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JOHN EDWARD SCHMALZ  
MEMORIAL

THE  
WHITE-CAPS:

A HISTORY

Of the Organization in Sevier County.

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E. W. CROZIER, PUBLISHER.

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ILLUSTRATED.

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FIFTY CENTS.

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## PREFACE.

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The pages of this book have been written, some of them by active participants in the scenes herein portrayed, and others by persons who were in a position to obtain, in detail, accurate and reliable information.

This book is the first advance made in this section of the country by the hardy sons of toil on the reading public, and its capitulation may be looked for if the public should prefer facts revealed in the plain, uncouth garb of an unstudied dialect rather than smooth, flowing sentences and well-rounded periods of glittering generalities based on false or imaginary premises.

The fondness of the people for reading, aided simply by a rudimentary education, is developing a common ability to express in a few plain words the thoughts in our minds. And, everything considered, having something to write about is, after all, of more importance than the manner of writing it.

The hardy mountaineer, whose life is spent wrestling with the forces of nature and who comes in daily contact with nature's works, may have ideas, though in a crude state, of more intrinsic value than he who knows only the artificial life of the city and the intrigues and turmoils of an artificial humanity which

“ \* Never uses God's name except for gain,  
And therefore never takes His name in vain,”

and which finds that philanthropy converted into five per cent. bonds is a paying investment.

Crime in the country, to a great extent, is the result of unrestrained natural propensities—the animal in man—while crime in the city, in too many cases, is the fruit of minds diseased by pampered living and a false education, which

“\* Hamper and entangle our souls and hinder their flight upwards.”

While some chapters in the present volume contain harrowing scenes of savage cruelty, affording us a glimpse into the

depths of human depravity, others exhibit those innate qualities of love, mercy and truth which are slowly but surely civilizing man and which are our only shield and protection against the demon of evil in our nature. Especially is it shocking to the moral sense to recognize the fact that the cruel deeds herein related were committed in behalf of and for the sake of "good morals."

We are taught the valuable lesson that the injunction, "Judge not, that ye be not judged," should be as strictly observed, as the commandment, "Thou shalt not commit adultery"; for only "He that is without sin among you" is privileged to "first cast a stone."

Every citizen should obey the law, no matter what its defects or imperfections, until, by the exercise of the elective franchise, he can remedy those defects or imperfections through the properly constituted authorities; above all, should he take care that the authorities themselves are capable, courageous and law abiding.

Of the many defects in our civil law, the "law's delay" seems to be the most exasperating to the good citizen; yet experience and observation teach us that all law, both human and divine, move along with a mysterious tardiness that puzzles our comprehension, unless it be that deliberation is an essential requisite of perfection.

Thousands of years have passed since the foundations of the earth were laid, and it is not yet completed. Nineteen hundred years ago the herald angels shouted the glad tidings, "Peace on earth; good will toward men;" yet there is no peace, nor has been all these years, and "good will toward men" is not the universal rule, though it is encouraging to note individual exceptions.

A perusal of the following pages will confirm once again the many proofs in the annals of human affairs that organization, no matter what its character, rather retards than expedites the object and purpose of law, if that object and purpose be clemency and justice, based upon righteousness and truth.

If any organization is necessary to strengthen the weak against the strong, the few against the many, the good against the bad, it is only a question of time when the strong, the



many and the bad will dominate and control that organization, and thereby enslave those who originated it.

In reality, it is the individual who improves and advances; and society keeps pace with his improvement.

The individual furnishes the brains of the world: individual effort does the work of the world. Organization manacles his will power, retards his efforts and places a padlock on his mind.

These thoughts have been suggested and are supported by the facts detailed in this book.

A few good citizens of Sevier county, desirous of ridding the county of a certain lawless element, and disgruntled at the dilatoriness of legal methods, determined to take the law into their own hands, and by summary punishment eradicate the crime or exterminate the criminal. This desire led to the formation of the order called "White-caps."

The object of this organization made it popular with some of the better element, who aided and abetted the movement.

But, lawless in its inception, it was soon dominated by the lawless element against which it was formed. The good citizens, instead of restoring law and order, became the servants and tools of disorder and mob violence.

After two years of white-capism another organization was formed to "down" the "White-caps," called "Blue Bills."

For one year longer, the warfare waged between these two factions kept the county in a continual state of fear and frenzy. Lawlessness was rampant. The administration of justice was a farce. The execution of the law seemed impossible.

Finally the efforts of a single individual, brave, indefatigable and prompted only by a sense of duty, adopting legal methods and sustained by a fearless judge and district attorney, accomplished what two organizations failed to do—restored good order and re-established the supremacy of the law in the good county of Sevier.

It is to the individuality of such men—men of character, courage and convictions—that the United States owes her greatness, society its progress and man his advancement.

THE PUBLISHER.

# Signs and Oath of the White-cap Organization.

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Passing the right hand over the right cheek indicated "I am a White-cap." Passing the left hand over the left cheek answered, "So am I."

Subsequently the following signs were substituted: The challenge sign by placing the right forefinger on the tip of the chin, and answered by placing the left forefinger on the chin.

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## THE OATH.

I do solemnly swear before God and man that if I reveal anything concerning our organization or anything we may do, the penalty shall be to receive one hundred lashes and leave the county within ten days or be put to death. Now I take this oath freely and voluntarily, and am willing to abide by the obligation in every respect. I further agree and swear before God that if I reveal anything concerning our organization, I will suffer my throat to be cut, my heart to be shot out and my body to be burned; that I will forfeit my life, my property and all that I may have in this world and in the world to come: So help me God.

# THE WHITE-CAPS.

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## CHAPTER I.

### ORIGIN OF THE ORGANIZATION.

White-capping has become a part of the history of Sevier county, and the man who would undertake to write a true history of the county, without devoting at least one chapter to this subject would be guilty of an omission unpardonable in the writer.

We do not propose to write a history of the county, but in as much as the following chapters in this book are all more or less connected with and traceable to this wicked and lawless organization we deem it proper at this juncture to give a brief history of it.

White-capping had its origin in Sevier county with a class of people whose intentions were good; and while they knew it was a violation of law, they persuaded themselves that it was, to say the worst of it, only a mild violation, and a pardonable step to take, in order to right an existing evil.

In Sevier county, like all other counties, there are citizens whose morals are not as good as they ought to be; men and women whose habits are lewd and who live adulterous lives. It is always unfortunate for any community to number among its citizens persons of this character. And while it is and has always been a violation of law in Tennessee for people to live in adul-

tery, yet that law has not always been efficacious in protecting the good and punishing the bad. The evil-doer seeks in every way to evade the law and conceal his deeds from those who are likely to be called upon to testify against him. In this way the law is cheated. Indictments if found are not sustained; the guilty go unpunished and society suffers. In this regard Sevier county has not been an exception.

About the year 1892, certain communities in Sevier county had become infested with lewd characters whose conduct was very obnoxious to the good citizens, and after repeated, but unsuccessful efforts by legal methods to punish these evil-doers in the courts, the good citizens became disheartened, feeling that the law was not furnishing that protection to society that it should. Thereupon certain persons, with good intentions, but mistaken judgments and more unwise than they then thought, began to discuss the advisability of getting rid of the immoral characters above referred to by some other method than through the courts—the only legal channels.

After some consultation and discussion among a few persons, who, if not the best citizens, were nevertheless, recognized as law-abiding men, an agreement was reached to notify in writing such immoral characters as they wished to get rid of that they must leave the community within a certain time or they would be punished by a severe whipping laid upon their backs with hickory withes. The notices were accordingly given by posting them upon the doors of those to whom directed and signed "White-Caps." Often, and generally, a bundle of hickory withes was also deposited at

the door or about the house, as an additional warning of what might be expected to follow, if the notice should be disregarded.

About the date above referred to, after similar notices had been given to some lewd women living in Emert's Cove in the upper end of Sevier county, which notices had been unheeded, the first White-cap raid was made. Some half dozen women were whipped by masked men and notified to quit the community at once or like punishment would follow with increased severity. Most or all of said women did leave and went to Knoxville and other places, and the good people of Emert's Cove felt that it was a happy riddence. They spoke approvingly of the act, thinking little of the influence that such an attempted correction of evils would ultimately have in the community.

So on the surface there seemed to be a wave of approval of the first effort at White-capping in the county, and those who were engaged in it felt emboldened to take a second step. But after several raids had been made, and lone and unfortunate women whipped and driven from their homes at night, some with little children, there at once arose a feeling of resentment and opposition to this method of administering punishment even to those who were known to be living in violation of law and whose example was detrimental to good society. And the boldness and brutality which attended some of the whippings soon brought prosecutions against suspected persons. Generally these prosecutions were commenced before justices of the peace. By reason of the fact that the White-caps went masked, it was very difficult to identify them with any

reasonable certainty, but occasionally one of the parties charged would be bound to court.

As the opposition to this new method of kukluxing increased, those engaged in it felt that they needed greater security from detection, and if detected or charged with any of the offences they would be in greater need of those who would stand by and help them make their defences in the courts. Hence an organization was formed, known as the White-cap organization for their better protection, offensive and defensive. While the writer does not know what were the provisions contained in the constitution and by-laws of the organization nor whether, in fact, they had any written code of laws, yet it is known that they did have certain rules and regulations which were to govern and control them.

Of course it was intended to be, and was so far as they could make it, a secret organization. Regular initiations took place for new membership into the mystic order. One of the chief features of the order was the iron-clad oath, or obligation that the member took upon himself when he joined. It was administered under solemn and even threatening circumstances. When a person wanted to join he gave his name to one who was known to belong to the order, who proposed his name. The time and place of initiation was fixed and the applicant informed. At the appointed time and place, which was always at night and generally at the home of some White-cap the would-be member was duly catechised by the "Chief Mogul" or "High-Cockilorum" of the order as to his fitness for the duties which a member of so important an order

and the hazardous undertaking in which he was about to embark, required. If after examination he was found worthy, he was then told to stand up and let the oath be administered. The applicant would then be immediately surrounded by members of the order with drawn pistols, two of which would be cocked and presented at his breast while the oath was being administered. After this the right hand of fellowship was extended to the new made brother, and he was pronounced a full-fledged member.

While the exact wording of the obligation has never found its way beyond the secrets of the order, yet some of its provisions have become well known. For instance, the oath bound them to stand by the order, and each and all of its members and to never make known by word, sign or token, any of the secrets of the order under penalty of certain death. If any member violated his obligation or betrayed the order or any member thereof or gave information of any of their movements or raids, then two of the members of the organization were to be selected by lot whose duty it was, under their oath, to put the "traitor" to death. Some of the mysterious murders which afterwards occurred in Sevier county are traceable to no other source and can be accounted for in no other way, as will be seen by reading some of the succeeding chapters of this book.

## CHAPTER II.

### PLAN OF WORK.

After a regular organization had been effected in the county the White-caps felt that they were now much more secure, if not entirely protected, in their midnight work. The whipping of men and women became more common. The order grew in popularity and membership until it had invaded several of the districts and sections of the county, chief among these places were the Flat Creek section, in the northern part of the county, Catlettsburgh vicinity, Pigeon Forge community, and especially much of the county surrounding Sevierville, the county seat. This territory includes some of the richest portions of the county whose citizens hitherto had been known to be not only the most prosperous and comfortable in their homes, but the most law-abiding in their walks. Even the little town of Sevierville located in the very heart of the county at the junction of the two Pigeon rivers, surrounded by the wealth and culture of the county, became the very hot-bed of White-capism before its decline and disintegration. Some of the leading spirits of this faith and order lived in that quiet little town, and it was at their homes that many of the most noted raids were planned.

It seems that in the organization of the White-cappers, and in planning and laying out the work it was designed to do, there were two classes formed: one known as the "raiders" and the other the "supporters."



Members of the former class, as the term implies, were to make all raids, do the whipping, and perform all the duties attended with danger. While members of the latter class who were often men of property and standing in their community, were to make bonds for those who got into trouble and hire counsel to defend them in the courts. In this class it is said and generally admitted, that many of the wealthiest and best known citizens of the county were included.

There is one thing certain and that is, not one who was arrested and arraigned on the charge of White-capping ever failed to give bail. Bondsmen were always present and waiting to give aid and comfort to the White-capper in his hour of extremity; no matter how poor the prisoner or what his character, the bond was forth coming.

Another interesting feature in the history of White-cap prosecutions in Sevier county is that no case is known where a White-cap ever deserted his bondsmen. Some who feared detection fled the country to avoid arrest, but when once charged and put under bond the White-capper was true to his backers and true to his oath.

The purposes and plans above outlined strengthened White-capism and gained for it a foot-hold which has given Sevier county an unenviable notoriety; and which for strength of organization and boldness in the execution of its purposes, and perpetration of crime, has had no parallel perhaps in the United States.

It is the purpose of this book, in the succeeding chapters, to give some of the history and workings of this organization. But as it is a secret organization, as the

writer is not and has never been, a member of the order, and as no member of the order has yet exhibited a willingness to reveal the secrets of the order to us, we have not in our possession as much information in detail as we would like to have nor as much as is necessary to give an entirely accurate history; yet we can safely vouch for most of the facts herein related, as being substantially true; as much so indeed as the ordinary history.

## CHAPTER III.

### PROGRESS AND GROWTH OF THE ORDER.

We have briefly outlined in the preceeding chapters the origin of White-capping in Sevier county together with its plans and its purposes, as well as the character of the men who gave it their sanction and influence in its incipency.

We have also seen how the idea of reforming a certain class of people of unlawful methods, grew and spread from the crude notions of a very few men in a single locality, until it had gained a stronghold in the minds of many good citizens, and culminated in an organization whose baneful influence threatened not only the whole of Sevier county but adjoining counties.

Now that the practice of White-capping in Sevier county is a thing of the past and that the organization has gone to pieces, the good people of that county wonder how it was possible that such a condition of affairs should have ever existed, yet covering the years from 1892 to 1896, it grew and prospered till it almost dominated public sentiment.

Courts became powerless to execute the law, the province of juries was invaded and justice throttled; popular elections were controlled by White-caps being installed in high places. At one time it was really popular in Sevier county to belong to this well known organization. Candidates for high offices courted it for its influence in approaching elections and it is

claimed that many became actual members when assured that such a step would bring to their support the solid vote and influence of the order.

Indeed this sentiment had grown and had become so popular that it could not be confined by county lines, and adjacent parts of Jefferson and Blount counties became infected with the virus that was poisoning and destroying the very life and good name of one of the best counties in East Tennessee.

Its membership was extended into districts north of the French Broad river and thence into Jefferson county where many depredations were committed by roving bands of these night prowlers migrating from one county into the other.

The organization reached its zenith of popularity and strength in 1894; the whipping of men and women were of frequent and almost nightly occurrence, and yet the perpetrators of these cruel deeds daily walked the public high-ways and even the streets of their towns unapprehended and unpunished.

But White-capism was destined to have opposition. It could not be otherwise. It was founded on a wrong principle; its deeds like the hours of their execution were dark and so cruel they could not be defended.

Many who at first gave it their sanction and silent if not active support now saw their mistake and withdrew their influence. It began to loose in public favor. Irresponsible men had worked themselves to the front and took charge of affairs. Men not only of bad habits generally, but men whose lives were polluted with lewdness and adulterous living had assumed the role of reformers and were heading midnight mobs which

cruelly beat and in some instances killed persons because it was suspected that they were not living virtuous lives. Persons thus punished were no worse, but often, were much better than those who had arrogated to themselves the right to reform all who chanced to violate either the civil or moral law.

While there was much opposition in sentiment and feeling to White-capism in its progressive stages, yet it was only a feeling or sentiment. Many were afraid to talk out against White-capping, for fear of being punished for his expression of opinion. Many persons who freely expressed their opinions unfavorable to such lawlessness, were promptly notified that they would be visited and whipped if such talk was repeated. Some were actually whipped for no greater offence than expressing disapproval of White-capping. Is it any wonder then that an organization of such proportions and with such bold and avowed purposes should become a terror in any community?

## CHAPTER IV.

### THE BLUE-BILLS.

There was very little to impede the progress of White-capping in Sevier county until an opposition was formed known as the organization of the "Blue Bills." Not very much is known about this band further than its object was to thwart and put down White-cap raids. It is said, however, to differ from the White-cap organization in this, that it had no constitution or by-laws, no officers, and administered no oath or obligation, and they never wore masks when on their raids.

It was composed of men stoutly opposed to the other organization; some from good motives and others no doubt from selfish views. The former desired to put down White-capping because it was a crime; the latter because the White-caps had either threatened them or some of the immoral women of the county with whom they had been associated and had agreed to defend against the White-caps.

It was the purpose of the Blue Bills to find out what particular night, (their raids being always made at night) the White-caps were to make a raid, and the particular person or persons to be attacked. This point accomplished the Blue Bills then notified their members who were thoroughly armed with shot-guns and Winchesters, to be ready to march against their enemy at the designated time and place.

Several sharp engagements thus occurred between the White-caps and Blue Bills in some of which men were killed and wounded. The White-caps also went armed and it was understood that when they met it meant fight or run. It will thus be seen that both of these organizations were acting without sanction of law, and that one was about as revolutionary in its character as the other. The Blue Bills, however, generally claimed to either have an officer of the law with them, or one deputized by proper authority, to arrest all White-cap raiders and prevent them from carrying out their plans.

Dr. J. A. Henderson, now dead, a brave and fearless man, was said to be the organizer and leader of the Blue Bills. He was recognized as an uncompromising enemy of the White-cap raiders and was always on their track. Being shrewd and cunning, he was ever on the alert. Many times it is said they planned to make a White-cap raid upon his home in the town of Sevierville for the purpose of capturing him and punishing him if not to take his life. But as often he caught on to their plans, marshalled his own Blue Bill forces, met his would-be captors on the way and put them to flight.

Notwithstanding Henderson was a terror to the White-caps for about two years, and they were endeavoring to capture and punish him during all of that time, yet he foiled every attempt, owing no doubt to the fact that he had a spy in the White-cap camps who kept him informed of their movements. Being a man of large means he boldly went into the White-cap camps and hired one of their number to betray them into his hands.

The number of White-caps in Sevier county has been variously estimated to be from six hundred to fifteen hundred, while perhaps there never was more than two hundred Blue Bills at any time.

There are two reasons why Henderson and his raiders were never captured and punished by his organized pursuers. First, he was a much shrewder warrior than they were, and knew almost their every movement. Second, he and his band were much better armed, and known to be as brave as Julius Caesar, and would therefore die before they would surrender or be punished with the lash.

As before stated Dr. Henderson lived in the town of Sevierville, as did several of the leading White-caps. They would pass each other upon the streets and highways during the day, but when night came on there was but little travelling alone—every man who had joined either band retired within the barricades.

The first White-cap depredations were committed in the outlying or remote districts of the county. But the organization as well as their nightly performances, gradually moved toward the center of the county, and after the Blue Bills were organized against them, Sevierville and the surrounding territory for four or five miles became the battle ground of this most novel warfare.



## CHAPTER V.

### WARFARE BETWEEN THE BLUE-BILLS AND THE WHITE-CAPS.

While the majority of the people of Sevier county never actively participated with either one of these organizations in their struggles for supremacy, knowing that both were acting in violation of law, yet it seemed that they were powerless to restore order either by their influence or through the machinery of the courts. Many sympathized with the Blue Bills, because they thought any force which offered itself might be permitted to put down the White-caps, others took side with the latter organization for one reason or another. And thus it was the people of Sevier county for several years were between "the devil and deep blue sea," not knowing where to go or to whom to appeal for protection. People were attacked and whipped in their homes, dwelling houses and barns were burned, citizens were shot down in their houses and on the high-ways—indeed a reign of terror prevailed.

When we consider the character of the two organizations—White-caps and Blue Bills—and the bitter enmity which existed between the two, the wonder is, that more of them were not killed or wounded.

To show the animosity existing between these two belligerent forces we will refer to some of their military movements and the hair-breadth escapes in engagements and in avoiding engagements.

It is safe to say here that the White-caps, though greatly outnumbering their enemy, were never anxious to meet them in actual conflict. Many of the White-caps were arrant cowards while they all knew the fearless character of their foe.

At one time the Sevier county White-caps had planned a raid into Jefferson county for the purpose of whipping an old man by the name of Jenkins, who it was said was living with a woman not his wife. The night was fixed and everything agreed upon. Henderson learned that the raid was to be made on Friday night. He hurriedly notified a number of his followers, and, armed to the teeth they stealthily slipped to the place—Douglas' Ferry—where they were to cross the French Broad river. They there waited in hiding for them till a late hour in the night, but no White-caps came. But the very next night—Saturday—the raid was made. A large band of White-caps crossed the river at this identical place, proceeded to the house of Jenkins and demanded entrance. On being refused they undertook to break in and were fired upon by Jenkins, who in turn was badly wounded by a gun-shot from the band. He was then captured, taken and given a severe beating and warned to flee the country.

The victors then retraced their steps and recrossed the river at the same place. There is no doubt that if this raid had been made the night before the White-caps would have either been captured or a battle would have taken place in which several lives would have been lost. It was only averted by a misunderstanding of the time the raid was planned.

It is known that at least one of the White-caps was wounded on the Jenkins raid as considerable blood was left on the ferry boat that carried them over the river on their return. This was caused by a shot from Jenkins' gun. The wound is not supposed to have been serious as nothing more was heard of it. The White-caps had their physicians who were always ready to administer to their sick and wounded.

At another time the White-caps planned a raid on either Henderson himself, or some other parties in the town of Sevierville. Henderson through his spy in the White-cap camps, learned of this movement and made ready for them.

They were to approach on the east of the town coming down the river road.

Immediately after dark the Blue Bills were summoned and with their leader at the head they moved up the river and concealed themselves behind fences and trees to wait the approach of the enemy. They had arranged themselves into two divisions, one some two hundred yards above the other. The public road that the White-caps traveled ran close to the river bank, and the plan was for one division to intercept them in front and when they wheeled to run, the other and upper division was to close in on them from the rear, and thus capture them. In this way there would have been but little hope of escape from either a capture of the White-caps or a bloody conflict. If they had attempted to cross the river they would have fell easy victims to the Blue Bills' deadly Winchesters while another chance of escape would have been through the open fields in the opposite direction which would have left them equally

exposed. On this occasion there was no misunderstanding, or misinformation. The Blue Bills were lying in wait and the White-caps came marching in. But just as the latter were approaching within a few steps of the first band arranged on their route, they spied some of the Blue Bills and instantly wheeled and fled pell-mell up the river.

The purpose of the Blue Bills being to capture the White-caps, and not to kill them unless in case of resistance and conflict, they did not fire on them except perhaps a few shots to frighten them.

About two miles up the river above Sevierville the hills close in toward the river, leaving only the width of the road, which is dug out of the hill, along which people may travel. Across the road at this narrow point there is a deep ravine or hollow through which a branch runs and over which there is a wooden bridge. There is no way to pass this point in the road except over this bridge. The White-caps in their raids often passed this place.

The Blue Bills were informed that on a certain night they would make a raid and would pass over this bridge. So Henderson and his men arranged for an attack on that night.

The plan was to take up the bridge floor and then way-lay and attack the White-caps near that point so as to cut off all other means of escape except over the bridge. This was accordingly done, and all the other arrangements made necessary to carry out what would seem to be a well laid scheme. But fortunately for the White-caps they either did not make their anticipated

raid that night or scented their sleepless pursuers and changed their route.

It is unnecessary to say that a stampede caused by an attacking party from ambush along a narrow road like that described, would have been disastrous, and before the death trap could have been discovered horses, riders and all would have been thrown headlong into the vortex.

It is almost incredible, yet it is true, that while these two bloodthirsty hands were on each others trail for over a year, only one actual engagement took place between them, which occurred near Henderson Springs when Helton Latham and Keeble were killed, a full account of which is given in a succeeding chapter of this book.

What occurred in that conflict which lasted but a few moments, shows the deadly purpose that each had in view when they started on their raid that night. But for the fact that the meeting of these belligerent parties was premature that night, a dozen men instead of three doubtless would have been picked up dead from the battle ground next morning. As stated the meeting that night at the particular time and place, was unexpected. The White-caps had not all arrived but were coming in from the adjacent hills, while the Blue Bills were on their way to where they supposed would be the real battle ground. Be this as it may at least some of the parties met on that fatal night, and laid down their lives in a most tragic way, thereby adding a new chapter to the history of Sevier county.

This fatal occurrence put a quietus on White-capping for a time. It occurred about the first of November,

1894, and no White-cap outrages occurred until about April of the next year. Dr. Henderson, the leader of the opposition, was assassinated in his house soon after, but his death was attributable to other causes not necessary here to relate. It is not thought that the White-caps or the Blue Bills, as such, either had anything to do with it, but the former greatly rejoiced to know that their old enemy and pursuer was dead. The following spring after his death new outrages broke out, but the Blue Bills did little or nothing to impede their progress.

## CHAPTER VI.

### WHITE-CAPS IN COURT.

The history of White-capping in Sevier and adjoining counties is one of lawlessness and outrages. From the year 1892 to 1897, it held sway. One crime followed another in quick succession. The people lived on excitement as it were. They retired to their homes at night not knowing but wondering what a new day would bring forth.

During the reign of terror that these midnight bandits introduced into that peaceful community no part of their history is more interesting than that which connects them with the courts.

They seemed to recognize the fact in the out set, at least in their organization, that their mission was one of crime and that prosecutions were certain to follow in their footsteps. With this in view they took every precaution to hide their identity and defeat all prosecutions, and no part of their work was more successfully accomplished; for during six years, from the origin of the organization in 1892 until 1898, not a single member of their order suffered the penalty of the law.

Many indictments were found, but in almost every instance they were successfully defended.

In 1892 or 1893 Sam Lanning, charged with whipping one Wyatt Hill, was tried, convicted and sentenced to a term of ten years in the penitentiary. He

appealed his case to the Supreme Court and secured a reversal, and on a second trial was acquitted.

Newt. Green and West Hendricks, who are now serving a twenty years sentence in the penitentiary, are the first members of this organization to suffer the penalty of the law for their crimes. They were charged with the murder of Aaron McMahan, convicted and sentenced as above stated, which sentence, on appeal was confirmed by the Supreme Court on the 18th of November, 1898.

Pleas Wynn and Catlett Tipton were convicted for the murder of the Whaleys (a detailed account of which appears in a subsequent chapter of this book) and on appeal to the above mentioned term of the Supreme Court were sentenced to expiate their crime on the gallows the fourth day of January, 1899.

Likewise the Spurgeon boys, charged with whipping some old woman up in the mountains, have been convicted of the charge, but appealed and now await the action of the Supreme Court.

All of these convictions in the lower courts, if we are correctly informed, except in the Lanning case, occurred in 1897 and 1898, after a revolution in public sentiment had come and a new order of things, at least partially, restored.

In the palmy days of the White-caps they were pre-eminently a success in the courts.

To the casual observer it is difficult to understand the secret of their success. In the remaining part of this chapter therefore, we shall endeavor to give the reader some insight into this part of their history.



In the outset the White-cap realized that his mission was a violation of law and that, if detected, he would be punished. Therefore it was decided that in their criminal practices their faces should be covered with masks so that their identity would be concealed. They accordingly prepared white rags, large enough generally to successfully cover the face and head with small holes cut for the eyes, nose and mouth. These cloths were tied on the head with strings in a way to make them secure and were worn on all their raids. They sometimes wore an ordinary hat, but more generally some kind of cap made of white goods, hence the name "White-cap." They also had regular White-cap suits, but these were made in different styles. Sometimes after the fashion of men's suits, and sometimes large loose gowns more like women's apparel. At other times they would wear their ordinary clothing, perhaps with an overcoat turned inside out, relying mainly on the mask over the face to save them from detection. In this manner the White-caps made their raids, whipped or otherwise punished their victims and returned home.

These raids were always made in night time; doors of houses were suddenly battered down, the inmates aroused from their slumbers, dragged from their beds and generally with but little light surrounding them, cruelly whipped and left bleeding on the spot.

It requires no further argument to convince the reader that under circumstances like these, it is difficult if not impossible to identify the attacking parties. In such an ordeal one would not likely recognize his nearest and best known neighbor.

While no one but the White-caps themselves knew absolutely who belonged to the clan, yet nearly every one had a general idea who they were and when a whipping occurred some particular person or persons were usually suspected of doing it. If the persons punished or any one else who was present showed a disposition to identify the parties, warrants were sworn out and the suspected White-caps arrested and taken before some justice of the peace.

Sometimes the evidence would warrant a committal to court and sometimes not. If the defendants were bound over to court they promptly gave bond and when circuit court met they were prepared to prove their innocence.

We are informed that the White-cap always relied upon two defences: First, the failure of the witnesses for the prosecution to identify him. Second, an alibi.

The state had to show that they were masked to make out its case, under the kuklux law. If masked then who could tell who they were, beyond a reasonable doubt? In some instances the witnesses would claim to recognize the defendant by his voice, but in almost every case, the witness would also claim that the defendant changed his voice so as not to be detected. Then defendant's counsel would argue that if the voice was counterfeited how could the witness testify that it was the voice of any particular person, however well known to them by their natural voice?

If a case ever got to a court or jury, these two defenses alone were generally sufficient to obtain a verdict of acquittal.

The White-caps, not being without smart and bold leaders, believed in the old adage that "an ounce of preventative is worth a pound of cure." They therefore set about to devise ways and means whereby they could prevent indictments from being found. To do this they invaded the county court and it is said won over to their cause several of the justices of the peace who composed that honorable body. This body appointed the jurors for the circuit court. In this way a number of White-caps always succeeded in getting on one or both of the juries. If they got on the grand jury, the White-caps were happy because they felt sure no indictments would be returned against any of their number. But if per chance a true bill was found then they relied upon their friends on the regular panel of the trial jury or those who may be selected to serve on it in the usual way.

The White-caps were sworn to stand by their friends and they did it. If one was a grand juror, it meant as a rule no true bill; if on the trial jury, it meant either an acquittal or a hung jury.

They did their work and did it boldly. While the grand jury was sworn to secrecy in all matters pertaining to the grand jury room, yet the White-caps knew everything that was going on in that body. When a bill of indictment had been acted on, it was signaled to their friends on the outside who knew all about it before it was reported into open court by their body. The secrecy and sacredness of the grand jury was thus taken away and the country at large turned over to the mercy of the bold and reckless men who in so short a time had demoralized society, controlled elections, manipulated juries and wrecked courts.

The White-caps were fruitful of resources when a friend was on trial or in trouble; they never lost hope nor ceased to work. When one of their number was to be put on trial, not only the court house but the town was full of these sign makers. When the officer went to summon the jury, if he was a White-cap himself he could of course do the decent (?) thing and soon find a panel of good (?) and lawful (?) men. If the officer was not a White-cap then while he would know or suspect some of them he did not know all of them and was certain to get some of the faithful (?) on his list. Then while the jury was being empaneled some one of the White-caps who had already had a conference with the defendant's lawyer was stationed at a convenient place, and knowing all who were either White-caps or White-cap sympathizers, he would by some sign or token indicate to the defendant's attorney whether to take him or not.

These methods were invariably adopted in every trial, and it is said that it was next to impossible to empanel a jury in Sevier county during the reign of White-capism without getting one or more White-caps on it, and for this reason next to impossible to convict a man charged with White-capping.

The foregoing is not all that the State prosecutor had to contend with while fighting a battle against White-caps in court.

As stated in a former chapter the White-caps took an iron-clad oath when they joined the order. This oath bound them to stand by each other under all circumstances and that without equivocation. They were to stand by them as jurors, and as witnesses. They re-

garded the oath that they took as a White-cap, as stronger and more binding than the oath they took upon the Holy Evangelist, to tell the truth, the whole truth and nothing but the truth. So when the two oaths came in conflict, the latter always went down. When it was necessary to save the life or liberty of a brother in jeopardy, no White-cap regarded the oath that he took to tell the truth. Hence it was always easy to find witnesses to prove an alibi for a White-cap charged of any offence. He was always at home or at some other place with enough of his clan to prove his innocence. He was a very poor lawyer who could not secure an acquittal of his client when backed by the White-cap organization in its palmy days.

The White-caps not only came into court with their own suborned witnesses, but they intimidated state witnesses by threatening them with vengeance if they dared to go into the courts and testify against them. Some persons actually left the state to avoid being summoned and forced to testify against White-caps.

There is no doubt that some of the foul murders committed in Sevier county by White-caps, were committed because of what their victims had already sworn or what they were expected to swear. These were object lessons that were calculated to stagger the stoutest hearted and make them tremble with fear, even in a court of justice.

Under circumstances like these, is it any wonder that the White-caps promulgated their rotten theories, that they went unwhipped of justice and the good people suffered?

While this lawless organization was generally known and recognized as "White-caps," yet for reasons apparent hereafter, they changed their name from that of "White-caps" to "Grave Yard Hosts." They endeavored, however, to keep the latter name as a profound secret. The reason for this change was this: When a White-cap case was in court the defendant and witnesses were always interrogated about White-caps. He was asked if he was a White-cap? If he ever joined them? If he was ever on a White-cap raid, and all such questions, which he promptly answered in the negative, and which literally speaking, at least from his stand-point, was true, because he had not joined the White-caps, but the "GraveYard Hosts."

Hence this furnished a loop-hole for such as had any regard for their oath to crawl out at, if ever arraigned for perjury. No doubt for the same reasons, they had other names that they went by, and were sworn in by. But the organization went by the name of White-caps, and when spoken of they were always referred to by that name.

## CHAPTER VII.

### CRIMES MULTIPLY AND INCREASE IN MAGNITUDE.

Crime and wrong-doing is always progressive, and will increase and spread in its influences in proportion to the encouragement it receives. Whenever it becomes popular in any community to violate the law, it is not necessary to stop to discuss the question as to whether or not crimes will be committed in that community. It follows as a natural consequence.

When White-capping became popular outrages were frequent.

As stated elsewhere, the original purpose of White-capping was to administer punishment to a class of people who lived in adultery and kept disorderly houses in the community where they lived. This class of people sometimes becomes very obnoxious to the better element of society, which is always glad to get rid of them. We can thus see how easily they may have been influenced to sanction a scheme to get rid of this class of violators. This accounts for so many good citizens originally joining the White-caps. But having once joined how were they to break away from them and turn their influence against them? They knew not what it was till they got into it, and then to refuse to stand by it, meant the penalty of death would follow. Such as refused to join in the crimes that followed in the progress of White-capping could only remain neutral and keep their lips sealed. The better class did this;

and as the crimes of the organization became more frequent and more heinous in their character, more and more withdrew their active influence, and White-capping by degrees drifted into the hands of "toughs" and those known to be vicious and lawless.

When it reached this stage its promulgators began to study new work for it to do, and new fields to explore.

They had entered into people's houses masked and in disguise, whipped them and beat them with many stripes for the offence of adultery and similar misdemeanors, and had not been identified nor punished. Now these same would be moral reformers, reasoned to themselves in this wise: If we can enter a house and whip the inmates and not be detected nor punished in the courts for it, then why not enter in like manner for any other purpose and successfully defeat prosecutions?

This method of reasoning was plausible; so they concluded that they could use the White-cap guise as a shield for any offense they felt disposed to commit. Therefore when one of the gang had a private difficulty with a neighbor or other party, he would summon his White-cap colleagues and report to them what he wanted. The result was, the supposed offender was overpowered by masked men and dragged from his home in the dead hours of night and severely beaten, at the instance of a coward who dared not meet him face to face. In this way private grievances were avenged by the White-caps.

This part of the work was seen to be a success because undetected and they felt encouraged to take another step in the field of conquest.



Such of them as had made up their mind to take a full degree in the catalogue of crimes, now organized special bands, consisting of the most desperate element of the White-caps, and went into stealing, robbing and murdering and in fact all sorts of crime.

They generally selected as their victims pensioners, old widow women and old men who were generally known to keep money about their premises, and who were helpless to defend themselves. Many of the most outrageous robberies were in this way committed in Sevier county.

Private houses were entered by force, and old decrepid men and women were forced at the muzzle of a shot-gun or pistol to discover and deliver up to the cruel intruders all their money and other valuables. After thus pilfering a home and forcing from their unfortunate victims the earnings of a life time, these bandits would as silently steal away, divide their ill-gotten gains, and return to their homes undetected and unknown to any one except themselves and their gang.

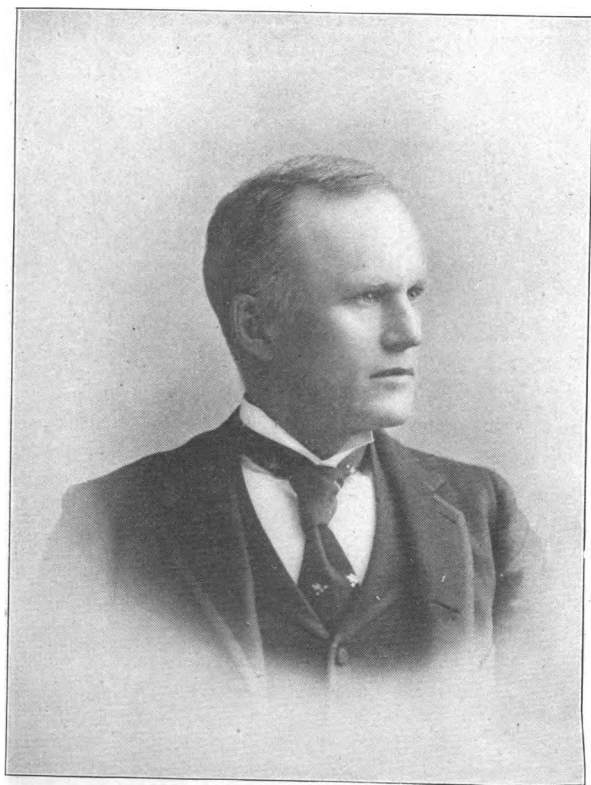
Among those who have been the victims of this merciless gang of White-cap robbers, we have been furnished with only a few names, among which are old man Andrew Henderson from whom they took about two thousand dollars in gold; Mr. John Burnett, a pensioner; a Mrs. McMahan from whom they forced about one thousand dollars. A widow lady by the name of Fox also lost what she had at the hands of one of these midnight mobs.

In these robbing expeditions it is said only a small number, generally from four to six men were along

This was for two reasons: First, the fewer the number the more of the booty to each; secondly, the fewer the number the less the liability of detection. Besides a half dozen men were all that were necessary to overawe and rob an old decrepid man, or a helpless woman. It don't take brave men to do such deeds as these, but base cowards.

Jesse James and his noted band of outlaws were robbers, but it was done upon a high plane; it was a high order of robbery if you will allow the expression. They did it with such boldness and dispatch that one could not read of their daring adventures without some degree of admiration for their very bravery. They were never known to commit a robbery at night but rather chose broad daylight to display their skill at acquiring ill-gotten wealth. They never attacked an old defenseless man or a lone woman in daylight or dark and branded any man as a coward who would do so. So far from invading the home of an old defenseless man or woman in night time and after terrifying them with guns and threats, carry off their earnings, the James gang rather preferred to dash into the city of Omaha at high noon and rob a bank of its hundreds of thousands of dollars while the whole city looked on, or march into the fair grounds in Kansas City and carry off the gate money while a half a million eyes gazed in wonder and astonishment, if not admiration at their reckless daring.

While there may be something in the history of the James gang worthy of admiration, there is certainly nothing connected with White-capping but what is loathed and despised by every brave and honest man,



JUDGE T. A. R. NELSON.



It grew from bad to worse till in its latter days it degenerated into highway robbery and murder. Men were killed for opinion's sake; prices were placed upon the heads of persons who were witnesses and happened to know something of White-cap depredations, and they were summarily put out of the way by the assassin's bullet.

Chief among these were William and Laura Whaley, whose tragic death is told in another place in this book, and for which Pleas Wynn and Catlett Tipton have been indicted and convicted, and Robert Catlett and Robert Wade stand indicted as accessories before the fact.

## CHAPTER VIII.

### A REFUGE FOR CRIMINALS OF ALL CLASSES.

There is one other feature of the White-cap organization that we have not yet referred to. It is something which evidently was not contemplated in its early history, but taken on in its days of degeneracy.

The White-cap organization was not only an organization of crime and wickedness in high places from its birth to its death, and did everything in its power, even to the commission of perjury to protect its members from the penitentiary and the hangman's noose, but it served as a veritable "City of Refuge" for every man who had committed a grave crime against the law, whether he belonged to the order or not. If he did not belong, as soon as his hands were stained with blood or crime, he fled without delay to the secret haunts of this diabolical order, where without delay he was made a member in due form. All the qualifications needed to recommend him to the order were that he had a record of crime and the more heinous the crime the better it suited his Satanic majesty, the chief of the White-caps. When once within the fold of the order, he is entitled to all its privileges and benefits. He would therefore be able to make bond and secure the best of counsel for his defense. His new relation also meant that he was to have the full benefit and assistance of the "expert" witnesses and jurors as well as the manipulations and influence of the entire order so far as they could render it. This was generally equivalent to a guaranty of acquittal.

The White-cap organization was thus worth more to a criminal in his struggles in the courts than the best law firm that could be procured, but when the two combined their skill and tactics they erected a wall of defense that was impregnable and one the State could never batter down. In this manner the red-handed murderer and the thief and the robber, for a number of years went unpunished in Sevier county while the good citizens were terrorized by midnight marauders, who little feared the officers of the law.

## CHAPTER IX.

### DECAY AND DISINTEGRATION.

From the very nature of things and the principle on which the White-cap organization was established it could not live long. And judging it by its fruits which is the moral and scriptural test, the only wonder is that it existed half as long as it did among a civilized and Christian people, such as live in Sevier county. But it had its day and run its race, and is now a thing of the past. It left in its track bleeding hearts and widows and orphans; the bitter fruit of an ignoble existence.

The origin, growth and progress of the White-cap organization as well as its connection with courts and criminals, have been briefly mentioned in the previous chapters. We now come to the most delightful part of our task and that is the disappearance of White-caps, or at least, White-capping, and the disintegration of the organization in Sevier county.

The murder of Wm. Whaley and wife, Laura Whaley, was the culmination of White-capping in the county. Murders and all kind of outrages had been committed prior to that time; but none were so brutal and inhuman as this one.

The people had tolerated and in effect excused the whipping of men and women, robbery, the murder of men in their houses, in the woods and along the public highways, but when it come to going to the humble little cottage home of a poor, but unoffending citizen of the county, breaking in on him, dragging him from



his sick bed, and shooting his brains out in the presence of his wife, without even giving him an excuse for it, and then turning upon his wife, a new born babe in her arms, begging for mercy, where no mercy is to be found, her brains shot out and she falls beside her husband never to speak again; the life blood of the two, husband wife, father and mother slowly ebbing away as the wicked and heartless assassins steal into the darkness and make their escape: we say, when it came to this, it was too much for the people to bear. It was beyond toleration. They broke forth, as it were, in their fury, and were aroused as men seldom are. Every good citizen swore in his heart to assist in avenging the murder of the Whaleys and putting an end to the infamous White-cap practices in Sevier county.

This was the beginning of the end. People no longer felt over-awed by the intimidation of those bold bandits which had so long held sway by closing the mouths of men and controlling the public pulse, but they spoke out boldly in no uncertain terms.

When the five hundred people who visited the scene of the murder, viewed the remains of William and Laura Whaley as they lay prostrate upon the floor of their cabin home in their night apparel and in pools of blood, and heard the piteous cries of the little babe that in so short a time had been rendered parentless and homeless, the smouldering fires that had slumbered in their breasts so long now broke forth like volcanoes and with such fury that it astounded the White-caps themselves. Men, who heretofore had not dared express their sentiments, now spoke them freely and the talk became epidemic. Correct public sentiment

began to reassert itself and in a short time a wave was started that has not yet stopped.

The officers of the law are also indignant and are encouraged to take a bold stand against the red-handed murderers.

Attorneys are employed to assist in prosecutions, officers constitute themselves detectives, rewards are offered by the county by the state and by individuals. All suspicious persons and especially White-caps are watched in their every movement and a general plan of warfare, which meant a fight to the finish was set on foot against the iniquitous White-capping.

All of this, and more, was done within a few weeks after the Whaley's were killed in the tragic manner above pointed out. So bold a stand taken by the officers and the people, seemed to non-pluss the White-caps and especially the more timid of them. Only the boldest would openly show signs of counter warfare.

Public sentiment was now right, and the good and law-abiding people were determined to beat no retreat.

But to succeed in stamping out White-capping and especially in punishing those charged with crime, the people felt that they must have the full protection and hearty co-operation of the courts. Heretofore the White-caps had shown themselves masters of the situation in almost every case up to this time, where an attempt had been made to punish any one charged with White-capping.

It was felt that something must be done to exclude White-caps from sitting on juries, both grand and petit, for as long as this could be done there was but little hope of successful prosecutions.

The Tennessee legislature met on the first Monday of January, 1897, only a few days after the Whaley murder was committed, and continued its session some three or four months. It was therefore in session during the exciting weeks and months that followed the murder of the Whaleys and the general upheaval and reaction against the practice of White-capping in Sevier county. Counsel was sought from every friend of law and order, and the conclusion was reached that the good people who were so heroically struggling for supremacy against lawlessness, should have some additional legislation to aid them in their efforts. This was soon accomplished through friends of the movement who went to Nashville and presented the matter in person to members of the legislature and others who at once espoused the cause of the people with a zeal that knew no limit short of success.

The result was that in a short time a bill was prepared, known as the anti-White-cap bill, introduced in both houses and became a law by the governor's signature on the 24th day of March, 1898.

In as much as the masses of the people are not furnished directly with the published acts of the state, and for this reason many not having read the law in question, we deem it not out of place to here quote the first, second and third sections of this law, which reads as follows:

"Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be a felony, punishable by from three to twenty-one years imprisonment in the penitentiary and by full judgment of infamy and disqualification, for two or more persons to

enter into any conspiracy or combination, or to remain in any conspiracy or combination under any name or upon any pretext whatsoever, to take human life, or to engage in any act reasonably calculating to cause the loss of life, whether generally or of a class or classes, or of any individual or individuals, or to inflict corporal punishment or injury whether generally or upon a class or classes, or upon an individual or individuals; or to burn or otherwise destroy property or to feloniously take the same whether generally of a class or classes or of an individual or individuals."

"Section 2. Be it further enacted, That it shall be a felony punished in like manner as the offense described in the first section of this act for any person either directly or indirectly to procure or encourage any one to become or remain a member of any such unlawful conspiracy or combination as is described in the first section of this act; or for any person either directly or indirectly to aid, abet or encourage any person, to engage or remain in such conspiracies or combination or to aid or abet in the accomplishment of any purpose or end of such conspiracies or combinations.

"Section 3. Be it further enacted, That no person who has been guilty of any offense described in the two preceding sections of this act, shall be competent to sit or serve on any grand or traverse jury, and it shall be the duty of the court to carefully exclude all such persons from the juries, both grand and petit; and when he shall be informed or shall have reason to suspect any person presented as a juror, guilty of any of said offences, he shall call witnesses, if necessary and examine fully into the truth of the charge; he shall dismiss from the grand jury any person who has been selected and

afterwards shown to be implicated in any of said offenses."

These are the principal sections of the acts and show its purpose and scope.

The fourth section gives the grand jury inquisitorial powers, and makes it the duty of the judges to give it specially in charge.

It will thus be seen that the evil against which the above law was directed especially, was regarded by the legislature as one of serious consequences to the people of that section where it existed, from the very fact that the law which was to up-root it was most radical in its provisions and scope; so much so indeed that many of its friends feared that it might be, by the courts, declared unconstitutional.

While the word "White-cap" is not mentioned in the act, yet the terms conspiracies, unlawful combinations, etc., fully cover the case and are general terms which will include all parties of this class whether they belong to an organization known as "White-caps" or "Grave Yard Hosts" or some other name of similar import.

The act makes it unlawful to even belong to such an organization. This is one of the provisions of the law which made the White-caps tremble in their boots, being conscious of the fact that they were not only members of such an order, but that it was well known in a general way that they did belong to it.

But possibly the most effective provision of the law was the third section which disqualifies White-caps from sitting on juries, and, if by chance they should be selected, gives the judge the power to discharge them.

It is said that this provision of the law worked like a charm in most cases. For when any person who was either a White-cap or accused of being one, was named by the county court to serve as a regular juror he was either too sick to attend court, and sent in his excuse, or sent a proxy in his stead; thereby avoiding the risk of having his White-cap record inquired into by the court. So the mere existence of the law upon the statute books and the declared purpose on the part of the law-abiding people to enforce it to the very letter, did much to drive this lawless element from the county and juries where they had hitherto been so effective in shielding the criminal classes. The friends and promoters of this beneficent measure now felt that half the battle was won, and that all they had to do to achieve ultimate success over White-capism, and forever drive from the courts of the county an organization that for a time had rendered ineffective all law, was to demand of the Judge and Attorney-General that the law be strictly enforced, and no quarter whatever should be given to those who sought to set it at naught.

For some reason, real or apparent, for on this point the writer does not speak advisedly, not being in a position to know, the people who had undertaken the task of putting down this lawless element had lost confidence in a large measure, in Judge Hicks, who was then holding the Circuit Courts of Sevier county and had been for a number of years. Most people gave him the credit of being an honest and conscientious man, but they claimed that he did not have the firmness and the moral courage to stand up in the face of these enemies of the people, who had so long infested his courts with such disastrous results, and administer the law

with that firmness and vigor absolutely necessary at this particular crisis.

Public sentiment was now all right, and the law-abiding people were much encouraged. They had just succeeded in having a law enacted, the very thoughts of which and especially its enforcement, struck terror into the hearts of their enemies, and it was felt that another and a firmer judge than Judge Hicks, was indispensably necessary to deal with the White-caps and administer the law in Sevier county. So it was decided that the Second Judicial Circuit, presided over by Judge W. R. Hicks, should be so changed as to take Sevier county from said circuit and add it to the Criminal District of Knox county presided over by Judge Thomas A. R. Nelson.

The State legislature, which had already been enlisted in behalf of the good citizens of the section afflicted with White-caps, was now again appealed to for the change in the Judicial circuits as above indicated. Accordingly a bill was enacted, into a law, which detached the Circuit Court of Sevier county from the Second Judicial District and transferred and attached it to the Criminal District of Knox county, which imposed upon Judge Nelson the duty of holding the Circuit Courts of Sevier county.

## CHAPTER X.

### "A DANIEL COME TO JUDGMENT."

The White-caps must have thought the change a bad one for them, for it is said every one of them bitterly opposed it, while some of the bolder ones made light of the fact that Judge Nelson should go to Sevier county for the purpose of punishing White-caps. Judge Nelson held his first court in Sevierville in July, 1897, an event which for weeks prior to this time, had been looked forward to with extraordinary interest. All sorts of stories had been circulated as to what kind of a man the new Judge was, and what the real purpose and scope of his mission would be. Some thought all he had to do, was to hunt out the White-caps and send them to the penitentiary or hang them, without a trial by jury or the benefit of clergy; while others thought he would not have the nerve and the courage to go into a White-cap community and hold courts where all kind of threats had gone forth against courts, lawyers, officers and all who dared to speak out against White-cap outrages.

But the time for holding the July court came and with it came Judge Nelson and Attorney-General E. Fred. Mynatt, and when court was called on that July morning it is said that the little town of Sevierville was never so thronged with people; all anxious to see the new Judge and new Attorney-General.

The new court house was packed as long as one could get into it. Everybody wanted to hear the



Judge's charge and know what he had to say, and whether he would say anything about White-caps.

On this subject everybody's curiosity, if it may be called that, was satisfied. After giving the grand jury a very strong and vigorous charge on the usual statutory offences, he then drew a copy of the new White-cap law from his pocket (as it had not yet been published in the Acts) and in a cool and deliberate manner, he stated the scope and purpose of the law and the causes which had brought it about.

It is said by those who had the good fortune to hear it, that he delivered one of the ablest and most eloquent charges on this subject that they ever heard fall from the lips of any judge. He did not mince words nor seek evasions, but went straight to the core of the subject in hand. Every word struck terror to the very hearts of the White-caps who were present, and when he had finished there was a feeling of relief in the mind of every law-abiding citizen in the house. The anti-White-cap cause had been strengthened a hundred per cent., and nobody felt that there would be a failure on the judge's part to administer the law without fear, favor or affection.

It was now felt that complete victory was within the power of the people through the medium of the courts, and that violators of the law whether White-caps or not, would suffer the penalties of the law.

At this term but few White-caps reported as jurors although several were on the lists and most of those who did report disqualified. A few, however, found their way into the jury box and when that fact was brought to the attention of the court he summarily de-

posed them, with the declaration that if they were White-caps they had no more right to sit on a jury than a horse thief.

Since Judge Nelson has been holding the courts at Sevierville it has been as easy to convict White-caps as any one else, and some of the most noted cases known to the bar of Tennessee have been tried in this court, among which may be mentioned the cases of the State against Pleas Wynn and Catlett Tipton, charged with the murder of William and Laura Whaley, which has already been referred to. Everybody feels now, that White-capping is a thing of the past in Sevier county, and no further outbreak is feared. Several causes as above stated conspired to bring about this happy state of affairs where only a short time ago lawlessness prevailed and no man felt that he or his property was protected by the strong arm of the law.

We cannot close this chapter without making personal mention of a few of the persons among the many that the people of Sevier county owe a debt of gratitude to, for the important part they took in restoring peace and safety to that rich and prosperous county. And first among the list is Tom H. Davis, the present sheriff of Sevier county.

He led the crusade against White-capping from the start. He boldly denounced them in public and private and encouraged the people to do the same thing. He as a deputy sheriff hunted down men charged with murder and landed them in jail; he offered rewards for criminals from his own private means and persuaded others to do the same thing; he went to Nashville at his own expense and stayed several weeks, securing the

enactment of the two laws above referred to in this chapter. He, in truth was the moving spirit in setting on foot this legislation; he procured the assistance and influence of Hon. G. W. Pickle, attorney-general of the state, and even Governor Taylor himself.

Hon. John C. Houk, Senator from this Senatorial district, took especial interest in these measures and became their champion in the Senate.

Representative Parton took an active part and gave his influence in the House.

While Judge Nelson as has been stated, by his bold and fearless stand in dispensing the law inspired the people with new life and hope, it should not be forgotten that General E. F. Mynatt, the able attorney-general of the Knox county criminal district, has been no less a potent factor in bringing the guilty to justice and driving the White-caps from the courts and many of them from the country. Some of his efforts in prosecuting White-cap murderers, were remarkable for vigor and ability. His closing arguments before the juries in the Wynn and Tipton cases is said to have been the finest efforts of his life and the most eloquent appeals ever made to a jury in Sevier county. Men and women wept like children, and the jurors were scarcely less affected.

The attorney-general was ably assisted in these prosecutions by his brother, R. A. Mynatt, assistant attorney-general.

In these cases the judge and the attorney-general can feel that they have discharged their duty, acting under their oaths as officers of the law. In the discharge of these duties they were ably assisted by Sheriff Maples,

and his deputies, Davis, Keener, McGill and others, to whom the people of Sevier county will always feel grateful for their services in driving White-capping from the county.

No White-cap outrages have been committed in the county for nearly two years, and none at all we are told since Judge Nelson was assigned the duty of holding the courts in that county.

There is as much quiet and order in Sevier county now if reports be true as any county in the State. And even the little town of Sevierville, which for a time was the center and hot-bed of White-capping, and noted for a gang of "toughs" and general lawlessness, is now as quiet and orderly as any town in East Tennessee.

A rather amusing incident has been reported to the writer as having occurred in Sevierville on the first night that Judge Nelson and General Mynatt spent in that town, just prior to opening their first term of court.

Perhaps a dozen of the young bloods of the town who had been in the habit of making night hideous with their escapades, and on this particular occasion no doubt backed and encouraged by the White-caps who had not yet made Judge Nelson's acquaintance, concluded that they would have some fine sport at the expense of the new judge and attorney-general. They thereupon organized their company and marched up and down the street in front of the hotel where the judge and attorney-general were stopping, singing: "Hang Judge Nelson to a sour apple tree," etc., and then they would repeat the same with General Mynatt's name, much to the annoyance of the visitors who



**ATTORNEY-GENERAL E. F. MYNATT.**



had been told all sorts of stories about what they would see and hear in that White-cap town. But the judge, while no doubt annoyed, was not to be intimidated by this sort of conduct, and thereupon, sought the sheriff or some of his deputies and had him to secure the names of all of the night songsters, and turn them over to the attorney-general with instructions to indict every one of them for nuisances and general "cussedness" as soon as his grand jury was ready for work. It was not long before this was done, and some time on Monday the sheriff appeared before the bar with about a dozen pale-faced young Americans who were charged with belonging to the Saturday night's choir. The judge thereupon delivered them a lecture they will perhaps never forget, and ordered them to give bond for their appearance at a future day, at which time they must answer for their conduct on the previous Saturday night. The boys retired feeling that they had awakened the wrong passenger. What became of the boys and the indictments against them we are not informed, but we understand that Judge Nelson and General My-natt have never since been disturbed by these or other parties in their night slumbers and meditations.

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Sevier county is one of the largest and richest counties in East Tennessee, noted for its rich farming lands and beautiful rivers and mountain scenery, as well as the intelligence and prosperity of its citizens. But it has one blot upon its history and that is its White-cap record. This only exists now, in history and not in

practice. The people are now making rapid strides to recover what they have lost in the last few years in reputation. They have recently constructed one of the most beautiful and convenient courthouses in East Tennessee, and are now engaged in building a splendid pike road from Sevierville to Knox county which will be worth thousands of dollars to them.

Long may they live to enjoy the peace and prosperity which now prevails in that beautiful section of East Tennessee, nestling as it does around the foot of the great Smoky Mountains.



## CHAPTER XI.

### SOME OF THE RESULTS WHICH FOLLOWED WHITE- CAPPING IN SEVIER COUNTY.

There is an old adage that "Politics makes strange bed fellows." The reader can no doubt recall one or more instances in which the above statement has been verified in his own experience. And what is true of politics in this sense, may also be said of White-capping so far as it affected the public and the people in Sevier county. Indeed as a general proposition, may it not be said that this holds good in reference to any subject or issue which becomes absorbing and calls forth different views and discussions by the people? Men with or without studying public questions, ally themselves with one side or the other and thereby risk their popularity and their fortunes with the choice made. Nor are men always controlled in their choice by right and wrong or the moral aspect of the questions involved. Some it is true circumscribe their conduct and actions by moral motives, while others are influenced by gain, or popularity, while still others are controlled by a sordid ambition which knows no bounds short of general devilry and revenge.

As we have had occasion to say, perhaps more than once in these pages, those who took the initiatory steps in White-capping in Sevier county were prompted by proper motives but were evidently guided by false reasoning, but many persons, even on as grave

matters as these do not stop to reason, but act from first impulses. From one motive or another a sufficient number of people were willing to cast their fortunes with those who believed in the new methods of reform, to make it a strong and popular organization among the citizens of Sevier county.

Some men joined the White-caps for their influence in trade and from a business standpoint ; some for their influence in elections, for it was known that they could make or unmake officers at will ; others joined them because of the protection the order could afford them in the commission of crime, or for crimes already committed. So it is well known that, at one time in Sevier county, the anti-White-cap had the laboring oar to handle, and was the "under dog" in the fight. Men were looked upon as odious, and were taunted and intimidated because they saw proper to side with those who sought to lead the anti-White-cap forces and sentiment.

In course of time though the tide changed, influences fast accumulated against the White-caps and they were put on the defensive. Some of them were men of means and they had spent their money freely to forward the interest of their pet organization, and to assist those who had cast their fortunes with it for protection. And when the general crash came, as we have seen that it did, many a White-cap woke up to the awful fact that his investment in the organization had left him without money, without friends and without character. He was regarded as unworthy of belief as a witness in a court of record. He was disqualified by special statute from sitting on either grand or petit juries,

and in effect rendered infamous. Indeed the way of the White-capper is hard. He is now down and everybody who passes gives him a kick. His crime is great and the full enforcement of the law is demanded against him.

The legislature is petitioned and grants new laws for the purpose of more effectually punishing him. judges are summarily disposed of and others installed in their places, in order that punishment may be more swift in overtaking him. He is indicted, arrested and put in jail, and disallowed bail. Public sentiment is so strong against him that it can be felt in the very air around him, and he cannot get a fair trial on his native heath, but is forced to go among strangers for a trial. How changed the condition of the White-cap now and a few years ago, when his word was law and courts and juries were to him as chaff before the wind!

The pendulum indeed has swung to the other side, and it may well be questioned whether wrongs and excesses, though unintentional, may not be indulged in on the other extreme. This is generally true in reference to all reforms. But let us hope in these matters that the golden medium may be found and accepted, and that scales of justice may be correctly poised so that every man may know and respect the law.

After the collapse of the White-cap organization came, it is remarkable how soon its leaders disappeared. Some left the county and the state to avoid prosecutions; others feeling that their credit, their character and in a measure their property was gone, disposed of their remaining assets and went to unknown parts. Some have been killed, while oth-

ers are in the courts either awaiting trial or the execution of the sentences that have been pronounced against them. Another large class of citizens who have either been regarded as White-caps or in sympathy with them, but in no sense leaders, are now living quiet retired lives and apparently show little or no sympathy with the now defunct institution.

Public sentiment has been so revolutionized that White-capism is now viciously attacked and unmercifully condemned on every hand. It is natural therefore that those who feel themselves guilty should want to be as quiet and retired as possible.

To show how much White-capping and White-caps are hated in Sevier county, and how the people regard those who took a leading part in breaking it up and driving it from their midst, it is only necessary to call attention to the late election for sheriff in that county.

Sevier county is one of the strongest republican counties in the state, there being about four thousand voters in the county and not over four hundred of these democrats, or about one out of every ten. In that election there were two candidates for the office of sheriff, to-wit: R. H. Shields a life long and consistent republican, and T. H. Davis, a life-long and consistent democrat. Not only is Shields a republican, but a man of unblemished character and splendid qualifications to discharge the duties of the office. He was never a White-cap nor a White-cap sympathizer, but a man of exemplary habits, who believes in the supremacy of the law. Mr. Shields, however, is not aggressive in his manner, but rather quiet and unobtrusive, and during the White-cap upheavals in the county he took little

or no stock in them so far as was generally known, being content to let them alone if they would him.

On the other hand, Mr. Davis as stated was a strong democrat, but like Mr. Shields a man of good character and excellent qualifications for the office. He is, however, a man not only of pronounced views on important questions, but very aggressive in declaring them and carrying them into execution. So when the White-cap subject, became the all absorbing topic in the county, Davis was among the first to speak out boldly against it, and declare it unlawful and revolutionary in its character. He showed the White-caps no quarters, and vigorously attacked them wherever he went. By reason of the bold stand he had taken against this lawless element, he, though a pronounced democrat, had been appointed a deputy sheriff of the county by M. F. Maples when elected sheriff in 1896. It was unusual in that county for the sheriff to appoint even a deputy who was a democrat, but in this instance he took the risk and made the appointment. It was soon learned that he had made no mistake, for Davis at once showed himself to be an active, wide-awake officer. This appointment afforded him a field of operation he had long wanted and that was to hunt down White-caps and bring them to justice. His work along these lines has been referred to in another place in this volume, and need not here be repeated.

His two years experience as a deputy sheriff had given Davis an extended acquaintance over the county which was worth a great deal to him in his coming race. Shields had likewise been before the public before and was well known to the masses of the people.

The two candidates thus equipped entered the contest. Shields had the advantage in his politics, and to offset this, Davis launched forth his anti-White-cap record. On these two issues the battle was waged. Sevier county had not elected a democratic sheriff since the civil war, nearly forty years, and it was not believed by Davis' most ardent supporters that he could overcome the enormous political majority against him. While men were wedded to their party and hated to break away from it, yet they felt that to get rid of White-cap domination and all the attendant evils it had brought upon the people, was far more preferable at this time than a party victory. The White-caps did not stop at party lines, neither should those who intended to wage war on them. Politics, it was argued, was a good thing in its place, but when men's lives and their property, the protection of their homes, their wives and their children are all at stake, men should close their eyes to politics and vote for the man who stands and has stood closest to their interests. The war on White-caps has been successfully waged and they were now on the run, but it would not do to give up their general at the critical movement.

Arguments like these were used by Davis friends with telling effect. Old men who never had voted a democratic ticket in their lives, ignored the question of party politics and voted for Tom Davis. Republicans and old Federal soldiers left their business, and canvassed the county in his interest. Shields' friends could not check the tide. They argued that Shields was no White-cap nor White-cap sympathizer and if elected would show them no favors, and besides he was

a republican, all of which was true, but Davis had fought the White-cap battles and won the victory and he must be rewarded.

The people voted for Davis not because they liked democrats more, but because they liked White-caps less. On these lines the two candidates for sheriff waged their contest. What White-caps were left in the county and their sympathizers had no candidate in the field; but as between Shields and Davis they naturally went to the former. They all hated Davis too bad, he had been their unrelenting enemy, and pursued them into the last entrenchment. No argument could draw this element to him, so it naturally went to Shields, who if he had not helped them, had not done them any harm. This was the turning point in the election. A large number of people only wanted to know whom the White-caps were for, and this known they would vote for the other candidate. Many former admirers and supporters of Shields, when they learned that the fragments of the White-cap forces had gone to him, immediately left him and went to Davis, saying they hated to vote with the democrats, but preferred it to voting with White-caps.

Although Shields saw that this very thing was weakening him, yet he could not afford to say to the White-caps that he did not want their support. This is one of the times the candidates supporters defeated him—his strength became his weakness—and when the conflict was over and the smoke of battle cleared away Davis was elected by a majority of 74 votes, out of a total vote of 3,530.

Thus it is that Sevier county, almost solidly republican in a single-handed race between a republican and

a democrat, neither having the advantage of the other in point of character and qualifications, to-day has a democratic sheriff. It cannot properly be said that it was Shields' weakness that caused his defeat, because he was not a weak candidate, it was rather the strength of the other man, combined with the peculiar condition of things as they then existed and had existed in the county. "It was a condition and not a theory" that confronted the people at this time, and no other republican perhaps in the country under the same circumstances could have been elected. It is just one of the strange things that sometimes happens in the history of any people, especially in times of excitement and great agitation over grave public questions. It is the fruit of a revolutionary spirit that sometimes possesses people.

Ten years ago, if one in a serious mood had asserted that in the year 1898, the people of Sevier county by popular vote would elect a democratic sheriff in a single-handed race between two good men as in this case, he would have been laughed at in derision, if not put down as a lunatic.

Tom Davis never would have been sheriff of Sevier county had it not been for the White-cap question. It is part of the sequel of Sevier county' "Reign of Terror."

There are some other questions and coincidences growing out of Davis election as sheriff and the White-cap question which it is deemed appropriate to be mentioned here.

Sheriff Davis, Pleas Wynn and Catlett Tipton were all raised up together in the same neighborhood. They



were school boys together and played together in the common sports of the day. Always friends, they would fight for each other at a moment's warning. When baseball was the "rage" among the boys of that section several years ago, they all belonged to the same team of which Tom was their captain. They planned and took counsel together as to how they would defeat their foe upon the ball field, and scarcely ever went down in defeat. But in course of time their paths diverged, and they traveled in different fields and operated on different lines.

Davis settled down and for several years lived the quiet life of a farmer. Tipton followed his chosen trade, a carpenter; while Wynn had no special occupation, but drifted around; much of his time being spent in idleness and unprofitable fishing and hunting. When White-capping sprang up in the county, Tipton drifted into that and became its leader and captain, with Pleasant Wynn as a good lieutenant, while Davis became the leader of those who opposed it. In this sense they were enemies. Davis was after the White-caps and Tipton was after anybody that was pursuing him or his men. When the final clash came fortune favored Davis. As deputy sheriff he arrested Wynn and Tipton for the murder of the Whaleys, took a leading part in their prosecution and this naturally made them his bitter enemies, but it helped to make him sheriff of the county. Now Wynn and Tipton are condemned to die on the 4th of January, 1899, upon the gallows, and unless this decree is changed, it will become the duty of Tom Davis, their former friend and playmate, but afterwards their most hated enemy, to carry into effect

this solemn decree of the highest court in the commonwealth of Tennessee.

These are not only interesting facts and coincidences when studied in connection with the lives and histories of these three Sevier county boys, but they form a part of the sequel in the history and downfall of one of the most noted gangs of outlaws known to modern civilization.

## CHAPTER XII.

THOMAS H. DAVIS.

Thomas Houston Davis was born in Sevier county on the 7th of August, 1864. He is the son of J. D. Davis, a prosperous farmer, living four miles below Sevierville, on the Knoxville and Sevierville road. His mother, Mary J. Davis, is the daughter of Judge Samuel Pickens, of Sevier county. His early life was spent on the farm. He attended the public schools of the county, two terms at Carson college and one at the Knoxville Business college. He taught school four sessions and then returned to the farm. In the year 1887 he was married to Linnie A. Adams, daughter of T. F. Adams, of Strawberry Plains. After his marriage, he lived a quiet farmer's life up to the year 1894 when he was appointed deputy sheriff by sheriff M. F. Maples.

The fight which he made against the White-cap organization in Sevier county presents a case of unparalleled bravery, perseverance and skill. He stood alone against 650 outlaws, turned the tide and won the victory.

White-caps no longer rule supreme in Sevier county. Overawed by his boldness, determination and shrewd detective work, they at last weakened and gave up the fight. Like a trembling culprit, standing upon the very verge of eternity with the gallows staring him in the face, they, too, saw that justice had at last overtaken them. Thus, the dense clouds that over-

shadowed Sevier county began to break and move slowly away while gleams of sunshine flashed between them as they passed, lighting up the hearts of the people with rays of hope.

They recognized in Tom Davis a leader that knew no such word as defeat, and, rallying to his support, vowed they would all stand by him to the "bitter end." Thus began the great struggle to overthrow White-capism and restore law and order in Sevier county.

Few men have endured as many hardships or had as many hair-breadth escapes in the same length of time as the subject of this sketch. Fearless and undaunted, he pressed forward with a determination to win or die in the effort, and therefore overcame all opposition and surmounted every obstacle. Although many threats were made against his life, his road waylaid at different times and his close friends and relatives advised him to give up the struggle, resign his office and flee the country until excitement abated, he still went about wearing the same usual smile on his face and quietly working up the evidence that was slowly, but surely, weaving a web around the necks of some of the most noted outlaws that ever set foot on Tennessee soil. He was not deterred from his purpose, and when warned by his friends of his perilous undertaking only replied: "The time has come when some man must undertake it, or our county is ruined."

The day that Pleas Wynn and Catlett Tipton were arrested on the public square in the town of Sevierville and led to the court house by deputy sheriff Tom Davis is a day that will ever live in the minds of the

people. The crash had come at last, and the turning point in the lives of two noted White-caps and outlaws had been reached. They had evidently run their course, and the first link in the chain that for years bound together a band of desperadoes had been broken.

We will not attempt to give a detailed account of all his exploits, but will mention some of the most noted ones; those pertaining to White-caps alone.

He has arrested and assisted in the arrest of thirty-four White-caps, and is familiarly known in East Tennessee as the famous White-cap detective. When asked as to how he had achieved such great success, he replied: "My success is due more to the fact that I kept my own secrets than anything else."

He would often disappear and be gone for weeks at a time, when even his closest friends would not know his whereabouts. The White-caps would grow uneasy when he did not appear every day on the streets of Sevierville. And oftentimes his friends would be very anxious to know about him. In the course of time, Tom would return from some other State, bringing with him some noted criminal.

When the famous Whaley murder occurred, Tom was on his way to East Burnstead, Ky., where he had located one J. J. Robison. He went to his home one night and knocked at the front door, but no response came. He attempted to batter it down, but it had evidently been well barred on the inside. He at last effected an entrance at a back window, and once on the inside, made a thorough search. He struck a match, but there was no one in the room. He then went to the door of an adjoining room, carrying the lighted match with him. On reaching the door, he

heard Robison move, and, quick as a flash, extinguished the light, calling on Robison to strike a match. Robison replied :

“Strike a match yourself, you d——d intruder.”

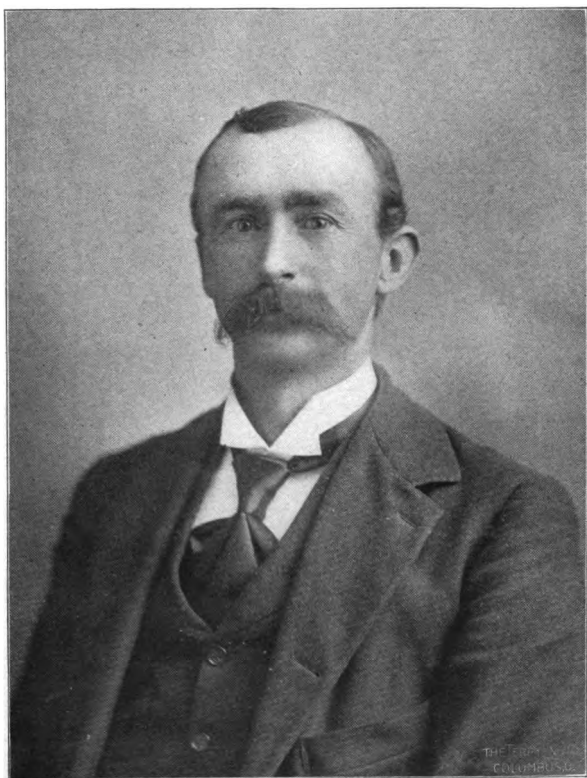
“You strike a match,” replied the officer, “or I will put a hole in you.”

Thus the words passed back and forth, each one calling on the other to make a light, the officer well knowing that Robison was a dangerous character, he having had trouble with him before. Robison finally struck a match; it was no sooner done than he was under arrest, hand-cuffed and on his way to the railroad station. Everything went smooth on the return trip.

Deputy sheriff Davis reached home late Friday night, after the murder of the Whaley family, the murder having occurred the previous Monday night. He rose early Saturday morning and rode into Catlettsburg, where he found a crowd of excited people still discussing the Whaley murder. He did not tarry long, but after gathering what information he could, and assuring his friends that the perpetrators of that awful crime should be brought to justice, rode rapidly away. Arriving at the scene of the murder, he found Lizzie Chandler, sister of Laura Whaley, still weeping over the loss of a brother and sister. Her story was a touching one indeed, and she wound up by saying :

“If I ever lay eyes again on the little short man that did the shooting, I will know him.”

The officer took her home with him for protection, as he feared she, too, would be killed by the White-caps,



**DEPUTY SHERIFF T. H. DAVIS.**  
**(Now Sheriff of Sevier County, Tenn.)**





Thus the work began which later on terminated in the arrest and conviction of two of the perpetrators of that dastardly crime. Deputy sheriff Davis lost no time, but believing in the old adage, "to strike while the iron is hot," began at once to devise some plan whereby Lizzie Chandler might see Pleas Wynn, who, by this time, was suspected by everybody.

Accordingly, he brought her to town, before daylight on the following Monday morning, and placed her in an upstairs room at the Mitchell hotel, where she could see everyone assembled on the public square. She waited many long hours before he appeared on the scene, but late in the morning, near eleven o'clock, Pleas Wynn came walking along. Her eyes were fixed upon him for a moment, then she drew back from the window with a shudder, exclaiming :

"There goes the very man that killed sister and Bill Whaley."

Deputy sheriff Davis walked down from the upstairs room of the hotel and arrested Pleas Wynn within a few steps of where he had been identified. This caused great commotion, as the town was filled with excited people, it being county court day, and only a week from the date of the murder.

Catlett Tipton's arrest followed a few minutes later, and likewise Bob Catlett and Bob Wade, for deputy sheriff Davis had already wired the sheriff of Asheville, N. C., to arrest Bob Catlett at once.

In the meantime, Pleas Wynn and Catlett Tipton had their trial before a Justice and were released. Thus the White-caps scored another victory, and sneered at the efforts being made by deputy sheriff

Davis, but this did not effect Davis in the least. He only replied, "He laughs best who laughs last," and started immediately for Asheville, N. C., taking with him deputy sheriff J. E. Keener, a warm friend and fearless officer.

On arriving at Asheville, they found Catlett under arrest, who said to the officers:

"I never got into any trouble yet but what I got out."

Deputy sheriff Davis replied, "Sometimes in a man's life the time comes when a man's money can't save him. That time may have come to you, Bob," at the same time producing from his pocket a pair of handcuffs.

Catlett drew back, saying, "You don't mean to put them on me, do you?"

"Yes, sir," came the reply. "You will wear them back to Tennessee, or you or I, one or the other, will die in North Carolina."

His friends interceded for him, but to no avail, and Catlett wore the "bracelets" back to Tennessee. Bob Catlett and Bob Wade were then tried before a Justice of the Peace, and Catlett was released, while Wade was held for court in a bond of one thousand dollars. Now came the critical point in deputy sheriff Davis' life. The three murderers had been released and were free men again. They well knew that Davis held in his possession damaging evidence, and was yet hot on their trail.

Time sped on, excitement ran high, and threats were freely made. The people lived in suspense, not knowing what a day might bring forth. Some said

that deputy sheriff Davis would not live a month ; others, that he would not live to see the convening of another court. In the meantime, he and Sheriff Maples offered fifty dollars each as a reward for the arrest and conviction of the Whaley murderers. The county court had already offered a reward of five hundred dollars.

Immediately after this, Davis received a notice to resign his position as deputy sheriff or he would be killed by the White-caps. He did not heed this warning, but took the next train for Nashville, where he succeeded in persuading Governor Taylor to offer a reward of five hundred dollars for the Whaley murderers. On the return trip, he stopped over a few days in Knoxville and employed two detectives, C. A. Reeder and C. W. McCall, to help work up the case. A consultation was held and a plan of work agreed upon. Many witnesses had fled the county for fear they might meet the same fate as the Whaleys. Most of them had located in Knoxville. Reeder and McCall were to work this end of the line, while Davis returned to Sevier county to renew his efforts at the other end. He made frequent trips, however, between Knoxville and Sevierville to consult with Reeder and McCall.

On one of these trips he came near losing his life, when, as it is believed, a deep-laid scheme was planned to assassinate him, at a point about half way between Sevierville and Knoxville. Returning to Sevierville by boat, the "Lucile Borden" and "Telephone" ran for some little distance side by side. While the two steamers were in this position a burly negro, after making inquiry for Tom Davis, stepped from one boat to the other and immediately raised a row with the

cook, evidently watching his opportunity to get in his bloody work. He kept his eye on the front end of the boat, but the officer came around the back way and had hold of him before he knew it. He gave Davis a tremendous shove against the banister which came near throwing him overboard, at the same time attempting to draw his pistol. Davis was equal to the occasion, and held his man with his left hand while he drew his own revolver with his right. He thrust it in the negro's face, demanding him to throw up his hands. His hands went up and were held up until Captain Newman had disarmed him. He had a fine pistol, a forty-four Smith & Wesson, but failed to get in his work because the hammer had caught in the lining of his pocket, thereby preventing him from drawing it. And thus the would-be assassin was brought into the town of Sevierville, a prisoner, by the man whom he had attempted to assassinate. The same night that the negro was being tried another plot was being arranged.

This time they were to waylay the road at the Houk bluff, a mile and a half below Sevierville, and wait until Davis came along on his way home. The plan was carried out and the death-trap set, but their game failed to walk into it. Deputy sheriff Davis had heard of the plot and remained in Sevierville that night.

By and by, court came on and deputy sheriff Davis was still on hand, at his post and ready for duty. He had left no stone unturned, and the evidence, when placed before the grand jury, was sufficient to warrant the finding of true bills against Pleas Wynn, Catlett Tipton, Bob Catlett and Bob Wade.

Davis at once arrested Pleas Wynn and Catlett Tipton and placed them behind closed bars. He then went out in town to find Bob Catlett, but he, upon learning of the fate of Wynn and Tipton, had left town in hot haste.

Not to be foiled in his undertaking, deputy sheriff Davis at once started for the Catlett home, six miles away, taking with him deputy sheriff B. A. Rolen. It was late in the evening and darkness came on before they reached the home of Catlett. On their arrival, they found the Catlett house enclosed by a high wire fence, and two bull-dogs keeping guard on the inside. This was the most formidable foe that either officer had ever met, so they decided to call from the fence. The dogs answered, but no response from Bob. They at once dismounted, and with a pistol in each hand, stepped on the inside. The dogs came dashing down to the gate like two roaring lions, making a circle in a vain effort to get behind the officers. Foiled in this, however, they finally gave up the chase and disappeared. Mrs. Catlett then appeared upon the scene, very much excited, and begged for peace. The officers assured her that there would be no trouble if Bob would come out and surrender. She closed the door in their faces, saying "Bob will never come out."

The door was thrown wide open and the officers stepped inside. Bob well knew what this meant, and from an upstairs room answered that he would come down and surrender. He did so and was soon on his way to Sevierville.

In the meantime, Sevierville had gone wild with excitement. Perhaps there has never been a time in

the history of Sevierville when excitement ran so high as it did that night and the following day.

William Wynn, brother of Pleas Wynn, had assaulted and cruelly beaten J. D. Davis, an old and respected citizen and father of deputy sheriff Tom Davis. The news spread like wild fire, and while the White-caps were fast assembling on the square, the friends of Tom Davis and his father were rushing to and fro, gathering arms from every quarter, determined to fight it out. It was soon learned that a determined effort was being made by the White-caps to rescue Bob Catlett, who was then on his way to Sevierville in custody of Davis and Rolan. Sheriff Maples summoned all the men he could find, and keeping some to guard the jail, dispatched the remaining ones to meet the officers with Catlett. This posse met them just below Catlettsburg and told them what was going on in Sevierville.

There was a determined look on Tom Davis' face as he heard the news and dashed across the river to Catlettsburg for reinforcements. He soon returned with a few brave and fearless men, and gave orders that, "if attacked, every man dies on the spot."

He took the front and led the way to Sevierville, and Catlett was soon placed in a cell with his two accomplices, Wynn and Tipton. Although a criminal all his life, this was the first time Bob Catlett had ever been placed behind closed bars.

Next day the town was filled with excited people. The White-caps were enraged almost beyond control. Three of their leaders—J. C. Tipton their captain, Bob Catlett the wealthiest man of their order, and

Pleas Wynn, a man capable of committing any crime, were all now languishing behind closed bars.

As their iron-clad oath bound them to rescue a brother at all hazards, a regular pitched battle was expected at any moment. Each side waited for the other to bring on the attack. Fortunately for both, neither side was willing to assume such a great responsibility.

When court convened, deputy sheriff Davis was present, with his shot gun, apparently as much determined as ever. The prisoners were given a hearing before Judge Hicks and granted bail, and thus were once more released on the public. This trial was concluded late Saturday evening of the March term of court, 1897.

Monday morning following, deputy sheriff Davis boarded the train at Strawberry Plains for Nashville, where he succeeded in having a bill passed by the legislature detaching the Circuit Court of Sevier county from the Second Judicial Circuit and attaching it to the Criminal District of Knox county, presided over by Judge T. A. R. Nelson, thereby preventing Judge Hicks from holding another court in Sevierville. Davis' friends rallied to his support in Nashville. The bill was drawn by Gen. G. W. Pickle, introduced by Hon. Horace A. Mann, and fought to a finish by Hon. John C. Houk. It was a hot contest, and during its progress, the opposition, headed by Hon. Cal. Keeney, made the fight that it was a personal matter between Davis and Judge Hicks, and, besides, it was forcing Judge Nelson upon an unwilling people.

This was not true, however, and Davis so convinced the honorable members of the legislature by returning

to Sevierville on the next train, which place he reached on Monday morning, County court day, in April, 1897. He at once called a mass meeting in the court house, at one o'clock, and opened the proceedings with a statement of the object and purpose of the meeting and what was transpiring at Nashville. Resolutions were adopted endorsing the passage of the bill, and passed without a dissenting voice.

Time was short. The legislature was drawing to a close. Davis mounted his favorite saddle horse and rode to Knoxville, a distance of twenty-seven miles, arriving in time to catch a train for Nashville that same evening. Tuesday morning when the legislature met, Davis was back at his post with the resolutions.

The bill passed and became a law, and Judge Nelson now holds court in Sevierville. This was the third trip that deputy sheriff Tom Davis made to Nashville in the interest and welfare of his native county, at his own expense.



## CHAPTER XIII. ✓

### THE MURDER OF BRUCE LEWELLEN.

Three miles east of Sevierville, on the Flat Creek road, is situated Milican Grove church, and almost within the shadow of this beautiful little country church occurred one of the most blood-curdling murders in the history of White-cap depredations.

The church sets close by the roadside on the north, overshadowed by a neat little grove of oak and hickory trees. On the south side of the road is a thick undergrowth of oak and pine, and through the center of this clump of brush and thick undergrowth is a path running directly to the south.

It was along this dreary pathway, on a starless night, in the month of April, 1892, that Bruce Lewellen was plodding his way alone to meet some of his fellow White-caps, little dreaming that he was then making his last foot-prints upon earth and along this familiar pathway which he had so often trodden before. But alas, poor Bruce, he was doomed to meet death that night, for at that very moment two murderers lay in wait, concealed in the bushes close by the roadside, thirsting for the life-blood of their fellow man. They were members of the notorious band of White-caps who had been detailed to commit the bloody crime, and like demons they waited patiently to hear the familiar foot-steps of the young man whose confidence they had betrayed.

Suddenly, and without a moment's warning, a loud report was heard, and Bruce Lewellen fell to the ground a lifeless corpse. His head was filled with buckshot, evidently from a shot gun fired at close range.

David Mitchell, an old man living near by, heard the shot that forever sealed the fate of Bruce Lewellen, but thought nothing of it at the time, as it was a common occurrence in that neighborhood.

Early the next morning two small boys stumbled upon his dead body as they chanced to pass that way going to mill. The alarm was given, and the neighbors gathered in, and he was laid to rest the following day in the Alderbranch cemetery. At the funeral it was whispered around that he had been killed by the White-caps, but everybody seemed to be afraid to talk on the subject.

The circumstances leading up to this tragedy are as follows: Bruce Lewellen was a White-cap. The White-caps had given his mother notice that they were going to whip her. Young Lewellen rebelled against them and vowed they should never whip his mother. It so happened that about this time officers and citizens had set traps for the White-caps at Douglass' Ferry and other points. They began to grow uneasy. Their plans were being foiled and their forces began to weaken. That some one was making known their plans was an evident fact, beyond any question. Who had more cause for turning informer than Bruce Lewellen? After a consultation among themselves, it was decided that he was the "traitor" who was furnishing the officers with this information

and thus betraying them into the hands of their enemies.

According to their oath, it was binding upon the organization to put to death any one revealing the proceedings of their order; hence the decision that Lewellen was guilty of this offence and that immediate steps should be taken to seal his lips forever by sending him to eternity.

Their plans were made and Lewellen was summoned to meet them at a point where they had often met before, and only a short distance from where he met death on that fatal night. He was asked as to what particular path he would come, there being many by-paths through the densely wooded forest which he could travel that night. Soon after dark, he stepped out at the front door of his humble home and disappeared in the inky darkness, never to return. Thus ending the life of a young man who might have led a better life and made a useful citizen had he not fallen into the hands of older men who were, by far, more experienced in the commission of crime.

Bruce Lewellen died for a crime which he had not committed. The information supposed to have been furnished by him was given out by a prominent man of their order whom they had never suspected and one in whom they have the utmost confidence even to this day.

## CHAPTER XIV.

### THE MURDER OF ELI WILLIAMSON.

At the foot of Webb's mountain, fourteen miles from Sevierville, on the Emert's Cove road, stands an old delapidated log house. On a hot day in July, in the year 1892, William Sneed and Houston Romines were seen walking side by side down the road in the direction of this house. They were talking in a low tone and Sneed was carrying an old-fashioned, long-barrel rifle. On reaching the fence, they halted for a moment, Romines drew a long-bladed knife and walked to the back door while Sneed went in at the front.

Eli Williamson was not a coward, and was not afraid to fight with equal chances. He was unarmed and saw at a glance that he would be overpowered. He rushed to the back end of the house, threw up his hands and begged for his life. Sneed lowered his gun, took deadly aim and fired. Williamson fell to the floor, writhing in pain and expired a few hours later. This was the first murder committed in Sevier county traceable directly to the White-caps.

A few nights previous to this, the White-caps had gone to the home of Julia Ramsey, intending to give her a whipping, but Eli Williamson and Henry Proffit were there that night and opened fire on them. When they attempted to batter down the door, a regular pitched battle followed which resulted in the defeat of the White-caps.

Lewallen Sneed, brother of William Sneed, was shot in the leg in this affray, enraging the Sneeds against the Williamsons, and while his brother was still suffering from the wound received that night, William Sneed avenged him by taking the life of Eli Williamson.

Excitement ran high for a time. The citizens offered a reward of fifty dollars for Sneed, but he succeeded in making his way through the Smoky mountains into North Carolina and is still at large.

This put an end to White-capping in Emert's Cove. The citizens banded together under the leadership of John S. Springs and vowed they would hang the first man caught in disguise.

John S. Springs, who led the opposition in Emert's Cove, was a man of great courage, backed up with an iron will and invincible determination. The White-caps had done no injury to any of his relatives or close friends, yet he did not hesitate to speak out against them. He talked to their faces, saying that "Any man, or set of men, who would go at the dead hours of midnight under the cover of darkness, with masks on their faces, and overpower and drag a poor defenseless woman from her home and lash her back, was a base coward and not worthy of citizenship. Perhaps it would not be out of place to mention in this connection that John S. Springs was foreman of the grand jury when true bills were returned against the murderers of the Whaley family, and is now a deputy sheriff under sheriff Tom Davis.

White-capping in Sevier county first began in Emert's Cove, but ceased as abruptly as it began.

## CHAPTER XV.

### BATTLE NEAR HENDERSON'S SPRINGS.

On a cold November night in the year 1894 the people in the neighborhood of Henderson's Springs were startled by the firing, in rapid succession, of perhaps one hundred shots. They were heard for several miles around and ceased as abruptly as they began. For a moment an oppressive stillness reigned, then the clatter of horses' hoofs and the splashing of water could be heard in every direction. Marauding bands of White-caps were heading for home with the speed of fleet horses, regardless of fences, roads or fords. The nearest routes were taken and the river was crossed that night at points where it had never been crossed before.

A detachment each of White-caps and a sheriff's posse had met on the battle-field and the White-caps were routed.

All within hearing distance knew a battle had been fought, but what was the result? No one knew.

Imagine the aching hearts of mother and daughter waiting in suspense for the return of husband, father or brother, or for news from the battlefield.

The particulars were not known until the following day when it was learned that Elijah Helton, of the sheriff's posse, and Laban Latham and Isaac Keeble, of the White-cap band, were killed, and M. V. Lewellen, of the sheriff's posse, was wounded.

The causes leading up to this tragedy are as follows : Many outrages had been committed in the neighborhood. Among those who had been whipped were Benjamin Farr and Ruth Massey.

Benjamin Farr was an old and inoffensive negro and far above the average of his race in point of intelligence. When the Houk and Gibson congressional contest was at fever heat, "Uncle Ben," as he was familiarly known, took the stump for Houk. He was surprised one night to awake and find his bedside surrounded by a number of masked men. He was taken out and after a cruel beating they placed him on a stump, saying :

"Now, d——n you, make a speech for Gibson."

Uncle Ben took in the situation. He was not like a man who could not make a speech. He proceeded with his argument to the satisfaction of all present.

Ruth Massey, wife of James Massey and sister-in-law of Dr. Z. D. Massey, was a beautiful young woman, but, like other unfortunate young women, had strayed from the path of virtue.

The White-caps battered down the door of the Massey home and both husband and wife were taken in their night apparel into the open air. Two men stood with cocked revolvers pointed in the husband's face, two others held Ruth's arms locked around a tree, while two others, one on each side of the unfortunate woman, proceeded to lash her with buggy whips. They turned her night clothes over her head, commenced at her feet and took lash about, until they had whipped her from foot to head. The poor woman, in the clutches of the heartless band of hellish demons, said :

"Let me down till I die."

They let her go and she fell to the ground in a swoon. Thinking she was dead they carried her into the house, and laying her on the bed, stayed with her until she regained consciousness.

This was one of the most cruel whippings that had ever occurred in Sevier county, and the people, enraged almost beyond control, longed for an opportunity to avenge the cruel deed.

It came at last. William Brown, a member of the band admitted to their councils, who had been present on some of their whipping expeditions, in an unguarded moment, took into his confidence Benjamin Farr and imparted to him all the secrets and signs of the organization. He also told of their future plans and of a plot to whip James Massey and blow up Pink Rauhuff's house with dynamite or burn him out with coal oil.

Uncle Ben had no love for the midnight raiders and was not long in communicating this important information to the enemies of the outlaws.

Relying on this information, early in the morning of this eventful day in November, Elijah Helton came to Sevierville and informed sheriff Maples of the proposed raid of the White-caps and asked his assistance in intercepting them.

Chancery court was then in session and the sheriff had his hands full, but he deputized Mr. Helton and M. F. Nichols and instructed them to summon all the good citizens in the neighborhood and, if possible, to defeat this devilish plot. The citizens met at Hender-





**ASSISTANT ATTORNEY-GENERAL R. A. MYNATT.**



son's Springs soon after dark, their plans were agreed upon and they started at once in the direction of James Massey's house.

The conflict took place at a point only one half mile from the famous summer resort, Henderson's Springs, where a narrow road runs around the craggy cliff overhanging the beautiful Pigeon river.

The citizens on duty that night were Elijah Helton, M. F. Nichols, W. A. Henderson, A. W. Nichols, M. V. Lewellen, John Myers and Pink Rauhuff.

They took the road to Massey's house leading around the bluff. M. F. Nichols, Henderson and Myers were about thirty steps in front of Helton and Lewellen. The night was quite dark. Suddenly they met four unmasked men who pulled their hats over their faces and passed in single file on the upper side of the road.

The men in front failed to recognize any of them, and while suspicious, were not certain that they belonged to the band of raiders.

In a moment the four suspicious characters met Helton and Lewellen; some words were passed which could not be heard distinctly, but a volley of pistol shots were fired, followed immediately by a roar of shot guns. The first shot fired by the White-caps struck Lewellen square in the breast and knocked him off of the bluff.

In the meantime, Helton had emptied both barrels of his shot gun and two of the White-caps fell to the ground. Helton threw out his two empty shells and was in the act of reloading when James Gibson, a White-cap, rushed up and fired two pistol shots at

close range which went crushing through Helton's brain. A regular fusillade of shots from the three men in front compelled the two White-caps yet unhurt to beat a hasty retreat, one of them with two holes in his hat.

This was an unexpected meeting and neither side had their full force present. The main body of the White-caps were assembled in a little grove near Henderson's Springs, while A. W. Nichols and Pink Rauhuff were watching the road a few hundred yards down the river. The firing was distinctly heard by both sides and a stampede followed. Nichols and Rauhuff came running down the road to overtake their friends and suddenly stumbled upon the dead bodies of Helton and Keeble. They did not take time to see who it was, but wheeled around and retraced their steps in double quick time.

Lewellen started for home, suffering excruciating pain from the wound in his breast. He died a year later of consumption, thought to have been caused by the wound he received that night, as the ball was never located.

Mitchell Nichols and William Henderson left the main road and wound their way around the foot of the bluff and waded the river, up to their necks, at a point where they had never crossed before. All this time they could hear distinctly the pitiful groans of Laban Latham pleading:

"Oh, my God; I am shot and dying. Friends come to me."

After crossing the river they stopped again to listen, and Nichols thought he recognized the voice of his

brother "Ash." They were almost frozen to death, but stealthily slipped up the river bank opposite to where Latham was lying. With only a narrow stream between them, the groans of Latham fell distinctly upon the ears of the anxious listeners as he cried out:

"Oh, Jim, where are you! I am shot and bleeding to death."

They soon decided he was not one of their friends and departed for home.

On arriving at home Nichols found that his brother Ash had not returned. All night long he walked the floor exclaiming:

"Oh, my God! The poor unfortunate man is dying all alone by the river side. Surely, it must be brother Ash."

He could not stand it any longer, and returned that he might hear the voice once more. But a death-like silence reigned over the weird scene and not a sound could be heard save the doleful hooting of an owl that sat on the over-hanging cliff.

His brother Ash was then at the house of Pink Rauhuff fearing that one of the dead bodies over which he had stumbled was his brother Mitchell.

There was an old sack under the dead body of Keeble, containing three White-cap suits, which told plainly his business on that fateful night.

Immediately following this occurrence, feeling ran high in the community. Each family sympathized with one side or the other, and life-time friendships were dissolved. William Brown, the informant, together with Jesse and Isaac Brown, the two latter

having also joined the White-caps, became alarmed and decided to turn state's evidence, which they did, and then in quick succession followed the arrests of Dan Davis, captain of the band, and two of his boys, John Blair, William Wear, George Montgomery, Lon Carnes, John Norton, Henry McMahan and Arthur and John Seaton, all charged with the whipping of Ben Farr and Ruth Massey.

They all waived a trial before a Justice of the Peace and gave bond for their appearance at court. When court convened, in the selection of the grand jury two White-caps were chosen, hence no true bills were found and the men were released.

The White-caps were encouraged by this act and boasted that the court was in sympathy with them and that nothing could or would be done to punish them for their lawless acts.

## CHAPTER XVI.

### THE MURDER OF TOM GIBSON.

On Saturday evening, early in the month of April, 1895, there came into the little town of Sevierville an old man whose face looked sad and care-worn.

He was not clad in the best of clothes, yet he had an honest face, and a reputation which gave him credit in any store in the town.

Before leaving town he bought a quarter sack of flour, and with a smile on his face he carried it away on his back, with the remark :

"I will have biscuit for breakfast Sunday morning."

But before the sun rose that Sabbath morning Tom Gibson lay cold in death upon the floor of his humble cabin home.

He was the victim of a band of midnight assassins, known as White-caps, or Grave Yard Hosts, who were on one of their lawless raids. Within a brief space of time his once happy home was broken up and shrouded in darkness and death.

On the night of this cruel murder the White-caps had first visited the home of Jerry Woodsby. Woodsby lived on James Catlett's farm about two miles from Sevierville.

He had been working for Catlett previous to this time, but for some cause, unknown to the writer, had left his employ.

The White-caps surrounded his house and he was told to open the door. Woodsby, surmising what this command meant, refused to do so.

With a heavy fence-rail, in the hands of strong men, the door was soon battered down and Woodsby was overpowered and taken out of the house, and an unmerciful whipping was the result. He was led back to the house, writhing in pain from the cruel lashes that had been laid upon his bare back, and told to go back to work for James Catlett at once, or they would return and double the dose. There was no cause for the whipping of Woodsby except the one stated above.

Soon the band disappeared from the home of Woodsby, and proceeded in the direction of Thomas Gibson's cabin, which was only a short distance away. His door was also battered down in like manner. Instantly a half dozen well-masked men stepped inside and informed the old man that they had come to whip his daughter.

The father, no doubt, realized the situation, and knew full well that to resist meant death.

Callie, his oldest daughter, had been the tender care of the old man for many years. He had toiled in the heat of summer, had struggled along through the dreary months of winter, and had gone through many hardships that his little family might not go in want. He had looked into the face of his prattling babe, had seen her pass through the halcyon days of childhood and girl-hood, and had now just reached young womanhood. After enduring the hardships of many years, he must now either stand by and see his oldest daughter subjected to a cruel beating at the hands of an unmerci-



ful band of outlaws, or make a feeble resistance. He chose the latter, and died like a hero, defending his humble home. Tom Gibson was a poor man and had neither gun nor pistol at his command. He rose with a chair in his hand, and was just in the act of dealing the captain of the band a blow, when the contents of a double-barreled shot-gun was discharged, striking him squarely in the breast.

He reeled and fell backward and expired without uttering a word. The White-caps remained only for a moment and then disappeared from the scene of their awful crime, leaving their victim lying upon the floor, weltering in his blood.

The wife and daughter, in the meantime, had gone out at the kitchen door and made good their escape. It was a dark, gloomy night, and after a long and weary tramp they found their way to a neighbor's house. But no one dared go near the place until next morning.

As soon as the news reached Sevierville, which was early the following day, Sheriff Maples, Dr. Massengill, Dr. Walker, Judge Houk and many others left for the scene of the murder. The people in Sevierville were slow to believe that such a horrible crime had been committed within two miles of the little town, and yet not hear of it until the following day.

Sheriff Maples and his posse were not long on the way to the Gibson home, and returned, perhaps, in less time than it had taken them to go. Their blood boiled as they gazed at the scene. All night long he lay in a pool of blood, and not a friend had dared to give the heart-broken family any assistance, for fear that they too would meet a like fate.

On the return of sheriff Maples the first report was verified, and the news spread like wildfire. The whole town and surrounding country was wrought up over this crime committed by the White-caps.

A determined effort was made to spot the guilty parties. The only blood hounds in the county were owned or controlled by William Wynn. He was appealed to for assistance, but refused to go, or even let his dogs go.

County court met in a few days, and sheriff Maples asked for an appropriation to buy a pair of blood hounds. It was discussed quite freely among the justices. During the discussion, deputy sheriff Tom Davis arose and said :

"This court has just appropriated a large sum of money to build a new court house. Crime after crime is being committed by a band of White-caps, and to invest a small sum of money in a pair of blood hounds to run them down, and thus regain the good name of Sevier county, would be of vast more importance to the county than a new court house to try them in."

The vote was taken and the money appropriated.

But the White-caps saw danger approaching, and a hasty consultation was held, in which it was decided that some immediate steps must be taken to bar this appropriation.

Accordingly a bill was filed in the Chancery Court, by Jesse Atchley, to enjoin the county court from making this appropriation.

The Chancery Court did not meet for six or eight months, and when it did meet the court decided in

favor of the complainants. Thus the White-caps scored another victory.

By this time the excitement had subsided to some extent, and it was hoped that the White-caps would see the error of their way and refrain from the commission of other outrageous murders.

But such was not the case, as you will see from reading the following chapters.

The alleged cause for the attempted whipping of Gibson's daughter was that she was not living up to the moral standard demanded by a few Sevier county toughs. And toughs they were, for by this time all good men who had once favored white-capping, had seen to their own sorrow that it was a great mistake.

From the best information that can be had we do not doubt but that the young daughter of Gibson had strayed from the path of virtue. Yet she was Tom Gibson's daughter and at home under the parental roof, and as near and dear to him, dear reader, as your daughter is to you.

## CHAPTER XVII.

### MURDER OF AARON M'MAHAN.

Among the many murders in Sevier county growing out of White-capping, none perhaps has been so bold and reckless as that of Aaron McMahan who was shot and killed from ambush in the month of July, 1896, by Newt Green and West Hendricks.

There is no doubt that this murder was instigated by the White-caps, and that Green and Hendricks were full-fledged members of that organized band of outlaws. The facts leading up to this murder are about as follows :

Aaron McMahan, who was killed as above stated, lived in the Sixth district of Sevier county in what is known in East Tennessee as Wear's Valley, one of the most beautiful little valleys in East Tennessee, nestling as it does at the foot of the great Smoky mountains, and claiming for its citizenship many of the best citizens of Sevier county.

Among them was Aaron McMahan, a substantial farmer and a hard-working, industrious man. He was about fifty years old and had a wife and a large family of children, some of whom were grown up and married and had family circles of their own, while his youngest was an infant at the mother's breast.

Green and Hendricks were cousins and McMahan was their uncle, his wife being a sister of Green's father and Hendricks' mother. Green and Hendricks

lived near each other in the hills about three or four miles north of Wear's Valley, near Pigeon Forge, which place has had more White-caps than any other locality in Sevier county, according to accepted reports.

McMahan's daughter had married James Clabough, a poor but respected citizen of the county, who, at the time of the murder and prior to that time, had been living in what is known as the Little Cove, near to the home of Green and Hendricks, and on the public road leading into Wear's Valley.

Clabough's wife had been accused by the White-caps of not being virtuous, and as they felt called upon, under their code of morals, to correct all unchaste conduct in their neighbors, they had, only a short time before the killing of McMahan, gone to the Clabough home, dragged Mrs. Clabough out of bed and house in the night and administered to her an unmerciful whipping.

The McMahan family were, of course, aroused over the matter and expressed their opinion freely against the White-caps and the cowardly night attacks on defenseless women.

Green and Hendricks, with others, were accused of being in the gang that had whipped Mrs. Clabough, and prosecutions and trials had grown out of it, one of the trials occurring before J. A. Tarwater, Esq., in Wear's Valley, on the day before the murder.

The next morning after the trial, Aaron McMahan, his son Amos, and James Clabough, his son-in-law, with a two-horse wagon loaded with wheat, went to the Pigeon Forge Mills. While at the mills waiting to

have their wheat ground, some of the White-caps came up and they all became engaged in a general quarrel growing out of the whipping of Mrs. Clabough.

About the middle of the afternoon, McMahan, his son and son-in-law, started for their home in Wear's Valley, about eight miles distant. As they were passing through Little Cove, about four o'clock, in a lonely and secluded place with hills and dense woods on each side of the road, two gun shots suddenly rang out on that July evening which cost Aaron McMahan his life and dangerously wounded his two companions.

The horses, frightened by the gun shots, instantly became unmanageable and ran away. The elder McMahan, although having received his death wound, was conscious of what was happening, yet was powerless to stop the flying steeds, while Clabough received a wound in the back of the neck which so shocked him that he fell from the wagon unconscious and was left lying prostrate in the road. The younger McMahan, while not seriously wounded, having only received a flesh wound in the leg, was so dazed and frightened that he failed to realize the condition of affairs.

The team, however, was stopped by some parties who met it, and the wounded men taken to the nearest house, which was John Myers'. The news soon spread from house to house until the whole community was aroused and had gathered at the place where the wounded men lay. Dr. Massey, of Sevierville, was at once sent for and did all he could to allay their suffering. Clabough and young McMahan recovered,

but Aaron McMahan, after lingering and suffering untold agonies for about ten days, died with the declaration on his lips that Newt Green and West Hendricks killed him.

It was, indeed, a heart-rending scene to see three inoffensive, law-abiding citizens of the county lying prostrated upon couches with blood issuing from ghastly wounds which meant certain death to one of them. The groans of the men, shot down in broad day light, without cause and without notice, mingled with the piteous cries of wives with babes in their arms and little children clinging to their skirts in terror, brought tears to the eyes of the stout-hearted men who had gathered around the house in large numbers, and they no doubt vowed in their hearts that the cowards who had committed this foul murder should be punished, and that White-capism in Sevier county must cease.

The good resolutions there formed were kept, for West Hendricks and Newt Green are now serving an imprisonment of twenty years in the state penitentiary, and the White-cap organization is now extinct and its leaders scattered.

There is no doubt as to the guilt of Green and Hendricks. They planned and perpetrated this bloody broad daylight assassination, and the only wonder is that a jury should return a verdict of murder in the second degree and fix their punishment at twenty years in the penitentiary instead of condemning them to pay the penalty on the gallows.

Green and Hendricks were seen on the day of the murder near the place where the shooting occurred

with guns, and were passed by McMahan and his associates that morning on their way to the mill at Pigeon Forge.

Aaron McMahan said from the very first that Green and Hendricks had shot him; that he heard a noise in the woods near the roadside, and just as he looked around and saw them their guns were discharged; that one was a rifle and the other a shot gun. To this statement he adhered unequivocally until he died, having made two or three formal dying declarations to this effect.

The accused men were at once arrested and given a preliminary hearing before Esquires J. A. Bryan and J. A. Tarwater who first held them to court under heavy bond for felonious assault, but after Aaron McMahan died a new warrant was issued charging them with murder, and they were held to court by J. R. Houk, Esq., without bond. They applied afterwards for bail under writ of habeas corpus before Judge Hicks, but it was denied them and they remained in the Sevier county jail until they were tried at the March term, 1897, of the circuit court, which resulted as above stated in a sentence of twenty years in the penitentiary. Pending an appeal to the supreme court, Green and Hendricks with a number of other prisoners overpowered the jailer, H. D. Bailey, and made good their escape.

Among those who made their escape with Green and Hendricks was the notorious George Thurmer, who is well known in criminal circles and who was afterwards recaptured in the state of Kentucky by deputy sheriff Tom Davis, who has so long been a



terror to criminals in Sevier county and especially to the White-caps.

After their escape from jail, Green and Hendricks scouted in different parts of Sevier county, but most of the time in the hill country around Pigeon Forge and Little Cove where they were harbored and protected by their White-cap friends and sympathizers.

Many were the stories that were afloat during the summer of 1897 as to the boldness with which these two criminals travelled over the community and along the public highways, sometimes at work in the fields and at other times attending public gatherings in the community and yet not discovered or recaptured by the officers of the law. To what extent these reports are true we do not know, but it is safe to say they played a bold hand, and, backed by their White-cap associates and sympathizers, they played the Jesse James act pretty well in defying the officers of the law.

Much interest was centered in the trial of these two White-cap murderers. J. R. Penland, Esq., who has shown a keen interest in putting an end to White-capping in Sevier county and restoring to her and her people the good name they formerly bore, was retained by Aaron McMahan, prior to his death and after he had received his death wounds, to prosecute his slayers.

He undertook the duty and prosecuted the case with all the vigor and ability characteristic of this well known lawyer. The defendants were represented by W. W. Mullendore, Geo. L. Zirkle, W. G. Caton and A. M. Paine, an able array of counsel, but with all their ability and all the aid which the White-cap

organization could bring to them in the way of proof and witnesses, and in the selection of jurors, yet a jury of twelve men said that they were guilty and should suffer for their bloody deed.

As before stated, it is difficult to see how the jury could return a verdict of murder in the second degree when the facts seem to make it a most aggravated case of murder in the first degree, yet it is just one of those unexpected results which often occur in jury trials.

While Green and Hendricks, after their escape from jail, had remained for several months among their friends in Sevier county secure from the officers of the law, yet they concluded that it would be safer for them to roam in different fields, and it is said that during the July term of the circuit court in Sevierville, 1897, they boldly walked into the town after dark and, with friends, hired a hack from a livery stable and drove to Knoxville that night and on the following morning boarded the west bound train for the Lone Star state.

The chief cause of their sudden departure from this section is supposed to be the presence of Judge Nelson who was to hold the Circuit Court of Sevier county in the place of Judge Hicks. It was understood by the White-caps, whether true or not, that the new judge was sent there especially to deal with them, and it seems that his presence did strike terror in their ranks.

So Green and Hendricks made up their minds to leave at the time stated, but it is asserted on reliable authority that several important meetings were held

prior to their departure in which it was decided to do some desperate things. At one of these meetings it was agreed that Dr. Massey, who was an important witness against Green and Hendricks on their trial, J. R. Penland, who had prosecuted them, and Tom Davis, whom they hated worse than Satan, should all be put to death, and that Green and Hendricks were the ones delegated by the mystic order to execute this desperate scheme.

One of the White-caps gave out this story, whether true or not, by informing one of the parties that such an agreement was made and such an order given in their meeting. He told of the time and manner in which the crime was to be committed in order that he might be on guard and protect himself against his would-be assassins, as the informer was a better friend of his than of the White-caps. In this way the three named gentlemen were put on their guard and no doubt would have given their assailants a warm reception if they had been attacked, but on that very night Green and Hendricks left Sevier county in the manner above stated.

It is to be hoped that the above story was not true, but if they would deliberately waylay the McMahans in broad daylight and without warning murder them, would they not be equally willing to wreak vengeance on others, especially when urged and ordered to do so by the organization which had sheltered them in their extremity?

No doubt the White-cap organization, and particularly some of its members who almost felt the halter tightening around their necks, were especially anxious

to get rid of the three men marked as the victims of that midnight conspiracy. But even some good may come out of Nazareth. As bad as the White-caps were and whatever bad there was in the one who revealed this murderous scheme, yet he is to be commended for having averted a crime which would again have blackened the character of Sevier county.

We close this chapter by saying that a condition of society that will allow men to be shot down in broad daylight on the public highways while following their lawful and peaceful avocations, and afterward to shield and harbor the perpetrators in the community where it is done is an appalling state of affairs indeed. And yet such was the history surrounding the murder of poor Aaron McMahan.



**HENDRICKS. SHERIFF DAVIS. GREEN.**



## CHAPTER XVIII.

### CAPTURE OF GREEN AND HENDRICKS.

The capture of Newt Green and West Hendricks was the last and most important capture made by Tom Davis while deputy sheriff of Sevier county. Green and Hendricks were two notorious White-caps, and murderers of Aaron McMahan, as detailed in the preceding chapter.

They were arrested soon after the murder, by sheriff M. F. Maples and deputy sheriff R. C. McGill, and placed in the Sevierville jail. They, however, were not satisfied with their accommodations and soon afterwards made their escape. For many months they ran at large, spending most of their time in the mountains of Sevier county, near their old home, where they knew every by-path and had plenty of friends.

Sheriff Maples and his deputies laid many plans and set many traps for these two wily offenders, but Newt and Wes, as they were familiarly known, were "slick ducks," and many times when the officers were elated over the prospects of their capture it was found, to their great surprise, that some gap had been left open and their game had fled.

Newt and Wes were naturally shrewd, and there was no one who could endure more hardships than either of these mountain boys. The country surrounding their old home was one continuous range of rugged mountains. This and their many friends afforded them great protection from the officers of the law.

But by and by the officers made it too hot for them and they "pulled their freight" for parts unknown.

On Wednesday, during the July term of the Circuit court, 1897, the town of Sevierville was thrown into great excitement over the current report that Tom Davis, attorney J. R. Penland and Dr. Z. D. Massey were to be killed that night. Newt Green and Wes Hendricks were detailed to do the job. It was a well-laid plan, and had it not been for a friend of Dr. Massey, who was a member of the lawless band, giving him timely warning, the plan would no doubt have been carried into effect, and, perhaps, remained a mystery forever. For who would have suspected Green and Hendricks, who were then hiding in the mountains to avoid capture, of committing another crime, equally atrocious?

Judge Nelson learned of what was happening and ordered sheriff Maples to summon a posse of men to intercept Green and Hendricks and capture them at all hazards, dead or alive.

Sheriff Maples lost no time in calling his men together. A consultation was held and his forces divided, sending Tom Davis with a part of them on one road, while he took the remainder and started up the west prong of the river. It was a dark, dreary night. Two miles up the river, Sheriff Maples met some suspicious parties, on top of a hill. Neither party spoke. The sheriff and his posse rode to the foot of the hill, held a hasty consultation and decided to follow, as they were going in the direction of Sevierville, and, if possible, learn their mission. Evidently, the other party had also decided to watch the



sheriff's party, as both met again on top of the hill, the same spot where they had met only a few minutes before.

Sheriff Maples and his men dashed to the foot of the hill, dismounted, and on foot slipped around to the other side of the hill just in time to see the other party fording the river at a break-neck speed, having left the main road; and soon after, the clatter of hoofs died away in the distance. The sheriff and his men returned to Sevierville, and everything was quiet once more.

Green and Hendricks left that night for parts unknown. But soon their old enemy was again on their trail. Tom Davis disappeared from Sevierville also, and for three long weeks he traversed the mountains of western North Carolina in a vain effort to capture these notorious outlaws who had so often boasted of their success in eluding the officers of the law. Tom's failure did not discourage him in the least. He was not disheartened, but on the contrary, vowed he would yet capture Green and Hendricks. His ever-restless spirit nerved him on to greater effort and final success.

Weeks went by and, apparently, no effort was being made to apprehend these two outlaws. Davis, however, was working a clew which finally led to their capture. Again he disappeared, and not a friend knew his whereabouts, except his brother-in-law, Andrew Love and Dr. Z. D. Massey. He was on his way to Texas, feeling sure of success. In due time, he reached Paris, Texas, in complete disguise as a book agent. His disguise, perhaps, was more like the garb

worn by members of the Salvation army, as he was frequently asked if he was a captain of that organization.

The sheriff of Paris tendered him a cordial welcome, but where were Green and Hendricks? They had disappeared, and not a trace of them could be found.

Dr. Z. D. Massey, a relentless enemy of the White-caps and a life-long friend of Tom Davis, was working the other end of the line. A telegram came :

"Your men at Honey Grove.—Z. D. MASSEY."

Tom arrived at Honey Grove, thirty miles beyond Paris, at sunset the same evening. Officers were anxious to lend a helping hand, and the whole country for miles around was scoured. But again the game had flown. Green and Hendricks had been seen about there, but had disappeared as completely as though the earth had opened and swallowed them.

In the meantime, the two outlaws, becoming uneasy, had boarded a freight train, at midnight, and were on their way back to New Boston, over the same road they had travelled a few days before. Davis received another telegram :

"Your men at New Boston, going by the names of Frank Nolan and Charley Harrison.—Z. D. MASSEY."

The news came too late to catch the passenger train that night, so he undertook to board a freight train, but the conductor told him that he was a new man and that the old conductor had been discharged for allowing two strange men to ride to New Boston a few nights before. Tom's face lit up as he exclaimed "Where is that man?"

The man was found and furnished an accurate description of the two men wanted. Tom grew more anxious than ever, and was at the depot next morning long before the train was due. He arrived at New Boston where he found the deputy sheriff, Ed Lynch, waiting his arrival. But the officers were out-done again. Green and Hendricks had arrived in the night, disappeared in the night, and left no trace behind.

For several days the two officers scoured the country together, but in vain. The trail had been completely lost. The local officers gave up the chase and returned to New Boston.

Deputy sheriff Davis began preparing to return home. He had kept up his courage all the while. For eight long months he had followed their foot steps over the rugged mountains of East Tennessee, and now he was trying his hand with them on the plains of Texas and had been out-witted.

But "fortune favors the brave." While standing at the depot, waiting for a train, a cattle trader came riding into town. Deputy sheriff Lynch said "There goes a man who has been all over eastern Texas, buying cattle. He is a man who never forgets a face."

This man, when questioned about the fugitives, said, "Yes, I have seen your men, eleven miles from here, going in the direction of Indian Territory."

No time was lost. The two officers and the cattle buyer, seated in a hack, were off at once in hot pursuit. At Red river they met an old-time darkey, who, in response to questions asked him, replied, "Yes, sir, boss. I'll tell you; they're right over there in that cotton gin, right now."

The last plan was laid. The officers crossed the river and the cotton gin was surrounded. Green was arrested first; and when told by deputy sheriff Lynch that he was wanted at Texarkana, hung his head a moment and then said :

"Hell, I've heard that old tale before. We ain't done anything at Texarkana. I guess, by G—d, Tom Davis wants us in Tennessee."

He glanced over at the other two officers and said :  
"Hello Tom, by G—d, you've got your mustache blacked, but I know you."

The two prisoners were hand-cuffed together and they started at once on the return trip to New Boston, Green and Hendricks singing "Take me back to Tennessee ; there let me live and die."

They had been trapped at last, and deputy sheriff Tom Davis returned home with his two prisoners in charge and his ambition satisfied. He had paid out, in all, one hundred and sixty-five dollars, but sheriff Maples, always willing to share the burdens, tendered his worthy deputy a hundred dollar check.

## CHAPTER XIX.

### THE CAPTURE OF GEORGE THURMER.

George Thurmer is a noted criminal and a native of Knox county. At the time of his connection with Sevier county depredations, he had just returned from serving a term in the penitentiary for the murder of policeman Hoyle in Knoxville.

George was a shrewd fellow, a free drinker, an expert gambler and by no means a coward. These were the qualifications which recommended him to the White-caps as a suitable member for their mystic order. Soon after his arrival in Sevierville, standing within fifty feet of the court house, he took the required oath, which was administered to him by Catlett Tipton, the captain of the Sevierville band, who is now under sentence of death for the murder of Wm. Whaley and wife.

Soon after his admission to the order, John Burnett, an old pensioner, was robbed. George Thurmer, along with several others, was indicted for this crime. George succeeded in eluding the officers for some time, but was finally captured in Knox county by Tom Davis and returned to Sevierville, where he was placed in the County jail. For this capture Davis is indebted to sheriff J. C. Groner and C. A. Reeder who rendered him material assistance. George was too fine a bird to remain long in a cage. So, one day, when the jailer was just in the act of handing him his breakfast, George seized him while others took the keys from him, and they all made good their escape.

Again he eluded the officers for several months. But one day while down in a hole digging a foundation for a trestle, near Pineville, Ky., he was startled by hearing a harsh voice commanding him to throw up his hands. On looking up he saw an officer standing over him with a forty-four calibre pistol pointed square at his breast. George smiled and said "That's jall right, sir," and his hands went up. The officer was ex-chief of police of Pineville, Ky. He was then asked if his name was Charley Wilson.

"Yes, sir."

"Is your name Pet Thurmer?"

"Yes, sir."

"Is your right name George Thurmer?"

"Yes, sir."

George then, in turn, began to question the officer:

"Where is Tom Davis?"

By this time Davis was fast approaching from the other end of the trestle. Turning him around, the officer asked, "Do you know that man coming yonder?"

"Yes, by G—d, that's Tom Davis now. I dreamed last night he walked right up behind me in a saloon. I grew uneasy and was fixing to leave as soon as pay day come, but its too late, now. I guess I'll go back to Tennessee with Tom. He's a good fellow, and always pays my fare when we travel together. This is twice he has captured me, and if I ever get out of that old jail again he will never see me any more, for I will go up in a balloon, cut her loose and leave no trace behind."

The two officers had laid in wait for George the night before at Pineville, but he failed to put in his appearance. So, mounted on two good horses, they made their way down on the south side of the Cumberland river to a point just opposite the trestle, where George was at work. Fording the river before daylight and hitching their horses under the river bank they placee themselves one at each end of the trestle and waited for Thurmer to come to the works. George walked into the trap, was captured and returned to the Sevierville jail once more.

## CHAPTER XX.

### THE MURDER OF WILLIAM AND LAURA WHALEY.

The greatest crime for which Sevier county must answer is that of the double murder of William and Laura Whaley in their cabin home two miles and a half north of Sevierville on the night of December 28th, 1896. It was the work of paid assassins, and is one of the most cruel crimes on record. For it, Pleas Wynn and Catlett Tipton are to pay the penalty on the gallows, and Bob Catlett and Bob Wade have yet to be tried as accessories before the fact.

William Whaley was a mountain lad and a farmer. He married Laura McMahan. The parents of both were poor but respectable.

Bob Catlett was one of the largest farmers on the French Broad river and one of the largest tax payers in Sevier county, living six miles west of Sevierville. For years he had exercised a controlling influence over affairs in the county and had to his credit much that was bad.

Pleas Wynn is the son of Captain E. M. Wynn, and has a good wife. He was never known to do a whole day's work, but loafed about town, sometimes fishing and hunting for pastime.

Catlett Tipton was also a man of family who worked at odd jobs about town and was a "pal" of Wynn's.

Bob Catlett, Bob Wade, Pleas Wynn and Catlett Tipton were members of the White-cap band in Sevier-



ville, which may account for their joint participation in this horrible crime. Catlett Tipton was the captain of the band.

#### THE MOTIVES WHICH PROMPTED THE MURDER.

Every crime has a motive, and sometimes, as in this case, is started from a most common and insignificant circumstance—simply the leasing of a small cabin and tract of land.

In December, 1895, William Whaley leased of Bob Catlett a tract of land and with it the occupancy of a small house, the rental value of which was to be paid by a portion of the crop raised on the place. At the time of this transaction, the cabin was occupied by Walter Maples. It is located on the Knoxville and Sevierville pike, near the residence of Bob Catlett.

Whaley and his wife appeared on the day fixed by Catlett for them to take possession of the leased premises, but Maples refused to vacate.

Catlett then gave them another house to live in until Maples could be dispossessed. Maples proved to be a contumacious tenant, although Whaley made frequent demands of Catlett for possession.

One night Catlett and his wife's brother, Bob Wade, appeared at the cabin where Whaley was temporarily quartered. Catlett gave Laura Whaley a sheet of paper and, with his gun pointed at her, demanded her to write a White-cap letter to Maples requiring possession of the house. Laura bravely refused, but when she looked toward her husband and saw that he was also covered by a gun in Bob Wade's hands, and believing Wade's warning that Catlett was drunk and

would kill her if she did not, she finally consented. Catlett gave her a notice to copy which read as follows:

“WALTER MAPLES:

“If you do not move out of this house in five days, the penalty of the White-caps will be visited on you. The time is half up now.—WHITE-CAPS.”

“D——n you, don’t dot your i’s and cross your t’s,” said Catlett to the poor woman.

He then administered to Laura the fearful oath of the order, which meant certain death if any of the secrets of the clan were revealed. He then demanded of Laura one of her dress skirts which he put over his head as a disguise, and he, Wade and William Whaley, who at the point of a gun was forced to accompany them, proceeded to Maple’s cabin, where Whaley was forced to nail the notice on the door.

Stones were thrown at the house and Catlett fired a load of buckshot through the chinks, some of the shot going into the bed in which Maples, his wife and children were lying in abject terror.

A few days after this occurrence, Maples, who was convinced of the unhealthfulness of the locality, moved to more congenial quarters, and Whaley took possession of the property.

#### LAURA WHALEY VIOLATES THE WHITE-CAP OATH.

It has been observed that Laura Whaley had some education and could write; her husband, therefore, who was illiterate, depended upon her to keep an account of his working days and the amounts due him.

Early in the spring, Whaley had bought some hogs of Catlett for which he gave him a bill of sale to secure the payment, which was duly recorded in the county register's office.

Whaley raised a crop of corn on the leased land, besides working many days for Catlett for which he had received no pay. In September, Laura informed her husband that the work which he had done for Catlett was sufficient to pay for the hogs. In the following month Whaley sold the hogs to meet other financial obligations.

Catlett heard of it and rode over to Whaley's house, where he found him gathering his corn. He ordered him to "let the corn alone," and began cursing and abusing him for having sold mortgaged property, and threatened to have him arrested. Whaley told him of the number of days he had worked for him which he supposed paid for the hogs.

Catlett was implicable, however, and procured a warrant for Whaley's arrest. Whaley heard of the issuance of the warrant and informed his wife.

Laura Whaley at this time was about to be confined, and this information, coupled with the fact that her husband had acted upon her suggestion, so worried the poor woman that a daughter was prematurely born.

Rou. Catlett, Bob Catlett's daughter, a young school teacher, who had the reputation of being a good, kind-hearted and Christian woman, called at the Whaley home to console and congratulate the young mother. It was a neighborly, humane act, and so sympathetic was the young teacher that it touched the heart of the sick woman; so much so, that she told her of the

criminal warrant and also of the fearful ordeal through which she passed on that eventful night when her father compelled her to write the White-cap letter and administered to her the fearful oath.

It is said that Rou. Catlett had a stormy scene with her father that night. She pleaded and entreated her father not to prosecute Whaley. The appeals of a dutiful and loving daughter finally prevailed, and Rou. obtained the coveted promise. Accordingly Catlett notified William Whaley that he would drop the criminal proceedings against him and cancel the mortgage.

"For this you shall die," he said to Laura Whaley; and ordered them to leave the premises next day.

Mrs. McMahan, who was visiting her daughter for the purpose of attending her during her confinement, had advised her to threaten Catlett with a revelation of the White-capping of the Maples house and use it as a leverage to persuade Catlett to abandon the criminal proceedings; but, overcome by the sympathetic conduct of Catlett's daughter, instead of making the threat as her mother advised, she told all the particulars to his daughter and violated her oath of secrecy.

The next morning William Whaley placed his wife on a bed in his wagon, and with her child, "Mollie Lillard," only six days old, moved them to a cabin on a hillside nearly half a mile back of the farm house of Captain E. M. Wynn, the father of Pleas Wynn.

Whaley never received his share of the corn, nor twelve months after the bill of sale for the hogs had been signed had the mortgage been released on the the records of the county.

In some manner the confession of Laura Whaley leaked out, and deputy sheriff Davis subpoenaed William and Laura Whaley to appear before the grand jury at the November term of the court, 1896.

Whaley and his wife went to the court house in Sevierville, taking with them Lizzie Chandler, an elder sister of Mrs. Whaley, and the child, Mollie Lillard.

Laura Whaley went before the grand jury, and the oath to tell "The truth, the whole truth and nothing



CABIN ON THE WYNN FARM.

but the truth, so help you God," was administered. It was too impressive and awe-inspiring to be disregarded, though she knew that it would place her life and that of her husband and child in jeopardy. The conduct of this poor woman, under these trying circumstances, was simply heroic. She followed the plain path of duty unhesitatingly and fearlessly, regardless of the dangers which threatened her.

When she returned to the office of the circuit court clerk, where Lizzie Chandler, with the child, awaited her, she said to her :

"Lizzie, as I came through the hall I met Bob Catlett and Bob Wade. They will kill us."

Catlett and Wade were indicted for the "Rocking of the house of Walter Maples and for shooting at it." They were arrested and gave bond. Laura Whaley had violated the White-cap oath. The penalty was death.

#### PREPARATIONS TO LEAVE THE COUNTY.

So impressed were the Whaleys with the idea that they would be killed by or through the efforts of Bob Catlett that they decided to move to other climes, where they would be free from molestation.

Mrs. McMahan, the mother of Laura, lived with her husband at Coal Creek, Tennessee. This fact induced William Whaley to go to this place in search of work, which he found.

As soon as he had accumulated a sufficient amount of money, he returned to his wife and child for the purpose of moving them to their new home.

Lizzie Chandler, having discovered that John Chandler, her husband, was a worthless and thriftless fellow and a degenerate White-cap, had left him and was living with the Whaleys when they went before the grand jury. She remained with her sister during Whaley's absence at Coal Creek.

On his return he found his wife and child and Lizzie as he had left them a month previous. Before he could carry out his intention of moving his family to

Coal Creek, he was taken sick with a severe attack of the grip, and was from that time to the night of his death a very sick man.

THE ASSASSIN HIRED AND ALIBI ARRANGED.

So determined was Bob Catlett to execute his threat against the Whaleys, that he formulated many plans and had frequent consultations with many of the White-caps. Finally he offered Catlett Tipton two hundred dollars to commit the crime. Tipton confessed the offer but denied the acceptance. It was offered to others, but declined. Pleas Wynn, however, accepted the offer and agreed to commit the murder.

Catlett Tipton bought a box of shells containing bird shot, and also some dynamite, several days before the murder.

On the day of the murder, Monday, December 28th, 1896, Bob Catlett was in Sevierville and had frequent consultations with Pleas Wynn and Catlett Tipton. Early in the afternoon he started for North Carolina with some horses which he said he wanted to sell. The route taken by him was through the mountains, stopping that night with George Roland, in Jones' Cove, sixteen miles from Sevierville. He sat up until a late hour talking for the purpose, as subsequent events show, of establishing an alibi, should one be necessary.

Wynn and Tipton, in order to prove an alibi, had made an appointment with several persons to fish that night in Hardin's pool, less than a mile south of Sevierville, on the west fork of the Pigeon river, adjacent to the public road and near a farm house. One of the parties went to Sevierville, according to

agreement, and was there when the court house clock struck five. He says that neither Wynn nor Tipton could be found.

#### THE MURDER.

Just on the edge of Sevierville and close by the bridge over the east fork of the Little Pigeon river, stands a small one-story frame house, where the Jenkins boys ran a "blind tiger"—selling liquor illicitly.

At five o'clock on the evening of the 28th of December, just at dark, Pleas Wynn entered this house and went into the back room where the liquor was kept. He wore a long blue overcoat that reached nearly to the ground, and he bought a bottle of whiskey which he put in his pocket. He asked Joe Jenkins to lend him his shot gun, but it had already been loaned to other parties. Going into the room where Jap. Jenkins was, he picked up a revolver, and, putting it in his pocket, said :

"I may have need of this."

He then went out at the back door and on to the stone abutment of the bridge.

From the facts adduced and the nature of the ground about the bridge, Wynn must have gone down the east bank of Little Pigeon river to the old ford, a mile below town, where he was joined by Catlett Tipton, who had crossed the river at this point in a boat belonging to Mark McCowan. They then followed a foot path to the cabin occupied by the Whaleys.

Wynn knew this path well. It was on his father's farm, and soon after his marriage he had moved into



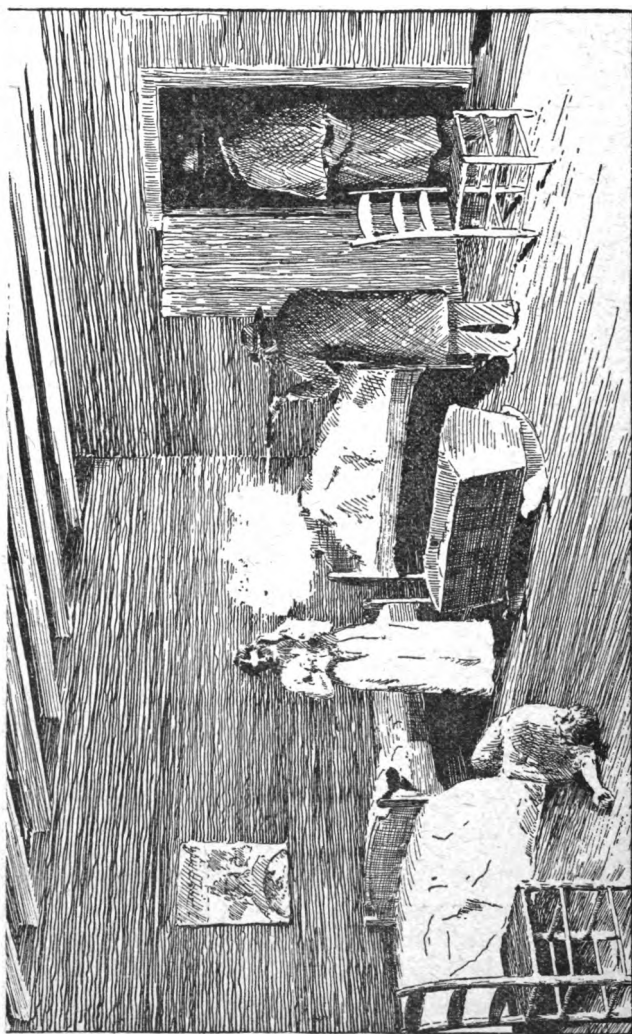
this same cabin, and had therefore traveled this path many a dark night.

Less than a quarter of a mile from this cabin lived the mother and brother of William Whaley, in a cabin not unlike the one in which William lived. Near William Whaley's cabin was a stable and corn crib. In one of these Wynn and Tipton concealed themselves for the purpose of making observations, for a noise coming from this direction was heard, about this time, in the cabin and John Whaley, who was at his brother's house, went out to discover the cause of it. He found nothing to arouse his suspicions, however, and re-entered the cabin.

After a stay of only a few minutes, John went home. While at supper he heard two shots in the direction of his brother's house, and, hastening back, he found the dead bodies of his brother and sister-in-law lying on the floor, but the murderers had disappeared.

It was about seven o'clock when John left his brother's house and went home to supper. Laura then undressed for the night and laid down on the bed with her sick husband and sleeping child. Lizzie Chandler occupied a bed in the opposite corner of the room. In the fireplace a bright fire was burning.

Suddenly the front door was burst open and two men entered, one unmasked and apparently unarmed, the other masked and carrying a gun. The first mentioned intruder was a man of medium height and had a mustache (Tipton), the other, the more conspicuous of the two from the fact that he wore a mask and carried a gun, was a low heavy-set man wearing a blue over-



THE MURDER OF WILLIAM AND LAURA WHALEY.

coat which reached almost to his feet. Stooping down for some purpose, his mask parted from his face and the fire-light revealed his side-face to Lizzie Chandler, whose eyes were riveted on the man with the gun. Pleas Wynn was the "man with the mask," and he had assumed the responsibility of committing the crime.

"If you have come to kill us," pleaded William Whaley, "we will do anything you say: but spare our lives."

"O, Lord! O, Lord! If you have come to kill us, let me give my little baby to my sister before I die," was Laura Whaley's appeal.

It was apparent that she realized her death was a certainty, hence mother-like her last moments were directed in an effort to secure the safety of her baby. She recalled the fearful night when Bob Catlett had compelled her to write the White-cap letter, and his warning at that time when he said:

"We are all in this, we will die with you in this," meaning the White-cap oath. She also remembered that on the night he agreed to release the mortgage and dismiss criminal proceedings against her husband, he added "For this you shall die."

She knew that through the instrumentality of these two men, Bob Catlett was now keeping his word. She also knew of previous murders by the White-caps, and therefore fully realized her peril. There was no way of escape. She and her husband were defenseless. It was best to die quickly and end the agony.

She got out of bed and, taking her babe in her arms, she pressed it to her bosom and kissed it again and

again. Then the agonized mother laid her babe in bed with her sister Lizzie, and, breathing in the child's ear a last farewell, covered both of their heads with the bed-clothes. Bravely she stepped to the side of her husband, who stood by his bed, and turning, faced her executioners.

No woman ever acted more heroically than did this mountain girl and wife of twenty-one summers.

Can it be possible that the greed for money was the sole stimulant which enabled these two men to remain during this period silent observers of this mother's agonizing caresses of her child without exhibiting any emotions of pity or mercy? Whiskey was not the cause of so much nerve, for such a scene would have sobered drunken men.

A gun shot is fired which enters the mouth of William Whaley and he falls dead at the feet of his wife, who, turning to look at her husband, receives a shot in her temple which tore away the top of her head.

As soon as Lizzie Chandler felt sure that the murderers had left the house she arose from the bed and dressed herself quickly. At that moment John Whaley entered the room.

#### THE MURDERERS TRACKED.

After leaving the cabin, the murderers pursued their way through a field leaving tracks behind them. One evidently wore a number six shoe of superior make, the other a number nine of coarse material.

These tracks led to the ford where Tipton and Wynn had met only an hour before on their way to

the Whaley cabin. They recrossed the river at this point on their way to constable Otis Montgomery's house. They asked him to go fishing with them, but he declined. It was then half past eight o'clock. They then went to the house of Mark McCowan and requested him to go with them. He also declined, but loaned them his boat. While at McCowan's the clock on the court house struck nine.

Wynn and Tipton insisted that they were fishing on the night of the murder and were so engaged at the time it was committed.

But, in addition to the foregoing details, other evidence was produced implicating Wynn and Tipton.

Not long after the murder, Wynn was playing a game of cards with Sam Jenkins, a boon companion of his, in Dr. Henderson's barn. He asked Jenkins if his brother, Joe Jenkins, had ever told him of his (Wynn's) presence at the "blind tiger" on the night of the murder.

"Yes," replied Sam, "he told me all about it."

"Well, for God's sake, don't say a word about it," said Wynn. "By G——d, I did kill the Whaleys, and it took a d——d sight of nerve to do it, but I got one hundred dollars for the job."

Again, not long after this admission, Wynn went to Knoxville. While there he remarked, "Bob Wade and Bob Catlett are not guilty of that murder. They have got the wrong sow by the ear. I blew in two hundred dollars d——d easy and fired two shots."

There is a conflict between these two admissions—the one he made to Sam Jenkins and the other in Knoxville—as to the amount of money he received.

It is evident that the murder cost Catlett two hundred dollars. Was it divided between Wynn and Tipton, or did Wynn receive the whole sum?

It was necessary to get rid of Lizzie Chandler. Public excitement was too high to attempt another murder; so her husband, John Chandler, was used to decoy her out of the State.

Although John had secured a divorce from her on false and scandalous charges, against which Lizzie had neglected to make a defense, so earnestly did she desire a separation, yet, with fair promises for the future, he succeeded in winning her consent to live with him again.

Mounted on a horse behind her former husband, they started, as she thought, for a friend's house. But John had no such intention. He was the paid agent of Bob Catlett to abduct her from the State.

As Lizzie, since the murder, had been living with the father of Sheriff Maples, it was not long before her absence was discovered. Sheriff Maples and deputy sheriff Davis started at once in pursuit and caught them in the Smoky mountains, near the North Carolina line. They were returned to Sevierville. John was jailed and Lizzie was sent to Knoxville for safe keeping.

## CHAPTER XXI.

MOLLY LILLARD WHALEY.



My name is Molly Lillard Whaley,  
I'm left alone in this wide world ;  
Papa and mamma are dead, you know,  
And I am their only baby girl.

The story is told in this little book,  
Of how and why I was left alone,  
How papa and mamma died one night,  
In our own little cabin home.

How mamma pled for her own dear life,  
And for the life of dear papa, as well,  
How she pressed me to her aching heart,  
As she kissed me a last farewell.

She held me in her arms for a moment,  
And then laid me in Aunt Lizzie's bed,  
And the last words she spoke on earth  
Were, "Sister, cover up your head."

Then she turned and faced the murderers,  
Who stood waiting upon the floor;  
Two shots rang out in quick succession,  
And papa and mamma were then no more.

A deathly silence came o'er the weird scene,  
Aunt Lizzie will never forget the time,  
I was made fatherless, motherless and homeless,  
By the commission of that awful crime.

They tell me of a fearless officer,  
Who ran those criminals down  
They made him sheriff of the county,  
And his name is now renowned.

They tell me of two detectives,  
Who lent a helping hand  
To uncover the crimes of criminals,  
And break up the White-cap band.

They tell me of the Attorney General  
Who made such a gallant fight  
To convict those hellish demons,  
Because it was just and right.



They tell me of an honorable Judge,  
Who now holds court in Sevier,  
Of that roving band of White-caps,  
They say he has no fear.

They also tell me of another Judge,  
Who sits upon a higher throne,  
And if I but do his bidding,  
He will one day call me home.

They say he is kind to little children,  
And will guide these tiny feet,  
And deal out justice to the murderers  
In the death they are doomed to meet.

## CHAPTER XXII.

### TRIAL FOR THE MURDER OF LAURA WHALEY.

At the March term of the Circuit Court, 1897, Pleas Wynn and Catlett Tipton were indicted for the murder of William and Laura Whaley, and Bob Catlett and Bob Wade were indicted as accessories before the fact.

At the following term of the court, November, 1897, Pleas Wynn and Catlett Tipton were arraigned for trial. Judge T. A. R. Nelson presided. Hon. E. F. Mynatt, district attorney, Hon. J. R. Penland and Hon. W. A. Parton, of Sevier county, and ex-Congressman John C. Houk, of Knox county, appeared for the State, while the defense was represented by Col. W. J. McSween, Hon. George L. Zirkle, Captain W. M. Mulendore and others.

A panel of twelve hundred men was required, and five days were consumed securing a jury. Four days were spent hearing the testimony and two listening to the arguments of counsel. Every point was hotly contested and nothing was left undone to secure the ends of justice.

The jury was "picturesque," but the best that could be obtained in a county where excitement ran high and men, who had not "formed or expressed an opinion," were scarce.

The facts proven were substantially the same as already detailed in this chapter.

Lizzie Chandler, of course, was a most valuable witness for the State. She was the only living being,



**LAURA WHALEY.**

except a six weeks old child, who saw the murder committed.

The defense tried to impeach her character by introducing in evidence the charges made by her husband in his bill for a divorce, but failed. Her testimony was clearly and deliberately given, with every appearance of truthfulness.

When asked to point out the man who did the shooting, she looked around the court room. Amidst a breathless silence, glancing from one face to another, her gaze finally rested upon that of Pleas Wynn, who sat near by and in the rear of his senior counsel. She gazed intently at Wynn for a moment, then looked up at the judge.

"Have you found him?" asked Judge Nelson

"Yes," she answered.

"Where is he?" inquired the district attorney.

"There," she said, pointing her finger at Wynn's shrinking form; "He is the man who had the gun on the night of the murder."

The State failed to adduce any evidence showing any complicity on Tipton's part. But Tipton, while on the witness stand, implicated himself in the minds of many when he admitted that he was with Wynn on the night of the murder, from dark until near midnight.

It is not our intention to review the arguments of counsel, but we may be pardoned for mentioning one incident connected with District Attorney Mynatt's eloquent appeal to the jury, which shows the confiding trust which the people of the mountains have in divine mercy and justice.



**LIZZIE CHANDLER,**

During this trial District Attorney Mynatt and his brother, the assistant district attorney, occupied a room at the Snapp House adjoining one in which Mr. and Mrs. McMahan, the father and mother of Laura Whaley, Mollie Lillard, her infant child and her sister, Lizzie Chandler, were quartered. The cooing of the child and the subdued tones of the father and mother, rehearsing the virtues of their dear departed dead, inspired the efforts of the district attorney while preparing his appeal that night to the jury for a rigid enforcement of the law.

After a while this simple, unpretentious old man knelt in family prayer.

As he progressed with his supplications to Almighty God, he grew more earnest and vigorous; his voice trembled with strong emotions as he told the Divine Ruler the whole story of his daughter's life, her trials and troubles, her persecutions and finally her cruel death. He asked for the punishment of the guilty parties and that the blessings of God might rest upon the efforts of those who were striving toward this end.

Every word of the old man, mingled with the sobs of the mother and the sister and the crowing and gurgling of the happy infant, was distinctly heard. It filled his heart with sympathy for these poor people and for all those who had suffered at the hands of the White-caps, and inspired the greatest effort of his life.

His address to the jury next day bore the impress of inspiration.

The court room was crowded to its fullest capacity. Many ladies occupied chairs on the judge's stand. Within the bar sat the wives and children of the

prisoners, Pleas Wynn and Catlett Tipton. By the district attorney sat the father, mother, sister and child of Laura Whaley.

There were times during the district attorney's argument when he seemed unconscious of his surroundings. The old man's prayer had imprinted upon his mind the picture of his daughter's life in all its details from prattling childhood up to the time of her death, and he reproduced this picture on the minds of the jury with an intensity and fervor that beggars all description, and when he had finished his peroration there was moisture in the eyes of everyone present. The jury were in tears, and sobs were heard in every part of the court room.

The district attorney closed his argument at dusk on the evening before Thanksgiving day. By candle-light the judge read his charge to the jury. During the reading, a good woman with a weary and sorrowful countenance, who had pushed her chair toward the judge, looked intently at him, hungering for some word of hope for her criminal husband, for she was the wife of Pleas Wynn.

The jury retired, and on the following day returned a verdict finding Pleas Wynn guilty of the murder of Laura Whaley, and acquitted Catlett Tipton.

Both men were yet to be tried for the murder of William Whaley, and by order of the court Pleas Wynn was removed to the county jail at Knoxville for safe keeping until the next term, and Catlett Tipton was held on a bond of ten thousand dollars for his appearance.

## CHAPTER XXIII.

### TRIAL FOR THE MURDER OF WILLIAM WHALEY.

At the March term of the Circuit Court of Sevier county, 1898, Pleas Wynn and Catlett Tipton were arraigned for the murder of William Whaley on the night of the 28th of December, 1896. Both men were convicted of murder in the first degree.

This trial consumed seven days, and twelve hundred men were examined before a jury was secured.

New evidence was introduced weaving more closely a net of circumstances around Pleas Wynn and strongly corroborating Catlett Tipton's admission, during the former trial, that he "was with Wynn on the night of the murder from dark until near midnight."

On the day before the case was submitted to the jury, Owen Dickey was placed on the witness stand in behalf of the prosecution, who swore that Pleas Wynn showed him a hand full of cartridges, saying :

"When I go a-fishing I take them along and kill d——n big game."

This testimony so enraged William Wynn, a brother of Pleas, who had been drinking freely all day, that, after the adjournment of court, he met Dickey in the court house and began cursing and abusing him, calling him a liar and attaching thereto all the necessary adjectives. Sheriff Maples ordered Wynn to leave the court room.

Shortly thereafter, as the sheriff was going from the new to the old court house, Wynn stepped out from a



livery stable and began hurling curses and opprobrious epithets at him. The sheriff, being alone and in the midst of Wynn's friends, knowing the dangerous character of his assailant and believing a movement on the part of Wynn threatened a deadly attack, drew his revolver. Five shots rang out in the air in rapid succession, and Wynn fell to the ground shot four times in the abdomen.

A crowd of enraged White-caps at once surrounded the sheriff, and as the five shots had exhausted his supply of ammunition he backed through their line and hastily retreated. His pursuers gained on him rapidly and seized him just as he reached the public square.

At this critical moment deputy sheriff Davis reached the side of the sheriff and waived the crowd back with his revolver, at the same time supplying the sheriff with a hand full of cartridges. In quick succession followed detective McCall and George Thurmer, one of the Burnett robbers who had turned state's evidence and rendered valuable assistance to the officers of the law in ascertaining the secret plans of the White-caps, etc.

The sheriff was taken before Judge Nelson, who ordered him into the custody of deputy sheriff Davis with instructions to summon a strong guard for his protection. Upon arriving at the jail, Hogan Bailey, a brother-in-law of Wynn, attempted to shoot the sheriff, but was disarmed by detective McCall and others and placed in jail.

During the night, excitement was intense. The White-caps dispatched couriers in every direction throughout the county summoning their adherents.

Sheriff Maples telephoned sheriff Groner and chief of police Reeder, of Knox county, and sheriff Walker, of Blount county, to come to his assistance at once with a posse of well-armed men. These officers responded promptly, leaving Knoxville at 9 p. m., and met the Blount county posse at Trundles' Cross Roads, fourteen miles from Sevierville, reaching their destination at four o'clock the next morning.

Early in the morning crowds began to congregate on the public square. Law abiding citizens throughout the county, hearing of the condition of affairs, abandoned their plows and came into town determined to maintain order at all hazards. These extensive preparations for war insured peace.

It was a sad coincidence which the people witnessed that morning. In the court room the senior counsel for the defence was making his appeal to the jury in behalf of a murderer, the funeral of whose brother was then passing the court house door. The church bells tolled a sad accompaniment to the eloquence of the learned counsel. Armed deputy sheriffs for the protection of the court were conspicuous everywhere.

The case was submitted to the jury in the afternoon of April 8, who retired and the following day returned a verdict finding both Wynn and Tipton guilty of murder in the first degree.

Appealing to the supreme court, they were removed to the Knox county jail for safe keeping.

The supreme court, on the last day of the following term, affirmed the judgment of the court below and sentenced them to be hung on the 4th of January, 1899.

## CHAPTER XXIV.

### PLEAS WYNN.



Pleas Wynn is the son of Captain E. M. Wynn, and was born at Pigeon Forge, seven miles south of Sevierville. His parents moved to Sevierville when Pleas was a small boy. He was principally raised in Sevierville and was known about town as a shrewd and cunning chap.

His parents sent him to school, but Pleas was not very fond of books, and took more delight in outdoor sports. He was a strong and active boy and could endure more hardships than any boy in town.

He could play any kind of a game; he was good at marbles, an expert ball player, and later on became the champion of the town at playing cards. He held this title for many years and was only turned down by George Thurmer, and as before stated he was hard to turn down at playing baseball. He was a member of the best club in the county, the old "Eureka," a team that was seldom defeated, playing in a great many of the small towns in East Tennessee, Newport, Dandridge, Mossey Creek and Morristown being among the number. He was short in stature and as swift as an arrow, and once on the ring he seldom failed to reach the home plate. He was familiarly known as "Shorty," and bears that name to this day.

He was not regarded as a real bad boy, in his early days, yet he had many ups and downs with the boys in town, and was not afraid to fight. It was very seldom that he failed to come out first best with any boy in the ring.

He was very fond of hunting and fishing and was an expert at both. There was scarcely a trail or by-path anywhere among the rugged hills surrounding Sevierville with which he was not perfectly familiar.

But by and by Pleas grew to manhood. And yet he had no occupation, except that of jailer during the last two years his father was sheriff of Sevier county, from 1888 to 1890.

Only a short time previous to this Pleas had married a most excellent young lady, Miss Mary Thomas, daughter of W. H. Thomas, and it was hoped that Pleas would lead a more useful life, and, for a time, it seemed as though he would. But his associates were

bad, and step by step he went from bad to worse, and soon learned the habit of drink, and then that of gambling, and, coupled with that of idleness, they soon told their tale. His best friends concede that his downfall was due more to idleness than anything else.

## CHAPTER XXV.

J. CATLETT TIPTON.



James Catlett Tipton was born in Sevierville, Sevier county. He was named for Mr. James Catlett, an old and respected citizen of the county and father of Bob Catlett, one of the alleged accomplices of Tipton in the Whaley murder. He is the only son of B. J. and Abigail Tipton. His mother still survives, but his father died many years ago when his son was but a

small boy. By the death of her husband, Mrs. Tipton was left to battle with the world with three small children to support, towit: James Catlett and two daughters, one of the latter now being the wife of B. B. Bailey, and the other the wife of Mr. Mack Blair, both of Sevier county and highly respected citizens.

J. C., or Catlett Tipton, as he was familiarly known, was a bright and handsome boy of good address, and was generally well liked by his associates in and around Sevierville where he spent his boyhood days.

His education was limited to that of the common schools of the county, but in these he acquired a fair business education sufficient to enable him to transact ordinary business. He is said to have been apt in his studies and would have made a good scholar had he continued in school and applied himself diligently. But, being fond of outdoor sports of all kinds, this in a measure distracted his mind from his school work. In the running and jumping matches, baseball and other games usually engaged in by the school boys, young Tipton was a favorite and always among the first to be chosen. He became an expert baseball player and won distinction in this art among the local teams. He was a member of the "Eureka" team for a number of years, composed of Sevier county boys, of which sheriff Tom Davis was captain. Pleas Wynn was also a member of this team and a very fine player, being the fleetest on foot of any one in the team.

Tipton was not only an expert in such games and pastimes as above referred to, but he was very fond of hunting and fishing, and was equally as successful in this field of sport.

He was a crack shot with a gun or pistol, and could bring in as much game as any one who went after it. Having been raised on the very banks, as it were, of the two Pigeon rivers, when it was not unlawful to fish with the gig, or seine, or by shooting them, and delighting in the sport, he became a skillful fisherman and spent much time with the finy tribe.

So strong was his inclination for this kind of sport, he still followed it, according to his own confessions, in violation of the law after it had been made a highly penal offence to take fish from the streams in any manner except by hook and line. Even on the night of the Whaley murder, it is claimed that he and Wynn were fishing, both above and below Sevierville, with dynamite, and succeeded in capturing a fine lot of fish. This fishing tour, which the parties related in the testimony upon the witness stand, enters largely into the history of this famous trial.

Tipton was also a good mechanic, being both a carpenter and a blacksmith. For the past fifteen years he spent the greater portion of his time at the carpenter's trade. While not a fine workman, yet he was an average country carpenter and found ready employment on many of the best jobs in the county.

His brother-in-law, B. B. Bailey, with whom he lived for some time, is one of the best blacksmiths and wagon makers in the country, and Tipton spent enough time with him in his shop to become a fair mechanic in this line. And at the time of the Whaley murder, and for some months previous, he was working with Bailey in Sevierville, while his family lived two or three miles in the country.



In the spring and summer of 1884, Tipton was engaged to assist in the construction of a hotel at "Seaton's Summer City," Seaton's Springs, about eight miles above Sevierville. While thus engaged, he formed the acquaintance of the girl who afterwards became his wife. She was the daughter of Mr. James Seaton, the owner of Seaton's Springs and proprietor of the hotel Tipton was helping to erect. Their courtship was short, but romantic, and on the 21st of June, 1884, James Catlett Tipton and Mary R. Seaton were united in the holy bonds of matrimony by J. H. Atchley, Esq., a Justice of the Peace of Sevier county. This marriage was stoutly opposed by the parents of Miss Seaton, but love which had sprung up between these two young people was not to be thwarted by parents or any one else, and over the protests of father and mother the young lady left home and was married as above stated—a marriage which is commonly termed a "runaway match." Miss Seaton was what might be called a pretty country girl of splendid character and was very popular among her associates.

A reconciliation was soon effected between the young wife and her parents and she and her husband returned to the parental home, where they were received and treated in the most hospitable manner.

Mrs. Tipton was a devoted Christian, having been raised by the most devout Christian parents, and made her husband a loving, helpful wife. As a result of their marriage Mr. and Mrs. Tipton have five bright-eyed and healthful boys, who live with their mother near Sevierville.

While Catlett Tipton was a boy and a young man of good appearance and polite address, as well as above

the average in intelligence, yet he was always inclined to be a little wild and run with wild boys. He liked the new and the adventurous, and this, combined with wicked associates, proved his ruin. When the nefarious practice of white-capping broke out in Sevier county, Tipton early espoused the cause of the new order, and by reason of his intelligence and his superior executive ability, he at once became a leader and directed much of the effective work of the organization.

After Sevierville and immediate vicinity became the field and center of active operations of the White-caps, Tipton became the captain of the band, and thus, as it is understood, was the chief officer. Now that the organization has gone to pieces, and its leaders scattered—many of them having left the country, while others are in the clutches of the law, people generally feel that they can speak out freely and express their sentiments with impunity; hence it is not so difficult to obtain information regarding White-caps as it formerly was. For this reason nearly every man who belonged to the White-cap organization in Sevier county is now known. Many people talk it out freely. Even some of the persons who joined the order but who joined no raids and are guilty of no outrages, now acknowledge it. Hence our information that Catlett Tipton was a member and a leader of the White-caps in Sevier county is absolutely reliable.

He perhaps swore more men into the order than any other one man. While at this date he has made no published confession of his connection with white-capping, yet he has told to a number of reliable persons much of his white-cap history. He has told of a number of raids that he was on, and who was whipped

and who did the whipping. He has told of quite a number of prominent citizens who belonged to the order and who were sworn in by himself as the authorized official of the band.

Many of these citizens were for a long time accused of belonging to the White-caps, but as often denied by their friends, and, until of late, the truth was never known. But since Tipton has made voluntary statements about these matters and given details of times and places and circumstances, all of which comport with reason and former suspicions, there can be but little doubt that he has told the truth about these matters.

The names of these parties could be given, but on account of their prominence and the request of Tipton that their names should not be divulged, it is deemed proper not to bring them before the public.

As before stated, Tipton named specifically several raids that he had made, as a White-cap, the names of those with him, as well as the names of the individuals who were whipped. Some of these were in the town of Sevierville and some in the immediate vicinity around it, while others were in more remote parts of the county.

Tipton and Pleas Wynn have been indicted and convicted of the murder of the Whaleys and sentenced to hang, on the 4th day of January, 1899, at Sevierville. Like many other cases of this kind, it is not absolutely known that they are the parties who committed this crime, but it is safe to say that a large majority of the people, who know the facts and heard the testimony, believe that they are guilty.

There is no doubt that Tipton's association with the White-cap organization and the bad men who belonged to it, brought him to the sad and almost hopeless condition in which he now finds himself.

The worst men of the country joined his band, with whom he held midnight caucuses and planned raids against supposed violators of their moral creed. Among these were Pleas Wynn and Bob Catlett. It is generally known that Bob Catlett joined the White-caps about two years prior to the Whaley murder; and while Tipton had known something of Catlett all his life, yet their association was never very intimate, until the latter joined Tipton's band of outlaws. Because of Bob Catlett's standing financially—being a man of large estate in that county—the captain of the White-caps undoubtedly felt that he was a great acquisition to the organization.

If Tipton and Wynn are hung, it will be on the theory that they were hired by Bob Catlett to go to the Whaley house and kill both William Whaley and his wife on the night of the 28th of December, 1896.

Bob Catlett himself, after several intimate conversations with Pleas Wynn on the morning of that day, left with four horses for Asheville, N. C., or other points south.

Wynn and Tipton admit that they left home that night about dark, and were out till about two o'clock by themselves, at which hour they returned home and retired. But they insist that they were fishing up and down the river from Sevierville, and therefore did not go to Whaley's nor commit the murder. Whether guilty or not, a chain of circumstances has been so

closely woven about them that two juries and the circuit judge who tried them, and the Supreme Court, which affirmed the verdicts of two juries, have all been satisfied of their guilt beyond a reasonable doubt and sentenced them to die, and this is the end of the law.

It was his association and talk with Bob Catlett immediately before the Whaleys were killed, coupled with the fact that bad feeling existed between Catlett and the Whaleys, and the further fact that the latter had, only a few weeks before they were killed, gone before the grand jury at Sevierville and given information on which an indictment was found against Bob Catlett and Bob Wade for alleged white capping, or charges of that nature, that caused the arrest and prosecution of Wynn and Tipton.

Everybody greatly sympathizes with Tipton's wife and little children, who, being left in straitened circumstances, will have a struggle not only against poverty through life, but against the humiliation and disgrace that always follow the conviction for such a crime and an execution upon the gallows.

But be it said that no blame is laid at the door of the good wife. She, perhaps, has given him better counsel and certainly has not encouraged him in a course of wrong doing. She still clings to him with the love that inspired her to forsake parents and home, with all its endearments, and cast her all upon his manly arm in his young manhood. She is none the less respected by good people because she does thus show her devotion to her husband in his last extremity. This shows the true woman and loving wife, whether he is innocent or guilty of the great crime for which he has been sentenced to die.

His old and respected mother, who still survives, and who has given her son better advice, as well as his two sisters, come in for a full share of sympathy from all good people.

Let us hope that the little children whom Catlett Tipton leaves behind him to bear his name, will not follow in the foot-prints of their father, which, sooner or later, will inevitably lead to irretrievable ruin.

## CHAPTER XXVI.

W. R. CATLETT.

William Robert Catlett, the subject of this sketch, was born on a farm near Sevierville, and is now about 45 years of age.

He is commonly known as Bob Catlett, and is the oldest son of James P. Catlett, who died at his home near Sevierville about six years ago. His mother died many years ago, when Bob was a small boy, leaving him and one brother, James M. Catlett, to survive her. His mother was a McMahan, coming as she did from one of the oldest and most respectable families in Sevier county. The McMahans were pioneers in that section, and now a very numerous branch of the population of that county. After the death of his first wife James P. Catlett married Nancy E. Mullendore, a sister of Captain W. W. Mullendore, a distinguished member of the bar at Sevierville. She still survives, and lives on the old Catlett homestead, near Sevierville, with her two daughters, her only living children. Both the mother and step-mother of Bob Catlett were noted for intelligence, piety and Christian character. This is as much as to say that Bob's early home training was not neglected. His education is limited. He only attended the common schools of the county. His father was in good circumstances financially, and could have given his son a complete education, but the latter was not very much inclined to books, and the father did not press the matter beyond an ordinary business course.

Bob was fond of stock from his early childhood. He thought much more of a good horse than a book. The father, seeing the bent of his boy's mind, at an early age gave him superior advantages in that direction. He gave Bob money and allowed him to buy and sell and swap as he chose, and in this way he soon became a first-class stock trader as well as a farmer.

Few men are better judges of a good horse than Bob Catlett, and perhaps none of his age have had as many law suits over their buying and selling and swapping as he. It seemed that when he sold or swapped off a horse, that something always got the matter with it the next day or in a short time. Then the fellow came back on him, and a law suit followed. He always considered himself unlucky in this particular. He has been a successful farmer as well as trader, and is the owner of one of the best farms in Sevier county, containing something like six hundred acres. His farm is well stocked and everything around his home has the appearance of prosperity.

But from his boyhood Bob was inclined to be wild and sometimes reckless. He took delight in perpetrating a joke or playing a trick on his associates, and this often went beyond the limit of innocent fun. In this way he got the name among many people of being mean.

Unfortunately he acquired the habit of strong drink in his boyhood. At times he drank to excess, and when intoxicated he was disagreeable, overbearing and even reckless. In recent years he has not drank so much as formerly, and especially for the last two or three years.



On the 22d day of March, 1876, he was married to Miss Mary A. Wade, the daughter of Hon. J. J. Wade, a substantial farmer and one of the best men of Sevier county. Miss Wade was in every way worthy of the man she married, and has made him a devoted wife. They have a large family of children, consisting of two boys and nine girls.

His oldest daughter is intelligent and refined and has a good education. She is one of the foremost teachers in the county, having taught one year in Murphy College.

This family is a very interesting one, and there is only one thing, apparently, that prevents them from being a happy family—and that is the cloud that hangs over them on account of the husband and father being implicated in the murder of the Whaleys. Of course they are in no sense responsible, even if it should turn out that he is guilty, but they are innocent sufferers, all the same.

Catlett has, no doubt, made many mistakes in his life: but the biggest one was when he joined the notorious White-cap gang, an institution that has brought sorrow and ruin to many a happy home in Sevier county.

He did not become an early disciple of the new order, but he was actively connected with it for only about two years prior to the Whaley murder. During this time Sevierville and vicinity were the places of active operations, and especially were all their meetings held there by those high in authority in the organization. These meetings were sometimes held in rooms and houses in Sevierville, and sometimes at the houses

of White-caps who lived near. Many of them were held at Tipton's own house, about three miles from the town.

After his connection with the order Bob Catlett was much seen about Sevierville, both day and night time, although he lived about seven miles from the town. It is not guess work that he was a White-cap, but this is known beyond the peradventure of a doubt.

Catlett Tipton himself, the chief of the White-caps, has said so, time and again, and has even implicated him in the Whaley murder by offering him (Tipton) a hundred dollars to put Whaley and his wife out of the way. While this comes from the chief of the White-caps, and from a man condemned to die for this awful crime, yet it is reasonable and comports with all the other facts and circumstances going to show Bob Catlett's guilt. It was on this theory that the State rested its prosecution against Wynn and Tipton, and two courts and two juries have said that they believed it was correct beyond a reasonable doubt.

During the summer and fall prior to the killing of the Whaleys, the latter then living on Catlett's land, had some trouble with him over some rent corn and over some talk that Catlett had heard Whaley's wife had about him (Catlett) being a White-cap, &c. The Whaley family left the Catlett farm and moved to Captain Wynn's farm, some two miles below Sevier-ville. About this time Whaley and wife were taken before the grand jury and on their testimony an indictment was found against Bob Catlett and Bob Wade, charging them with rocking and shooting into Walter Maples' house. This incensed Catlett all the more,

and furnished the alleged motive for inciting and procuring the killing of both Whaley and wife.

Catlett has never had his trial, but recently secured a change of venue from Sevier to Hamblen county, where he will be tried for his alleged complicity in this crime. He is now in jail at Morristown, having been, at the last term of the Circuit Court at Sevierville, denied bail by Judge Nelson by reason of the fact that the cases against Wynn and Tipton had been recently affirmed by the Supreme Court, and other evidence accumulating against him that pointed unerringly to his guilt.

There is no concealing the fact that public sentiment in Sevier county is overwhelmingly against Catlett, and whether or not he is ever convicted of this charge, the almost unanimous sentiment of the people of that county will still be that he and he alone inspired the bloody deed.

This is the first crime of any magnitude that Catlett has ever been indicted for, so far as we know, but he has been much censured by the public because of his contributory, if not criminal, negligence leading up to the death of two or three worthy young men in Sevier county.

About ten years ago a young man named Maples, who lived on Catlett's farm, became intoxicated and provoked a quarrel with James Clemison, another tenant of Catlett's. This was on Sunday, and Catlett being with them, it is said that he rather encouraged a fight than interceded for peace. Night came on without any personal altercation between the parties, but some time after dark Maples and Catlett went to

the house of Clemison and Maples demanded entrance while Catlett stood by encouraging him. On being refused entrance, Maples broke the door down and started to enter the house, whereupon Clemison picked up an axe with which he had provided himself and struck Maples a terrific blow, literally splitting his head, turning his brains out on the floor and killing him instantly.

This occurred on Catlett's farm, near his dwelling house and in his very presence where he could and should have prevented it. Clemison was not prosecuted, being held justifiable in defending his home against an intruder under such circumstances.

Maples was a quiet young man, when sober, and would never have committed the rash act that brought about his untimely end had it not been for the fact that he was drinking and urged by one who, if not altogether responsible for the murder, was nevertheless much to be censured for standing by and seeing it done when he could easily have prevented it.

At another time, Catlett had been to a protracted meeting back in the knob country a few miles from his home, and was returning in company with a young man named Ballard. When only a short distance from the church, Catlett proposed a horse race with Ballard, which challenge was accepted and the race entered into, but they had not proceeded far when Ballard's horse fell with and broke his (Ballard's) neck, killing him instantly.

Ballard was a mere boy while Catlett was a man of mature years, and should have prevented rather than contributed to the death of the unfortunate young man.

These are two deaths that the people have always blamed Catlett with, although he did not directly commit them.

While drunk on one occasion, several years ago, Catlett provoked a quarrel with John Burns, a harmless and inoffensive citizen, then drew his pistol and shot Burns in the shoulder, inflicting a very serious but not fatal wound.

In this case Catlett's father and other friends interposed, and for a money consideration (Burns being a very poor man), adjusted the matter and Catlett was not prosecuted.

These are a few of the ear marks in Catlett's history which clearly indicate his character.

Few men in Sevier county have had superior opportunities than Bob Catlett to make money and become prosperous and useful citizens. As before stated, his father gave him good opportunities, and his uncle, William Catlett, who died a few years ago, leaving an estate worth about \$75,000, gave Bob considerable sums of money during his life, and in his will left him a good portion of the estate.

Bob's full name is William Robert, having been named for his uncle, who always though a great deal of his nephew and gave him much good counsel, but which, to a large extent, was unheeded.

For a man who has been well raised, always in good circumstances and surrounded by good people, to be languishing in jail for a crime the parallel of which has never been known in Sevier county, is so unusual that it almost challenges belief. Yet, it is too true, and what the ultimate outcome will be is awaited with more than ordinary interest,

"Will Catlett's money save him?" is a question often asked, prompted no doubt by the prevalent opinion that money plays an important part in the trials of men charged with crime.

However true this may be, it is to be hoped that justice will in the end prevail, and that money, potent as it is, will not be permitted to stand in the way of the conviction and punishment of the parties who so brutally murdered poor William and Laura Whaley on that fatal night in December, 1896. If Bob Catlett either committed or inspired others to commit this crime, he should be hung, though he were worth a million. But if he is innocent, then not a hair of his head should be touched. He should in this event be returned to the bosom of his family to comfort them and live the quiet, peaceful citizen that the law requires of every man.

## CHAPTER XXVII.

### M. F. MAPLES.

Millard Filmore Maples was born in Sevier county about six miles east of Sevierville in the month of August, 1856. He is forty-two years old and in the prime of life and vigor of manhood. He is a son of G. R. Maples, Sr., a farmer and an old ex-federal soldier.

He was born and raised on the farm and trained by his father to that occupation, but farming did not suit his taste very much, and after he had grown up and married, he soon drifted from the farm into other business channels.

Mr. Maples has only a common school education, but being bright and intelligent he thoroughly mastered the common school course and acquired what might be called a good business education.

In the summer of 1894 he made his first race for sheriff of Sevier county. Maples being naturally of a social disposition and a good mixer, his work for the previous fifteen years had afforded him an excellent opportunity to become well acquainted with the people in all parts of the county.

His opponents in this race were G. L. Delozier, who was then sheriff, and Captain E. M. Wynn, who was an ex-sheriff, having served two terms in that capacity. Both of these men were of splendid character and very popular with the people, besides being thoroughly acquainted throughout the county. Three stronger men are seldom pitted against each other.

This race occurred at a time when the White-caps were holding high carnival in Sevier county and made themselves felt in elections. Maples took a bold stand against this organization and its practices and asked of them no assistance. This, of course, drove the White-caps from him, but brought to his support most of the anti-White-cap leaders. It was also understood that Maples would appoint one democrat as a deputy, and this brought to him the full democratic vote.

While Captain Wynn was not believed to be a White-cap, but on the contrary a quiet and law abiding citizen; yet for some reason the White-cap element as a rule was supposed to be for him, as well as many others who were known not to belong to that order.

Delozier's supporters were men who stood between the two great extremes and consisted of a large number of conservative men of all classes in the county.

Maples was elected by a plurality of 147 votes, and inducted into this office the following September. His first term as sheriff was not marked by any special incidents, except so far as the war he and his deputies waged against the White-caps.

It was he and his deputies who arrested thirteen at one time, charged with white-capping, and brought them into Sevierville for trial. This was immediately after the battle near Henderson's Springs between the White-caps and Blue Bills, in which three men were killed and one or two others wounded.

Maples has always waged an unrelenting war on the White-caps and was hated by them second to none except Tom Davis, his faithful deputy and anti-White-cap leader.



He was a candidate again and re-elected in 1896, thereby receiving the endorsement of the people of the county for an honest and faithful administration of his first term.

His opponents in his second race were C. C. Yett and R. H. Shields, the former being a son-in-law of Captain Wynn and a deputy under him when he was sheriff, and the latter being a warm supporter of G. L. Delozier. It is therefore seen that the field was divided much in the same manner as in the former race, and the same issues in a measure entered into it. This time Maples was elected by a plurality of 162 votes.

Soon after his second election the Whaley murder occurred. This afforded sheriff Maples and his deputies additional reasons for pursuing the White-caps with more zeal than ever, which they did. This murder aroused so much public sentiment against white-capping that sheriff Maples thought that now was the time to strike the death blow. And to that end he and his deputies went to work as never before to drive this hated organization from the county. So he and his deputies became vigilants and detectives to hunt down White-cap criminals wherever they might lurk, and especially were they determined to hunt down the Whaley murderers and bring them to justice. What success they have had remains for the public to judge.

By the time sheriff Maples' term of office expired, white-capping in Sevier county was almost a thing of the past, and many of those found guilty of this offense had been tried and convicted.

Sheriff Maples took a leading part in the prosecution of Pleas Wynn and Catlett Tipton, and on this account

incurred the enmity not only of the defendants but of some of their friends and relatives also.

This led to an unfortunate difficulty between sheriff Maples and William Wynn, a brother of Pleas, during the March term of circuit court, 1898, in Sevierville, in which Maples shot Wynn, who died in a few hours.

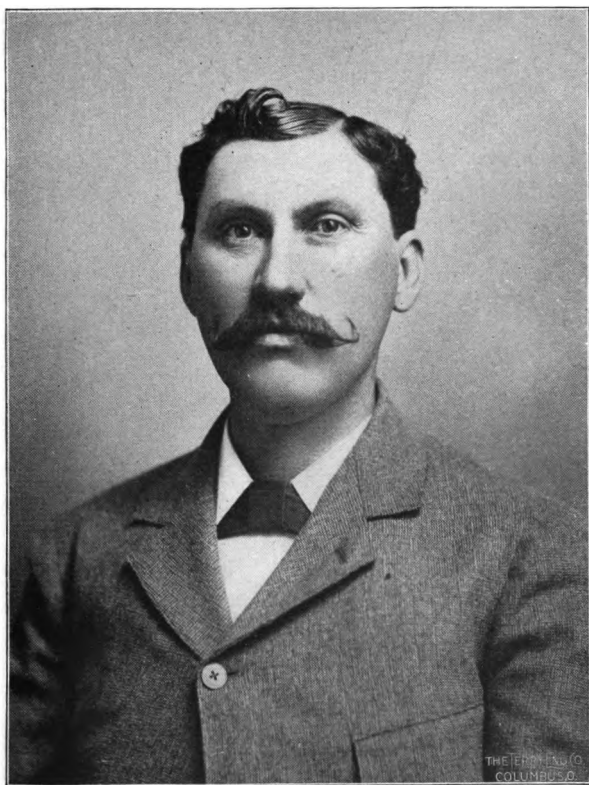
Pleas Wynn and Catlett Tipton were being tried for the Whaley murder at this time and William Wynn not liking the interest Maples was taking in the trial both as a witness and an officer, and being somewhat intoxicated, accosted Maples on the street and began cursing and abusing him. Whereupon Maples drew his pistol and shot him, but not until Wynn had threatened to kill him and made an attempt to draw a weapon, as Maples claims.

Maples now stands indicted for the killing of Wynn, and insists that he was justifiable in doing it under the circumstances.

The case will probably be tried at the next term of the circuit court, at Sevierville, when the public will get the merits of the case as presented by the testimony.

It is generally admitted that Wynn sought the meeting between him and Maples and brought on the difficulty, and being a bold, dangerous man, will all militate in Maples' favor.

When Tom Davis became a candidate for sheriff against Mr. Shields, sheriff Maples, remembering the great services rendered him by Davis while a deputy under him, espoused his cause very enthusiastically and contributed much by his vast influence to the election of Davis.



**SHERIFF M. F. MAPLES.**



Maples has always been a strong republican, but in this instance he took the bit in his mouth over the protests of many of his friends and appointed Tom Davis a deputy because of his peculiar fitness for the position.

He had no cause to regret this appointment, and when Davis became a candidate for sheriff he could not withhold his support from him, even though a democrat. He felt that it was not inconsistent after having appointed Davis a deputy to give him his support, and right or wrong this is the record he has made.

Maples was married when quite young to Miss Julia Lillard, of Cocke county, a quiet, unassuming Christian woman, who made him a cheerful and zealous helpmeet through all his struggles in life.

Mr. and Mrs. Maples have only one child, a daughter, who is now Mrs. W. H. Gass, of Sevierville.

## CHAPTER XXVIII.

### THE ROBBERY OF JOHN BURNETT.

John Burnett is an old pensioner and owns a little hill-side farm six miles west of Sevierville among the foot hills of the Chilhowee mountains. He was a hard working old man and evidently had struggled hard through life to support his wife and large family of children.

Besides the income from his little farm, he received a pension of twenty-four dollars per month. These two sources of revenue were his only means of support. From the first he received supplies for the table, while the other was usually spent in buying the necessary clothing for the family. Therefore, Burnett and his family hailed with delight the coming of "pension day."

One cold November morning in 1896 Mr. Burnett mounted his horse and rode away in the direction of Sevierville. He had not told all the members of the family where he was going. Mrs. Burnett, however, well knew his mission. The children asked :

"Where is papa going this cold morning?"

A bright smile lit up their faces when they learned he had started for Sevierville to cash his pension check, for winter was coming on, the mornings were cold and frosty, and they had not yet received their winter shoes.

Mr. Burnett drew his money from the Sevierville bank, and as he stuffed a big roll of greenbacks in his pocket, remarked :

"Mattie and the children will be happy tonight. They've been teasing the life out of me for their winter clothing."

The children anxiously awaited the return of their father that evening. But the sun had set and the blue mists of twilight were fast gathering over the old homestead when Mr. Burnett rode up to the gate. They met him at the gate and their hearts were overjoyed when they were assured that he had his money—seventy-two dollars.

It was a happy family that sat around the fire-place that night and talked of what each one would receive. Some new shoes, some new hats and cloaks, while the grown boys were to have new suits of "store clothes."

But "a bird in the hand is worth two in the bush," and speeding hours sometimes bring with them events which play havoc with our brightest hopes.

At that very moment Pleas Wynn, George Thurmer, and Jap. and Joe Jenkins were playing cards for drinks in an upstairs room at Yett & Trotter's store and planning a raid for ill gotten gains.

Pleas Wynn's sharp eye had caught a glimpse of that large roll of greenback as it passed from the hands of the cashier into those of the owner. Pleas sat whittling on a goods box in front of the bank, and while apparently taking no notice of his surroundings, was watching the transaction on the inside.

When the boys were fairly well "tanked up" that night on mean liquor Pleas told of what he had seen at the bank and suggested that they "take it in."

This was a new field of business to Thurmer, and at first he protested against it, saying:

"I have just returned from serving a term in the penitentiary, and we will all get caught up with, and then I will have another job an my hands."

"You are the very man we need, George," argued Wynn. "You must go; we can't do without you."

"Pshaw, George. They ain't one bit o' danger. They can't do nothin' with a White-cap," chimed in Joe Jenkins.

"Well, they might," said Jap. "Let's all take another drink and then we will talk more about it."

The drinks went around and then another big "horn" was taken, and a bright smile played upon the faces of the four robbers as Pleas Wynn gave out the plans in detail and told them how easy it would be to frighten old man Burnett out of his senses, take his money and disappear in the darkness.

Jap. and Joe Jenkins were conducting a livery stable in the lower end of town, also a "blind tiger," so the horses and liquor were at hand, and they started at once for the Burnett home. They rode at a lively gait and were not long in reaching their destination.

Crash went the door, and three men closely masked stepped inside. Mr. Burnett, aroused from his midnight slumbers, stood gazing at the robed figures in utter astonishment.

"Hold up your hands," came the first command.

It was no sooner given than obeyed, and Burnett stood on his tiptoes reaching for the ceiling overhead.

They turned to his daughter's bed and ordered her to get up and light a lamp. As she did not obey at once she was dragged out of bed in her night clothing and forced to make a light.



Two of the robbers took Burnett into an adjoining room while the third stood by Mrs. Burnett's bed with a drawn club.

"Where is your money?" Burnett was asked.

"I—I—hav—haven't got any," stammered the old man, as he turned his pockets inside out.

"D——n you, I know you have," said the low, heavy-set man. "Get it for us, and be d——d quick about it."

The command was emphasized by two large revolvers which were thrust in his face so close that one touched his cheek. This had the desired effect and Burnett said:

"Take me in the other room and my wife will get it for you."

Mrs. Burnett did not know where it was, but the eldest daughter did. Burnett rushed frantically around the room opening a drawer here and there making an honest effort to find the money, but failed to do so.

The robbers thought he was playing a game on them, and one struck him on the head with the butt of his pistol, knocking him down.

"Now, d——n you, take that," he said. "We've come to get your money or your life, one or the other, and we don't give a d——n which."

Through all this excitement the heroic daughter, who knew where the money was concealed, had remained silent. But when she saw her father fall to the floor, she weakened, and pulling out a drawer gave the money to Pleas Wynn.

This ended the fearful scene. The robbers disappeared as abruptly as they had made their appearance, leaving the erstwhile happy home in sore distress.

Burnett sank down in an old-fashioned rocker by his wife exclaiming :

"Oh, my God! Mattie, we are ruined, now."

The robbers went dashing down the road at a break-neck speed, and when about a mile and a half from the scene of the robbery, they turned into a little scope of woods, dismounted and divided the money. Pleas Wynn drew from his pocket a roll of greenbacks, and not satisfied with having robbed an old pensioner, he now plays a game on his companions in crime.

"Thirty-nine dollars was all I got," said Pleas.

"The h—ll you say," said Jap. Jenkins. "Then we didn't get it all. They put up a job on us at last."

The thirty-nine dollars was divided into four equal parts, Wynn keeping his share and also the balance of the seventy-two dollars which the young girl had given him.

They remounted their horses and the return trip was made in double quick time. On reaching the outskirts of town they checked their flying steeds and quietly rode into town, two and two.

At the March term of court, 1897, Pleas Wynn, George Thurmer, John Christopher, Jap., Joe and Sam Jenkins were indicted for this crime. John Christopher, Sam and Joe Jenkins were tried at the July term of court, 1897. Joe Jenkins was convicted and sentenced to the penitentiary for five years and is now serving the term. John Christopher and Sam Jenkins were acquitted, and indeed they should have been, as

neither was guilty, according to the statements of some who participated in the commission of the crime.

Pleas Wynn, Jap Jenkins and George Thurmer have never been tried for this crime, and, perhaps never will be, as Wynn is sentenced to die upon the gallows for the murder of William and Laura Whaley, and Jap. Jenkins and George Thurmer have turned the light on and rendered the officers valuable assistance in ferretting out other crimes.

Joe Jenkins, the man who said "They can't do nothin' with a White-cap," is the only one to suffer the penalty of the law.

On the return trip from Kentucky with George Thurmer, he said to deputy sheriff Tom Davis:

"Take these handcuffs off."

"No indeed," replied the officer. "If you had taken my advice, George, and told what you knew about this matter you would have been a free man to-day."

"If I am ever offered that opportunity again, by G——d, I'll do it," said George.

"Open up yourself then," replied the officer, "the opportunity is at hand.

Thereupon George made a clean breast of the whole matter. He has also given out valuable information besides coming to sheriff Maples' rescue at a critical moment.

There are few men who have become so destitute of all sense of honor that they have no good qualities left. George was not an exception to the rule.

John Burnett well knew the dangerous character of the robbers, who had threatened his life if he revealed the loss of his money, and immediately moved to Knoxville, where he now resides.

## CHAPTER XXIX.

### THE ROBBERY OF ANDREW HENDERSON.

This robbery occurred in the latter part of November, 1896, following closely the robbery of old man John Burnett.

"Old Uncle Andy," as he was familiarly known, lived in the Henderson Spring neighborhood and was one of the oldest and best citizens in Sevier county. Besides owning one of the best river farms in the county, it was a well known fact that he always kept on hand a large sum of ready cash.

He was an out-spoken old man, and did not hesitate to speak his sentiments. He never occupied neutral ground on any grave question, but took one side or the other, and was always able to defend his position. Like all the other Hendersons of Sevier county, he took a bold stand against the White-caps. Hence the motive for the commission of this grave crime may have been two-fold.

These midnight raiders, no doubt, reasoned with themselves in this way: that they would not only enhance the sum of their ill-gotten gains, but at the same time would get even with a relentless enemy for his bold denunciation of their cowardly crimes.

It has always been believed by Sevier county people that at least some of the men committing this crime were his near neighbors who were perfectly familiar with all the surroundings.

Uncle Andy was suddenly aroused that night in November from his midnight slumbers by a heavy crash at his window. He opened his eyes and found the muzzle of a shot gun staring him in the face, and at the same time came the command :

“Hold up your hands.”

The robbers, evidently, were acquainted with the situation and well knew that Uncle Andy's shot gun was always near his bedside, and although old and feeble, he knew how to handle it, and they did not care to take equal chances with him. So one of them thrust a shot gun through the window pane and kept him covered while the others battered down the door.

Once on the inside it was an easy matter to accomplish their purpose. They dragged the old man from his bed and shoved him around the room in a rough manner, and with a man at each arm they led him to his safe and demanded him to open it at once. He obeyed the command but it was some little time before he could get it open. He had forgotten the combination and had begun to grow uneasy for fear he could not open it at all. He turned the knob with great care, for he knew full well that his life depended on his success in opening the safe. At last the safe was opened and the shining gold, amounting to a little over two thousand dollars, was turned over to the robbers.

Yet they were not satisfied ; they knew Uncle Andy always kept on hand for his morning dram some of the finest liquor that could be had, and making their way to his closet they found a two-gallon demijohn upon which the seal had not yet been broken. Satis-

fied at last, if indeed it is possible to satisfy the ravenous greed of a midnight robber, they bade him good-night and departed.

Soon the loud clatter of horses' hoofs was heard going down the road in the direction of Sevierville, and three or four reckless riders reeling in their saddles and yelling at the top of their voices :

"White-caps! White-caps! Hurrah for the White-caps!"

On they went as fast as their fiery steeds could carry them, passing the farm houses one by one in quick succession, still yelling :

"White-caps! White-caps! Clear the way—the White-caps are coming!"

On approaching the town of Sevierville they tightened their reins and came suddenly to a halt, and nothing more was heard of them.

Before leaving old man Henderson, they waived a pistol in his face, saying :

"Old man, if you ever cheep this, your life instead of your gold will pay the penalty."

The old man and his aged companion lay in bed talking in subdued tones until ten o'clock next day. They imagined they could hear the robbers walking around the house and thought they had returned to carry out the threat they had made the night before. It was, therefore, late in the day before the neighbors knew that a robbery had been committed.

He finally sent for his nephew, William A. Henderson. When he came, the old man burst in tears, saying :

"Bill, I am ruined, I am ruined!"

"What on earth is the matter, Uncle Andy?" queried his nephew.

"They have robbed me of all my gold, and left me without a cent," replied the heart-broken old man.

It would have been better had they murdered him in cold blood, for the shock that he received that night with the loss of the earnings of a life-time no doubt caused his death.

Up to this time his mind had been as clear and bright as it had ever been in his younger days, but now it became unbalanced from meditating and brooding over his sad misfortune. He lingered along for two or three months and died, his mind gradually giving away.

There is still an outstanding reward of three hundred dollars for the arrest and conviction of the perpetrators of this midnight robbery.

We close this chapter without giving the general public all the facts known in regard to the parties committing the crime, as officers are now working hard on this case with a fair chance of success.

## CHAPTER XXX.

### WHIPPING OF MRS. MARY BREEDEN AND HER DAUGHTERS.

In the write-up of the White-caps and their depredations in Sevier County, it has not been the purpose of the writer to give full and detailed accounts of all the minor offenses committed by them.

It would take a volume of more than one thousand pages to give such accounts, and do the subject justice, there frequently occurring more than a dozen whippings in a single night. Such being the case, the writer is content to give an account of only such whippings as proved fatal to the unfortunate victims.

The whipping of Mrs. Mary Breeden and her daughters, Bell and Martha, is a case of unparalleled cruelty, and shows the depravity of the human heart.

One Saturday night about the middle of May, 1893, the inmates of the Breeden home were aroused from their peaceful slumber by the footsteps of unknown parties surrounding the house and the captain of the band calling :

“ Oh ! Jes, Oh ! Jes ! get up we want to see you.”

Jes was Mrs. Breeden's oldest child and only son, a young man of good character and exemplary habits, who struggled hard for the support of his widowed mother and her large family of children. The White-caps had not given the Breeden family any previous notice, as was their custom, and the unsuspecting young man opened wide the door of their humble cabin home.



He was greatly surprised to find the yard full of masked men, who, quick as a flash, covered him with their guns.

He was asked if the house belonged to him or his mother.

"It belongs to mother I guess, as I am not married," he replied.

Eight of their number came in the house and while four of them kept the young man covered with their revolvers, threatening to blow his heart out if he moved, the other four proceeded to drag Miss Bell, the oldest daughter, from her bed and took her out into the yard in her night apparel. Two men each taking her by the hand, held her arms outstretched at full length, while two others, one on each side, gave her a most cruel and unmerciful beating.

The young woman felt the sting of the cruel lash laid upon her bare back and made a desperate effort to free herself from the death-like grasp of hellish demons. But all to no purpose. She was powerless in the hands of this heartless band of base cowards whose deeds were as dark as hell its self. Her punishment was only more severe for the efforts she made to escape such cruel treatment.

In the meantime, however, Mrs. Breeden, with a motherly love for her daughter, was interceding in her behalf, and begged them in the name of high heaven to spare her daughter's life. The reply came from the leader.

"G—d d—m you. Hush!" "It will be your time next."

Miss Bell was led back into the house writhing in pain; the blood stains clearly visible through her night gown.

Miss Martha was next taken into the yard and forced to go through the same trying ordeal except her punishment was not so severe.

Again Mrs. Breeden interceded in behalf of her younger daughter, which did no good however, but rather had a tendency to infuriate the mob.

Next in turn came Mrs. Breeden, who, in like manner, received the same punishment as her two daughters, except that it exceeded theirs in severity.

Of all the heinous crimes committed by this lawless band, there is none, perhaps, that equals in point of brutality the whipping of old Mrs. Breeden, except the murder of William and Laura Whaley.

Mrs. Breeden had just passed her sixtieth year, and was a hard-working inoffensive old lady. She had evidently had a hard struggle through life to support her large family of children. And her two oldest daughters, Bell and Martha, who were rather handsome, had been her tender care for many years. And now, to stand by and see those two beautiful rose buds which she had so long watched over and cared for, plucked from the bush, as it were, when just bursting into full bloom of hope, and dragged from under the parental roof in their night apparel, and subjected to a cruel beating, was more than she could endure. Although she realized the situation, and knew full well that to utter one word in their defence, was treading upon dangerous ground, yet moved by the impulse of a motherly love, she entered a protest against such

cruel treatment. She strongly denied that her two daughters were living in adultery, as they were accused of doing, and branded them as base cowards for overpowering a woman. For this she was cursed and abused, and then, in turn, was dragged into the yard where she received a fatal whipping.

The scene of this whipping is one that will ever live in the minds of those who witnessed it, and which, no doubt, the perpetrators thereof would like to blot from their memories forever. Although they may attempt to escape from the recollections of this awful crime by roaming in distant lands, yet they can never escape those nightly visions that hover around the bedside and prey upon the mind of a heartless wretch who would commit a crime like this. They can never close their eyes upon such a ghastly scene, but like a fairy phantom, it will ever follow their wandering footsteps through the busy scenes of this life, and haunt them where ever they may be.

It was indeed a most heartrending scene. Enough to arouse the sympathies of the most hardened criminal, and melt into tears a heart of stone. The withes used in this whipping were black gum of an unusual size, being at least three-fourths of an inch in diameter at the larger end, and with the knots left on them. When they lapped across the shoulders of the poor unfortunate woman the knots cut great gashes in her flesh. She had upbraided them for their cruelty and cowardice in overpowering and punishing her two daughters, and they in turn determined to make an example of her to teach others what it was to reprove them for their lawless deeds. Blow after blow in quick succession was laid upon her body, while she screamed at

the top of her voice for help. And while writhing in great agony, struggling alone to free herself from the clutches of this heartless band of desperadoes, one of their own men, whose heart was touched by the horrible scene came to her rescue.

He had stood back in the dark, and up to this time had taken no part in the proceedings. He boldly stepped to the front and in a commanding voice said :

“Don’t strike her another lick.” “I know this old lady and she dosen’t deserve such treatment as this.”

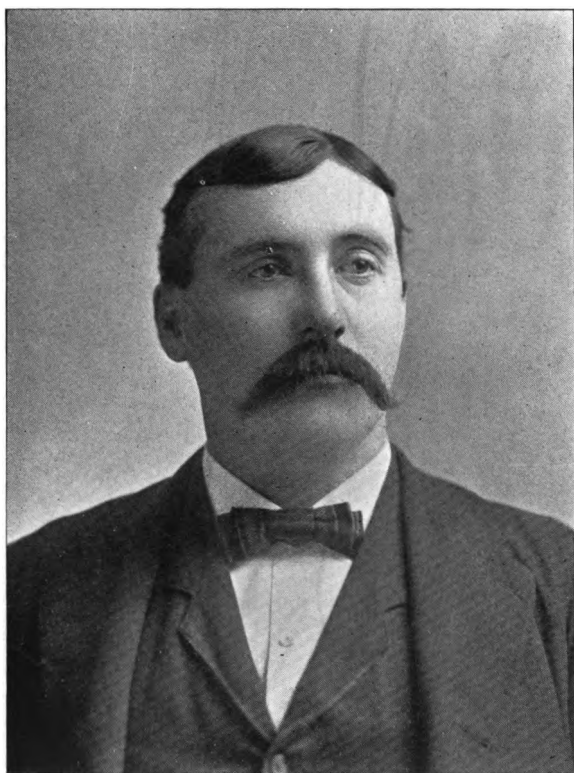
A controversy arose between them, and they were about to proceed with the whipping, when he suddenly pulled from his pocket a revolver and said :

“I’ll shoot the head off of the first man that strikes her another lick, if I die the next minute.”

Although these words were spoken in a stern commanding voice, yet they fell upon the ears of the terror-stricken family like a gleam of sunshine in the midst of a raging storm. It had the desired effect upon his companions in crime. Although a White-cap, he is to be commended for this brave and courageous act.

The poor woman, now more dead than alive, was released and assisted back into the house with the blood trickling down her back, and dripping upon the ground.

We now turn to the young man “Jesse,” who was closely guarded by four well armed men. He had stood by and seen his two sisters ruthlessly dragged from their sleeping couches, and the unmerciful whipping which followed. Now he was forced to stand by and witness a scene which was most touching and



**DETECTIVE C. W. MCCALL.**  
**(Now Deputy United States Marshal.)**



heart-rending ; one that but few men have ever experienced—the whipping of his aged mother.

No doubt the young man's mind went back o'er many years, and the halcyon days of childhood rose up in a vision before him as one by one he recalled the passing events mingled with joys and sorrows, when by day he played 'round the door of their lowly cabin and at night was rocked to sleep in the arms of an affectionate mother. These same arms, that so often had been clasped around her first born and only boy, now held outstretched by two strong men, while two hellish demons applied the cruel lash that forever sealed the fate of Mrs. Breeden and sent her to an untimely grave.

Such was the scene that the young man gazed upon while the tears trickled down his manly face.

Quick as a flash he tore loose from one of the men who had him in charge, in a determined effort to rescue his mother. Instantly four revolvers were thrust in his face, one of them so close that it almost touched his cheek. At this juncture, while looking down the barrel of the gleaming revolver he recognized his own weapon which he had taken to Jesse Robinson's shop for repairs only few days previous.

Thus the young man was powerless to render assistance to the bewailing mother. Had it not been for the timely interference of one of their own men, as stated heretofore, no doubt Mrs. Breeden would have been left lying prostrate upon the ground a lifeless corpse.

During the whipping Mrs. Breeden's hair came down and fell in a loose mass over her shoulders.

When the neighbors appeared on the scene next morning they found short pieces of the withes, some four or five inches long, which had broken off and were lying upon the ground, wrapped with hair and stained with blood.

They found Mrs. Breeden suffering terribly from her ghastly wounds. During the night the blood had dried and left her clothing sticking fast to her back. Several applications of warm water were made before it could be removed, and even then not without undergoing great pain.

To say that the neighbors who witnessed this scene were indignant, would be putting it in exceedingly mild terms—they were simply furious. White-caps were denounced in the most bitter terms and threats were freely made.

Shortly after this occurrence an organization sprang up known as "Blue-Bill's," so called by the White-caps, the purpose of which was to defeat the plans of the White-caps. As stated in a preceeding chapter, they differed from the White-caps in the fact that they took no oath and wore no masks. They did not care to cover their faces to put down a crime like that of white-capping.

The term "Blue Bill" applied not alone to those who joined that organization, but any good citizen who had courage enough to denounce white-capism, was by the White-caps called a "Blue Bill."

We have digressed a little, but now return to the subject at hand.

Mrs. Breeden gradually grew worse and was never again, after the whipping, able to leave her room. She



lingered along between life and death for a little more than two months, and on August the 4th., 1893, breathed her last. Dr. J. A. Henderson, who was not her family physician, but one of the most skillful physicians in Sevier County, was called in a few days before she died. After a careful examination, he told her she could not hope to live but a few days. And gave it as his opinion that the unmerciful whipping which she had received on that fatal Saturday night was the sole cause of her untimely death. She told him that the Furgason boys were along that night and that one or both of them had done the whipping and were responsible for her death. The sad story detailed by this poor unfortunate woman, while lying upon her death bed, with only a faint hold upon life, touched the heart of Dr. J. A. Henderson. It no doubt was the incentive and moving power that actuated him in his perilous undertaking of organizing an armed force to put down white-capping.

As has been stated in a previous chapter, he was the organizer and leader of an armed force call Blue Bills. And up to the time of his death, perhaps, did more to retard the progress of white-capism than any other one man in Sevier County. He was a shrewd man, and a natural born leader, and the White-caps would sooner tread upon the tail of a deadly rattler than to know that he was on their trail. He was a veritable thorn in their flesh.

When Dr. Henderson returned to Sevierville and related the circumstances of the whipping and death of Mrs. Breeden, it touched the hearts of all who heard it, and many of them signified their willingness to go at a moments warning to meet the White-caps on their raids, and avenge this cruel deed.

The alleged cause for this whipping was that the Breeden girls were living in adultery. And from the best information that can be had we do not doubt the truthfulness of this accusation as to Miss Bell, while some say that Miss Martha was a virtuous woman. The two Breeden girls were very intelligent and were rather good looking. Miss Martha was married soon after the whipping to a respectable and substantial citizen and has ever since lived a virtuous life. The old lady who died defending the virtue of her two daughters, was herself never accused of being a lewed woman.

We close this chapter by briefly referring to one other incident in connection with the Breeden family.

About three years after the first whipping another attempt was made to whip the Breeden girls, who were then living on Patrick Johnson's land in the house with their brother Jesse Breeden. The door was battered down, and Jesse well remembering the fate of his mother, made his escape at a back window. He went dashing down the road in the direction of Johnson's yelling for help. Johnson asked him what on earth was the matter.

"The White-caps are murdering my two sisters," he replied,

Johnson was no friend to the White-caps, and snatching his trusty revolver, hastened to the scene of the trouble. The house sets close by the roadside on the East, and two or three White-caps were left on the lower side of the house to guard the road. They saw Johnson coming and opened fire on him at once, but without effect, as he still kept coming.

The main body of the White-caps were on the upper side of the house making preparations for the whipping. Those on the lower side unable to hold their position, called for help :

"Come around here quick, I tell you, "Pad," Johnson is coming."

"G—d d—m him, shoot h—l out of him," was the reply, and they all came to the front side and fired at him.

But "Pad," as he was familiarly known, was not the man to leave dust in the road behind him at the first onslaught of a White-cap battle.

Up to this time he had not fired a single shot, and now began to pour it into them as fast as he could pull the trigger. The White-caps fired one more volley and fled in dismay, leaving "Pad" master of the situation.

I will follow them one step farther before I close this chapter. The White-caps had shot out their ammunition and went immediately in search of more. They called at James Brown's store at Sinking Springs, for a new supply. Mr. Brown had retired, but thinking it was some of his neighbor boys, got up to get it for them. The night was dark and he unlocked the store door, walked behind the counter and lit a lamp. Imagine his surprise when he found his store standing full of masked men instead of neighbor boys. They demanded from him a full supply of ammunition, saying :

"We have shot out once to night, either at a man or his image we don't know which for we could not hit him, but we are going back to try him again."

"Take off your masks," replied Mr. Brown, "and I will sell you all the ammunition you want."

"We don't have to buy it" replied the leader, walking towards the back end of the house where Mr. Brown's winchester was setting. Mr. Brown took in the situation at a glance and in an instant stood grasping his gun while the White-caps went flying out the door.

The writer well remembers the circumstance, but cannot now recall the day of the week, but it must have been Friday night, at least it was an unlucky night for White-caps.

## CHAPTER XXXI.

### RETRIBUTIVE JUSTICE.

There is another sad death, which, by some, is attributed to the whipping of old Mrs. Breeden. And we deem it proper to relate it in this connection.

About a year after this whipping, William Furgason was found dead one morning in his father-in-law's barn. He had a bullet hole in his temple and a pistol was found lying by his side. As to how he came to his death, opinion seems to be about equally divided.

His relatives and close friends say he committed suicide. While many of his neighbors take a different view of it, and say that he was killed in a White-cap raid.

How this is, the writer is unable to say, but will give both versions, and leave the reader to draw his own conclusions.

William Furgason was a bright young man, but unfortunately, was somewhat addicted to drink.

After the whipping and death of Mrs. Breeden, it seemed as though life held no special inducements, and death no terror for him. His once happy life now seemed to be shrouded in darkness. His smiling face ceased to be so bright, and the gay, merry life of the blithe young man, had seemingly, come suddenly to an end. His life was overshadowed. He was living under a cloud. He was down-cast and down-hearted, carrying a secret in his bosom, the concealment of

which was torturing him, yet he dared not reveal it. He was sadly in need of sympathy. To enlist the sympathy of his friends he must reveal his secret, and disclose the facts that would unvail the mystery surrounding the whipping of a helpless woman, and connect him with that fatal Saturday night tragedy. This he could never do, as it would not only incriminate himself, but also a violation of the White-cap oath. To violate the White-cap oath meant certain death. Thus the young man was held in almost breathless suspense. He must go through life with his lips sealed forever, guarding a secret that was rendering his life almost intolerable.

The dreary months went by, the clouds overshadowing his life grew darker and darker as time slowly dragged along. Yet he still guarded his secret, hoping for relief from some source, until finally hope became a torturing suspense, suspense deepened into despair and despair darkened into death. He at last ventured to tell a friend that he could no longer endure life in this country, that the image of old Mrs. Breeden was haunting him day and night. When he would close his eyes at night for sleep, instead of that quiet gentle repose wafting him into dreamland, there came floating upon the breeze the image of old Mrs. Breeden, her horrible shrieks and piteous cries would arouse him from an unquiet slumber, and he could see her careworn face just as it appeared to him on that fatal Saturday night when she begged them in the name of high heaven to spare her life.

There are times in a man's life when it seems as though all the sorrows and griefs of a life time are con-

densed and crowded into a single moment. Such was the life of William Furgason.

He suddenly disappeared. His friends knew nothing of his departure. In a few days, however, he turned up at his brother's home in Texas. He did not tarry long in Texas, only remaining a few days. The same pitiful cries and hideous screams that had haunted him around his old home had followed his wandering footsteps on his long journey to the Lone Star state, and were still overshadowing his life.

As stated heretofore, his stay in Texas was of short duration, and no one knew of his intentions to return home until he was found dead in the barn of his father-in-law.

His father-in-law, Mr. Gilreath, who was not in any way connected with the White-caps, naturally supposed that he had committed suicide, which, perhaps was true. But others who stand in a position to know, say positively that such was not the case. They say that no blood was found, and that his face was not black with powder, and his hat, also, could not be found. All of which went to show that he had not committed suicide.

On this very identical night a White-cap raid was made into Nunn's Cove in the neighborhood of Fair Garden, on the south side of French Broad river, and some twelve or fifteen miles from the Furgason home.

It was customary with the White-caps when any one was to be whipped living on the south side of the river, that the raiders come from the north side to do the whipping. And the same rule applied, as far as it was practical, when a whipping occurred on the north side.

It is a well known fact that James Furgason, brother of William, was captain and leader of the band on the north side of the river. And it is said that they were out in full force on the night of the whipping referred to in Nunn's Cove.

For several years there was very little known about this raid except that Catherine Allen was whipped and that the White-caps were fired upon while standing in her yard after the whipping. The White-caps could not afford to divulge anything concerning this affray, neither could the parties who had fired upon them. It was during the palmy days of white-capism, and they realized the fact that their lives depended on a still tongue. They, therefore, guarded their secret like a miser would guard his gold.

But after the White-cap band was broken up and their organization had gone to pieces they were no longer afraid to talk, and the writer was made acquainted with all the facts and circumstances by a detailed account from both the men who participated and by a visit to the scene of the conflict.

Catherine Allen had been notified by the White-caps that she would be waited on in the near future. Accordingly, Dr. J. A. Henderson was notified of the fact and preparations were made to intercept, and, if possible, capture the whole band. The spy in the White-cap camps, was also, to go along in order that he might not be suspected, and to fall behind at a certain point designated by Dr. Henderson. Two hundred yards from Catherine Allen's home, the road is dug out from the side of a hill. On the east is a number of large trees standing close by the roadside, large enough



to conceal a man behind each one of them. This was the point selected for the battle ground. Every man was to stand quietly behind a tree, gun in hand, ready for instant action, until Dr. Henderson gave the command to the White-caps to halt. In the event the command was not instantly obeyed they were all to fire upon them at once.

This plan failed because the spy had not been notified until late in the evening of the same day that the whipping was to take place. Too late to notify Dr. Henderson who lived ten miles away, he did, however, notify T. O. Caughron who lived at Fair Garden, in the neighborhood where the whipping took place.

Caughron was a man who did not fear a racket, and although he sometimes came out a little bit disfigured, he was never known to back down. He had long wished for an opportunity like this, and when it came, determined to not let it pass. So in company with only one other man, armed with winchesters, they stealthily slipped along through the dense forests, avoiding all public roads, and finally arrived at Catherine Allen's. They secreted themselves in a little clump of bushes near the house and, in breathless silence, waited patiently for the attack. It was their intention to fire on them when they attempted to batter down the door, but the White-caps came in from the other side of the house. When they took Catherine Allen out to whip her, they came out at the back door on the side where Caughron and his companions were waiting. But they could not fire on them then for fear of killing the woman. They finished the whipping, which was an unmerciful one, and then took her back

in the house and returned to the back yard to rejoin the balance of the band. This was Caughron's opportunity and at the same instant two guns fired simultaneously. A number of shots followed in quick succession. The White-caps were taken completely by surprise and fired only one volley, and then fled from the scene in great haste.

The two men concealed in the bushes lay flat on the ground, and it was well they did so. Although the night was dark yet the White-caps had located them by the flash of their guns and took good aim. The bushes just over their heads were literally cut to pieces with buckshot. The White-caps, some twenty-five or thirty in number, having been put to flight by only two men, the firing ceased. Early the next morning Catherine Allen picked up a hat with a bullet hole in it which was found lying in the back yard. She still has possession of the hat to this day, and it is believed to be William Ferguson's. Hence the bullet that went crashing through his brain was not fired from a pistol in his own hands but from a Winchester in the hands of a deadly enemy.

There is one more theory, however, offered by those who believe in this version of the story.

They say that his relatives living south of the river were making preparations by sun-up next morning to attend his funeral, long before it was known in his own neighborhood and, therefore, must have been notified the night before.

## CHAPTER XXXII.

### DETECTIVES REEDER AND McCALL.

It would be highly improper if some space in this book was not devoted to an acknowledgement of the valuable services rendered by detectives C. A. Reeder and C. W. McCall, in the location of witnesses who from fear of the White-caps, having left Sevier County, were concealing their identity and place of habitation in order to successfully avoid processes of law which would compel them to appear as witnesses in the Courts of Justice and reveal facts in their knowledge incriminating members of the White-cap organization and identifying participants in the many flagrant acts of lawlessness committed by them.

As stated in a former chapter, deputy sheriff Davis, appreciating the original methods and ingenuity of these two officers in their detective work, induced them to contribute their valuable service.

It will not be drawing too heavily upon the credulity of a mercenary age, to make the statement, that these officers were actuated more by a desire to uphold the majesty of the law and bring to judgment the guilty parties, than to secure any part of a reward which might possibly be offered for their conviction.

The brutality exhibited in the Whaley murder appealed to the sympathy of every law-abiding citizen, and to the manhood of every officer of the law who witnessed the ghastly spectacle or were acquainted with the horrible details.

It was the brutal manner in which the Whaley murder was committed which inspired so much terror, and drove from the county citizens who could furnish convincing evidences of guilt but who, fearing the same fate as the Whaleys', felt all the terrors and tortures of criminals from justice.

Many of these witnesses had located in Knoxville. A plan of work was agreed upon, and the result was not only a conviction of Pleas Wynn and Catlett for this murder but other convictions have preceeded and others will follow this one.

C. A. Reeder is now the efficient chief of the Police force of Knoxville, Tenn., while C. W. McCall is making a reputation as U. S. deputy marshall.

## CHAPTER XXXIII.

### TRIAL OF W. R. CATLETT AT MORRISTOWN.

Inasmuch as Bob Catlett has been referred to in former chapters of this book as being the leading spirit which prompted the Whaley murder, it is thought not improper, before closing this book, to give its readers a short history of his recent trial at Morristown, Tenn., he having been charged and indicted as an accessory before the fact for hiring and procuring Pleas Wynn and Catlett Tipton to murder William and Laura Whaley.

No crime ever committed in the county has caused such popular indignation as this one. It has now been over two years since its commission, and public sentiment, which was at once directed toward Pleas Wynn, Catlett Tipton and Bob Catlett, has never changed or abated in the least; but, on the contrary, it has increased and become more intensified as time passed on and new discoveries and additional developments have been made.

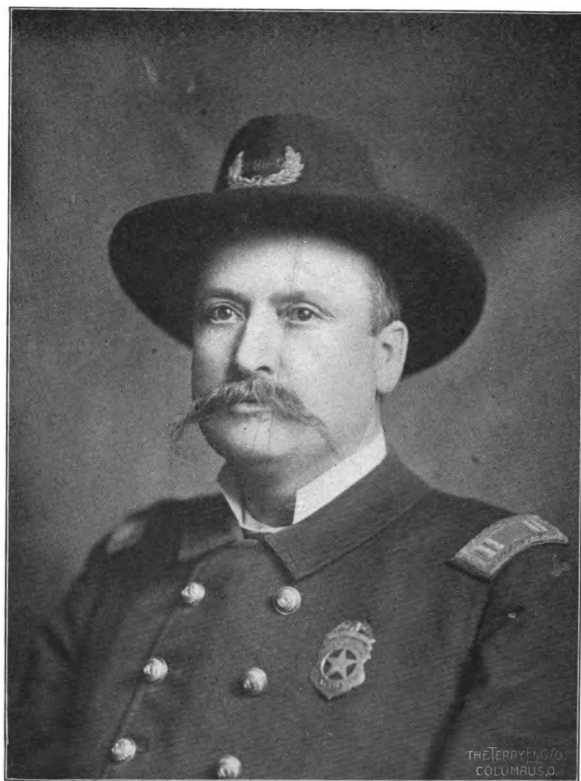
Indeed, so intense has become the sentiment in Sevier county against Bob Catlett, that at the November term, 1898, of the circuit court at Sevierville, Catlett, through his counsel, applied for and obtained a change of venue from Sevier to Hamblen county, on the ground, as set forth in his sworn petition, that he could not get a fair trial in Sevier county, so bitter was the feeling against him in that county.

This was no doubt true, and Judge Nelson granted the change and directed the papers and proper transcripts to be transmitted to Morristown, where the case stood for trial at the December term, 1898, of the circuit court of Hamblen county. At that term the State announced ready for trial, but the defense was not ready, and presented the usual affidavit and made a strong effort to have the case continued till the next regular term the fourth Monday in April, 1899, stating specially in his affidavit that "he could not get ready to try in thirty days."

Judge Hicks did not force the defendant into trial then, but refused to continue until the regular April term, as requested by the defense. By order of the presiding judge, a special term was ordered to be held on the first Monday of February, 1899, for the trial of this case.

For a special reason the state was wanting an early trial of the case against Catlett, and for the same reason the attorneys for the defense were vigorously opposing an early trial. It was this: The cases against Pleas Wynn and Catlett Tipton had been affirmed by the supreme court in November and they were sentenced to hang on the fourth day of January, 1899, at Sevierville. It was understood at this time that Wynn and Tipton had decided to make a full confession of the murder and that it implicated Bob Catlett as an accessory to the crime.

In this view of it the state wanted the testimony of Wynn and Tipton against Catlett on his trial, while the latter was more anxious not to have them and hoped to secure a continuance to a date after the exe-



**DETECTIVE C. A. REEDER.**  
(Now Chief of Police, Knoxville, Tenn.)





cution of Wynn and Tipton, at which time their testimony could not be used against him.

It is true that the sixth day of February, the date fixed for the special term to try Catlett, was a little over a month after the day fixed for the execution of Wynn and Tipton, but the State's officers felt confident that they could secure a respite from the Governor for a sufficient length of time to use Wynn and Tipton as witnesses at the special term, while they were not certain that a respite could be obtained extending beyond a regular term. The State in this carried both points. That is, it secured a special term and obtained a respite of time for the witnesses extending from January the 4th to April the 5th next, at which latter date they will be hanged unless there is further interference on the part of the Governor.

The postponement which was asked for and granted by Governor Taylor was solely for the purpose of using Wynn and Tipton for witnesses against Catlett, that justice might be meted out to others, and not as a favor to Wynn and Tipton nor because it was asked by them or their friends. It was an act on the part of the Governor which was almost universally commended by the people, believing as they did that the information which would be forthcoming from Pleas Wynn and Catlett Tipton would throw new light on one of the bloodiest tragedies ever perpetrated in the state of Tennessee.

On the 6th of February the case of Catlett was called for trial by his Honor Judge Hicks at Morristown, and the State announced ready for trial. The defendant, by affidavit, asked for a further continuance,

on the ground that certain witnesses were not present and that he could not safely go to trial without them. This motion was overruled by the court and a jury ordered empaneled to try the case. Only a few hours were occupied in securing a jury, and on the morning of the second day the State began to introduce testimony.

Lizzie Chandler, an eye witness to the killing and a sister of Mrs. Whaley, one of the murdered people, was the first witness introduced on the part of the State. She told the same story as heretofore detailed in a previous chapter about two men breaking the door down and rushing into the Whaley house on the night of December 28th, 1896, about 7:30 o'clock, and shooting William Whaley first and then almost instantly turning and shooting his wife, Laura Whaley, both of whom died instantly, without ever speaking. The cruel intruders then retracing their steps left the house, with only the witness and the infant babe of the murdered woman left to tell the awful story. The witness identified Pleas Wynn as one of the men, but could not identify Tipton further than to say he in a general way filled the description of the other man.

After another witness or two were called and examined by the state, the two condemned men, Pleas Wynn and Catlett Tipton, were then introduced for the state and told in detail the blood-curdling story of the murder of the Whaleys and the plot that was set on foot and carried out for that purpose.

Inasmuch as a full confession of these two accomplices in this crime has not yet been published, we deem it not inappropriate to insert at this place what we can vouch for to our readers as being a substantial

but not a *verbatim* statement of these two parties as told by them in this trial upon the witness stand.

CONFESSION OF PLEAS WYNN.

"I know when the Whaleys were killed in Sevier county in December, 1896. I was living then in Sevierville, some two miles from the Whaley house. About dark on the night of the killing, Catlett Tipton and I met by agreement at Ben Bailey's house in Sevierville. From there we went to Bailey's shop, where Tipton worked. There Tipton got his shot gun out of a tool chest and he and I went down the bank of the west fork of Pigeon river to the junction of the two rivers. There we crossed the bridge over the east fork of the river and went down the north side of the river, along the bank, till we got even with the Whaley house. We went up the hollow to within about twenty yards of the house, and then hearing some parties talking in the house we stopped, and after waiting a short time one of us coughed or made a noise. Immediately John Whaley, brother of William Whaley, came out with a pine torch and went to the crib near by and did some nailing about the door, went back to the house, and in a few minutes left and went down the hollow toward where he lived, a few hundred yards away. Then Tipton and I masked ourselves and went to the door of William Whaley's house, broke it open and entered.

"William Whaley and wife were in the first bed on the right as we entered, and some one else I did not know was in another bed. William Whaley jumped out of bed on the floor and said :

"'Have you come to kill us? Do anything else you want to with us, but don't kill us.'

"Laura Whaley got out of bed with her baby in her arms and went over toward the other bed, saying she wanted to give her baby to her sister. She gave it to some one who covered up her head.

"About this time, Catlett Tipton shot William Whaley, who fell on the floor, and in another moment he shot Laura Whaley, who had turned to where her husband was standing when shot. She fell near him on the floor. Neither of the parties spoke after they were shot. Tipton had a double-barrel shot gun, No. 12, and I had a No. 44 Smith & Wesson pistol. I did not fire a shot. We turned and walked out of the house without having spoken a word after we entered it.

"We next went directly back to Sevierville, crossing the ridges by a path leading east of Capt. Wynn's and into the road near J. W. Andes. At the lower end of Sevierville, at the bridge, Tipton and I separated, he going to Bailey's shop, as he said, and I going to O. L. Montgomery's in the upper end of town. I asked Montgomery if he was going fishing with us and he said no, that he was sick and could not go. I also asked the time of night and ascertained that it was nearly nine o'clock.

"I went back down in town and met Tipton on the old court house square near the Mitchell corner. From there we went to Mark McCowan's, a half a mile below town, called him out and asked him to go fishing with us. He and his family were sick and he could not go. We got his canoe and went down the river a short distance below his house and cast two dynamites into the river and caught six fish—five suckers and one

salmon. I took the suckers and Tipton the salmon and we returned to Sevierville. The town clock struck nine while we were talking to McCowan and ten just before we got back to town after the fishing. I stayed at home the rest of the night.

"I was well acquainted with the situation about the Whaley house. It was on my father's farm, and I lived in the house about two years myself. I knew William Whaley tolerably well, and I knew his wife when I saw her. I never had any trouble with either of them nor ill will against them. Neither of them ever did me any harm, so far as I know.

"I know the defendant, Bob Catlett. Have known him nearly all my life. I saw him on the morning before the W haleys were killed. He came into Sevierville with some horses and went to Loveday's stable and put them up. I met him in the street and went to the stable with him. From there we went to M. R. Rawling's saddle shop, where I helped Catlett fix his saddle girth. We were there some little time. No one was with us. We then went to Fred Emert's store, then to Trotter's hardware store, next to John Yett's store, and finally to West Emert's store, trying to buy a certain kind of whip that Catlett wanted. I went to W. R. Montgomery's office and tried to get one from him, as he had what Catlett wanted.

"We then returned to Loveday's stable, where Catlett's horses were. While there, Catlett took me back into the stable in a side room, and there he mentioned to me the first time about putting the W haleys out of the way. He asked me if I had had a talk with Catlett Tipton lately, and if I had agreed to go to a

certain place with him. I told him I had talked with him and had agreed to go. He told me he had agreed to pay Tipton fifty dollars to kill the Whaleys, pay his lawyer's fees and keep him out of jail if anything should be found out on him. He said that Whaley and his wife were witnesses against him and he wanted them killed so they could not testify against him, and he wanted it done that night, while he was away, so he would not be suspected and could prove where he was. He left Sevierville with four horses, about twelve o'clock, I think, saying he was going to Rolen's that night.

"I saw J. M. Catlett, brother of Bob Catlett, that same evening. He, Tipton and myself had a talk at a blacksmith shop near the old jail place in Sevierville that evening. No one else was present. Catlett said that Bob had left fifty dollars with him to be paid when the Whaley's were put out of the way. Jim Catlett was drinking that evening. The second day after the killing, as I now remember, Tipton paid me twenty-five dollars. This is all I ever got for the part I took in that murder.

"I was arrested, tried and convicted with Tipton for the killing of the Whaleys. We appealed our case to the supreme court and there it was affirmed."

On cross-examination, Wynn stated that he was now confined in the Knox county jail and had been for some time, awaiting the date of his execution. He was a witness for himself in his own trials and had sworn he did not have any hand in killing the Whaleys and did not know who did; that testimony was all false: he made those statements to get out of

trouble and to save his life. He had made a partial confession in the Knoxville jail some time ago, but never authorized it published. It was partly, but not altogether, true. He decided to make a full and true confession of the whole matter about the last of December, 1898, at the request and in the presence of his wife and a minister of the gospel, and that is the statement he now had made to the court and jury. It was true that no promise had been made to him by any one as an inducement to make it. It was purely a voluntary statement.

He could not say that he now had any hope of escaping the sentence of death pronounced against him.

#### CONFESSION OF J. CATLETT TIPTON.

"I was born and raised in Sevier county; am about 38 years old. In December, 1896, I was living about two miles from Sevierville, but was at that time staying with Ben Bailey, my brother-in-law, and working in the blacksmith shop with him. I know the defendant, Bob Catlett and have known him pretty much all my life.

"On the Saturday evening that the November term of the circuit court adjourned, Bob Catlett came to me and said he wanted to have a talk with me. We went into Fred Emert's store and upstairs into a back room. He there told me that William Whaley and wife had gone before the grand jury at that term of court and had indicted him and Bob Wade, his brother-in-law, for shooting into Walter Maples' house. He said he wanted them put out of the way and would give one hundred dollars to kill them, that he wanted

to make an example of them to teach people that they could not swear against him. I told him I did not want to do it and would not do it. This was about all that occurred there, and we went out of the store. Bob Wade was present during this conversation.

"There was a meeting of an Odd Fellows lodge that Saturday night at Pigeon Forge, about eight miles above Sevierville. Wm. Wynn, Jesse Atchley and I went to it, leaving Sevierville that evening. I went in a buggy with Wm. Wynn, I think. Some time after the lodge had been in session, Bob Catlett and Bob Wade came in. That is the first time I ever knew Catlett or Wade in that lodge and have never seen them there since. It was about fourteen miles from there to where Catlett lived. As we were returning from the lodge that night, I stopped on the road near Henderson's Island at a turnip patch and got some turnips and distributed them among the crowd.

"There were several along, including Bob Catlett, Bob Wade, Arthur Seaton, Schuyler Atchley, Jesse Atchley and Wm. Wynn. Wade and Catlett were riding horse-back, and when ready to leave the turnip patch, Bob Catlett suggested to Wade that he take my seat in the buggy and for me to get on Wade's horse, as he wanted to talk with me. This change was accordingly made and I rode from there to Rambo's lane, about three miles, with Bob Catlett.

"On this trip he again brought up the subject of the Whaleys and renewed his proposition to me to put them out of the way for him. I told him I did not want to do it, but before leaving me near the Rambo lane, he handed me an envelope and said for me to



take it and that it was mine when the Whaleys were put out of the way.

"I took the package and went on home alone from that point. I examined the contents of the envelope and found it consisted of four twenty dollar bills and one twenty dollar gold piece. I kept the money until the next Wednesday evening, and then I took it to Yett's store in Sevierville and gave it to J. R. Yett and told him to put it in his safe for me a short time. I let it stay there until Friday following, when I got it and gave it back to Bob Catlett, saying to him at the time that I had decided not to do the job and returned his money. Catlett replied that he was glad of it for he could get it done for one-half of that amount.

"It was not long, however, until Catlett returned to me again and began to beg me to comply with his wishes by putting the Whaleys out of the way. I guess, in all, he must have come to me some twelve or fifteen different times, and I at last consented to kill the Whaleys for him, for which he agreed to pay me fifty dollars, and, if I got into any trouble over it, he was to pay my attorney's fees and keep me out of jail by making bond for me. On one occasion I told Catlett I had spoken to Pleas Wynn to go with me and that he had agreed to go. He asked me if I thought Pleas would be all right and I told him I did. It was agreed that Catlett should go south with some stock and that the Whaleys should be killed while he was gone, in order that he might not be suspicioned.

"Catlett went through Sevierville on Monday morning, the 28th of December, 1896, with some horses, and as he was going out of Sevierville, near the upper end

of town and about opposite the Southern Methodist church, I met him and helped him straighten out one of his horses. While there he said to me :

“ ‘Be certain and attend to that job tonight !’

• “ Jim Catlett, a brother of Bob, told me that evening that Bob had left the money with him to pay for killing [the Whaleys, whenever the work was done, and that he (Jim) would pay the money. This talk was had in the presence of Pleas Wynn near the old jail place in Sevierville.

“ That night, the 28th of December, 1896, Pleas Wynn and I by agreement met at Ben Bailey’s, in Sevierville, and about dark we left there, going first to Bailey’s shop near the bank of the west fork of the Pigeon river. There I got my shot gun out of my tool chest, together with some cartridges. Leaving the shop, we went down the bank of said river to the point or junction of the two rivers, and crossing the bridge over the east fork of the river we proceeded down the bank of said river on the north side to the Capt. Wynn farm. When we got even with the Whaley house, we left the river and went up the hollow to where the Whaleys lived. We stopped a short distance from the house. We saw a light in the house and heard some one talking within. Wynn, as I now remember, made a noise by coughing and a man who I suppose was John Whaley came out with a light and did some fixing about the crib door. He returned to the house, and in a short time left.

“ Wynn and I then masked ourselves heavily and proceeded to the house, where the door was bursted open and we entered the house. I had my shot gun and Wynn had a pistol. I there killed both Whaley

and his wife by shooting them in the head. I never spoke to anyone after I entered the house, nor did either William or Laura Whaley speak after they were shot, to my knowledge. I reloaded my gun and then Wynn and I returned to Sevierville.

"We did not return as we went, but took a nearer route across the ridges, coming into the road near where the Andes boys live, just below Sevierville. I took my gun back to the shop and put it in the tool chest and got some dynamite I had there and met Pleas Wynn near the Mitchell corner in town. He said he had been to Otis Montgomery's.

"From there we went to Mark McCowan's, a half-mile below town, called him out, talked to him awhile and asked him to go fishing with us, but he declined, saying his folks were sick. We got his canoe and went down the river a short distance and dropped two sticks of dynamite in the river. The result was we got six fish—one salmon and five suckers. We took the canoe back to the bank and left it where McCowan told us to. Before leaving the canoe we there burned our masks. We then went on to Sevierville, where we divided the fish, he taking the five suckers and I the salmon. I went to Ben Bailey's, where I boarded, and went to bed, and I suppose Wynn went home.

"I was barely acquainted with Wm. Whaley; knew him when I saw him. I never saw Laura Whaley until the night she was killed. I never had had any trouble with either one of them, and had no ill will or malice toward them.

"Jim Catlett came to Sevierville the next day after the Whaleys were killed and paid me the fifty dollars,

according to agreement, and on the following day (I think it was) I gave Pleas Wynn half of it.

"When I gave the package of money to J. R. Yett to deposit in his safe for me, Wm. Marshall and Miller Yett were present, and when I took it away George Nichols and one or two others were present. I never deposited money or anything else with J. R. Yett & Co. at any other time, to my recollection."

On cross-examination, Tipton in answer to questions from Mr. McSween said :

"I am now and have been for a good while confined in the Knoxville jail. I swore some three or four times when on trial myself that I did not kill the Whaleys and that I did not know who did; that if Bob Catlett had anything to do with it I did not know it. But that was false; I swore it to save my life and to get out of my trouble, if I could. I have not been promised anything nor given to understand that my sentence would be commuted if I would make a statement implicating Bob Catlett in the murder of the Whaleys. I was advised by my friends that if I knew anything about the Whaley murder I ought to tell it, and I decided a short time ago that I would tell the whole story as I knew it, and this I have done on the witness stand today. It is the truth."

The state introduced a large number of witnesses corroborating the testimony of both Wynn and Tipton, and witnesses showing threats of Bob Catlett against the Whaleys, prior to the time they were killed. The state then rested.

The defense opened their case by putting the defendant on the stand, who promptly denied all statements

and incriminating testimony of both Wynn and Tipton. He also denied making threats against the Whaleys, but he admitted that he and Bob Wade were in Sevierville on the Saturday evening that court adjourned, when Tipton says he talked with them in Emert's store, and also that they went to Pigeon Forge lodge that night. He does not deny being with Pleas Wynn at Loveday's stable and other places on the morning before the killing, but denied talking to him about the killing of the Whaleys. The above substantially was his statement.

J. M. Catlett and Bob Wade, both of whom are implicated in the murder, denied all statements affecting them in any way as was expected.

This was about all the testimony introduced on the part of the defense and amounted to a simple denial of the charges.

J. M. Catlett admitted that he was in Sevierville the next day after the killing, but denied that he paid Catlett Tipton fifty dollars, or any other amount that day, as Tipton swore he paid. Catlett denied that he had that much money that day, and denied that he got any at the bank that day.

The defense then closed its case, and the state introduced A. T. Marshall, assistant Cashier of the Bank of Sevierville, on rebuttal to the evidence of J. M. Catlett, who testified that he paid said J. M. Catlett on that day, the 29th. of December, fifty dollars, and the bank books so showed it. With this the state closed its case, Thursday at 12 o'clock.

It is proper to announce here, that in this famous trial, the state was represented by Att'y. Gen. G. M.

Henderson, J. R. Penland, Esq., of Sevierville; Holloway and Hodges, of Morristown; and Gen. J. C. J. Williams, of Knoxville. While the defendant was represented by W. J. McSween, of Newport; Hon. Geo. L. Zirkle and Mullendore & Son, of the Sevierville bar; Shields & Mountcastle, and W. S. Dixon, Esq., of the Morristown bar. The argument was limited to three speeches, and four hours of time to each side.

The states' case was opened in a two hours argument by J. R. Penland, Esq., with a strong presentation of the facts showing a thoroughness in detail seldom observed in a great law-suit like this. His speech was an agreeable surprise to many, and freely commented upon as being not only fair, but able and aggressive in its presentation.

This argument was followed by Judge John K. Shields, who opened the case for the defense. Judge Shields is one of the ablest and best known lawyers in East Tennessee. He presented the law and the rules governing the trial of cases of this sort, and made an able argument on the facts, closing with a strong appeal to the Jury for the life of the defendant. His able speech was no surprise to those who knew him and did not lessen their opinion of him as a great lawyer.

Hon. John B. Holloway presented in an able manner the law of the case for the state, and made an earnest and dignified argument in support of the prosecution. It was free from objections, and strictly within the record, showing not only the ability, but the fairness of the man who made it.

The second speaker for the defense, was W. S. Dixon, Esq., a jury lawyer of recognized ability in Tennessee, who made an able and persuasive argument in favor of his client. His argument was clear cut, and showed the lawyer at every stage of its presentation.

But the principle argument for the defense was perhaps made by Mr. McSween, of Newport. McSween had been connected with the case as Catlett's counsel from the time he was first arrested, and hence was familiar with the case from its inception, and was also counsel for Wynn and Tipton. He spoke for nearly two hours, and his style and manner was bold and aggressive in the extreme. His attack on state witnesses was terrific, and especially was this so in reference to Wynn and Tipton, the confessed principals in the murder. His speech may have caught the ear of the jury, but it was certainly too extreme to meet a favorable response from the large audience present, and particularly those who had heard the evidence in the case. His effort was a supreme one, and from the premises assumed by him, his argument was a strong one. He made a strong appeal in closing, for the life of the defendant, and in fact, much of his speech was made in the nature of an appeal rather than an argument.

General Henderson made the closing argument for the state. It was looked to with more than ordinary interest; first, because of his well known ability as a lawyer, and second, because of the character of the speeches just preceding and the bitter onslaught made on the prosecution. Interest and expectation ran high. No man ever had a more favorable opportunity to make a profound impression by a speech than did General Henderson at this time; and in this he did

not disappoint his friends nor the public. He was equal to the occasion and more than met the expectations of the most sanguine. He used the sword of criticism with fine effect in parrying the blows of the enemy. He met and answered in the most dignified manner what he termed unfair and unjust attacks made upon the officers of the law and state witnesses in the case. He showed up the weakness of the defense with the skill and tact of a true lawyer and closed the case with an appeal so powerful and effective that it wrung tears from the eyes of scores of persons present, and as he took his seat the large audience broke into cheering which had to be suppressed by the court and his officers.

While General Henderson was cut short in the time allotted him by some misunderstanding of counsel for the defense, yet he never made a better speech in his life, and perhaps never will be able to surpass it in the future. It was a great speech in a great law suit.

His Honor, Judge Hicks, gave his charge to the jury on Friday evening, and on Saturday morning about nine o'clock they reported a disagreement. By consent of counsel on both sides, the court discharged the jury and entered a mistrial.

While it is much to be regretted that the trial just passed through did not settle the case one way or the other, and while the result was, in our judgement, a great disappointment to the general public who heard the trial and knew the facts, yet no reflection is here meant to be cast upon the jury who tried the case. The presumption is that they acted from an



honest and conscientious standpoint, and this being true no one has a right to complain.

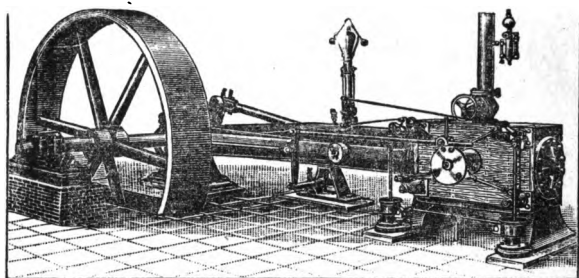
It was a great law suit and a greet battle which will have to be fought over again. The case will stand for trial at the regular April term, 1899.

By that time, Wynn and Tipton will have been hung, unless there should be an additional postponement of the day of execution. But they, having once been examined in the case as witnesses, their evidence may be reproduced in future trials, should they, in the meantime, suffer the penalty of the law.

The public are much interested in the final result of this case and are looking forward to it as the last chapter growing out of the bloody White-cap murders in Sevier county.

THE END.

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