Evans, of Newberry, who is very constant in her companionship with them.

THE DEFENDANT.

Col. Tillman sits with his lawyers. He listens intently to every word. Concluded on 4th page.

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IS THE MAGNET that draws the crowds to Newberry's Cheapest Store. Hundreds and hundreds of eager buyers have lined our counters daily gathering the creamy values housed there for you. Never before has there been such a line of Dry Goods and Shoes piled and stacked between brick and mortar in the old town as you will find at THE NEWBERRY CASH STORE, the Cheapest store in the State. Close buying mothers have told us so, Husbands filling their wives' memorandums and orders too, always fetch up at the Cheap Store where Lower Prices greet them all.

We Don't Claim To Be The Biggest, Only The Cheapest!

Our Prices do our talking in the homes of satisfied customers within fifty miles around. Join the happy crowd and visit our store. You are always welcome six days a week at the Spot Cash Undersellers of Dry Goods and Shoes, The Newberry Cash Store. Every train that puffed into the two depots for the last 30 days brought us new goods, not shelf warmers, but up-to-date creamy values at prices unnamed before in Newberry. We are after your business every day, and if same goods for less money is what you are trailing look for our signs.

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Tuesday Morning Bright and early we open wide our doors and invite every value getting money saving man, woman and child in all Newberry and surrounding Counties to visit our store for the next 6 days. Your dollar will do double duty here. Never before has there been such a feast of bargains spread before you to select from. All the creamy values from far and near

Priced Cheaper than Ever Before.

About 900 pieces fine Dress Goods, all the latest weaves in staple and novelty designs, prices 60c to 85c yd., placed on center counter 6 day price 48c yd. Every mother and daughter should try and visit this big Dress Goods sale.

feets worth 85c yd., long as this sale lasts 48c yd. 1000 yds. good heavy 27 inch Outing sold over all retail counters 84c, our price 5c. 100 bolts the 10c kind 8c. 100 bolts the 12 1/2c kind 9c. 10 bales Checked Homespun we want the room to measure Dress Goods—17c, 5c, 6c, 6 1/2c yd. You can't jew the mills to the above prices today. Walk lively, own your share, while they last, 1000 Men's and Boy's Caps 10c each.

Bed Spreads, Blankets, Comforts.

100 Spreads 49c. 100 Spreads 74c. 100 Spreads 98c. 1 case Blankets—just pulled the lid off—come and see them. 100 Good Large Heavy Comforts 98c each.

20 pieces good Red Flannel 14c yd. 20 pieces Bed Ticking 1 1/2c yd. 50 bolts Bleach Cotton 1 1/2c yd. 100 Rugs 10c each.

Embroidery! Embroidery!

About 1600 yds. Fine Embroidery, 20c and 25c kind, placed on center counter. If you can get in the store for the crowd, the price 10c

yd. 1000 yds. fine Plaids for Children's Dresses to close the lot 12 1/2c yd.

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1000 dollars worth just landed—all the newest styles. Don't think of buying elsewhere—save your money by buying here.

1600 pair Children's Hose, the best Hose on earth for the price, 3 pair 25c.—6 day sale.

FRIENDS REMEMBER WE BUY FOR CASH and sell for cash. Got unlimited capital to back us, and you will have to wait a long time to get a man that will sell you Up-to-the-Hour Dress Goods and Dry Goods cheaper than we. The fellow is still rocking in his cradle that will beat our prices.

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R. M. CALDWELL, Manager.