

WAS JUSTICE FAIR IN THIS CASE?

BY ARTWELL L. PIERCE

FOREWORD

This story is true; it takes place in the rural part of Virginia in 1923. This town Cumberland Courthouse was typical of that day; there were no paved road in the county; but lots of local politic going on with one person in charge. No one else would stand up for what was just and fair; until this minister was call to the field of churches, in this community.

I just believe God has directed me through the Holly Sprit to find out the truth in Edward Sylvester Pierce life. To record it for the future generation that they may know the truth and I could not get anyone interesting in researching and writing about this man.

I pick this tittle "Was Justice Fair in This Case?" because I wonted you, the reader to decide for your self. It is wonderful today; that we can get to read old newspapers, (on microfilm) and be able to read about what took place yesterday.

I won't to say a word about Dr. William Lumpkin, God has call him home. When I found this tragedy recorded in the newspaper and shared it with him (he was always told that Edward was kill by the bootlegger). He said to me, "collect all the information you can find and someday I may like to write about this man." I have collected this information and now ready for you to read about this tragedy.

I am also thankful for the Norfolk Ledger-Dispatch and Virginia-Pilot and Richmond Times-Dispatch reporters who wrote about this tragedy. The human-interest story's about that day and the trial.

This collection of old newspaper, Virginia Baptist Annual, correspondence I receive from the State Bar and the State Library makes up most of the information in this story. I have included and article from the Virginia Baptist paper the "Religious Herald" June 1923 that Clifford Miller sent to me.

I hope you enjoy reading this story as much as I did, in researching and writing about this tragedy.

Artwell Pierce
March 21, 2001

WAS JUSTICE FAIR IN THIS CASE?

CHAPTER 1

INTRODUCTION

It was a cold day in January 1992; I was in the Norfolk Public Library researching the history of South Norfolk Baptist Church doing the early years of 19th century. I'll was searched for information to assist Doctor William Lumpkin; in written about the Church it would be a hundred years old in 1993. I'll was looking in the newspaper for the year 1923 (it was on microfilm) for articles about the Church. When I got to June 6, there was the death of Edward Sylvester Pierce on the front page. I said to my self, this man is some kin to me. I read on and found out that two men shot him. They were two brothers Robert O. Garrett and Larkin C. Garrett. Robert O. Garrett was Cumberland County clerk of court and Larkin C. Garrett who was Commissioner of Chancery. Robert O. Garrett was sent to Richmond hospital with a pistol wound.² All my life; my father had led me to believe that bootleggers had killed my uncle.

Uncle Eddy was born December 13, 1870 in Gate County Norfolk Carolina. My father told me that he was the only one educated among his brothers and sisters. My Grandfather older than Edward, was also his half brother they had the same father.

Edward was converted and united with Sandy Cross Baptist church Gates County, North Caroline. From a young age he gave evident of leaning in his heart towards the ministry, frequently talking with his mother about being a preacher someday. He was educated at Beathel Hill Institution, Wake Forest College, and Southern Baptist seminary. As a preacher he was studious, courageous and fearless as a lion; he raised his voice against sin whenever and wherever he saw it.¹

Edward was pastor of three Baptist churches (Hatcher Memorial, Oak Grove, and Tarwalet) in Cumberland County about 50 mi. west of Richmond. He was shot dead in his yard of his home at Cumberland County Courthouse. At the time of his death it was reported that the Garrett belong to one of the political factions; Edward was actively aligned with the opposing faction. ²

It was reported, though not confirmed, that Rev. ES Pierce shot and killed a bulldog belonging to RO Garrett, after it had bitten one of the Pierces children, the preacher thinking the dog mad. This is thought to have led up to the tragedy.

The shooting was a cumulating of a political feud, which has raged in Cumberland County for several years, said local police authorities and state offices express their opinion. ³

Edward was twice married, his first marriage was to Miss Etter Puryer, of Halifax County, Virginia, of this union there was born seven children. Five sons

Sylvester Yates, Bernard Puryer, Julian Edward, Willard Reed, Robert Glenn, two girls Mary Elizabeth and Bertha Jane; second marriage was to Miss Mary Cohn Knowss of Arendtville, Pa of the union their was born two girls Ruth and Sophist. Within three years brother Pierce was call on to give up two of his sons, both being killed; Bernard in a railroad accident and Julian by lightning.

He never received a large salary, always working on mission fields or pastor weak churches that were financially unable to pay a living salary. He held pastor in North Caroline and Virginia. In Virginia he was pastor of Prentiss Place, Portsmouth, South Norfolk and Ocean View, Norfolk. ¹

At the inquest into the death of the minister were conducted Cumberland Courthouse, the coroner's jury, and fixing responsibility for the killings upon the Garrett. The jury found "That the said Pierce came to his death by means of a lead projector fired from the pistol in the hands of Robert O. Garrett and Larkin C. Garrett. One or both, on the fifth day of June 1923, shot at, towards and against the body of the said Pierce, penetrating the body and giving him the said E.S. Pierce a mortal wound, from which he died suddenly." ²

Acting Commonwealth's Attorney Milton P. Bonifant from Powhatan County had prepared the indictment and as soon as the jury brought in the true bill, efforts were made on the part of the Commonwealth to prevent the accused men from securing bail. The court ruled that evidence would be necessary in order to determine if they could be bonded. Several witnesses were summoned, and testifier to the reliability of the Garret. It was late in the day before the court rule that both accused men could be balled in the sum of \$25,000. ²⁵

Pierce was well liked by pastors through out the State and was considered a leader in church work in his county. It was said that he was quick to express his opinion and held decided view on various questions relative to the welfare of his community.

While on a visit to Richmond in connection with a conference of Baptist ministers held at First Baptist Church, Pierce remarked to some of his friends that his life had been threatened upon various occasions during the past few months. He said, that he had proposed some improvements in the schools of the district and this ideal was opposed. ²

The Garrett Brothers was said to be very wealthy and own large portions of the county. They were associated in the mercantile business at the Cumberland courthouse, belong to one of the political factions. Robert was secretary of the Cumberland Tobacco Growers CO-Operative association. It was brought out at the inquest that Mr. Pierce had taken an active interest recently, alleging himself with the faction opposed to the Garrett. The feelings have existed between the two factions for servile years. (Remember the Garrett brother was a part of the faction Robert O. was Clark of Court and Larkin C. was Commission in Chancery.) Soon after his arrest, the Police assert, LC Garrett told this story of the shooting declaring that the trouble was precipitated by a remarks the minister made during his sermon Sunday. He said, according to the police, that Mr. Pierce "slandered his wife" through his reference to an automobile trip she had made in company with a man whose identity was not divulged. Garrett told the officers he met the minister this morning and proceeded to discuss the lather's sermon

Sunday. The preacher was armed with a shotgun, he said. His brother noticed the men talking continued and apparently feared the minister intended to use his shotgun; then RO Garrett then came up behind the Minister and grab the shotgun, The two men started to walk away when Mr. Pierce pulled a pistol from his pocket and fired. We return the fire.²

Witness at the inquests testified that LC Garrett prior to the shooting beat Pierce. After the beating, it was said, Pierce went into the house, returned with a shotgun and a pistol. RO Garrett wrestled the shotgun from the minister, witnesses stated, then it appeared the shooting became general. Pierce was mortally wounded and RO Garrett dropped to the ground with a bullet in his side and raised himself up on his elbow and fired at the minister with the shotgun. LC Garrett suffered a slight flesh wound in the arm.² Both men were placed under arrest pending investigation of the shooting affray the warrants issued formally charge them with murder.

Excitement prevailed through out the county but no disorders were reported. The prominence of the principals and the spectacular battle in which the minister lost his life made the affrays in the most sensational shooting affrays in the History of the State. Rivaling even the Hillsville courthouse in Carol County ten years ago.⁴

The most recent incident attributed by state authorities to the Cumberland feud was the shooting several weeks ago of Allen M. Chandler a local salesman who it is believed was mistaken by an ambushed assailant by a prominent leader of one of the factions. Chandler was shot while in company with RO Garrett. The two men were driving along the road at night when they found a obstruction of logs in the highway, Chandler got out of the car to remove the obstruction when he was fired upon by an unknown man in the bushes beside the road. Chandler is still in a Hospital in Richmond.²

Rewards totaling \$2,100 have been offered for the cleaning up of the mystery surrounding the shooting of Chandler. Five hundred dollars of the sum was being offered by the State.²

The Commonwealth's attorney W.M. Smith of Cumberland County was an eyewitness to the killing. The circuit court judge George J. Hundley was in the hospital, where he had been confined by illness for several weeks. WM Smith conferred with the Secretary of Governor Trinkle (The Governor was in Washington, attending the Shrine's convention). The Secretary made it clear that the Governor's office does not, contemplate interference in Cumberland County officials of refusing assistance; the machinery of the state Government can be set in motion on short notice in the event further troubles develops warranting interference.³

PEACEFUL LITTLE VILLAGE

Whatever feud may be smoldering in the hearts of its people, the little town of Cumberland Courthouse is as sweet and peaceful as one will find anywhere in Virginia. It is typical Virginia town where every one pleasantly greets the passer-by, even the stranger, with a polite "good morning."²¹ Some of the stores are unpainted frame building and others are more modern and more pretentious, with an array of remarkable "go-getter" signs. Dusty Fords

chug into this section of the town and loafers hang around the hotel, or sit idly at the courthouse fence.

But beyond the “business section,” one finds many lovely homes surrounded by cool, green lawns, and set on a winding road, which goes up to Farmville. Here one will find great crepe myrtle trees and borders of such quaint and “honey” flowers as pasture, snow on the mountain and pines. Here on these bright moonlight nights vine-clad porches are silvered and dappled with brilliant but peaceful, light. On these sunshiny days children play happily together. Cumberland Courthouse too, like Richmond, is a town of churches. There are three churches in the town and another, Tarwalet Baptist Church, of which the Rev. ES Pierce was the pastor, is situated about a mile from Cumberland Courthouse and is included in the list of churches. The congregation of the Episcopal, Methodist, Baptist and Presbyterian Churches live in perfect peace and harmony. Each Church has a service at least once and more of them twice monthly and the service in each Church are arrange so as not to conflict with services in the other Churches. Every Sunday there was a service in one of the churches, and members of all four congregations attend.

The choir is composing of members from all four congregations. They make up a joint choir. People of four different denominations, with various creeds and beliefs come together each Sunday in one Church and worship together. It is a beautiful example of the unpartisan, unbiased sprit among the people of Cumberland who are assumed now to be split in violent factions over a feud which has culminated in the trial of the Garrett brothers:²¹

After reading so much information in the newspaper I decided to go to Cumberland County Courthouse to see if I could get additional information. I ask my Aunt Helen to go along with Stella and I; Cumberland Courthouse, is about 3 hours from Chesapeake on US highway 60. When you leave Richmond heading West the road becomes two lane and very hilly. By the time we got to the County line there were nothing in the fields a long the highway, just scrub pines. We wonder how people made a living in this County. When we got to the Courthouse, went into the clerk’s office, asked for information about the Pierce shooting. The clerk, a middle-age woman, asked me why did I wont this information? I said to her we were gathering information to be included in a book about the 100 years of South Norfolk Baptist Church and Uncle Edward was pastor at one time. She told us, all the information was in one book in the vault. When I opened the first page, some one had already index all the other pages relating to the Pierce trial. I got real excited until I turn the pages and found nothing but the dates and orders of the Judge. The Clark of Court (RO Garrett) interred this information hand written. I copy the dates down started out of the vault; the clerk met us and said the men were wrongfully convicted by some out of town juries. They were both fine outstanding men, she new them personnel and RO Garrett became a judge of this County after serving time in the State prison.

Driving back to Chesapeake I said to my self, some day I hope to get to the bottom of this matter. I went back to the library and copy all the information on the trial; that I code find with the help of the dates I receive at the courthouse.

That was eleven years ago; at that time, I did not have a computer. With a computer in hand I had no excuse. After being at the Courthouse and finding no information, I am thankful for Norfolk Public Library Historical sections for preserving what information we have today.

Emphatic denier was made that the slain preacher had made any remarks in disapproval of the conduct of the wife of L.C. Garrett said by the accused men to have been the cause of the shooting.⁵

According to Levi W. Pierce of Portsmouth, brother of the dead preacher, who went to the scene of the tragedy, said the breach between the minister and those charged with his death opened twelve months ago when R.M. Tisinger was elected Superintendent of the Cumberland County.⁵

Mr. Tisinger's election was bitterly opposed by the Garrett Brothers. Their enmity to the slain man according to his 14 year-old son Glen Pierce grew more intensive when they lost a fight, some months ago, to prevent the re-election of Miss Kathleen Hall now Mrs. James Shepherd as Principal of one of the County schools.⁵

Warrants issued yesterday, charging the Garretts with the murder of the minister were not served upon the brothers yesterday. They are in Richmond detained there charging them with being fugitives from justice.

The case was called in Richmond police court but neither of the men appeared. Justice J. L. Ingrain ordered their bonds of 5,000 dollars each continued pending a further advise from Cumberland County authorities. RO Garrett who was wounded in this side during the shooting encounter, which the minister was killed was brought to a Richmond hospital a few hours after the shooting was reported to night as resting comfortable. His doctors said his condition was not regarded as serious.⁶

Mrs. Pierce the widow, her children and John Godsey, representing the Masonic Lodge of Cumberland Courthouse and friends came to Norfolk by train with the body.⁶ At the funeral that was held at the South Norfolk Baptist church, Edward's brother (Levi) told the reports that witness to the shooting, said Edward's was wounded in the exchange of shots. He was lying on the ground with his head in his wife's lap, her arm encircling their infant daughter, when the shots which killed him were fired.

Friends had been warning Edward's he could expect trouble with the Garretts. He said, "I will do what is right regardless of the consequences." Witnesses tell that Edward's fired at the same time that the Garretts fired on him.⁶

SOME HEADLINES IN THE NEWSPAPER, OF INTEREST IN THOSE DAYS.

"First Garrett juror drives thirty miles through storm"

It reported that the first juror to arrive for the trial, by an open topped conveyance behind a horse. The juror said he wanted to be sure to get here in time, so he started early driving through the rain. He brought a 100-pound sack of feed just in case he was selected for the panel.

The next headline was "Chickens strung up on line and heads cut off"

Cumberland man has invented a new way to kill chickens, which shows genius by making use of a clothes line. With fifteen hungry policemen and equal

number of hungry press representatives and many others, a tedious job has been made easy. They now hang the chicken's up by the legs to a clothes line and walk along and cut off their heads. Then after the chickens have completed their kicking they are right were they were put and are well bled. ⁸

An another headline read, "**Pierce befriended man who is now defending slayers.**"

William Marshall Justis Jr. one of the defense counsel's, is the man Rev Edward Sylvester Pierce slain Baptist minister befriended before he was killed by R O and L C Garrett June 5 and who wife prosecution source stated nursed Justis back to health.

Mr. Justis admitted that he was the man that was ill and Pierce took him into his home. The first story of this occasion was to effect that the befriending of Justice was a source of enmity between Mr. Pierce and the Garrett brothers. ⁸

The next headline was "**Hard night's work summoning venire**"

Five wet tired bedraggled deputy this morning after breaking all records for quick jury summoning when they notified 79 of the 83 of the men summoned on the panel for the trial of L.C. Garrett in less than twenty four hours. One man lived 45 mi. from the courthouse.

But they did not return as they went. One man rode a horseback this morning. An another RC Davis left his Ford stalled in the center of a raging creek, swollen out of its banks and which was supposed to be able to forge. When his car stuck in midstream he tried to back out but the sand from the current piled against and over the running board. He stripped off his trouser, shoes and socks and waded to shore. Later he dried out the engine, other mechanical parts and managed to get the car to land.

An another of the deputy sheriffs left his car broken-down many miles from the courthouse; walk to the nearest home summoned the man there and took his house out of the stables. He continued on his rounds and the men he visited are here today.

Many jurors left their plows standing in the tobacco rows they were cultivate when summoned. ⁸

WAS JUSTICE FAIR IN THIS CASE?

CHAPTER 2

THE TRIAL

ROPE OFF COURT YARD

On Monday July 30, 1923 at 8:30 AM, Robert O. Garrett the regular Clark of courts entered the courtroom and gave orders to the Janitors to make it ready for occupied.

The special police guard arrived from Farmville a short while later and proceeded to rope off wide areas opposite the front of the court house.

"It would take a good shot to get anybody from hear," said a Lynchburg officer as he squatted through a window from beyond the ropes.

The spectators began to gather early, standing outside the locked court house door. Attorneys and venire men were searched for arms and ushered into the courtroom at 9:45. The Garrett Brothers had the customers' seats behind their councils. Lem C. Garrett uncle of the brothers sat between them.

Judge White arrived properly at 10 o'clock and sat around chatting while awaiting the arrival of the prosecution attorney who were in final conference. He said that owing to intense heat all those in the courtroom would be permitted to discard their coats if they so desired.

When court opened at 10:30 half the seats were vacant the first time that seats were not at a premium.

The trial was delayed a few minutes to permit L.W. Pierce brother of the Rev. Mr. Pierce to qualify as administrator of the estate of the minister. It was said the estate was valued at \$350.00.

Acting Commonwealth Attorney Bonifant then made a motion to quash the present venire and to try the Garrett separately and to try Larkin Garrett first. Attorneys Smith opposed the motion on the ground that a statute gave that right solely to the prisoner. Attorney Wendenburg also stated that it was his opinion that the Commonwealth had denied itself any right to try the defendant separately when it indicted the Garrett jointly. The defense wished the brothers to be tried jointly. Considerable time was taken up by technical agreement as to the law in this direction.¹⁸

The court rule that Larkin could be tried separate.

WHO FIRED THE FIRST SHOT

The great legal battle in the trial of RO and LC Garrett charge with the murder of ES Pierce which got under way here today. Will center on the question of who fired the first shot in the pistol flight between the brothers and the Baptist minister. The Garrett will claim they only fired in defense of their own lives, was confirmed by one of the counsel for the defense today.¹⁸

In this session of court Judge BD White (of Princess County) presiding, was over entirely to selecting a jury. He had issued a summons for a venire of 96 men in addition to the panel of 24 summoned several weeks ago. Just how long would be required to get a jury or weather a jury could be obtained; at all from Cumberland County was a moot question. There were many still who insisted in

their belief that it might be found necessary, to send out side the county for jurors to try this case.

According to the defense, who will probably place Larkin on the stand as the first witness? They will prove that on the morning of the shooting the Garrett went to the Pierce home. To seek some exclamation the minister was allergic to had made from his pulpit; a fist-fight resulted between Larkin and Pierce and that the Minister defeat in the fight rushed into the house and returned with a shotgun and a pistol.

They will claim further that the Garrett had started away from the place when they were halted by the minister reappearance. They say they will be able to show that Robert Garrett wrested the shotgun from Pierce and the latter then fired at Robert the bullet striking a rib near the spine. Seeing that his brother was shot. Larkin Garrett then fired at the minister, the counsel of the defense will claim to prevent further harm to his brother are to him self. ¹⁸

PICKING THE JURY

A LIST OF CAUSES TO DISQUALIFY VENIREMEN IN GARRETT CASE

Members of the venire of prospective jurors who have been summoned in the Garrett trial will be disqualified:

If he lives within two miles of the scene of the slaying;

If he is related to any of the principals involved.

If he is conscientiously opposed to the infliction of capital punishment;

If he has expressed or formed an opinion that could not be changed by evidence in the case.

If he feels he cannot give the accused a fair and impartial trial.

Twenty jurors must qualify to serve and from these both the State and defense have the privilege of striking four each, leaving the twelve to hear the case. ²¹

A jury to try Larkin Garrett was pick in less than two hours. Twenty men out of sixty qualified and from this number the defense and prosecutions were privilege to strike off four each. Judge BD White whose regular court was Princess Anne County was assigned to this trial. As soon as the jury was selected the judge recessed the court for twenty minutes to let the counsel decide the names they would eliminated form the panel. ⁷

The judge had not stated what preparation had been made for caring for the jury. He gave Deputy Sheriff James Talbot a Portsmouth police officer that heads the police guard the responsibility of finding a place for the jury to sleep. With no place to sleep in town, an emergency sleeping quarters where arranged using the jury room. Cots were set up in the jury room. ⁸

There was plenty of Attorneys. The prosecution had four, George White, RE Byrd, H.R. Mann and acting commonwealth's attorney Milton P. Bonifant. The defense had three, William M. Justis Jr., LO Wendenburg and HM Smith Jr. ⁸

George White, RE Byrd and HR Mann were some of the finesses defense lawyers in the State in those days, that were employed by unidentified persons or organizations to aid the Acting Commonwealth Attorney, Milton P. Bonifant. ²⁶ There were no paved road in the county a defense attorney HM Smith Jr. became casualty of the rough road. He came to court with a piece of skin missing from

the top of his head as big as a quarter. He explained that he sustained the "wound" when the automobile he was traveling in struck a bump. He promptly ascended to the roof of the car, which fortunately stop his flight, but inflicted a laceration.

Judge BD White at the end of the first day adjourned court. A jury had been impaneled, thereby upsetting all expectations and three prosecution witnesses, one of who had witnessed the killing, had testified. 9

BONIFANT SPEAKS

A dramatic recital of the circumstances was surrounding the shooting of the minister by Garrett the acting commonwealth attorney Bonifant in an opening statement to the jury. He told the jury the State expected to show that both Robert and Larkin Garrett fired shots into the minister's body after Pierce had been beaten almost limp by Larkin. He said Robert fired the first shots, but that those fired by Larkin were fired almost simultaneously.

Mr. Bonifant said that on the morning of June 5, day of the killing, the Garrett brothers knocked at the door of the Pierce home. Mr. Pierce was still in bed but he arose and went downstairs when his wife told him they wanted to see him. Mrs. Pierce remained in the hall feeding their infant. He alleged that Mr. Pierce was not heard to make any remarks. But that Larkin was heard talking with a loud tone, when Mrs. Pierce went out the minister was on the ground with Larkin Garrett sitting on him raining blow after blow on the face.

She went to her husband but RO Garrett pushed her violently to one side exhibit a pistol. While Larkin was sitting astride of the prostrate body raining blows into the face, Robert kept saying "beat him ---- him." Mr. Bonifant alleged. He charges that George Martin who was working on a building near by. Soughed to stop the fight was menaced by RO Garrett and moved his hand to his back pocket and said: "this is a none of your business." then commonwealth attorney Smith then came up and RO Garrett, he alleged tried to interfere. A pistol was shoved into Mr. Smith's stomach, Mr. Smith said, and was told "if you come a another inch I will kill you.

Mr. Bonifant said Shad Wilson who was working on the building nearby trouble was prevented from interfering by RO Garrett. He further alleged that when Mr. Pierce came out of the house with a shotgun and possible a pistol in his hands. He could not hold the shotgun up; they're both Garrett had their pistol trained on the doorway of the Pierce home. There right hand holding a pistol trained on Mr. Pierce, RO Garrett with one hand snatched the shotgun away with the other at the same time pumping bullets after bullets into the preachers body. Even after Mr. Pierce had fallen to the ground Robert continued to fire shot after shot into the body of the prostrate body of the minister. The defense witnesses were given as AM Chandler, WH Taylor, John Harris and Spurgen Smith.

An entirely different version of the tragedy was given by attorney LO Wendenburg in the addressing the jury for the defensive. He declared the defense would prove that not only Rev Mr. Pierce fires the first shot in the battle with the Garrett, but also he struck the first blow in the fistfight with Larkin Garrett. 9

EXAMINATION RELATED TO THE TRIAL

The testimony of the first witnesses-Doctors WL Varn and Carter Welsiger

who performed an autopsy on the body of Mr. Pierce- was largely of a technical nature. Dr. Varn said he was called to the Pierce home and found the minister dead when he arrived. He described the bullet wounds as well as the abrasion and cuts found on the minister's face and head. Powder marks were found on the left lower cheek, jaw, and left side of the neck. The dead man's nose had been broken he said and the face was bloody and bruised. Replying to a question what cause the death, he said two bullet that entered the spine were those that cause death. Other bullets had entered the hip and the right leg. Dr. Welsiger testimony was virtually similar to that of Dr. Varn. He contributed the first exhibit in the case- servile bullets and fragments of bullets, which he said, had been taken from Mr. Pierce body. These wrapped in papers giving the locations of the body from which they were taking. The entire bullets were not found at the time of the autopsy. Mr. Doyne a Farmville undertaker, to whom the body was delivered by the coroner, found the last one. He said Mr. Doyne returned the bullet over to him through Thornton Davis. At the request of the defense he and Dr. Varn were submitting the results to the court. The caliber and the weight of the bullets were expected to play an important part in the trial. 9

MARTIN TESTIFIERS

Mr. George Martin testified that on the morning of the tragedy, he was at work building a new house a few hundred feet from the Pierce residence. His attention was attracted by scream of women and he rushed in the direction, which was toward the Pierce front yard.

Mrs. John Godsey who lives next door to the Pierces was one of the women, he said. The witnesses testified he entered Pierce yard and found Mr. Pierce prone on the ground with Larkin Garrett astride him and pummeling his face. He started forward in an effort to rescue the minister, when he said RO Garrett put his hand on his hip pocket as though to draw a pistol and told the witness to " keep out of this it's none of your affairs."

The one eye witness testified he did not see Larkin fire a shot and with the exception of the first in which was fired while the witness back was turned all the shots were fired by Robert Garrett. This witness by Mr. Martin swore that Robert Garrett not only fired several shots at the minister before the latter fell to the ground but emptied his pistol into prostrate body as Mr. Pierce lay on the ground.

Mr. Martin started away and met Judge WH Smith the commonwealth attorney approaching. He called out to Judge Smith and told him what happened. Judge Smith told him he was a "dam coward for running away" and himself started in the yard. Larkin Garrett still had the minister on the ground. RO Garrett the witness continued stop Judge Smith by push a pistol "in his breast, neck or face." He could not say just which on cross-examination. About that time other persons came up, Martin said, and Larkin Garrett got up and permitted the ministers also to rise. The minister bloody apparently dazed from the beating. The witness said, stagger into the house soon Mr. Pierce reappeared with a shotgun in his hands and the witness thinking the trouble was over. Turned to walk away, he heard a shot and turned just in time to see Robert Garrett fire servile shot at the minister. After Pierce had fallen to the ground. The witness further related Robert Garrett fired servile more shots into his body. 9

On cross-examination, the witness said he could not say who fired the first shot or whether the shotgun the minister brought from the house was a single or double-barreled gun. He was positive the minister had no pistol in his hand he also said he had not seen Larkin Garrett fire a shot.

Robert Garrett and the minister were close together when Robert fired the first shot the witness testified. He also said the shot fired after Mr. Pierce fell were fired at close range as Garrett leaned over to empty his pistol into the prostrate form.

After the shooting the witness said the Garrett brothers left the yard taking with them the shotgun Robert had taken from the minister's hand. ⁹

JUDGE URGES SPEED

When Mr. Martin was excused at 5:30 o'clock Judge White who had been driving the attorneys into action through out the day by cutting short potential argument and quibbling directed the calling of the next witness. A thunderstorm was just breaking and in the gloom of the lightless old courtroom the stenographers were having trouble reading their notes so the court announced adjournment until the next morning at 9:30 o'clock half-hour earlier than usual. In announcing the change of hour Judge White said he was willing to work from "sun up to sunset" if necessary to speed the trial along. ⁹

RAIN KEEPS JURY WITHIN DOORS

The jury in the trial of Larkin Garrett spent its first night closely confined to the court building. Incessant rain was preventing them from even getting out for airing. The rain continued unabated throughout the night and have indications of keeping up throughout today. Hardly a day since the court has open in which there was not a thunderstorm, but for the last 48 hours the precipitation has been so bad. ¹¹

The member of the jury had it OK. The special guard did not; they were in tents outside of the courthouse. They had to dig drain ditches to keep from floating away. All reported the interior of their domiciles dry, however and most of them were considerable more cheerful than some. The newspaper men, who had nothing more to worry about than the lost of their telegraph wires and almost, impassable roads to the nearest telegraph or telephone office eighteen miles away. ¹¹

The jurors slept on mattresses spread on benches in the jury room and all reported a comfortable night. They were disturbed once by an enterprising photographer, who got a couple of flashlight pictures of the men after they had turned in for the night. ¹¹

The jurors were in charge of James O. Talbot Deputy City Sergeant of Portsmouth, assisted by Sergeant B W McGee, of Petersburg, both special deputy sheriffs. They were given meals at the only Hotel in the village but were not allowed to talk to no one. They also were denied the privilege of reading the newspaper. ¹¹

THE SECOND DAY OF THE TRIAL

A portable Generator was brought in from Richmond for lights in the courthouse when needed.

Most of the testimony of the morning session described the encounter and

served to corroborate the account offered yesterday by Gorge Martin. ²²

WILSON FIRST WITNESS

Shad Wilson, a carpenter working on a house near by on the day of the tragedy was the first witness on the second day to be called to testify. He was an eye witness and testified that he was attracted to the Pierce home by the screaming of the women, he found Larkin Garrett sitting on the top of the minister's beaten him in the face. RO Garrett stood by with a pistol in his hand. And telling his story, he was positive he did not see Rev. Pierce shoot RO Garrett in the back he told LO Wendenburg the defense attorney. ¹¹

He said he saw commonwealth's attorney Smith came up and heard Judge Smith tell RO Garrett when the latter stop him with a pistol." You have to shoot for I am, coming to break this up." about that time he said Larkin Garrett let the preacher up and Pierce went into the house. Robert and Larkin Garrett started to the gate. The preacher came out of the house, the witness said, RO Garrett went towards Pierce. Wilson said, and RO Garrett took the shotgun from the preacher. He saw the later fired at the minister and then saw the minister sink to the ground. "I then saw RO Garrett shooting towards the minister when he was on the ground."

The court would not allow the prosecuting attorneys to question the witness any more on this point. The judge said the question had already been answered. "When Mr. Pierce came out of the house with the shotgun. Mrs. Pierce was out in the yard screaming for help with a baby in her arms," Wilson said. After the shootings Mrs. Pierce fell across the body of her husband.

Wilson said he was about 35 ft. from the Pierce gate when he saw the affair. Replying to the prosecution question the witness said he was an injured man.

LO Wendenburg of the defense brought from the witness after the fist fight, both L C and RO Garrett had gotten near the gate and leaving when the Mr. Pierce came out of the house with a shotgun.

LO Wendenburg failed to have the witness say that Mr. Pierce" stepped off the porch." The defense brought out that if Mr. Pierce had come down the steps he would have had to pass Judge Smith; the defense claiming that Judge Smith was at the bottom of the steps. LO Wendenburg tried to have the witness say that RO Garrett turn towards the gate after taking the shotgun from the minister. "Didn't you see the minister shoot Robert Garrett in the back." "No said the witness, RO Garrett was turning facing the minister I think."

To further questions, Wilson said, he did not see the minister shoot Garrett in the back." ¹¹

Mrs. Hendricks was the first woman to appear on the witness stand in the trial. She told a dramatic store of the fight, shooting and made the unqualified statement that RO Garrett fired the first shot and Pierce did not even raise his hand after obtaining the shotgun. ¹⁰

The prosecution called Mrs. FE Hendricks. She lives next door to the Baptist parsonage with only a wire fence separating the two properties. She saw all the occurrences at the Pierce home on the morning of the shooting, she said. ¹⁴

Mrs. Hendricks said she was near the hen house when she heard Mrs. Pierce scream. She drops her basket and started towards the house woman. ¹⁴

She declared she saw Larkin Garrett astride Mr. Pierce and saw RO Garrett pushing or throwing Mrs. Pierce away from the men who were scuffling:

"Somebody help! Oh, please somebody help!" She testifies that she saw RO Garrett point a pistol at Mr. Smith as the latter came up and heard Garrett say "G-d-- it. Keep out of this or I will kill you."

"I'm not afraid of you Bob Garrett," she quoted the lawyer as saying.

"I know you are not, but this is none of your affair," Mrs. Hendricks said Garrett responded. She said she heard RO Garrett said to Larkin "beat him! Beat him! Damn him! Damn him! The witness said she saw the Garretts start toward the gate. RO Garrett looking back with a pistol in his hand. She declared she saw Mr. Pierce, coming out of the house. She said he broke the shotgun and RO Garrett wrested it from him.

"Then I saw Robert Garrett shoot Mr. Pierce. I did not see Mr. Pierce raise his hands and I am sure he did not fire a shot at all. I then saw RO Garrett put the pistol directly over the heart of Mr. Pierce and fire. Then Mr. Pierce began to fall and of saw RO Garrett fire at him when he was on the ground," the witness added.

To specific question, Mrs. Hendricks stated that after the fight, "Mr. Pierce to appear to be dazed and staggering" and "the face of Mr. Pierce was covered with blood," and "I did not hear Mr. Pierce say a word from the time of the fighting until he was dead."

No one went to the body of Mr. Pierce until the Garrett left the yard, she stated in reply to a prosecution question.¹⁴

NOT ENEMY OF THE GARRETTS

Asked by the defense Attorney Smith if she wasn't an enemy of the Garrett, she said: "No, I have taken up for them and I have been called Garrett for it."

"Their worst enemies are among your friends?" Asked Mr. Smith.

"Yes," responded the witness before objections of Mr. Byrd could be registered. The witness was then excused.

Mrs. Louise Hendricks said what the previous witness told. She witnesses the fight and shooting from the second-floor windows of her home next door. She saw RO Garrett three times throw Mrs. Pierce aside, as she tried to aid her husband. She heard RO Garrett threshing Mrs. Pierce, "and that thing you got in your arms" referring to Mrs. Pierce baby. Her story of the actual shooting of the minister correlated that of her mother and she did not see Mr. Pierce fire a shot.¹⁰

Dramatic scenes were pictured by the witness for the state, Rev. Mr. Pierce was beaten and shot to death. Beaten by the defendant now on trial and shot by RO Garrett.¹⁰

UNDERTAKER TESTIFIERS

J.D. Doyne a Farmville undertaker who prepared the body of Rev. Pierce for burial was the next witnesses today. He described the wounds and injuries the minister alleged to have sustained at the hands of the Garrett Brothers.¹⁴

WOUNDS ARE DESCRIBED

His statement follows:

Both nasal bones were broken the table of the frontal bone over the right eye showed depressed crush. Just over the hairline over the left eye there was an

abrasion the size of a dollar. There were bruises over the entire face; the left side of the upper lip there was a good size abrasion. The base of the right ear was torn away and I noticed powder burns on the left side of the neck and face. There were distinct bruises on the left leg and one on the right leg, all about the size of silver dollar. ¹⁴

BULLET PIERCES HEART

The first ball removed was that entered the right limb midway between the thigh and knee passing through the rectos femurs muscle the shattering a thigh dividing a part going upward and a part going downward. The second ball the removed and took the body through the major muscle in the left nipple space 3 in. above taking a downward course passing through the fourth rib left lung and cutting spinal column into. The third bullet enters at the top of the muscle of the left arm, breaking clavicle cutting through the left long and cutting into the spinal column.

The 4th bullet pierced both longs and lodged against spinal column. A fifth bullet went upward through the left arm.

The six bullets pierced the abdomen.

Mr. Doyne use two charts in connection with his testimony, one showing position of the facial injuries and the other showing wounds on the body of the minister.

On cross-examination, the defense attorney HM Smith Jr. asked the undertaker if he was a member of the Ku Klux Klan that was recently said to have donated funds to Mrs. Pierce.

The states objected, to what the defense demanded to know "what is that got to do with the case" and the court said, "don't answer" all in one breath. ¹⁴

As the witness passed the lawyer's table after being excused, the defense attorneys Smith snapped "you need not look at me like that"

The State counsel demanded to know whether Mr. Smith was afraid of the witness for the state. "Not a bit, and not a bit", was the reply from the defense. ¹⁴

HEARD SIX OR MORE SHOTS

Mrs. John Godsey an eyewitness of the shooting was call next her testimony was similar to the other witnesses for the prosecution.

She told of hearing six or more shots but she did not see any of the tragedy.

She was not cross-examining but the defense.

John M. Sheppard, who followed, he said he roomed at the home of John Godsey.

He testified that Larkin Garrett fired the first shot he heard and "next, I saw Robert Garrett put the pistol practically in the breasts of Mr. Pierce and fire," he added.

"I saw Robert Garrett fire again and again into the body of Mr. Pierce," he added.

Sheppard was the man who picked up the pistol by Mr. Pierce body and brought it to court. He was asked by Mr. Byrd to produce the pistol.

While he was getting it Dr. Welsiger was recalled to the stand to give the weight of bullets taken from the body of Mr. Pierce after death. ¹⁴

FOUR LOADED SHELLS: ONE EMPTY

The revolver is an Inver-Johnson regular .38 caliber. One chamber was empty.

The defense was allowed to look at the pistol. Attorneys Smith, handling it gingerly examined it with great care. It was taken by Chief of Police Talbot and unloaded. He reported there were four loaded cartridges and one empty shell in it.

Careful examination of the revolver and comparison of the bullets was made by the defense counsel. Who said they had been trying for two months to "obtain a look at the weapon." ¹²

The serial number of the weapons was taken and a comparison was made by the defense with those used by the Garrett. A cartridge taken from the pistol of Mr. Pierce would not fit either of the Garrett guns. None of the shells from the Garrett revolvers would fit the Pierce weapons.

Attorney L O Wendenburg, of the defense establish by cross-examination that Sheppard was a considerable distance from the gate of the Pierce home when he saw what he testified to.

"How can you say that from were you were standing that Larkin Garrett fired the first shot by the Garrett?" asked Mr. Wendenburg.

"Because, I saw him raised the pistol and fire," said the witness. To the other questions the witness replied he did not see Mr. Pierce fire at all.

"If he did would you know about it?" asked Mr. Wendenburg.

"Yes. If he did, I know nothing about it"

Sheppard said he did not see Larkin Garrett fire but once. Mr. Pierce fell at the shot, and he fixed the place at which he fell as "a little more than half way between the porch and the gate"

The defense's purpose along this line of questioning was to establish its claims that Mr. Pierce walked considerable distance with the shotgun after coming out of the house and the Garrett were near the gate and were pursued with the weapon by the minister.

Mr. Sheppard said he was about a foot and half to two feet from the fence of the Pierce house when he witnessed the tragedy. ¹⁴

The pistol he said was found about eight inches from the right hand of Mr. Pierce and lying parallel with the body.

Mr. Wendenburg brought out that Sheppard and the Garrett were not speaking to each other and the witness was at a meeting of political enemies servile years ago were a proposals was made to kill RO Garrett. Sheppard stated he did not make the suggestion, which was promptly vetoed. But was not required to tell who did until he was recall when he named the man. ¹³

Mr. Sheppard said he did not see Larkin support Robert Garrett after the triggered but declared he would not say it was not a fact. ¹⁴

THE PISTOL'S CONDITION

Mr. Sheppard was asked when the pistol was found "didn't someone stick a piece of paper into the barrel and twist it around to see if it was wet and showed it had recently been fired?" asked Mr. Wendenburg.

"No." said the witness.

"You do not say it was not done, but you did not see it done?"

"I know it was not done then."

"Wasn't it made at the coroner's inquest?" ¹⁴

“ I could not see as the room was so crowded, but I believe it was.” “I saw a man stick a piece of paper---a Mr. Crute, I believe stuck a piece of paper into the barrel of the pistol”¹⁴

Mr. Wendenburg said to Mr. Sheppard “ You are an enemy of the Garrett aren’t you?”

“No, not that I know of. I haven’t done anything that I know of that I should be called that,” responded the witness.¹⁴

DENIES PROPOSAL TO KILL!

“Weren’t you present at a meeting at which present Oille Pippin, Eugene Davis, David Steward, JM Sheppard, CD Flippen, EP Flippen, Donald McRae, Charlie Corson, at the home of Willie Gray, at which it was proposed to kill RO Garrett?”

“Yes.”

“Did you propose killing him?”

“No”¹⁴

WITNESS WITHHOLDS NAME

“Did anyone propose killing him?”

The court overruled objection by prosecution that RO Garrett was not on trial.

“Yes.” Answered the witness.

“Who proposed it?”

“Well do I have to tell that? I do not want to.”

Court sustained Commonwealth objections and witness did not tell the name

“I know Mr. Flippen got up and said if anything like that was going to be done he would leave the meeting at once.” Said the witness.

Attorney RE Byrd then brought out by questioning the witness that it was four years ago that the meeting was held at the Gray home.¹⁴

JT Crute, who followed Sheppard on the stand, testified that he examined the Pierce revolver at the coroner's inquest and found it had been fired a few hours previously.¹³

Mr. Crute also produced a bullet he said he had dug from the ground were Mr. Pierce had lain. Another bullet was put in evidence by John T. Godsay, who said he had cut it from the weather boarding of the Pierce home just behind were Mr. Pierce fell.

John T. Godsey was the next witness. He lived a few steps from the Baptist parsonage and said he saw the minister going to the minister home on the morning of the shooting. He later saw the Garrett setting on the front porch of the minister's home.

Godsey declared his attention was again attracted to the scene by the screaming of Mrs. Danby who said; "they are fighting over there!" He testified he saw Larkin on top of Mr. Pierce beating him. And later he saw Judge Smith, and saw RO Garrett threatened the commonwealth attorney with a pistol.¹¹

Mr. Pierce was in a bent position, he added and he was very bloody.¹¹

I should say from what I could see from were I was standing "said the witness,"" said in a minute Mr. Pierce had gone into the house and came back

with a shotgun. He seemed to be trying to break it. I saw RO Garrett wrench the shotgun from the hand while he kept him covered with a pistol in his right. As Robert Garrett did this, he turned slightly around"

The witness testified that he heard a shot just then and saw the minister body began to crumple.

Then I saw Robert Garrett fire at him while he was falling and fired at him several times while he was on the ground. ¹¹

FACING EACH OTHER

"What was the relative position of Mr. Pierce and RO Garrett when the first shot was fired?"

"They were facing each other," replied the witness.

To the prosecution question, Mr. Godsey said he did not see Larkin Garrett supporting his brother Robert and after the shooting and the Garrett had their pistol in their hands when they passed him after the shooting. ¹¹

Mr. Godsey is said in reply to the prosecution questions that he saw a pistol in the hands of Mr. Pierce after the shotgun had been taken from him, but he was not holding it steady. The pistol appeared to be wavering from side to side in the hands, the witness stated.

"It was in his hand the whole time Mr. Pierce and Garrett were facing each other," said the witness.

Mr. Godsey said he helped shroud Mr. Pierce after his death. He burned the minister's clothing, at the request of Mr. Pierce brother. Because in performing the autopsy physician's wiped their hands on them and they were covered with blood.

The defense sought to show that Mr. Godsey and his employers, Ollie Flippen were politically enemies of the Garrett. But were overruled on many of their questions. The witness denied he had contributed anything to the prosecution fund and said he did not know that his employee had.

To further questions from Mr. Wendenburg, the witness said, "he didn't know weather Mrs. Pierce remain at the scene"

"She could have gone into the house?" Queried the attorney.

"She could" responded the witness.

The witness said he would swear that Pierce did not fire but he did not see him fire and so far as he knew RO Garrett fired first. In reply to a question from the bench he made the flat statement that it was on RO Garrett who fired the first shot. The witness said in answer to Mr. Wendenburg question, that Robert and Larkin Garrett were leaving the premises when Mr. Pierce came out with the gun. The witness said "he did not see Mr. Pierce break the shotgun and looking into it."

Further prosecution questions brought out that all shot were in rapid succession.

"When the Garrett were leaving did they have their revolvers in their hands?
Asked Attorney George White for the prosecution"

" Yes, I think they did," responded the witness.

Mr. Wendenburg got from the witness that he had stepped back when Mr. Pierce came out of the house with the firearms to be out of the way. ¹¹

"Didn't you think Mr. Pierce was going to shoot and was getting out of his

way?" asked Mr. Wendenburg.

The prosecution objected to the witness stating what he had thought and was sustained and the question was unanswered.

"Isn't it a fact that you are a better political enemy of the Garrett?" asked Mr. Wendenburg.

"No" answered Mr. Godsey.

"You do not speak, do you?"

"RO Garrett and myself have been speaking ever since he made a profession of religion and call to say he had, we have been speaking ever since" "You are employed as a clerk in the Flippen store aren't you?"

"Yes."

"Aren't the Flippen bitter political and commercial enemies of the Garrett?"

"I did not know. That's their business."

"Have you contributed anything to the prosecution?"

"No."

"Have the Flippen contributed anything?"

"I do not know."

"If Mr. Pierce did fire, is it impossible for you to tell who fired the first shot?"

asked Mr. Wendenburg, changing the course of his attack.

The witness did not reply and the court asked Mr. Godsey who fired the first shot?

"RO Garrett fired the first shot I saw fired," he responded.

Do you know that your employer, Mr. Ollie Flippen was defeated for treasure by RO Garrett?

And Mr. Flippen was a Republican and Mr. Garrett was a Democrat?" asked Mr. Wendenburg.

You say you are not a political opponent of the Garrett. Haven't you supported?

Mr. Charles Corson against Mr. Garrett candidates for the board of supervisors, asked Mr. Wendenburg?

"I have always voted for Mr. Corson," said the witness.

The witness denied telling Columbus Tren that he could not do any more hauling for the Flippers if he had his grinding done at the Garrett mills.

The defense sought to go further into the political differences existed between Cumberland factions but was prevented by the court

Recalled by the defense, Shad Wilson was asked if Larkin was not holding up his brother, Robert to keep him from falling.

"I did not see him holding him. They were walking side by side," replied the witness. ¹¹

MRS. PIERCE TESTIMONY

In the afternoon of the second day Mrs. Pierce took the stand for the prosecution. She told the story of death of her husband to the jury. The frail stooped woman stumbled and sobbed throughout the triaged story that held the courtroom spellbound and brought tears to many eyes. She told how her 53 years old husband was beaten until he was bleeding and dazed of how she, with their 2 months old baby in one arm. Three different times she was thrown a side, by one of the Garrett and how her husband dazed and bleeding obtained a shotgun. And finely, he was disarmed and shot to death, without she swore firing a shot. ¹²

Mrs. Pierce was attired in deep mourning including a heavy veil. She testified that about 8:00 A.M. on the morning of the tragedy can she was in her home when she heard her baby took her in her arms. I could look into the hall." She declared" I saw a hand stretched across the front door. I called to whomever was there, to come in, but I got no response, so went, to my surprised I saw Larkin Garrett at the door and Robert Garrett behind him.

Larkin Garrett greeted me as cordially as a warm friend might. He said he would like to see Mr. Pierce.

"My husband came down and passed right by me. He went out on the porch and the Garrett exchanged greetings with him and they then said they wanted to speak to him. Larkin did most of the talking, I could not hear what they said as they moved off, I only heard what one of them said, now, how about that?"

"To my horror" she continued I saw my husband on the ground his unturned face covered with blood and Larkin Garrett on him beating him.

I went out with my baby in my arms and tried to get to him, and Robert Garrett took me roughly by the arm and shoved me away and I heard what they said, "Dam him, hit him! Dam his soul." ¹⁴

It was so awful I could hardly stand it. Here the witness broke down again. ²²

The Court--- Waited a minute. Try to compose yourself.

SAW RO GARRETT WITH REVOLVER DRAWN

Witness resumed--- "I wanted to do something, I didn't know what to do and I just turn and look at Bob Garrett; at this time I saw him holding a pistol and I knew then that myself and the life of my baby were in danger. But it had no fears for me. I did not think of myself---saving myself---at all. It didn't frighten me at all for myself and I paid no attention to that. I started again to beat his brother and still screaming for help. And I remember I saw a man coming and it looked like it was just inside of the fence. Then he stopped and it was Mr. George Martin that was a carpenter working on the house of Mr. Sheppard close by, and when I saw him I motioned to him (indicating) and said "come and do something; don't just stand there." But it didn't seem like that he would come any further and then, I remember seeing the children, Willard, Glenn, Mary and Ruth. Mary and Ruth were crying and hollering."

By Mr. Byrd: Q-"How old is Ruth?"

A-----"Three years old."

Q-----"How old is Mary?"

A-----"She is 13."

Q-----"There were all in the yard?"

A---"Yes, Mary and Ruth were crying and Willard and Glen looked like they were trouble and wanted to do something but didn't know what to do. And I said, "Boys come and do something." And then I remember seeing Judge Smith and I felt a great relief at seeing him. I didn't know-it just seemed like I felt he had power to do something---but he didn't-standing back, he walked up close to were I was and the next thing I remember was seeing Mr. Pierce get up and start into the house. And I followed right close."

By Mr. Byrd: Q---"How did he start? What was his manner of going? How did he get in?"

A---He went in right in the front door, right up the steps and over the porch and the front door. ²²

I saw him get the gun and I asked him not to go out again. I said, "they have a pistol," I knew he would be killed if he went out there, but he didn't seem to her me. ¹⁴

He seemed to be in a daze and went out, and I saw Robert Garrett with a pistol. I'll was in great mental anguish and my mind went blank. I heard shots and I saw my husband on the ground with blood covering his shirt, and I went and I asked, "is the dead."

"I knelt down beside him with my baby on my arm, screening and I reached my other hand under his head."

I gave my baby to Mr. Hendricks and felt under his shirt and his heart had stop beating. ¹⁴

The most tragic points of her recital came when she described the condition of her husband while he was prone on the ground, beaten down by blows from the fist of Larkin Garrett. And again when she told of "bagging them not to kill him," even after the minister lay dead with his head on her lap.

"It was horrible" she said." there was blood on his head and blood from his heart on his shirt."

Twice she had to stop entirely and when at the end of her direct testimony, the defense stated they would not cross-examine her; she was near collapse and had to be assisted from the courtroom.

Some of the witnesses testified they did not see the minister fire at all, others that Larkin Garrett did not fire at all, and still others that both fired. One witness Glen Pierce, son of the slain man, said the pistol in is father hand was accidentally discharge into the ground when RO Garrett jerked the shotgun and from his hands.¹² After Glen Pierce testified, the court announced adjournment until the next morning at 9:30 o'clock

THIRD DAY OF THE TRIAL Headlines in paper read

"BELLS AND BATS GIVE TIRED JURY ONE HECTIC NIGHT"

There is one jury in Virginia this morning which is dead tired. It is the jury, which convened at 9:30 o'clock to hear evidence in the case of Larkin Garrett. The jury went to bed at 3:00 o'clock and got up this morning at 4 o'clock. Its sleep was the trouble. In the beginning the jury didn't feel like sleeping. The exciting events of yesterday were not sleep conducive. So they set up late.

But then disaster befell. When the twelve good men truly began to stack their shoes and hang-up their trousers and yawns were many and one or two succumb to dreamland. Some winged creature flitted through the window, hit a lamp chimney and fell among the sleeping men. Yells or terry and anguish were heard. Real, pandemonium reigned. Brooms were mustered, jurors stood on their heads and threw pillows with more or less recurs of aim. Finally a juror knocked the creature down and it prove to be a bat. At 3:00 clock quiet was restored and snores once more began to be issue from the courthouse.

At 4 o'clock the real calamity recurred. One policeman sleeping with the jurors was responsible for what almost became a riot.

In Cumberland meandering cows stroll in at any hour, and one equipped with a

six-cylinder bell, rushed into town like fires engine at 4 A.M. The policeman mind was a substance. He may have been dreaming it. At any rate he heard a ring. The day before he had been late for breakfast and Fanny's better bread exhausted before he got to the table.

So, when he heard the old cow bell tinkling by, his sat upright in bed and yelled; "there's is the breakfasts bell."

This is the reason a sleepy jury greeted the judge on his arrival from Farmville this morning. ¹⁴

JUDGE SMITH TESTIMONY

Judge William .M. Smith, the County Commonwealth's, Attorney and regarded as probably the most important witness next to Mrs. Pierce, declared that Pierce fired the first shot. On cross-examination, however, he said the first two shots were almost simultaneous. ¹²

High spots in the testimony of Judge William M. Smith follow.

I was in a conversation with Mr. Diggs and Mr. Godsey between my office and Filppen's store which was a little remote from the Pierce residents than my office is and a lady crying out she was Mrs. Dandy; "the Garrett are killing Mr. Pierce."

I immediately struck a rush for Mr. Pierce house. "As I approach the parsonage were Pierce lived I saw Mr. Larkin Garrett sitting astride Mr. Pierce striking him in the face with his fist Mr. Pierce face was bloody apparently. I stopped at the gate of the parsonage yard, to get Mr. Martin. He was standing by to go with me and he would not go, and pulled him and then I upbraided him for standing by not taken any part in the matter. But he wouldn't move and I ran across the yard in the direction of those two that were engaged as I mention. When I got some ten or 20 ft. from them, Mr. Robert Garrett who was standing by stepping in from of me and pointed a pistol at my stomach. I didn't know that he touched me but he held it in front of me and said it if I remember correctly (after uttering an oath), according Judge Smith; "keep out of this we know what we are doing!" ¹⁴

After that time or almost immediately after getting there I saw Mr. Pierce and Mr. Garrett had separated and Mr. Pierce was making his way towards the house.

Larkin was further away from me as I have started than Robert was. He came up to Robert and I rather think said something, I don't know what and they moved up paralleling to the porch towards the gate. ¹⁴

PIERCE APPROACHED WITH GUN

I loss sight of Larkin; my eyes were focused on Bob or something else. Anyway I didn't see Larkin for some time. About that time Robert had gotten up to some 25 or 30 ft. or 28 ft. from the porch or the edge of the porch near the gate, but still in the yard. I saw Mr. Pierce step down off the corner of the porch. Advancing on Robert Garrett with a shotgun in his hand. As he advance he appeared to be loading it, either loading or seeing weather it was loaded, I couldn't quite see but I thought he was loading it and when he got with in eight or 9 ft. from Robert Garrett. Robert said to him, in a very commanding voice; "Give me that gun" and stepped-up to him, covering him with the pistol in his right hand and at the same time snatching the gun with his left-hand from Mr. Pierce. ¹⁴

MINISTER DREW PISTOL

My eyes were focused on Pierce and I saw him take from his right hip pocket a pistol.

He raised it with an uncertain aim at first; apparently looking like the pistol wavered a little. He took aim and fired it at Bob Garrett and I am sure that I saw Bob Garrett wince at it when he did that, rather decidedly.

Shot after shot poured into Pierce until about the second shot he crumpled and he came down.

The shot disabled him apparently. I could see the effect immediately on him. The second shot caused him to give up the ghost and he came-down like he was dropping or sitting down, and in all three of five shots were fired into him. ¹⁴

MAN DIES INSTANT

I say no one shot him but Robert Garrett. If anyone else shot him I didn't see it. All this time I had been advancing towards the gate. I don't know where Larkin was during this shooting just happened not to see him if he was there.

That is all I know about this tragedy. On cross-examination the witness said he never saw Robert when he was not facing Pierce. He said Pierce shot him, and I saw him flinch.

I thought his face was to me; I may be mistaken. After the shooting was over. The witness said "I was very much excited and I swore a little, which no good Methodist ought to do. I said to Mr. Garrett as well as I can recall,

"Now you have murdered him, you damned scoundrel!" ¹⁴

After his testimony Mr. Smith gave the court the two revolvers which he said the Garretts had used and which he said had been in his safe since the day of the shooting. The weapon had not been broken and when unloaded by special deputy sheriff James H. Talbott one was found to contain five empties and one loaded shell, while the other held two empty and four loaded shells. Both weapons apparently were new and of the latest make and similar design. The shotgun, which was, identified by Willard Pierce another son of the dead man, as the one RO Garrett had taken from his father also was introduced in evidence letter. It contained two-loaded shells.

The defense in all of its cross-examination sought to bring from the witness whether the minister had fired the first shot. He had started it expecting to prove from his own witnesses, that he did but in each case, except of that of Judge Smith, the usual answer was "I don't know," or "I didn't see him fire." In all and even dozen witnesses testified today despite the rapidly with which things move the state still had a number of witnesses to be heard when court adjourned for the day. There was little wrangling between opposing counsel and any potential outburst of oratory were cut short by Judge B D White with crisp "let's get along gentleman" objections were overruled or sustained in rapid fire order doing some testimony and on several occasions defense noted exceptions to the ruling. ¹²

During the testimony of Mrs. Pierce and that of the others who told of the manner in which the minister had first been beaten. Larkin Garrett leaned forward on the back of Mr. Wendenburg's chair, legs crossed, elbows on knee and chin resting in his cupped hand. At frequent intervals he nervously twisting his fingers around his chin. And seemed intensely interested in the proceedings. Other witness testified to finding bullets in the ground and home. Had merely

filled out details of the tragedy as "established by the state."

The state rested and the defense began to show why Mr. Pierce new something of the shooting of AM Chandler that took place hear May 3. This shooting it is clam to led to the tragedy at the Pierce home on the morning of June 5? Chandler who was shot from ambush and who the defense claims mistaken for Larkin Garrett testified how Rev Pierce visited him in a hospital in Richmond. He told him that the man who shot him had "pull the wrong trigger, that he had a number four shot in one barrel and birds shots in the other and that the number four shot was intended for Larkin Garrett and the bird shot for me if I interfered." Chandler said he had never seen Mr. Pierce before. ¹³

THREAT TO KILL RO GARRETT

J M Sheppard was recalled and asked by the state to name the man who propose at the ant-Garrett meeting that RO Garrett be killed. He was instructed by the court to answer and did naming David Steward. The witness said since that time, the Steward and the Garrett have become friends.

Only two witnesses had been heard when the court stop for lunch, but it was announced RO Garrett would be called to the stand as the first witness after lunch. ¹³

The defense put on the stand as its first witness Dr. AL Dodson, a physician at the St. Elizabeth's hospital who produced the bullet with which RO Garrett was shot in the back the morning of the tragedy and which was extracted at the Richmond hospital. He said the Coroner JM Whitfield weighed it at Richmond and it weighed 142.46 grains. ¹⁴

GARRETT SHOWS SCARS

He said the bullet entered the body of Garrett over the tenth rib, three inches to the left of the spine. RO Garrett was then brought forward and bared his back to the jury, which inspected his back, for the scar of the wound.

The witness said that RO Garrett was at the hospital about a month. State Attorney Mann got from the physician that he could not tell the direction from which the bullet was fired. ¹⁴

PLEADS SELF-DEFENSE

Robert Garrett took the stand, and made this statement before the jury. I take full responsibility for shooting the Baptist minister but I did not fire a shot until Pierce first fired a shot and wounded me and only to save my life. Also declared that the minister's struck the first blow in the fistfight with Larkin. He said, he and Larkin had started to leave the Pierce premises after the minister went into the house. Mr. Pierce came out of the house with a shotgun in his hands he testified and was not until then that he drew his revolver from its holster. He cover the minister, he said telling him:" don't you shoot me and I won't shot you" and at the same time turned to Pierce and snatching the shotgun from his hands. He then thought the trouble was over with, and when Larkin started to leave the Pierce yard he felt a sting and heard a pistol shot. He said he turns quickly and feared that my life was in danger beginning firing at the minister as rapidly as he could until " I thought the dangers had passed." ¹⁵

DETAILS ARE GIVEN

I could have killed Mr. Pierce when he came towards me with a shotgun but I

didn't want to do anything like that; I didn't want to kill him so I took the gun from him and started away " the witness testified.

He denied having roughly used or abused Mrs. Pierce or the baby in her arms when Mrs. Pierce tried to interfere in the flight. He also examined the pistol in his hands that commonwealth attorney WM Smith and other eyewitnesses said had drop out of his brother's back pocket when Larkin was fighting with Mr. Pierce. Robert picked up the pistol and held it by the barrel. Robert was on the stand for Two hours and 45 minutes and went through a rigid cross-examination without maternally changing his story as told on direct testimony. ¹⁵

STATE ASKED FOR MISTRIAL

Weather the case of Larkin Garrett would go to the jury or the jury itself will be dismissed and a mistrial directed was an unanswerable question when Cumberland County Circuit Court adjourned.

The status, uncertainty hinges around a motion of the state challenging the qualifications of three members of the jury and requesting the court to direct a mistrial. Six affidavits were introduced by the prosecution in support its motion for a mistrial. Judge White received the request and after studying it for some time declared a mistrial.¹⁶ Jurors drawn from outside of Cumberland County convicted Robert and Larkin. Robert was convicted of second-degree murder and sentenced to five years by Southampton County Juries. And Larkin was convicted of volunteer manslaughter and sentenced to four years imprisonment by Surrey County Juries. ¹⁷

WAS JUSTICE FAIR IN THIS CASE?

CHAPTER 3 SECOND TRIAL

The second trial of Robert Garrett got under way October 16 1923. After two fruitless efforts to obtain a verdict a third attempt was made in the Cumberland County Circuit Court.

Prior to the former trial, legal battles were fought that made history in Virginia criminal proceedings. These centered on motions of the prosecutions for a change of venue and losing in this a change of venire, which was won after the mistrial of Larkin Garrett. The state claimed that owing to the control of the county government machinery by the Garrett, both who hold offices it was impossible for the prosecution to obtain a fair and impartial trial.

The question of constitutional rights was immediately brought up by the defense and the claim made that the commonwealth did not have a right to ask a change of venue. As the law provided that an accused person must be tried in the county having jurisdiction over the scene of the alleged crime.

Judge White, who was sitting in this case by special designation of the Governor, upheld the contention of the prosecution. That the State had a right to seek a change of venue after the first trial; the trial of Larkin C. Garret the prosecutions introduce at the end of the trial. Six affidavits alleging that members of the jury had before being called, expressed opinions favorable to the Garrett.

²⁶

This trial had the same witness as the first trial. There were no surprises. I will not repeat the witness testimony for this reason.

By Friday, the case was ready for the instruction to the jury. After several hour of argument the two sides agree with the instruction. Then the lawyers began the closing argument; each side had three or more hour to tell their side. Judge White adjourns the court at 10 PM, until 9 AM Saturday morning.²⁷

MANN OPENS FOR STATE

Attorney Mann opened the state's side of the summing up before the jury and spoke more than an hour. He laid particular stress on what he declared were lax law enforcement in Cumberland County, which he said justified Rev Pierce in raising his voice in protest against conditions and criticisms of those responsible. He charge Robert Garrett was political boss in capital letters in Cumberland County and that "conditions were so rotten under his regime that somebody ought to have said something."²⁷

Describing the tragedy at the Pierce home. Mr. Mann asked the jury if they believed Larkin Garrett could have inflicted upon the minister's face such wounds as had been describe. "Bob Garrett struck Pierce the first blow with the butt of his pistol." He charged and that Larkin C. Garrett continued the beating after he had the preacher on the ground.

He asked for a "fitting punishment" for Robert Garrett.²⁸

JUSTIS SPEAKS FOR DEFENSE

Attorney William Justis, Jr., of the counsel for the defense, followed Mr. Mann,

speaking a little less than an hour. Mr. Justis also laid great stress on the Chandler soon after the shooting and his statements to Chandler and Deputy Sheriff Smith as to the wrong man haven been shot. He asked if it were possible to believe Robert O. Garrett would want to kill Pierce “the only man when knew of those who were plotting to kill him, Garrett.”

Mr. Justis refuting claims that the Garrett went to the Pierce home to kill the minister, declared Robert Garrett action in disarming Pierce and then started away was convincing proof that he had no such ideo. “ Bob Garrett would have been justified to killing him on the porch as he came out with the gun.” the attorney declared “ and by disarming him, gave Mr. Pierce back his life.” Mr. Justis closes with an eloquent plea for acquittal.

GEORGE B. WHITE SPEAK FOR THE PROSECUTIONS

Attorney George White following Mr. Justis charged that Larkin Garrett shot his brother in the Pierce shooting. He declared that the Garretts fired seven shots and only six of them had been accounted for, unless the one in RO Garrett back was considered. He intimated that the later bullet had been “rubbed down” so that enough of its weight had disappeared to make it appear the same weight as the bullets in the Pierce pistol. Mr. White also charged the Garrett beat Pierce with their revolvers.

Court adjourned at 10 PM until 8:30 AM Saturday morning with Attorneys HM Smith and LO Wendenburg of the defense and RE Byrd and Milton P Bonifant, still to speak. ²⁸

JURY INSTRUCTED BY THE COURT

The instruction as finally read to the jury were with one exception the same as those given the Amherst County Jury at the first trial of RO Garrett in August. The new instruction directed that “If the jury believed from the evidence beyond a reasonable doubt that RO Garrett and Larkin C Garrett willfully brought about the difficulty in which ES Pierce was killed. Then no matter how imminent the danger of the said Garrett neither had the right to kill Pierce and plead self defense.” ²⁷

But this instruction by the court said; it must be read in connection with all other instructions.

GIST OF OTHER INSTRUCTIONS

Other instruction informed the jury that the Garrett brothers Larkin C. Garrett having been only indicted with Robert for the Pierce killing had a right to go to the Pierce home. To inquire concerning statements the minister was alleged to have made in connection with the AM Chandler shooting; provided they went in a peaceful manner. That Larkin C. Garrett had a right to defend him self, if as claimed, he was assaulted by Pierce; RO Garrett had a right to shoot after Pierce had shot him, and under the law a brother had a right to kill in defense of his brother’s life.

The instruction on which the State insisted so strongly, both this time and at the previous trial and which went to the jury concerned the conclusion. The jury if they believed Pierce, was so dazes as a result of the beating; Larkin C. Garrett had given him that he did not know what he was doing. When he entered his homes and returned with a shotgun and pistol and started after the Garretts. ²⁷

VERDICT IS GIVEN IN ROBERT GARRETT CASE

A verdict of second-degree murder, with the minimum punishment of five years in the State Penitentiary, was the verdict today by the jury in the trial of RO Garrett. The jury took the case at 2:10 PM, some four hours after the Attorney spoke with their closing argument. It took only three hours for the jury from Southampton County under a change of venire, granted at the request of the State. To bring to an end for the present, the trial phase of a case that has been regarded as one of the most remarkable in the history of Virginia. The jury deliberated just two hours and thirty minutes, and predictions of another hung jury were being freely made when the jurors came into court and asked what was the penalty for conviction of murder in the second-degree. Further consideration by the jury. It was understood to be the question of the number of years.²³

The jury in RO Garrett first trial came from Amherst County, and it ended in a hung jury. Judge White having decided after the Larkin Garrett mistrial that it would not be possible to obtain a fair and impartial jury in Cumberland, because of the two factions in the county and which were said to involve most of the citizens of Cumberland. The State, which has asked the change in venire (Jurors), also and requested a change in venue, but this, was denied in each case.²³

VENIRE CHANGE BASIS OF CONTEST

Judge White action in sending outside the county for a jury. Is one of the chief grounds, upon which the defense bases its motion for setting aside the verdict? It claims the court had no such right until every effort had been made to obtain a jury from Cumberland.

A motion to set aside the verdict as contrary to law and evidence and various other causes was immediately made by the defense and Judge BD White announced he would hear arguments on the motion in Richmond, November 22. He also released Robert Garrett on a \$35,000 bond over the State protest.²³

On March 15 1924, Judge BD White up held the jury verdict and Robert O Garrett and Larkin C. Garrett went to state prison.¹⁷ Robert studied law and passed the bar in 1930.¹⁹ After the Governor of Virginia gave him back his political rights on August 2, 1929, for the full time for which he was sentenced having expired. It being verified to him by several of his fellow-citizens that they believe his conduct has been such since his discharge that his citizenship should be restored.²⁴

The Circuit Court Judge for Cumberland County appointed Robert, Trial Justice and Juvenile and Domestic Relations Court in 1931, for Cumberland County. In 1954 his title was changed to County Judge.²⁰

Robert O Garrett was born 1880. He served as deputy clerk of King William County until 1905. He moved to Cumberland County and became Deputy Clerk of Court 1906. He served until 1917 when he was appointed Clerk of Court a position he held until his resignation in 1924 when he was convicted of second-degree murder. He died November 28, 1957.²⁰

Larkin C. Garrett, - Convicted in December, 1923, by a Surrey County Juries in the Cumberland County Circuit Court, of voluntary manslaughter and sentenced to four years in the penitentiary. Granted removal of apolitical disabilities on July 12, 1928, upon the recommendation of the treasurer and other

citizens of Cumberland County, the full term for which this man was sentenced having now expired. ²⁴

APPEAL FOR PRAYER

"The Baptist young people union of Tarwalet Baptist Church, about a mile from Cumberland. One of the three churches where Rev. Pierce preached had adopted a resolution upon the death of their minister, calling upon all who within the bounds of the county to give God "a chance to heal leprosy of sin which has recently been spreading within its borders."

The resolution follows:

" Whereas on the morning of June the 5th, 1923, another name was added to the long list of Christian martyrs when our Pastor and founder, Rev. E.S. Pierce, was brutally murdered. Because of the stand for God and the right and his daunting courage and fearlessness dealing with the evil of our community."

Appeals to BYPU. (BAPTIST YOUNG PEOPLE UNION)

" Whereas we will endeavor to be reconciled to his death, knowing, as he was chosen to lay-down his life, if by so doing, justice and right, could one more time hold a sway in our county. Realized that only God can bring us safely through this fiery trial." therefore be it

" Resolve first: that we as a union of young people send out S O S called for prayer that we reach the hearts of the Christians of our nation:"

" Second, we earnestly resolve that we as members of this union will throw open our hearts to God's searchlight. "

" Third. Furthermore, we beg that all whom God has permitted to live within the bounds of our county; Give him a chance to heal the leprosy of sin, which has recently been spreading within its borders. That they who have been chosen to administer the Justice may let the Spirit of God lead them."

" Fourth. We ask for the wholehearted prayers of all BYPU workers throughout the state to this end, that we may not have given our Pastor in vain." ¹¹

Conclusion

An authoritative decision,

Let me remind you what I was told all my life again, that the bootleggers kill my Uncle Edward; one of the Attorneys, (R H Mann) of the three that were employed by some individual or organization; to assist the prosecution; said in the summing up before the jury. He said, "Robert Garrett was political boss in capital letters in Cumberland County" and that "conditions were so rotten under his regime that somebody ought to have said something." He laid particular stress on what he declared were lax law enforcement in Cumberland County, which he said justified Rev Pierce in raising his voice in protest against conditions and criticisms of those responsible.

When my Uncle Edward was pastor of South Norfolk Baptist he was involved with the Women Christen Temperance Union my father told me. He was very much opposing to Alcohol in any form. If the county had lax law enforcement, bootleggers could have been operating. The condition was right for Edward to get involved in speaking out against these conditions and criticisms of those responsible. That is why Robert and Larkin dislike Edward and wanted to get read of him.

What happen to the Pierce family after the trial was over with? After researching and writing about this tragedy. I have come to conclusion that it doesn't make any different about how this trial came out; the Pierce family was the big lousier.

Edward left seven children five were still at home; Glean was sixteen, Willard was fifteen, Mary was thirteen, Ruth was three and Sophia was three months old. Just a reminder, there was no social security in those days. There was no public assistance of any kind in such a small community. I am sure the small local churches did the best they could for this family.

In researching this story, I have found that Virginia Baptist rallied behind this family after this tragedy. In a conversation with Glen in his home in December 1991; he told me that Virginia Baptist made arrangement for the two boys to go to Fort Union Military Academy. As soon as the trial was over with, they were shipped off to Fort Union; they stayed until they finish high school; he told me, they were the first to stay the year around at Fort Union. They work on the farm in the summer time to supply food for the school in the winter. When they finish high school they travel all over the South selling family Bibles for an about two years. Glean said they made a lot of money and saved as much as they could and came back to Richmond to attend collage. Glean and Willard was given scholarship to University of Richmond both graduated. Glean went on to Richmond Law school and became a lawyer. Willard went on to Southern Seminary and was a pastor of a Baptist church in northern Virginia until he retired.

Mary and the three girls move to Richmond not to long after the trial was over with. They all finish collage and married. Sophia is the only one living today from this family.

This was first publishing in the "RELIGIOUS HERALD" June 14, 1923. I though it was fitting for today and included it in this story.

THE MISSION AND FATE OF A PROPHET

By Geo. W. McDaniel, D. D.

Elijah, the man of God, incurred enmity of a woman. His life was threatened. It is not to his credit that he fled. The Lord rebuked him and ordered him to return to his work.

The life of the true prophet of God is often perilous. Many prophets have sealed their

messages with their life's blood. Suffering sacrifice and death marks the progress of the cause of righteousness.

The preacher is a citizen and all the rights, duties, responsibilities and immunities of full citizenship. His special calling in no way diminishes the rights and duties of his citizenship. If he fails to meet these responsibilities and to discharge if he fails to meet these duties he is highly censurable and whoever undertakes to insufferable tyranny.

The minister of Christ ought to be interested in all that pertains to the public welfare. He has scriptural precedent and heavenly authority for such interest and activity. It is blind prejudice, or gross ignorance, which disputes this right of the preacher. Sometimes it is arrant lawlessness, which denies the right of the preacher whose words make galled jades wince. The preacher gets his commission from on high. He cannot be a time-server or a man-pleasure. Least of all can he be a man that is feared. To count the personal cost as against duty would be recreancy, of the basest sort.

Public education is a matter, which concerns the gospel minister both as a citizen and as a servant of God. He must be concerned for the welfare of the children. He not only has a right to busy himself; it is his bounded duty to take a lively interest in education. An uneducated political boss controlling education is a sight to make the decent blush. No intelligent, public-spirited citizen will allow his partisan predilections to bias his action upon a purely educational.

A Baptist preacher whose children were in the public school had the temerity to endorse an applicant for superintendent of public schools of his county to dominate in local politics. The high minded State Board of Education in their discretion selected the candidate whom the preacher with many others endorsed. It is one thing to lord it over a county and terrorize a peace loving people. It is very different by courthouse politics. In such an arena the man supported by the preacher won, and the preacher was henceforth a marked man. Because he dared to lawfully exercise his rights as a citizen, in opposition to the intolerant, and belligerent faction in Cumberland County. In which he held his citizenship; because he was too much of a man to run, Rev. E.S. Pierce is a corpse, his wife a widow, without support and the State is stained by one of the most cowardly and dastardly crimes is the history of criminology. It sickens the heart to contemplate the brutality of it.

Already the defense has gone into public print to create favorable sentiment. One wonders why they do not leave the case to be tried in the courts. I do not intend to argue the case hears, but for one time in my life I wish I were a lawyer; I would volunteer my services, not for vengeance but for justice.

E.S. Pierce was a faithful gospel minister whom I have known for many years. He had been pastor of several Virginia churches who esteemed him for his personal worth and for his work's sake. His character was above reproach. His salary was never lucrative, his family was large and his means meager. He was a true man to whom fear was a stranger. While he lived no man assailed his character; now that he is dead none but slanderous cowards will asperse his good name. That good name was all he left his family, but it is more valuable than money and lands.

Poor Pierce! He was in his own home, a county parsonage, sick abed last Tuesday morning with his wife and little children. Two armed men, against whom he had been warned, entered his premises. Had he chosen to do so he could have shot down both of these invaders from his window and he would have been justified in the eyes of the law.

I do not say that I would have had him do so. I would prefer his fate to the incarnadined record of his slayers. Fearless man as he was, he dressed and unarmed met his slayers at his own door. A younger and stronger man beat and battered his face and almost gouged out one eye, while the second antagonist stood guard with drawn pistol and threatened to shoot those who attempted to stop the frantic wife who husband and the father of her child. Dazed and exhausted, weak and unsteady, poor Pierce was then shot down in his own yard and his prostrate form pierced again and again by bullets, while his wife, baby in arm and the head of her fallen husband in the other, screamed and pleaded. The blood of Pierce was spattered upon his wife and baby. The blood of this minister and screams of that widow cry aloud in the ears of Virginia. The ghastly and piteous scene nauseates the sensibilities. What are we coming to? Is not a man in his own home, who is violating no law save in Virginia? Has personal violence dethroned the law in the Commonwealth? Have we lapsed into a state of savagery? Is Virginia to become another Mexico under the tyranny of Carranza? I would not plead for vengeance. "Vengeance is mine; I will repay, saith the Lord." I do not plead for justice, but for simple, straightforward, fearless and through administration of the law. Whatever of indignation or resentment we may naturally and almost inevitably feel in the presence of such an awful tragedy as this, we must as lovers of God and our fellow-man, as law-abiding and God-fearing citizens keep under suitable restraint. We should ourselves do wrong if we suffered ourselves to be swept into passionate desire for vengeance. Nevertheless, the public conscience demands that no influences shall prevent the fair and orderly administration of justice in this case, which has shocked the commonwealth.

There is a sort of individual bravado, of personal intolerance, of physical belligerence of overbearing insolence, of self-centered arrogance of high-tempered tyranny, of savage to the jungle. It would destroy everything that thwarts or books its selfish ambition. Its methods are a combination of Boss Tweed, Jack Johnson and Jesse James--Corrupt elections bloody fists and disorder and strife. There is no happiness, no peace, no safety for individuals, homes, or communities were it exists. Where the regenerating grace of God has not tamed savage passions the law must kill or confine them. Unrestrained they produce a condition of barbarism.

God said to the prophet Elijah; "Him that escaped from the sword of Hazeel shall Jehu slay." That was God way of saying that the wrongdoer cannot escape retribution. It may move slowly, but it moves surely. He who perpetrates an outrage can find no distant isle of the sea to which he may flee in safety. God cursed Cain, the first murderer, and His curse has been upon every murdered since that wrathful man slew righteous Abel. In many ways retribution overtakes conscience, such as Cain felt. Who would not rather be Abel dead than Cain living? It may be in the scorn of just men, which makes life a drawn-out torture. It may be in the dragons teeth he has sown in his own family that spring up like armed men to bow his haughty head in sorrow to the grave. It may be in the severe and just penalties of uncorrupted justice. It may be in the execution of that law. "Who shedding man blood by man shall his blood be shed, for in the image of God made he man." It may be in the lightning flashes of divine wrath. It may be in the eternal torment of the other world to which this is but the vestibule. As certain as there is a God one's misdeeds are sometime somewhere visited upon his own head. Read again your Bibles. There it is written that the sins of Jacob returned to plague him in his

old age in the similar sins of his sons. There it is also written that the devil was a murderer from the beginning and murderers are without the city of God. I never knew the history of a murderer of whom it could not truly and mercifully be said: “ Better for him that the man had himself been killed.”

These are indeed distressing times, in which the command: “Thou shalt not commit murder,” is ignored times in which lawlessness is rampant. Be of good courage. Evil vaunts itself to its fall. Its defiance provoked its overthrow. The tides of righteousness encounter many a reef. They may divide or break or turn back for a moment, but behind them is the swell of the mighty sea urging them onward irresistibly. The outlaw is fighting the sea. Sooner or later it will overwhelm him. He may go down gesticulating, cursing, shooting, blaspheming, but he will go down!

ENDNOTES

- 1 The Virginia Baptist 1923 Annual
- 2 Norfolk Virginia-Pilot Wednesday June 6, 1923 page 1
- 3 Norfolk Virginia-Pilot Wednesday June 6, 1923 page 19
- 4 Norfolk Ledger-Dispatch Wednesday June 6, 1923 page 19
- 5 Norfolk Ledger-Dispatch Thursday June 7, 1923 page 1
- 6 Norfolk Ledger-Dispatch Thursday June 7, 1923 page 19
- 7 Norfolk Ledger-Dispatch Tuesday July 31, 1923 page 1
- 8 Norfolk Ledger-Dispatch Tuesday July 31, 1923 page 13
- 9 Norfolk Virginia-Pilot Wednesday August 1, 1923 page 1
- 10 Norfolk Ledger-Dispatch Wednesday August 1, 1923 page 1
- 11 Norfolk Ledger-Dispatch Wednesday August 1, 1923 page 2
- 12 Norfolk Virginia-Pilot Thursday August 2, 1923 page 1
- 13 Norfolk Ledger-Dispatch Thursday August 2, 1923 page 1
- 14 Norfolk Ledger-Dispatch Thursday August 2, 1923 page 22
- 15 Norfolk Virginia-Pilot Friday August 3, 1923 page 5
- 16 Norfolk Virginia-Pilot Sunday December 16, 1923 page 7
- 17 Norfolk Virginia-Pilot Friday, March 14, 1924 page 5
- 18 Norfolk Ledger-Dispatch Monday July 30, 1923 page 10
- 19 Virginia State Bar
- 20 The Farmville (VA) Herald Tuesday December 3, 1957 page 7
- 21 Richmond Times-Dispatch Tuesday July 31, 1923 page 5
- 22 Richmond Times-Dispatch Thursday August 2, 1923 page 2
- 23 Richmond Times-Dispatch Sunday October 21, 1923 page 1
- 24 Communication from the Governor of Virginia, transmitting a list of,
Pardons, Commutations Reprieves and Remission of Fines, 1930, page 46.
- 25 Richmond Times-Dispatch Wednesday June 27, 1923 page 1
- 26 Richmond Times-Dispatch Tuesday October 16, 1923 page 1
- 27 Richmond Times-Dispatch Saturday October 20, 1923 page 1
- 28 Richmond Times-Dispatch Saturday October 20, 1923 page 2