

The circumstances surrounding the death of William Dolphin Bass were mysterious to say the least. A research of the court records currently available in Gonzales County, TX does not reveal any details of the trial. The docket papers (#832 for James Avant and #833 for Pleasant Avant) were missing and the only information available was in the court minutes. (Ref. Court Session dates Thursday April 21, 1870, Saturday April 23, 1870, Monday February 20, 1871, Monday March 6, 1871, Friday June 30, 1871 and Wednesday July 5, 1871.) There, a list of the state's witnesses and jurors was found. The state's witnesses were as follows;

Isham Finch

Mariam Billings

Jasper Billings

Martha Bass, for herself and as guardian of Maggie Bass and Thomas Bass

Gibson Billings

Joseph Coulter

L. J. Dureu

Riley Finch

W. S. McAda

H. A. Smith

L. A. Preston

James Wheat

All, or most, of these witnesses were close friends of the victim and the accused, and all lived in the same general area. Three of the witnesses were Martha Bass, his wife, and his two children, Maggie and Thomas. Maggie (Margaret) was 16 years old at the time and Thomas was 14. Martha and her two children must have seen the shooting and killing since they were named as State's witnesses. The children were old enough to testify but were not yet of legal age as adults. Since so many witnesses were available, it leads one to believe that the shooting may have taken place at some sort of social gathering. And since James Avant, the accused, was found "not guilty" of murder, the circumstances surrounding the shooting were considered, by the jury, more accidental than intentional.

To account for some of these facts, the following scenario is offered.

It is suspected that the neighbors, all witnesses of the shooting, were having a holiday outing, perhaps an old-time beef barbecue, when some of the festivities got out of hand from too much drinking. It was fairly common in those days to wear side-arms for protection from wild animals. During the course of the event, a few cross words were exchanged between William Dolphin Bass and James Avant, possibly as a result of a land dispute between William Dolphin Bass and his father-in-law, Benjamin Avant, regarding division of the 728 acres that they owned jointly. As a result of the altercation between William Dolphin and James, James pulled his side-arm in a "macho" demonstration to emphasize his point of view. His brother, Pleasant Avant, who recognized the demeanor of his brother, attempted to wrestle the gun from him when it went off and killed William Dolphin Bass. (At this time in life Pleasant was married with a child and was a more rational person, while James was a single man and prone to react without much thought to the consequences.) This accounts for the reason Pleasant Avant was accused as an accomplice to murder when James was accused of murder for the killing of William Dolphin Bass. None of the witnesses wanted to testify which indicates that they were reluctant to give information that may in some way be detrimental to James and Pleasant Avant. Probably the most difficult testimony came from Martha Bass who was the sister of Pleasant and James. She didn't want to send her brothers to jail, but then her husband had been killed as a result of them. The "not guilty" verdict is a reasonable indication that the killing was not premeditated but one of a very careless and thoughtless act precipitated by a senseless argument.