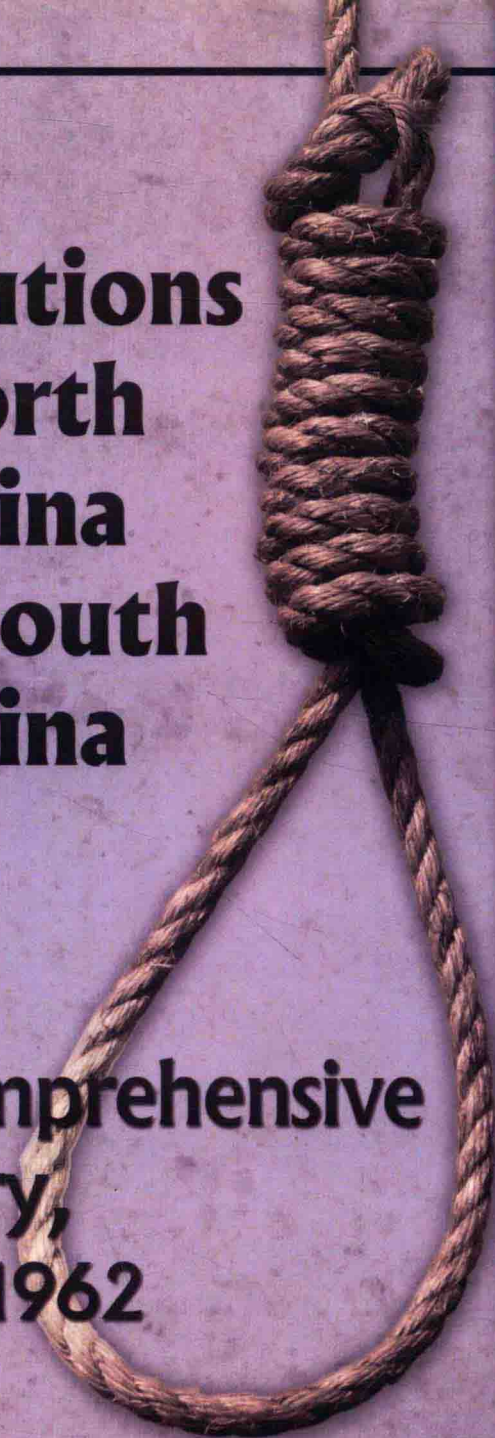


Legal Executions in North Carolina and South Carolina

**A Comprehensive
Registry,
1866 – 1962**

Daniel Allen Hearn



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*A Comprehensive Registry,
1866-1962*

DANIEL ALLEN HEARN



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Preface

This book joins several books from McFarland that chronicle the use of capital punishment in the United States on a case-by-case basis. Previous volumes have included New York (Hearn, 1997), the New England states (Hearn, 1999), New Jersey (Hearn, 2005), California (O'Hare, Berry and Silva, 2006), other Western and Midwestern states (R. Michael Wilson, 2010, 2011 and 2012), and Tennessee (Lewis Laska, 2011). Only those cases that resulted in an actual execution are covered. The present volume (North Carolina and South Carolina) is meant to provide a reliable historical reference that will in turn provide grist for further study by scholars, lawyers, researchers, policy makers and others regardless of their opinions on the always contentious issue of capital punishment. Several long-held misconceptions about death penalty usage will, however, be brought to light as these pages unfold.

The executions covered in this book begin in 1866, the first full year after the Civil War. Complications with record-keeping, destruction of records, and incomplete data prevented me from going back further in this work. There is simply too much information lost to history to claim that what I might uncover is at all complete. I do hope to go further back in history in another book at some point in the future. The current volume ends in 1962, the year of the last execution in South Carolina before the death penalty was abolished in 1972. North Carolina's last execution before abolishment was in 1961.

There have previously been three serious attempts to compile a complete census of legal executions in the United States of America. None succeeded because of a combination of factors, chief among which was the excessive difficulty one encounters when ferreting out the far-flung pieces of such a puzzle. There was no centralized record keeping until very recent times. Each of the more than 50 states and territories of this nation had its own ways of doing things and its own methods of record keeping. These ranged from concise and well organized to haphazard. Some states (like Pennsylvania) had restrictive privacy laws which barred them from divulging even innocuous information like a person's age on a death certificate that is more than 100 years old. The Southern states have proven to be especially problematic for this kind of

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research. There have been too many courthouse fires, too much wartime vandalism (1861–1865), and too many natural disasters like hurricanes, floods and tornadoes that resulted in the loss of irreplaceable records. In other cases, officials found it easier to send old court records to the county landfills than to preserve them. Many such stories have been told to me by courthouse personnel who now resent their predecessors for having had no sense of the historical value of documents.

Another impediment, which I also encountered particularly in the South, was pervasive reticence about such matters. Murders, sexual assaults and executions were not regarded as suitable topics for polite conversation. Everybody knew about them but few would speak on the subject—especially to strangers. When I set about this project 30 years ago, many Southern archivists, records managers and local officials were leery of me when they heard my Yankee accent and learned that I was from New England. They became more cordial when I explained that I was not a crusader or cultural imperialist. Many agreed with my belief that the longstanding policy of silence about criminal matters had been a mistake because it had given rise to a pernicious myth that they were trying to hide something. In my opinion, a more forthcoming attitude would have gone a long way to dispel much of the calumny and misinformation that has been bandied about. Only within the last decade has this ice begun to thaw.

The actual record of capital punishment shows, in my opinion, that the southern states have little or nothing of which to be ashamed. It is true that they executed more criminals than their northern and western neighbors, but all that proves is that they were more serious about law enforcement—hardly a derogatory trait.

As stated above, there have been three organized efforts to compile a historical census of American executions by the rule of law. The first of these was a noteworthy endeavor on the part of George P. Upton (1834–1919), a longtime reporter, contributor and editorialist for the *Chicago Tribune*. Beginning in the year 1877 and ending 40 years later in 1917, Upton gathered and published annual lists of legal executions *purported to be* authoritative. No one thought to question their accuracy and for many decades they were accepted as gospel by capital punishment scholars. The reality—sad to say—is much different. Upton's compilations are of poor quality, being incomplete to a large degree and riddled with errors. Dozens of the names on his lists do not hold up to independent confirmation. I have found some to be apocryphal. Some were actually lynchings or even attempted lynchings. There are incorrect dates and incorrect locations. Most troubling of all is the presence on Upton's lists of numerous condemned criminals who were not executed at all. They were reprieved for various reasons but Upton nonetheless chalked them up as having

been executed. It is now apparent that Upton's annual inventories were haphazardly thrown together by poorly paid cub reporters who made little or no effort to verify their accuracy. Upton unwisely put his imprimatur on them. The result has been decades of flawed studies and misinformation based on this obsolete and untrustworthy source. The late capital punishment scholar Raymond T. Bye (1892–1976) made extensive use of Upton's material and consequently his findings must now be called into serious question. The following comparison chart of legal executions (using the Carolinas as a sampling) confirms this.

Legal Executions, Upton and Hearn

Years	North Carolina		South Carolina	
	Upton	Hearn	Upton	Hearn
1890–95	20	27	47	56
1896–00	21	27	15	26
1901–05	21	31	8	15
1906–10	10	21	25	46
1911–17	22	32	31	42
Total:	94	138	126	185

The Upton figures are reproduced from *Capital Punishment in the United States* by Raymond T. Bye (University of Pennsylvania, 1919). My numbers are compiled from my own research as set forth in this book. Professor Bye somehow failed to report 103 legally imposed Carolina executions within a 27-year period.

The second attempt to compile a national database of American executions was that of Temple University professor Negley K. Teeters (1896–1971) and his youthful research assistant Charles J. Zibulka during the 1960s. Teeters began naturally enough with his home state of Pennsylvania and made research inroads into neighboring New York before infirmity of years overtook him. Alas, his published works show evidence not only of haste but of flawed methodology. Teeters relied imprudently on secondhand printed sources instead of original archival material. He used error-prone late-19th-century county histories without seeming to realize that they were heavily edited for content by stuffy Victorian censors. Even worse, he neglected to study Pennsylvania's abundant 18th- and early 19th-century newspapers in order to assimilate the precious information they contain. As a result of this, Teeters missed many reported executions. He also suffered the embarrassment of having to acknowledge having done so. Zibulka was being groomed to succeed Teeters in this historical fact-finding endeavor, but the young man (University of Washington '66) was reportedly killed in a car accident and no one could be found to take his place.

The third attempt of this kind was begun in 1970 by Major Watt Espy, Jr. (1933–2009), an independent researcher residing in Headland, Alabama. His initial approach to the task was a letter writing campaign to several hundred circuit and superior court clerks nationwide along with town and county historians, querying them for information about old death penalty cases in their respective jurisdictions. The responses he received were a mixed bag, as could be expected. Some were vague. Some were worthless, for the most part, whereas others were meticulous. A lot of the respondents were people of mature years, nearly all of them now deceased. They had long memories and in many instances a willingness to share information with a fellow Southerner. Espy tried to pin down independent confirmation of what these well-meaning folks told him, but the task was a formidable one. Important bits of data like exact dates and unpublished forensic details had become fuzzy in the minds of many Espy correspondents over the course of their lifetimes. Espy lacked funds to take research trips that might have advanced his project. He also found himself depending more and more on secondhand source materials, as Professor Teeters had done. In so doing, Espy unwittingly integrated other people's mistakes into his own work. Additionally, many of those who provided information to Espy turned out to be persons who were more interested in playing up the politics of capital punishment than in researching it objectively. Espy complained about this to me in numerous conversations, accusing the academic left of withholding or suppressing historical information that did not comport with their preconceptions.

The heyday of Espy's self-styled "Capital Punishment Research Project" began in 1977 when he entered into an agreement with the University of Alabama Law Center to set up shop there. The situation was enhanced seven years later when the National Science Foundation recognized the importance of Espy's mission by awarding the University of Alabama a grant "to support development of a comprehensive computer database on the history of capital punishment in the United States." The result was what has come to be known as *Executions in the United States, 1608–1987: The Espy File*, originally made available through the Inter-University Consortium for Political and Social Research at the University of Michigan. For Espy himself it was a short-lived hurrah. He had returned to his home in Headland, Alabama, by the summer of 1987, much the worse for the experience. It was there where I first met him. "The Project was a disaster!" he told me. "Too many cooks had spoiled the soup!" Several unauthorized versions of *The Espy File* have cropped up on the Internet over the years.

To illustrate the inadequacy of *The Espy File*, the following comparison chart speaks volumes, again using the Carolinas as an example:

Legal Executions, Espy and Hearn

<i>Year</i>	North Carolina		South Carolina	
	<i>Espy</i>	<i>Hearn</i>	<i>Espy</i>	<i>Hearn</i>
1866	2	7	0	3
1867	0	7	2	2
1868	6	13	0	0
1869	1	5	1	2
1870	1	5	2	5
1871	1	11	0	8
1872	1	7	3	6
1873	0	5	0	2
1874	0	4	3	5
1875	1	5	7	11
1876	1	3	1	6
1877	3	5	10	13
1878	8	9	6	10
1879	13	12	3	3
1880	7	9	4	5
1881	4	4	10	10
1882	7	7	10	10
1883	5	5	6	6
1884	2	2	8	9
1885	6	10	3	4
1886	6	6	4	4
1887	3	3	3	5
1888	0	3	5	8
1889	3	7	2	6
1890	5	6	5	7
1891	1	4	6	9
1892	3	5	10	13
1893	1	2	9	11
1894	6	6	6	8
1895	3	4	6	8
1896	1	3	1	3
1897	5	6	1	3
1898	1	5	1	9
1899	5	5	5	7
1900	6	8	3	4
1901	3	3	3	4
1902	7	7	1	2
1903	3	3	2	3
1904	8	10	0	2
1905	6	8	3	4
1906	4	4	7	13
1907	6	8	3	3
1908	3	5	5	12

<i>Year</i>	<i>Espy</i>	<i>Hearn</i>	<i>Espy</i>	<i>Hearn</i>
1909	1	2	3	9
1910	2	2	3	9
1911	8	9	5	5
Total:	169	269	181	291

The disparities in these figures are quite large: Espy fails to report 210 legal executions within only two jurisdictions during a 45-year period, 100 in North Carolina and 110 in South Carolina. A similar rate of omission occurs in the Espy listings for nearly every state of the former Confederacy, including Espy’s home state of Alabama, as well as the three border states of Kentucky, Maryland and Missouri. Consequently, any death penalty research (whether published or unpublished) that relied on *The Espy File* must now be regarded as suspect.

All of this leads up to the following question: How accurate and complete is the Hearn inventory? No claims of perfection are made. The law of averages and the widely scattered sources from which the body of this book was assembled make it inevitable that I shall have missed at least something. I do, however, feel justified in calling the present volume a substantial improvement over what has previously been available. Additions and corrections are welcome so long as they are supported by sound documentation.

My methodology in gathering this information can be easily explained. I investigated every known source until it was exhausted. My first rule was to eschew secondhand accounts for which I could not also find independent confirmation. I sought out original archival materials wherever and whenever possible. These consisted of official government records on both state and local levels such as courthouse files, jail rosters, death certificates, census records, coroners’ inquests, appellate data (both published and unpublished), gubernatorial correspondence, clemency applications and individual prison inmate files. I rummaged through courthouse vaults, antique file cabinets, attics, cellars, musty old boxes that were heaped atop each other, and so forth. I spent countless hours and close to 30 years picking my way through volumes upon volumes of old newspapers, most on microfilm but some still in original hard copy. I also learned a valuable lesson by so doing: that there is no substitute for the old methods of painstaking research. I scoured those 18th-, 19th- and 20th-century newspapers one page at a time—month by month, year by year and title by title—until I had mined them for every tidbit. I have no regrets for having done it the hard way because in so doing I captured an enormous amount of information that might otherwise have been missed. I learned that the worst mistake that one can make (besides taking secondhand sources at their word) is to depend entirely on digital imagery and computerized search engines when

studying historical newspapers. The newer technology does help on occasion, but scanned imaging often misses more than it captures. Old newsprint is frequently faded, light-toned, slightly blurred or otherwise defective in some way which fools electronic eyes.

I had also made it a point to do everything at my own expense. I spent many thousands of dollars, all of it my own money, on travel, photocopying, records requests, research fees, library guest passes, parking, gratuities, donations to historical societies, etc. I didn't want to be obligated to anyone. Nor did I want to have to tailor my findings to suit the political agenda of some biased organization. Sometimes I had to bear the ridicule of others who likened me to Don Quixote. Throughout, I kept in mind the words of my ninth-grade history teacher who told me 40 years ago that the road to truth is a long and curvy one. So I chugged on undauntedly. I became such a familiar face at some libraries that a couple of them even bent their rules by allowing me to take rolls of newspaper microfilm home with me after I had purchased an old hand-cranked microfilm reader. I continued this work through the 1980s and 1990s. Then, ever so gradually and ever so grudgingly, the forgotten files began to give up their secrets. Many of them were brittle with age. Many were held together with old metallic fasteners that had fused solid from rust. Some were putrid with coal dust. Some of them contained the actual bullets that had killed people and the semiliterate pleas for mercy crudely scrawled on cheap note paper by condemned men. There were fragile bundles of documents wrapped in once colorful ribbons that had since become faded and dry rotted and which crumbled in my hands. I was probably the first person to handle many of them since they had been filed away. Most telling of all were the macabre death warrants—calligraphic works of art—heavily festooned with black trimmings, black borders, black ink and black sealing wax—signed on their reverse sides by long-dead sheriffs stating that at exactly such and such hour on such and such date they had caused the person named in the warrant to be hanged by the neck until dead.

In the text that follows, I have opted not to use “politically correct” phraseology, but rather to reflect the language of the times. This is not because I am a vulgarian by nature but rather because I do not feel entitled to throw perfume on the harsh reality of the past. I acknowledge that some readers may not agree with this decision.

I have chosen to identify sexual assault victims only if their names were previously made public by a newspaper or a published appellate report, or if the person in question came forward voluntarily. Names are also provided if the case is so old that it has been legally declassified. Names are withheld if they do not meet these criteria or if I agreed not to divulge them as a condition

of being granted access to the files. Confidentiality is also maintained in cases where there is a possibility that the victim might still be alive.

Additional tabulation of the data in this book reveals that 1,152 legal executions took place on Carolina soil during the century after the Civil War: 621 in the North State and 531 in the Palmetto State. Their distribution by specific felony is as follows:

North Carolina	South Carolina
455 for Murder	442 for Murder
126 for Rape	80 for Rape or Attempted Rape
34 for Aggravated Burglary	9 for Arson
4 for Highway Robbery	
2 for Arson	

The demographic breakdown of North Carolina's executed murderers is 341 blacks, 108 whites, and six Native Americans. Of the black persons who were legally put to death, 189 were condemned for killing white people, 150 for killing their fellow blacks, one for killing multiple victims who were both black and white, and one for killing multiple victims who were both white and American Indian. The white men who were executed for murder had in 100 instances killed people of their own race. Seven died for murdering blacks. One was executed for killing multiple victims who were both black and white. All six of the executed Native American killers had been convicted of murdering white people.

The demographic breakdown of North Carolina's executed sex offenders is 113 black males, 11 white males and two Native American males. Among the black men, there were 11 legal executions for black-on-black rape, one for the rape of a Native American woman, and 101 for the rape of white females. All of the executed white rapists had attacked females of their own race.

South Carolina executed 461 blacks, 68 whites and two Native Americans. Of the blacks who were legally put to death, 229 had been condemned for murdering white people, 140 for black-on-black homicide, two for killing a Chinese man and six for killing multiple victims both black and white. The white men who were executed for murder had in 60 instances killed persons of their own race. Three met their ends for murdering blacks. Sex offenders numbered as follows: 75 black males legally put to death for attacking white females and five white males for doing the same. There were no executions for rape of non-white victims.

This book will not address the questions of possible racial bias (in prosecution, conviction and sentencing) that have been contentiously debated for several decades. Its purpose is not to present an argument. Instead, I hope that

by providing the most complete accounting to date of the executions that did occur in North Carolina and South Carolina and the crimes of which the condemned persons were convicted, the book will better inform anyone studying the complex issues surrounding capital punishment in the United States, regardless of their opinions or preconceptions.

PART ONE

Persons Executed in North Carolina

(Listed Chronologically)

1866

James Nixon, Donaldson Ruffin and Richard Williams (blacks, ages not recorded). *Aggravated Burglary*. Their crime was committed on an uncertain date in either 1865 or 1866 in Jones County. Executed for a nocturnal break-in at the house of 45-year-old Jacob F. Scott Esq. (white), almost undoubtedly under circumstances of a violent nature. This seems probable given the appalling state of lawlessness which prevailed in the Neuse River counties at this time and the fact that three men paid for it with their lives. They were hanged at Trenton on June 1, 1866. Sources: *Raleigh Daily Sentinel*, 6/7/66 (2:2); *Wilmington (NC) Daily Journal*, 5/9/66 (4:1), 5/17/66 (4:1) & 6/7/66 (4:1). See also: NC Governor's Papers Box 196 (May 7-15, 1866) containing mercy petition of John Williams (a 4th condemned prisoner in this case). The original trial papers are lost. See also: 1860 & 1870 U.S. Census (Jones Co., NC), which notes Mr. Scott, the only person of that surname which fits the party mentioned in the Williams mercy petition.

Charles Parks (black, age not recorded). *Murder*. The crime was committed on an unspecified date in either 1865 or 1866 in Mecklenburg County. Uxoricide. Executed for the murder of his wife (black, name unknown), she having been beaten and choked to death. Motive: unknown. The original trial papers have not survived. He was hanged at Charlotte on June 29, 1866. Source: *Western Democrat* (Charlotte, NC), 5/15/66 (3:1) & 7/3/66 (3:2).

Henry Queary (black, age not recorded). *Rape*. The crime was committed on 7/30/1866 in Cabarrus County. Indecent assault on the person of 28-year-old Josephine Queary (white, the wife of his former owner), she having been attacked in her own home. He was hanged at Concord on September 7, 1866. Source: *Wilmington (NC) Daily Journal*, 8/9/66 (4:1) & 9/11/66 (4:1). See also: NC Governor's Papers Box 198 (Aug 1-4, 1866), in which there is a formal request for authorization of a special court to try this offender. See also: 1860 U.S. Census (Cabarrus Co., NC) which notes the female party.