

### TESTIMONY FOR DEFENSE

#### Witnesses Examined with View to Establishing Fact of Threats Having Been Made.

(Houston Post Special)

Richmond, Texas, November 14.—The witnesses for the defense were on the stand again today in the Edridge trial and the testimony adduced from them was to the effect that Captain Dumovant had frequently threatened to kill Edridge, had abused him and claimed that he had robbed him.

The difficulty at the primary station also featured in the testimony. The character of Captain Dumovant was brought up and the witness testified that while he was an upright and honorable man, they believed him to be a man who would be likely to execute a threat that he had made. There was also testimony showing that Edridge had been informed of the threats which had been made against him.

The defense is following the line of the previous days and there is, to some extent, a similarity in the testimony. The indications are that the trial will continue the remainder of the week, though the time duration is naturally indefinite.

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Mr. J. T. Whitman, an El Paso reporter, was the first witness on the stand. He testified that he had known Captain Dumovant for eight years and that he considered him a man of an overbearing and dictatorial disposition, though his reputation for integrity and honor was very high. That means, Captain Dumovant had threatened to kill Edridge and abuse him. Had heard Captain Dumovant use language to threaten Edridge that he did not think a Christian could say. Had not heard him threaten to kill Edridge of his threats which he had made. Had not told any one that he knew of the threats until the trial of the case, but had remarked when he heard of the death of Captain Dumovant that he expected that it would be Edridge's fault if Dumovant were to die. Captain Dumovant did not think he would shoot Edridge like a dog.

C. T. Hascock of Colorado county was the next witness. He testified that Captain Dumovant had told him that Edridge had robbed him and that he had decided to get a gun and kill him, and that he was satisfied a jury in Colorado county would clear him. Captain Dumovant had told witnesses of the trouble at the primary, and had said that he did not shoot him then because he ran into an election booth. Captain Dumovant had told the witness that Edridge and Lane had formed a conspiracy to kill him and that he had to work the middle of the street to keep from being way-laid. Captain Dumovant had told the witness that Edridge and Lane had come to the El Paso jail office to kill him, which Captain Dumovant had said that he had made up his mind to get a gun and kill Edridge and witness believed that he was a man who would carry out a threat. That means, Captain Dumovant was never afraid of any man. Witnesses had told W. P. Watson and C. McCormack of Captain Dumovant's threats on Sunday preceding the killing of Captain Dumovant, he having been the witness the night before.

P. L. McCarty of Brazoria Hill county, who was formerly a foreman on the Chan West, testified that Captain Dumovant had told him that Edridge had robbed him and that he intended to kill him. Captain Dumovant had abused Edridge, calling him a dog. Captain Dumovant had said that he intended to kill Edridge and that he would tell any man. Witnesses had told W. P. Watson and C. McCormack of Captain Dumovant's threats on Sunday preceding the killing of Captain Dumovant, he having been the witness the night before.

W. H. Hayes of Bryan, who was formerly a convict guard at Eagle Lake, testified that he had seen Captain Dumovant threaten to kill Edridge.

John Tutschek, the last witness examined today, stated that he had known Captain Dumovant since 1882. That he knew the reputation of being a determined and hard man. Considered him a violent and dangerous man. Thought him honorable and upright. Did not believe he would get the upper hand of him. Had never heard of his having been prosecuted in the courts for any offense. Considered that it was only a question of time until Edridge or Dumovant would be killed. Had heard of previous difficulties that Captain Dumovant had had, among them being two fights at Houston. Had not known the particulars of either. Had also heard that he had whipped a cook on the premises. Mr. Tutschek had had occasion to fight him twice when he was active. Had also heard of his having a controversy with Senator Bailey. Did not believe that Captain Dumovant had charged Senator Bailey in that jail cell. Had heard of his having made a threat. Had heard of his having made a threat. Had heard of his having made a threat. Had heard of his having made a threat.

The attorneys for the defense objected to the testimony regarding the high moral standing of Captain Dumovant as irrelevant. This having been given by several witnesses, but the court overruled the objection in each instance.

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EVIDENCE IS IN

Twelve Hours Are to Be Allowed for the Arguments.

PROSECUTING WITNESSES

In Rebuttal of the Testimony for the Defense Were on the Stand All Day.

(Houston Post Special) Richmond, Texas, November 19.—The State introduced testimony in rebuttal today, bringing several of the former employes of Captain Donovan on the stand to testify that he was kind to his laborers and that he was not a violent and dangerous man. The State also produced testimony from former associates of Captain Donovan to show that he was not a violent and dangerous man. State witnesses also testified concerning the reported shooting of a negro by Captain Donovan to show that the shooting never occurred. The differences between Captain Donovan and Senator Bailey at Waco were brought in, the State producing testimony that the affair was due to a remark addressed by Senator Bailey to a third party which Captain Donovan thought was addressed to himself and that the matter was explained and settled amicably. The State also brought out testimony regarding the reported whipping of John Owen's son, a witness testifying that he understood that the report had been contrived and that Captain Donovan

had not whipped the cook as alleged, but had called her out and questioned her and that the cook had said he had whipped her. It was also testified that Owen and Donovan were good friends afterward. Some of the witnesses produced by the State identified having seen the defendant since the shooting. Some of the witnesses also considered him a man who would carry out a threat after having made one. Much of the testimony brought out was excepted by the defense, but the State had also objected to much of the testimony formerly brought out by the defense, the grounds of the objections being hearsay in some cases and irrelevance in others.

The taking of testimony was completed at 4 o'clock this afternoon and the court allowed twelve hours for the argument of the case, six hours for each side. The court did not desire to commence the argument this afternoon unless it could be completed, and as it was evident that it could not be completed, an adjournment was taken until 10 o'clock Monday morning.

There is a formidable array of counsel on both sides, and a warm argument is looked for.

The State is represented by Attorney Brockman of Houston, Congressman Finckley and Captain Mitchell and the district attorney. The defense is represented by Judge Garwood, Jonathan Lane, Judge Townsend and Judge Man-

ing been left under a heavy load and carried there. Witness had heard Captain Donovan tell another man, after July 19, 1904, that he (Donovan) had a chance to kill Edridge, but did not do so because he did not want to. Captain Donovan was a good shot. Had seen him kill chickens with a pistol. Witness knew that Captain Donovan did not stay at Mr. Raymond's house at night. Had never seen him there. Witness might have had a gun that would have done nothing of. Captain Donovan was returned on Wednesday afternoon to his home.

George Francis, colored, of Eagle Lake, testified that he had known Captain Donovan fifty-four or fifty-five years. He was a peaceable man and a gentleman. Never heard of his mistreating any colored hands. Asked about Big-Bird Bill, the negro Captain Donovan is reported to have shot, the witness said Captain Donovan had shot Big-Bird Bill because he never struck Bill because Captain Donovan never could hit. Never knew Captain Donovan to whip negroes. Witness was always kind to witness. Witness never knew Donovan to carry a pistol. Had belonged to Donovan's father before the war.

Billy Aswell, colored, testified that he had lived on Captain Donovan's place all his life. Had lived with Captain Donovan's father. Witness never heard of Captain Donovan being violent. Never heard about Captain Donovan whipping any one. Never heard much but the own and nephew. Nearly always stayed in the bottom.

Colored Whalley, former superintendent of penitentiaries, testified that he knew Captain William Donovan. That he (the witness) did not consider Donovan a violent and dangerous man. Witness considered Donovan a peacable man. Had never heard of Donovan having any trouble with anybody. Never knew Donovan ever had a gun.

Harry Boykin, colored, testified that he had lived on Captain Donovan's place twenty-two years. Captain Donovan always bore a mighty good name among the freedmen. Witness had been a preacher for forty years. Donovan had given witness a church site of ten acres. Witness considered Donovan a peacable man. Had never heard of Donovan having any trouble with anybody. Never knew Donovan ever had a gun.

Judge Davis testified that he had known William Donovan eight or ten years, and that his reputation was not that of a violent and dangerous man. Had never heard any man say he was not dangerous or that he was dangerous. Had heard of Donovan running to the platform at Waco and endeavoring to get on the platform and assist Senator Bailey and also of the trouble with a Mr. Barry at Houston. Witness believed that Donovan was a peacable man and still he brought up to do anything. Considered him (Donovan) a man who would execute a threat if he had a chance. Witness had never heard of him making a threat.

Jonathan Lane was then questioned regarding the sale of the Case Bell, November 4, 1904. He testified that it brought \$2,500, but that it was that thirty-seven miles longer than it was at that time, he believed otherwise. In the connection it may be stated an irregularity occurred in respect to Mr. Lane's testimony. It being stated that he requested to leave the stand, but that he was not to receive from Donovan a cash equivalent. Donovan received \$250 for his share, not \$1,000.

George H. Little, Jr., of Columbia, had lived in Columbia, twenty-five or thirty years. Captain Donovan mistreated negroes in Columbia. Donovan mistreated negroes in Columbia. Donovan mistreated negroes in Columbia.

William Donovan. His reputation was good. Captain Donovan was the most honorable man in Colorado county. Was one who would not take advantage of any man. Was a man who would protect his people from depredations by others. Witness said there was no friendly feeling between Edridge and Donovan. Did not speak to him. Had been a friend of Captain Donovan in his trial when arrested on the charge of attempting to assassinate Edridge.

J. R. Brockman took the stand and testified that he had been at T. W. House's office often in Houston. That this office was in the bank. That Mr. House had a very large scar across one side of his face, which would cause him to be remembered when seen.

Dr. Norris testified regarding a conversation which he had had with Mr. Edridge relative to Captain Donovan. Edridge had asked witness if he had heard the latest. Asked what it was. Mr. Edridge had said that he had heard that Donovan had been talking about his family. Witness had then been told of the alleged statement about Mrs. Edridge. Witness had said that he did not believe Donovan had said it or meant the construction which had been placed upon it. Witness had offered to see Donovan and ask him about it. Edridge had said he did not want anybody else drawn into the matter. Witness had subsequently asked Mrs. Edridge and told her that if any man had made the remark about his (the witness's) wife and family that Captain Donovan is alleged to have made, he (the witness) would get out not sleep until he had killed him. Witness reported Donovan as a determined man. Did not consider Captain Donovan a dangerous man in the sense of being one who would seek to create an alteration or who would take advantage of a man. Believed that he was dangerous in the sense of being ready to resent an injury.

A letter was introduced from Auditor Eney to Captain Donovan, which stated in substance that he, the writer, after thorough investigation, had concluded that there were shipments of lumber being made south of Wharton for which no account was being made and that he did not want anybody else drawn into the matter. This letter was subsequently apologized for in a letter already submitted by the defense.

Dr. R. H. Harrison of Collihue testified that he had known William Donovan. Had never told Tom Wryndham that the reputation of Captain Donovan was that of a violent and dangerous man. Witness had known Captain Donovan since he was a boy. Had never heard of Donovan having any trouble with anybody. Never knew Donovan ever had a gun.

J. R. Weston of Columbia, formerly representative from Colorado county, testified that he had known Captain Donovan since 1850. His reputation was good. Knew John Owen. Heard of a reported quarrel between them. That the matter was amicably settled. That there was a report that Captain Donovan had whipped Owen's cook, but that afterward he had been told that he had not done so and that the man had said that he had whipped Owen's cook at all, but that he was friends afterward. Thought that he had never talked with an eyewitness to the killing.

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John Donovan and Senator Bailey. He said that the letter was making some sort of a report in a charge that he was making the Standard Oil company. Captain Donovan had asked him a question and Senator Bailey had turned it off lightly. Another person far back in the crowd had asked another question and Senator Bailey had replied that he was cowardly, white-livered scoundrel, meaning the second questioner. Captain Donovan had thought the statement of Bailey was addressed to him, and had run down to the platform. The matter was explained and amicably adjusted.

Judge J. Spomer of Columbia testified that he had known Captain Donovan since 1850; that he was not a dangerous man; had seen the agreement defining the duties of Donovan as president and general manager. Edridge had shown witness the agreement and witness had said that he gave Captain Donovan no authority regarding the matter not named him of it. (Later talked with Captain Donovan regarding the matter not named him of it.) Donovan knew when he signed his agreement to defend himself of all liability except to preside at the meeting of the board. Donovan had replied that he did not know it; that his attorney had drawn the paper and that he did not think he (the attorney) would have given an agreement defining him (Donovan) or of any authority whatever. Witness had then been told of the matter. Witness had then been told of the matter. Witness had then been told of the matter.

Mr. Bailey of Houston testified concerning the time when the Katy left Houston for the North and when the Southern Pacific and the Aransas Pass arrived in Houston on August 11. He testified that the Katy left for the North at 7:30 p. m.; that the Southern Pacific arrived at Houston at 7:30 p. m. and the Aransas Pass at 8:30 p. m. Attorneys agreed that the Katy depart was five miles from the depot at which these trains arrived.

J. E. Woods of Brownsville testified that he knew Captain Donovan. Had seen him at Lohmeyer the day before he was killed. Had talked with Captain Donovan that day and did not remember to have heard him mention Mr. Edridge. Witness had driven with Captain Donovan. The latter had left a pistol in the baggy of witness. Did not know, but presumed that it was Captain Donovan's. Did not know how it got there, but it was there shortly before the shooting on the train. Had not noticed whether he had changed his seat or not. Had never heard Captain Donovan threaten the life of Mr. Edridge. Had heard Captain Donovan abuse Mr. Edridge and call him a scoundrel and a thief.

John Robertson testified that he was up to two years ago a member of the firm of John D. Rogers & Co. That the firm had a great many dealings with Donovan & Edridge. That John D. Rogers & Co. held insurance policies on the life of W. T. Edridge and also on the life of Captain Donovan as security for debts of the firm of Donovan & Edridge. John Robertson testified that he had seen Donovan & Edridge had paid the premiums on these policies. The policies were for \$10,000 on the life of W. T. Edridge and \$5,000 on the life of Captain Donovan. The latter also owned a private automobile. Witness testified that his firm also had security on private property of Captain Donovan. Would not have allowed the independence of Donovan & Edridge on a train.

J. R. Frank of Eagle Lake testified that he had known Captain Donovan since 1850; that he was not a dangerous man; had seen the agreement defining the duties of Donovan as president and general manager. Edridge had shown witness the agreement and witness had said that he gave Captain Donovan no authority regarding the matter not named him of it. (Later talked with Captain Donovan regarding the matter not named him of it.) Donovan knew when he signed his agreement to defend himself of all liability except to preside at the meeting of the board. Donovan had replied that he did not know it; that his attorney had drawn the paper and that he did not think he (the attorney) would have given an agreement defining him (Donovan) or of any authority whatever. Witness had then been told of the matter. Witness had then been told of the matter. Witness had then been told of the matter.

he had known Captain Donovan. Was questioned regarding witness's opinion, but answer was evaded. The witness was then excused.

B. P. Newton of Eagle Lake testified that he had known Captain Donovan since 1850. Knew the reputation of Captain Donovan and it was not that of a violent and dangerous man. Had worked for Captain Donovan ten years. Captain Donovan was a man who would execute a threat if he made it. Was not a man who would take advantage of a man.

Mr. Shaw of Columbia testified that he was in the banking business. Had known Captain Donovan for twenty years. Knew his reputation. It was good. Had known Captain Donovan was a man who would never resort to an insult and would never threaten if he had made it. Had never known him to make a threat and did not believe he would make one without good cause.

Other character witnesses were offered by the State, but they were excused.

Mr. J. D. Curlew of Lake Side lived there prior to the death of Captain Donovan. Had slept in the same building with Captain Donovan. Did not think he (Donovan) slept anywhere else. Had never seen any difference between Mr. Raymond and Captain Donovan. Had never seen Captain Donovan speak disparagingly of Edridge. Had visited him (Edridge) at his home and did not know what James H. Abrecht said disparagingly of Edridge. Had visited him (Edridge) at his home and did not know what James H. Abrecht said disparagingly of Edridge.

Mr. Calloway was called to the stand and testified that Captain Donovan had not endeavored to get him to insure W. T. Edridge's life for \$10,000 additional to the Southern Pacific and the Aransas Pass. Witness had never called Mr. Edridge and had never called Mr. Edridge and had never called Mr. Edridge and had never called Mr. Edridge.

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who were afterward sent to the penitentiary, but no effort was made to have them pardoned.

Mr. Brockman, on behalf of the State, said that he had over twenty witnesses to testify regarding the character of Captain Donovan in addition to those placed on the stand, but further evidence of that nature was excluded.

The county commissioners yesterday afternoon finished the work of appointing the vote of each candidate, and the clerk's returns of the recent election were approved.

The vote shows that Henry Abrecht, district clerk, led the democratic ticket, having polled a vote of 501. He had no opponent. George Jones, county clerk, received the largest majority of any candidate who had an opponent.

Table of election results for various offices including Republican and Democratic candidates, with names and vote counts.

Advertisement for '77' Cures Grip and COLDS, describing the medicine's benefits for various ailments.



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## Eldridge Kills Calhoun.

Another chapter has been enacted in the Dunovant-Eldridge feud. W. E. Calhoun was shot and killed on the Sap's "Davy Crockett" while it was standing at the depot at Wallis Tuesday morning at 5:40. W. T. Eldridge did the shooting, surrendering immediately to a passenger, the first one he met, and asked for the constable. Eldridge about three years ago killed Capt. Wm. Dunovant. His latest victim, Calhoun, was a brother-in-law of Dunovant. Eldridge was found not guilty at the trial for the killing of Dunovant. He had removed from Eagle Lake, his old home, to San Antonio, on account of several attempts to shoot him.



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may result.

W. T. Eldridge is a wealthy citizen of San Antonio, who was indicted for the murder of William Dunovant, his business partner, a year or so ago. On the trial Eldridge was acquitted.

Afterwards an attempt was made to assassinate him. He accused W. E. Calhoun, who was a brother-in-law of Dunovant's, of lying in wait to murder him. Last summer Eldridge saw Calhoun on a train not far from Belleville and shot him to death.

Mrs. Calhoun, widow of the murdered man, has arrived here to attend the trial.

The rangers will remain here until the trial is over.



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