

## Lawyers Clash at Bigham Trial

### WITNESS DROPS DEAD ON STAND FIRST DAY

The first day's proceedings in the trial of Edmund D. Bigham, Florence county farmer who is charged with the murder of five members of his own family, were brought to a sudden close late Thursday when a State's witness was fatally stricken while testifying.

George J. Steele, 72 years of age, president of the bank of Pamplico, was describing scenes at the Bigham home on the afternoon of January 22, when the five members of the family were killed, when his mouth showed a strained appearance. He was assisted from the witness chair already unconscious, and taken into the judge's cloak room from where it was reported a few minutes afterward that he was dead.

#### Court Adjourns

At the suggestion of Phillip H. Arrowsmith, assisting Solicitor L. M. Gasque in the prosecution, Judge Hayne F. Rice adjourned court until Friday morning. Mr. Arrowsmith was examining the witness when the latter was stricken.

Mr. Steele was the second witness called by the state, following Dr. W. H. Poston, of Pamplico, on the stand. Dr. Poston had been under examination from about 11:30 that morning until 5 o'clock that afternoon telling of his services at the Bigham home in connection with the tragedy, and undergoing a severe questioning from both state defense attorneys on his view as an expert of the possibility that Smiley Bigham had committed suicide.

Edmund D. Bigham, convicted and sentenced to death once for the murder of his brother, pleaded not guilty when arraigned for the second time on the same charge.

#### No Concern

Although he followed the progress of the case with evident interest, the defendant showed no agitation or concern during the day.

Apparently in the best of health, Mr. Steele mounted the witness chair with a firm step and answered questions put to him in a clear vigorous manner. He said Edmund Bigham asked him to assist in searching for the remaining members of the family after Mrs. Bigham and one of the boys had been found dead but that he declined because he thought it was dangerous.

"Who were you afraid of?" Attorney Arrowsmith asked. "Whoever was doing the killing," the witness rejoined, while a ripple of laughter stirred the packed courtroom.

#### Relations Good

The bodies of the other children and Mrs. Black were found later, he testified. The witness said he had known the Bigham family since he was old enough to know anything. The relations between Smiley and his mother and sister were good, he said, and so far as he knew, so were the relations between Edmund and the members of the family.

Asked about the relations between the two brothers, Mr. Steele replied, "except for what Smiley told me they were good so far as I know."

He was not called upon to explain what Smiley had told him.

Testimony of Doctor Poston consumed a large part of the day. He described the wounds of which Bigham's mother, sister and the latter's adopted children died.

Questioned by Judge Mendel L. Smith, Camden, of the defense counsel, it was indicated that the defense would endeavor to establish the theory that Smiley Bigham killed the other members of his family and then committed suicide.

Solicitor L. M. Gasque and Attorney Arrowsmith, both of Florence, sought to show by their examination of Dr. Poston that Smiley Bigham did not commit suicide, although his dead body was found with a bullet hole in the right temple and a revolver held loosely in his right hand.

The personnel of the jury follows: H. C. Powell, George Bellamy, W. L. Edge, W. A. Page, Sam C. Long, Vincent Ward, W. A. Moore, J. Royals, Pearl Doyle, W. L. Thompson, Claude M. Boyd and A. E. Long.

Hundreds of men, with many women and children, sought to obtain seats in the court room but many were disappointed. The opening of court Thursday afternoon was delayed about 30 minutes by the inability of court attaches and witnesses to make their way through the throng that swarmed at the doors.

Bigham, with his wife and two young daughters sitting beside him followed the proceedings closely. He spoke at intervals with A. L. King, Judge Smith and E. J. Sherman, who are representing him.

Doctor Poston who confessed often to inability to remember his testimony at the coroner's inquest and at the first trial, was examined at length as to whether or not a man who committed suicide would drop it after shooting himself through the head.

The physician gave it as his opinion that either result was possible.

Edmund Bigham, the witness said, told him he had returned to the Bigham home after a short visit to a neighbor's to find the members of the family shot and to see Smiley disappear across the road with some object in his hand. This was late in the afternoon and Smiley's body was found about noon of the following day Dr. Poston testified.

The defense objected to all questions relating to the manner in which all members of the family met death except Smiley, for whose murder the state elected to try Edmund D. Bigham.

Indicated where body is found

Testimony that Edmund D. Bigham indicated where the body of his brother, Smiley, could be found before it was actually located, was given in court Thursday morning by Walter McWhite, farmer-neighbor of the Bighams.

The defendant who went on trial here Thursday for the second time on a charge of murdering Smiley Bigham, told McWhite, the latter testified, that such should be made for his brother's body near an old ditch where it was later found. The witness said Edmund asked him "to look out for my interest" if the body of Smiley was found, explaining that the latter had four hundred or more dollars in his pockets the day before the tragedy. Only thirty odd dollars were found on the body, he said.

The pistol, which Smiley Bigham had clasped loosely in his right hand when found, was offered in evidence during the testimony of the next witness, W. W. Purvis, of Pamplico. Court attaches were unable to open the chamber to ascertain whether the gun was loaded. It was handed to the defendant who opened it exhibiting the empty chambers.

Purvis told of finding Smiley Bigham's body with the pistol in his hand. There were traces of blood on the weapon but none on the dead man's hand, he testified. The witness said Edmund Bigham asked him to look for his brother's body, saying he believed the "poor fellow" was dead, Purvis stated.

Magistrate B. J. Hyman, the next witness testified that Edmund Bigham told him to make a search below a certain road for his brother's body. The body was found below this road, he said. On cross-examination he said the defendant had not indicated any particular spot.

Had Pistol

Testimony was presented that the defendant had a pistol on the Saturday when the tragedy took place and also on the preceding Saturday. The pistol was identified as the same weapon found in Smiley Bigham's hand when his dead body was located on the day after the other members of the family were found shot to death.

There was also testimony to the effect that blood stains were found on a spot 12 to 15 feet distant from the spot where Smiley Bigham's body was found with a bullet wound in his right temple.

#### Indicated Place

The prosecution also introduced the evidence of witnesses who said Edmund Bigham indicated the general direction in which search should be made for Smiley's body, location of the body resulting, Walter Burch, negro, testified that on Saturday before the killing, Mrs. Bigham asked him to go to Pamplico to get a policeman to protect them from Edmund, who she said, according to the witness, "was about to kill" all of them.

Court adjourned Friday afternoon until Monday in order to permit witnesses and attaches to attend the funeral of George J. Steele, who died Thursday while testifying as a state's witness in the Bigham case.

Much of the time of the court Friday afternoon was consumed by an argument between opposing counsel as to the admissibility of certain questions relating to Smiley Bigham's mental condition about the time of the tragedy.

#### Defense Objects

Mrs. Ola Curtin, a neighbor of the Bighams, was asked about a conversation Smiley Bigham had at her home a few days before the family, with the exception of Edmund, was shot to death. The defense raised an objection and the jury was excused while Judge Rice heard the arguments. He reserved his decision until Monday.

Besides Mrs. Curtin, witnesses who testified Friday were Walter McWhite, who helped in search for Smiley Bigham's body, Magistrate B. J. Hyman and Charlie Gordon, Walter Miller, Archie Davis, Herbert Foxworth and Walter Burch, all negroes.

The defense continued to object to all testimony except that relating directly to the death of Smiley Bigham. Gordon, Miller, Davis, and Foxworth testified to having seen Edmund Bigham threaten his sister, Mrs. Marjorie Black, with a board on the Saturday preceding the crime.

One of them said he saw four or five blows struck with the board. They all testified that Mrs. Black, Mrs. Bigham and the two children left the home and went to Mrs. Curtin's home immediately afterward.

Indication by a state's witness of the signature of L. Smiley Bigham on the so-called confession letter, one of the factors on which the defense secured a new trial, marked the progress of Edmund D. Bigham's second trial for murder Monday. E. M. Singletary, clerk of court for Florence county, declared that in his opinion the signature to the letter, which itself was not offered in evidence, was the hand writing of Smiley Bigham, whom along with his mother, Mrs. M. Bigham, his sister, Mrs. Marjorie Black and the two adopted children of the latter, Leo and John McCracken, Edmund is charged with killing in January 1921, at the Bigham plantation at Pamplico in Florence county.

Shortly after Edmund was arrested a few days after the tragedy, Mr. Singletary testified his wife presented a deed for practically all of the Bigham property at his office to be recorded, but he refused to accept it because he said the document showed certain alterations and erasures. The deed purported to be signed by Mrs. M. Bigham, Mrs. Black and Smiley Bigham, and to convey 900 acres to the defendant and \$42,000.

The state also succeeded in getting into the evidence a statement alleged to have been made by Smiley Bigham Tuesday before the Saturday of the homicide that "Edmund is cutting up again and is threatening to kill us all but I am not afraid of him." The state failed, however, in an attempt to place in evidence the will alleged to have been made on the Saturday, one week before the crime. Judge Hayne F. Rice ruled that he would exclude it for the present.

#### Testimony of Surgeon

Much of the afternoon session of the court was consumed by the testimony of Dr. J. B. Smyser, brain surgeon and specialist of Florence, who with others examined the body of Mrs. Bigham at Pamplico last week and performed a post mortem examination. Dr. Smyser described the bullet wound found in the skull of Mrs. Bigham and in response to questions he expressed the opinion that the wound

she suffered would have produced about the same result as if she had been suddenly beheaded. According to Edmund Bigham's account of the tragedy as related by several witnesses, his mother ran from the front door across the yard saying, "Smiley has killed us all," when he returned home from a brief business trip to find the family wiped out.

Undergoing a searching cross-examination by Judge Mendel L. Smith of defense counsel, Dr. Smyser testified also to the powder burns or stains said to have been around the bullet wound in the temple, which ended Smiley's life. He said from the description of the appearance of the wound it was caused by a bullet fired from a weapon not closer to the head than 16 inches. The defense has indicated its theory of the crime is that Smiley killed the other members of the family and then committed suicide. Dr. Smyser gave it as his opinion that Smiley probably would either have clenched the pistol firmly or dropped it altogether after shooting himself. According to witnesses the pistol was loosely grasped when his body was found about noon of the day following the tragedy.

Told that there was testimony that Smiley's thumb had snapped back close to the palm of his hand when the pistol was removed, Dr. Smyser said in his opinion the face indicated that the weapon had been placed in the hand after rigor mortis had set in. J. C. Copeland, former tenant on the Bigham farm, and A. H. Bostick told of events connected with the finding of Smiley's body and occurrences at the Bigham home the day of the killing.

#### Says Attitude Hostile

Mr. Singletary, although called by the prosecution, had not testified at great length before Attorney P. H. Arrowsmith, associated with Solicitor L. M. Gasque, referred to his attitude as "apparently hostile." Besides telling of the attempt of Mrs. Bigham to record the deed, an attempt that he said was never renewed, the clerk of court told of several deeds including one concerning property of the late Mrs. Leatha Cain, a sister of the defendant, having been torn from the record books in his office. He asserted that he had reason to believe Smiley Bigham mutilated his records and added that he attempted to prosecute him, but Judge Rice ruled that portion of his testimony out as incompetent.

The witness identified Smiley Bigham's signature at the request of Judge Smith. The letter was not offered in evidence at that point but the witness was asked by Mr. Arrowsmith if he still believed the signature to be genuine after what the supreme court and Judge S. W. G. Shipp at separate times had said of the letter. He replied that he did.

This was the letter upon which the defense first made an unsuccessful effort to obtain a new trial on the ground of after discovered evidence. All of it except the signature was typewritten and it bore neither date nor salutation.

The text of the letter follows:

"Mother and Margie has the two signed deeds that had disappeared in their possession. Causing trouble seems to be their pleasure. They took the money that the postoffice department has me charged with and were the cause of Cleveland running off. And I had to pay the bond. For years I have had to leave home and pay board to be in peace to make my calculations and plots. They poisoned father and tried to poison Letha's child after her death. When I found them with the deeds I decided to kill the last one of them and leave no one to tell the tale. I am writing this to explain why I did this act. You will never see me again alive. Signed L. S. Bigham."

Mrs. Ola Kirtan was the first witness to testify Monday. She was on the stand when court adjourned Friday in the midst of an argument as to whether she should be permitted to tell what Smiley Bigham said to her shortly before the tragedy. Monday Judge Rice ruled that her evidence was competent, if the defense should make the sanity of Smiley an issue and announced he would allow

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### GRAND JURY MAKES REPORT

State of South Carolina, County of Horry, Court of General Sessions, September Term, 1924.

To His Honor H. F. Rice, Presiding Judge:

1. We have passed on all bills sent to us by the solicitor, and have returned them to the Court with our findings.

2. The special committee to investigate the condition of County Offices, and all public buildings, have made oral report of the Grand Jury as follows:

(a) No special or complete investigation of general county finances has been made for the reason that the settlement of taxes for fiscal year of 1923, should be witnessed by the Comptroller General and the Foreman of the Grand Jury has not yet been made, and the expenses of making a special examination would merely be a payment of duplicate work. The present foreman of the Grand Jury will, when notified, attend any settlement made during the year, and if necessary will report any special matter to the succeeding Grand Jury.

(b) The Grand Jury is informed that the School District balances of the cash on hand, for the several tax years last past, do not agree as made by the County Superintendent of Education and the County Treasurer. This matter was the subject of a special report to the General Assembly of South Carolina some years ago, and it is understood that the recommendation of that report were approved by the Grand Jury. But we are not informed as to whether these recommendations were put into operation by the treasurer and the County Superintendent of Education. The Grand Jury recommends that the County Superintendent of Education make his balances conform to those of the County Treasurer, as approved by the Comptroller General, and the foreman of the Grand Jury; unless he can show conclusively to the treasurer some error in the treasurer's accounts.

(c) The Grand Jury is informed that uncollected executions for past years, remain in considerable amounts unaccounted for and in the sheriff's hands. We understand that the sheriff is now making extra efforts to collect or account for these executions. We commend the sheriff's present effort although late, and recommend that all executions on hand be fully accounted for at the next ensuing tax settlement for the fiscal year 1923. And also recommend that the sheriff follow closely and literally and new acts of 1924 relating to tax executions.

3. In our last report of the June term of this court, we mentioned the matter of an investigation of the affairs of the Bank of Loris. We are unable for lack of further information, from the officers in charge of these affairs to add anything to the statements of that report. We think this matter is very important and that it warrants further investigation. Whether the banking laws of the state have been violated or not is a serious question involved in this investigation. Our Grand Jury heretofore earnestly recommend that the ensuing Grand Jury continue the investigation begun by this body with a view of presenting to this Court any violation of the laws of the state.

4. The Special Committee also by direction of the Grand Jury investigated the condition of public buildings, and we desire to call attention to the condition of the jail and the need of repairs to that building, it appears that the roof of the jail still leaks to the injury and detriment of the interior of the building. The sanitary condition of the jail is most excellent.

5. It is brought to our attention that the bridges in the river swamp on the Horry side of the Sandy Bluff bridge are in dangerous condition and we desire to call the attention of the County Road Commissioner to this condition, with a view of having him remedy it immediately.

The Grand Jury directs the follow-

### EDMUND BIGHAM TESTIFIES

#### Judge Rice Scores Lawyers for Contempt Of Court

Judge Rice ruled out the will submitted by the State in evidence. He stated that this ruling was not final. The defense then moved that Judge Rice direct a verdict. The motion was over ruled. The defense then opened its case by putting on the stand, the defendant, Edmund D. Bigham. Bigham appeared cool and collected on the stand, giving his answers in a clear distinct voice. "I came home from Ga. late in summer of 1920 because of a letter I received from Mother. I came immediately after receiving letter, and arrived home late Saturday night. Left Monday. All got up when I got home. All came down stairs, and began to talk about something which happened Tuesday night when they had to send for Mrs. Kirtan. Smiley got rather angry. I reasoned with him urging him not to be angry with Mother. Smiley said if it happened again he would kill every last one of them. State moved to strike out statement made by Smiley to Edmund, but the motion was refused. We sat up and talked three or four hours that night and I left there the next afternoon. At breakfast on that morning we all began to talk again. After breakfast Smiley and I took a walk together, Smiley mentioned his financial condition and said he had been checked up around \$730.00 short, as Postmaster and was called on to pay shortage. He seemed to be worried and troubled over this saying he would probably be brought before the Federal Court. He also mentioned records which had been torn from record books. Said he tore them out to do away with record of transfer of Bigham property. Said he expected to be brought up by Grand Jury and he believed the Clerk saw him tear them out. Smiley also spoke of Cleveland's bond, and said that Mother and Margie were the cause of Cleveland's running away. Said he was going to have to pay that bond. I returned to Ga. that afternoon, and came back later on when an arrangement was made to settle up our affairs and they, Smiley, Mother and Margie made me deed for all property \$42,000.00. Smiley owed me \$26,000 since 1915. He was worried about that. I went back to Ga. and about November 10 I moved back to the Bigham home and went into the wood cutting business. Cut about 1200 cords before the killing took place, Smiley looking after the loading. My relations were always pleasant with the family. I never struck Mother or Sister. Smiley was worried about the Post Office matter; the torn records and the \$26,000, which he owed me. (Here Bigham made a

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ing presentations to be made: Orilla Watts for running a disorderly house. Witnesses: G. F. Smith, Emery Hayes, A. P. Gibson, John Waters, Lissie Waters.

Sallie Carter and Bessie Flowers for keeping a bawdy house. Witnesses: J. L. Edwards, W. K. Roberts, Newberry Roberts, John Cox, Tatt Skipper and Herbert Todd.

L. B. Bailey for being drunk and disorderly, carrying pistol, on or about March 30, 1924. Witnesses: Will Fowler, Olie Fowler, W. L. Bailey, E. W. Small, Cromer Small, J. L. Huggins, Jack Long.

J. Q. Graham and Ellen Williams for adultery. Witnesses: J. P. Stanley, Geo. Gause, Will Faircloth, B. F. Butler and Mary Jane Rogers, Zeala Suggs.

We desire to thank your honor and the officers of this court for the many courtesies extended to the Grand Jury, and to the individual members thereof during this term.

Respectfully submitted,

W. P. LEWIS,

Foreman,

Conway, S. C., Sept. 24, 1924.