

6 FAIR PLAY MEN PLACED ON TRIAL

Upon Charges of Murder Growing Out of Clash Between The Races Last December.

STATE OFFERS TESTIMONY TELLING TERRIBLE STORY

Of Two Negroes Being Brutally Beaten By Party of Whites and Blacks--Also of Third Negro Being Shot Down in Duel and Clubbed With His Guns.

(Staff Correspondence.)
 WASHINGTON, March 2.—In the court of general sessions for Oconee county this morning William T. McClure, J. Woodrow Campbell, Calma C. Kay, S. Augustus Jones, John McDonald and William Kay, residents of the Fair Play section of this county, were placed on trial for their lives, the grand jury having indicted them on charges of murder of Green Gibson, one of three negroes who met death as the result of an escapade that occurred in that section on December 20, last.

The close of the first day's trial of the case saw the State with probably a little more than half of its testimony in. The prosecution put up twelve witnesses during the day, and of this number two might be spoken of as "star" men. Testimony given by the other ten witnesses was of minor importance, as compared with that given by the two principals. Of the large amount of testimony offered by the State on the opening day of the trial, however, only a portion of it had bearing directly on the case at stake, that is, the murder of Green Gibson. The State, it was announced, is introducing this testimony for a specific purpose, and that is to show the state of mind of those charged with murder of Green Gibson.

Tell Horrible Story.
 The testimony offered by the principal witnesses for the State today tells a story of alleged brutality such as this section of the country probably has never heard before. The testimony tells of the beating of two negro men, George Gibson, a son of the Green Gibson for whose alleged murder the defendants are being tried, and Tom Spights. The account of the beating the witnesses swear was given these two negroes, by the defendants themselves and by three negro men who were made to take part in the beating of the two negroes, is horrifying.

The alleged beating given the negroes took place in the State of Georgia, and from the effects of the injuries then sustained the negroes are said to have died. But, as stated in the outset, this testimony appears to have no direct bearing on the case at stake.

The defense objected from the first to the introduction of testimony as to what occurred on the Georgia side, and as to any treatment given anybody but Green Gibson, as the testimony was irrelevant. The State contended, however, that it was necessary to know what happened immediately preceding the death of Green Gibson in order to show the state of mind of the defendants were in, and to show malice on their part. The court ruled that the testimony was admissible, and the hearing of evidence of this character continued.

Beaten by Eight Men.
 The principal witness put up today by the State was Alonzo Anderson, a mulatto. The negro testified that he was living on the farm of Woodrow Campbell last December, and that on the 20th of that month he saw Calma Kay, John McDonald and Will Kay at the home of Mr. Campbell. That morning, he stated, he hitched up several buggies at the direction of Mr. Campbell; that the white men mentioned and himself and two other negroes got in the buggies and started for Tom Spights' house. (Spights is one of the negroes who, it is said, was beaten to death and who afterwards died in Northwell jail of his injuries.)

Upon arriving at Spights' house, the witness stated, the white men went into the house and presently returned with Spights, who was put in a buggy and driven away in the direction of the Georgia line. On the way to Spights' house, he stated, they met S. Augustus Jones, who accompanied the party. He gave the names of the other negroes in the alleged whipping party as Mose Turner and Edgar White.

He didn't see any of the events surrounding the beating of the negroes the killing of Green Gibson. The witness stated that at the time he signed this paper he knew the statements were not true.

Second Star Witness.
 The second star witness put up by the prosecution was Edgar White, who, the former witness swore, was one of the three negroes who were compelled to apply the lash to George Gibson and Tom Spights. Edgar White told practically the same story as that told by Alonzo Anderson. He testified as to the party of white men going to Tom Spights' house and taking him out of bed, taking him to the store across on the Georgia side and beating him with a buggy trace. He said that he would not have applied the lash to Gibson if he had not been told by the white men that they would "get him" unless he did. The other portions of the negro's testimony were practically the same as that given by Alonzo Anderson.

Cross Examined.
 These being the main witnesses of the prosecution, the attorneys for the defense naturally entered their severest cross examination fire upon them. Both negroes were put through a thorough grilling, and while they were tangled up in some instances, their story, in the main, was not shaken. It was brought out on cross examination that counsel for the defense had had both negroes put in jail, and that while in prison affidavits were gotten from them with reference to what happened during the rioting period. Both witnesses swore that they had not been promised immunity from indictment on condition that they made these affidavits, and that they had been offered no inducements of any other character to give the testimony that they offered then.

Whereabouts of Negroes.
 It was not brought out at the hearing yesterday what became of Tom Spights and George Gibson after they were beaten in the store, the supposition being that they were left there while the members of the party pursued Green Gibson and the other two negroes who had advanced upon them with shot guns while they were in the house administering the whippings to the two negroes. George Gibson and Tom Spights. It was not brought out what became of the two negroes who were with Green Gibson when he advanced upon the party of white men at Knox's Bridge.

The testimony only showed that Green Gibson fled back to the South Carolina side after the exchange of shots at the bridge and that he was engaged by members of the white men's party several miles back on the South Carolina side and killed in a duel with several members of the party, two of whom took his shot guns away from him, after he had fallen, and broke them over his head.

Other Witnesses.
 Other witnesses put up by the prosecution, and in the order in which they were called, were Carris Spights, wife of Tom Spights; Maris Spights, stepdaughter of Tom Spights; Andy Bowers, S. B. Wilburn, John Swinger, Anna Swinger, Alonzo Anderson, Mayor J. H. Godfrey, of Anderson; Edgar White, Prof. Harry Sheldon, Abraham Swinger and W. S. Campbell.

Other Testimony.
 The testimony offered by Alonzo Anderson and Edgar White summed up practically all that was produced by the State on the first day of the trial. Other testimony was given by other witnesses, but it was not of an extraordinary nature nor very important to the case. One of the witnesses testified that when the party of white men met George Gibson in the road they searched him and found a pistol in his pocket. Thereupon, they took him on to Georgia, with Tom Spights, and beat him.

Wednesday's Proceedure.
 It is impossible just at this juncture to predict just when the case will be brought to a close. It is probable, however, that all of the testimony will be in by the adjournment of court tonight. This being the case, the arguments and the charges should be made sometime Thursday, allowing the matter to go to the jury late that afternoon.

Second Day of Trial.
 (Staff Correspondence.)
 WASHINGTON, March 3.—The close of the second day of the trial of William T. McClure, J. Woodrow Campbell, Calma C. Kay, S. Augustus Jones, John McDonald and Will Kay, residents of the Fair Play section of Oconee county, charged with the murder of Green Gibson during a clash between the races on December 20, last, saw all testimony for the prosecution in and the examination of three witnesses for the defense completed, with the exception of the cross-examination of the third witness, who is the first-named defendant in the case, William T. McClure.

Down to Work.
 Tuesday, the first day of the trial, was taken up by the State in the introduction of testimony which was of a preliminary nature so far as bearing it has directly on the case at issue, that the alleged murder of Green Gibson. The prosecution contended, however, that the introduction of testimony with reference to the beating of two negroes, one of them a son of the Green Gibson, over on the Georgia side, was relevant, in that the State had to show the state of mind of the defendants at the time they are said to have murdered Green Gibson.

This morning the prosecution continued its testimony along this line by several witnesses, but after a short while placed on the stand, for the first time, eye witnesses of the alleged murder of Green Gibson. From then on until about 4 o'clock in the afternoon the State offered testimony

from several persons who claim to have seen Green Gibson done to death.

Two Greens on Stand.
 In addition to the State's testimony being interesting for the reason that the first eye witnesses of the alleged murder of Green Gibson were put on the stand, it was interesting for the further reason that the two sons of Green Gibson, John and Will, who, with their father, went across Knox's Bridge to the store where the six defendants are alleged to have administered severe beatings to George Gibson and Tom Spights, and engaged them in battle with shot guns and pistols, were put on the witness stand.

Line of Defense.
 There has been more or less speculation as to what line of defense would be followed in this case. Some have been inclined to think that the plea of "self defense" would be used. Just before court recessed this afternoon, however, an incident occurred which, in all probability, reveals the line of defense that will be followed.

It was gathered from a question that was about to be asked the defendant, William T. McClure, that the defense would attempt to show that McClure was a magistrate, that he set out to arrest Green Gibson because he was "in the way of the terror of the people," that he knew Green Gibson to be a dangerous man and that with this knowledge he deputized several of the defendants to go along with him and assist in the arrest of Green Gibson.

The prosecution objected to the question, and the objection was sustained by the court. The court stated that he knew of no law which permitted a magistrate to turn constable and deputize another to assist in the arrest of a person for whom he had no warrant and who had committed no offense in the presence of the magistrate.

It was apparent from the court's ruling that the defense had attempted to bring out this testimony at an opportune time, and had not been allowed by the testimony, that Green Gibson had not committed any offense in the sight of the magistrate, or that the magistrate had any warrant for Green Gibson's arrest.

The Green brothers testified that they went across the river with their father, who went to inquire as to why the men were beating his son, George Gibson. The witnesses stated that they got no reply from the white men, other than a command to drop their guns and throw up their hands, which they did not do. As they backed off from the party of white men, in the direction of the river, they testified, members of the "white party" opened fire upon them first. The negroes told how they returned the fire and then fled. One of the brothers was wounded, it was testified, and he was taken to the home of a relative. The other brother, it was testified, then went to his father, Green Gibson, after that, the witnesses stated that they did not know, other than that he went on up the road.

Eye Witnesses Testify.
 The remainder of the testimony offered by the prosecution was principally from witnesses who claim to have seen the killing of Green Gibson. The gist of all this testimony was that the defendants, after the shooting at Knox's Bridge, and after the three Gibson negroes had disappeared back on the South Carolina side of the river, began a search of the country for the three negroes.

Witnesses testified that William T. McClure went to the house of a negro woman living on his place and inquired of a negro man who was there if he had seen anything of Green Gibson or any of his boys. Receiving an answer to the effect that the Gibson negroes had not been seen, it was testified, McClure then started around the house; and that as he did he spied Green Gibson at some distance in a field; that McClure shouted to his companions to "come on boys, here he is" and began firing at Green Gibson.

The testimony continued to the effect that McClure and Green Gibson came together close together down in the field and that they exchanged shots; that Gibson said to the ground after he had run to within a short distance of one Mose Williams' house; that McClure went to Mose Williams' house and borrowed his double-barreled shot gun, with which he fired two more shots into the prostrate body of Green Gibson; that McClure then advanced to the spot where Gibson's body lay, and picking up one of the dead negro's brace of guns, struck the negro over the head with it, breaking the gun.

The testimony continued to the effect that after Green Gibson had been killed Woodrow Campbell told negroes in the vicinity to come up and look at the body, and "see how nice it had been done."

Testimony of Defense.
 At 4 o'clock the defense put up its first witness. Another witness was put up, and at the time court adjourned one of the defendants, William T. McClure was on the stand. The examination of the defendant by his counsel had been practically completed when court recessed at 5 o'clock. When court meets Thursday morning at 9:30 o'clock the cross examination of the defendant witness will be in order.

Refute Allegations.
 One of the first acts of the defense was to offer testimony from Paul Merritt, who was enroute from Fair Play to Lavonia, Ga., on a pleasure trip, and who drove up to Knox's Bridge just as the alleged whipping of the negroes by the six defendants had been finished. The witness stated that he was standing in the road talking with McClure, with his back turned toward the river bridge, when someone approached from behind, and, without warning, opened fire upon the white men. The witness stated that he received a load of shot in the back. He turned and emptied his pistol at the fleeing negroes, one of whom he recognized as Green Gibson. The defendants also opened fire on the negroes, but not until after the negroes had fired first, the witness stated.

Defendants on Stand.
 The first witness of importance put up by the defense was William T. McClure. His testimony was to the effect that on the morning of the day the alleged murder took place he was preparing to go to Lavonia, Ga.; that the other defendants came by his house that morning and had three negroes with them; that the other defendants continued on their way toward Knox's Bridge and that later he went in that direction, enroute to Lavonia. The witness testified that he crossed Knox's Bridge and stopped at the store where the negroes are said to have been beaten, but denied taking any part in the transaction at all.

After the witness was fired upon by Green Gibson and his sons, the defendant testified, he then retreated to the South Carolina side of the river for the purpose of placing Green Gibson under arrest, the defendant being at that time a magistrate. McClure testified that he was unsuccessful in his endeavor to apprehend Green Gibson and that he returned to his store house; that ere long he was advised that Green Gibson had been seen not far down the road; that he went to arrest Green Gibson.

The witness stated that he called upon Green Gibson to surrender, but that instead of the negro doing this he fired upon him with one of two shot guns which he carried. McClure stated that he then attempted to fire upon Gibson with a pistol that had been handed to him, but that the pistol refused to fire. The load of shot from Green Gibson's gun, he stated, struck him in the face, whereupon he retreated and started to go to Mose Williams' house by circling around a piece of newground. The defendant stated that he saw Green Gibson naking for Mose Williams' house also, and that about that time the negro appeared on a little hillock, wherewith a number of gun shots sounded from a party of people in that vicinity. He stated that he called to Mose Williams not to let Green Gibson go into the house. The defendant denied that he took Mose Williams' shot gun and fired at Green Gibson, and denied he took one of the negro's shot guns and struck him with it. After Green Gibson had been killed, he stated, he returned to his home at Fair Play.

No End in Sight.
 At this time it is impossible to state when the case will come to a close. It is probable, however, that all of Thursday will be taken up in the introduction of testimony by the defense. In this event, the case probably will not be completed before sometime Friday.

The testimony of the various witnesses placed on the stand yesterday, in substance, as follows:

The Testimony.
 Allen Merritt, who lives near the place where Green Gibson was killed testified that Green Gibson came to his house and later went down through the pasture; that in about half an hour he heard shooting; later Campbell and McClure came to his house and said Green Gibson had been left down in cotton patch; later great crowd of citizens came to his house, apparently looking for some one; that he went out and searched his barn, found no one; Green Gibson had no guns at that time he came to his house.

W. T. Dooley, who lives in Fair Play, testified that he saw several of the defendants on December 20, as they were coming from the direction of Knox's Bridge; that the defendants told him and others to rouse the people as crowd of negroes had met them and had opened fire on them; saw George Gibson on December 21; he was dead; over on Georgia side; saw Tom Spights and he was alive; saw Green Gibson same day; he was two down in McClure's field; saw two broken guns lying near his body. On direct examination witness said that before he got to Green Gibson McClure told him to get his gun and come help get the Gibson negroes, who were over in a patch of woods.

Charles Merritt of Cleveland, Ga., who was enroute to Fair Play, on December 20, and who happened along about the time the shooting at the bridge occurred, said he saw collection of some six or eight men at Knox's Bridge; recognized McClure and Campbell; stopped to inquire cause of shooting; Paul Merritt told us three white men had been shot; heard groans coming from store; walked out to store and found negroes in bad shape; seemed to be suffering against counter; other was sitting in door; George Gibson was the one leaning against the counter; a negro was drawn and haggard; other negro, Tom Spights, seemed to be not so badly injured; saw no blood; either negro; McClure told me one of the negroes had threatened to burn Mr. Woodrow Campbell's barn and that other one had drawn a gun on Mr. Kay and had threatened to shoot him; coming on toward Fair Play we saw negroes coming down road toward us, carrying a gun; he disappeared in bend of road, and we never saw him more. On cross examination said; negro was going toward Knox's Bridge; saw many fresh tracks along road.

Will Gibson, brother of George Gibson who was beaten to death and son of Green Gibson, who was shot to death testified that on December 20 he went by his father's house and his father and another brother set out for Fair Play; each had one shot gun; went on to Knox's Bridge; father asked McClure, Campbell and McDonald what they had done, his brother, for; asked if George was under arrest; why they didn't let law take its course; white men told us to throw up our hands; we backed off to the bridge; some of the white folks shot first; all of us shot once; finished brother John, up on bridge and carried him back to South Carolina side; left my brother at Uncle Scott Brown's; I went on to my father's house; my father left me between Mr. Merritt's and Knox's Bridge; at Knox's Bridge saw three or four negroes; my brother, George, was only one I recognized; we didn't shoot until we got on bridge.

On cross examination witness said he told anyone as he was going down road toward Knox's Bridge that he was going to get him a d—d white man; was going along road after white men with gun; at store near Knox's Bridge saw his brother George standing out under a tree blindfolded; when father asked white men what they had done for they didn't reply; father asked why they didn't let law take its course; they told us to drop our guns and throw up our hands; we turned and ran toward bridge; they shot at us some 15 or more times; on reaching the bridge we turned and shot; I shot only twice; denied that he and his father and brother surprised white men in store and fired on them without warning; no other negroes joined them that afternoon.

On direct examination said he and his father and brother didn't get any closer on white men at store than 100 yards.

John Gibson, also a son of Green Gibson and a brother of George and Will Gibson, testified he was at his home on December 20; got his gun and joined his father and brother on way to Knox's Bridge; when my father or asked white men what they had my brother for Mr. McDonald said it was because they had found pistol on George; we got no further answer from white men; one who was standing in door said, "Kill them;" we backed off then toward bridge and the shooting began; I was shot after reaching the bridge; saw brother walking out from front of store under a tree; heard Mr. McDonald tell him to look up; he seemed to be blindfolded.

On cross examination said white men fired on them 13 or 14 times before they fired.

Dr. W. C. Mays, the next witness called, being absent from court, testimony which he gave at the preliminary hearing was read into the record. The testimony was with reference to wounds he found on dead body of Green Gibson. He said he found four wounds on negroes' body, two made by shot guns, one by rifle or pistol and one by club; any one of wounds would have caused death; wound with club was on negro's head.

Frances Nichols, who lived on Mr. McClure's place last December, said Mr. McClure came to her house and asked a negro man there if he had seen any of the Gibson boys; asked me, if I had any gun shells; he then walked around house and said, "yonder, comes one of them fellows now" and began shooting; it was Uncle Green Gibson; Mr. McClure began hollering, "Come here, boys!" He told the negro man at my house to run catch Green; negro didn't do it; Mr. McClure ran on after Green; saw Green running toward Mose Williams' house; saw several men shooting at him; saw Green Gibson shoot at them; Green ran on toward Mose Williams' house; McClure appeared behind a little tree; McClure came to my house and asked a negro man there if he had seen any of the Gibson boys; asked me, if I had any gun shells; he then walked around house and said, "yonder, comes one of them fellows now" and began shooting; it was Uncle Green Gibson; Mr. McClure began hollering, "Come here, boys!" 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