

The water back of this Nantahala River dam, at the Black Place (near the present home of Mr. and Mrs. Carl S. Slagle), was used to wash logs down the river. The river was piled full of logs and the water released suddenly, thus providing a large enough stream to float the logs down to the desired point. Miss Lassie Kelly, owner of the photo, places its date at about 1904.

## Macon Has Had Noted Murders, But Only One Tried, Convicted Here Kept His Date With Death

By J. P. BRADY

Only one man tried, convicted, and sentenced in the courts of this county has ever been executed.

He was Curtis Shedd, who died in the gas chamber in Raleigh in 1951 for the strangulation slaying of two Walhalla, S. C., girls — and Shedd was convicted by a jury brought here from Jackson County.

In Macon County's century and a quarter history, only two other crimes, committed in this county, resulted in the killers' receiving death sentences.

This county isn't a haven for first degree murderers, and the scales of justice are probably as evenly balanced here as anywhere — but the records speak for themselves.

Both of the other crimes happened in Macon, but the trial of one was moved out of the county because of public feeling. The killer in the other case was tried in Macon, by a Macon jury . . . twice . . . and was twice sentenced to die . . . but managed to elude the executioner at the last minute.

In present-day mystery novel language, one case might have been tagged, "The Case of the Heel-less Shoe", but in 1872 it was known as the State vs. Henderson.

The other case, which incidentally was one of the most sensational trials in the annals of North Carolina crime, could have been known as, "Lady Luck and I". However, it was known as the State vs. Jerry Dalton.

### Year Is 1872

For the first case, a shift back through the years is in order. It is the year 1872, to be exact.

According to reports, one Bayless Henderson, a tramp from Tennessee, was door-to-dooring his way around this county, begging hand-outs.

Making his rounds through this section he just happened to overhear someone remark that Nimrod S. Jarrett, a well-known farmer, had a large sum of money on his person. Rumor further declared that Mr. Jarrett would have the money on his person when he made his weekly trip to Franklin from his home, which was about one half mile below the old Lunsford place, on Nantahala.

This presented an opportunity for a new lease on financial life for the tramp, so he decided to relieve Mr. Jarrett's person of the large roll.

Thus it was on this bright Sunday morn, September 15, that Mr. Jarrett saddled his horse, mounted, and rode the animal down the road in the direction of Franklin.

### Jarrett Dismounts

Some distance below his home he met Henderson, got off his horse and walked down the road a way, probably passing the time of day with the tramp.

Bayless, probably thinking up a good excuse, dropped a few paces behind, took out a pistol, and shot the unsuspecting Mr. Jarrett through the back of the head.

Now for the money! Rifling Mr. Jarrett's pockets, the tramp discovered the rumor about the large amount of money was just rumor. He found only a few dollars and a watch and chain.

Suddenly he was startled by the sound of approaching hoof-beats; he stuffed the money and watch in his pocket, dived into the underbrush, waded the Nantahala

river, and hid, meanwhile hiding the watch.

It was Mrs. Jarrett . . . riding to overtake her husband and ride with him as far as their daughter's home at the old Munday place.

Finding her husband dead, she quickly spread the alarm and a crowd soon gathered at the scene of the killing to search for the killer.

### Just One Clue

The only clue as to who shot Mr. Jarrett was a footprint near the body . . . a print showing the murderer had no heel on his shoe.

Searchers quickly fanned out through the thick underbrush to look for the owner of the heelless shoe, not knowing that the wily tramp had executed a brazen long-shot.

He had come out of hiding and joined the search party!

An hour or so, and much brush beating later, someone just happened to notice that Henderson had no heel on his shoe. Law officers made no move to arrest him and acted as though he were not under suspicion.

Thinking that his bluff had worked, the tramp went to the spot where he had hidden the watch—and the trap sprang shut.

Public sentiment and loose talk about long lengths of manila rope moved the actual trial to Webster, in Jackson county, where Bayless Henderson was convicted and hanged.

### Had Record

The other case, and it was tried in this county—twice, as a matter of record—involved a man by the name of Jerry Dalton, who, if court records are any indication, was what today would be called tough. Records show that Dalton, usually in company of some of his cronies, appeared in court to answer charges ranging from carrying a concealed weapon to petty larceny.

November 10, 1918 saw a new entry added to his record . . . murder.

Oldtimers, who remember the case and the man well, say Dalton was loitering on one end of the Aquone bridge, which is now, along with the community of the same name, under the waters of the Nantahala lake. He hailed a car being driven by Merrill Angel, who was taking a young woman (said to be Dalton's lady friend) by the name of Maude Williams Grant, a divorcee, for a ride.

Angel stopped the car. Jerry stepped up, poked a gun through the window and fired. The hysterical Miss Grant tried to get out of the car and run; another shot from Dalton's gun, and both Angel and Miss Grant were dead, almost before the smoke cleared.

### Cites Jealousy

Alex Moore, then sheriff of Macon County, today says that jealousy and drinking caused all of Dalton's misfortunes.

Anyway, the double slayer was apprehended immediately, jailed, and a few days later stood before the judge presiding over the November term of superior court and heard . . . "the jurors for the State upon their oath do present . . . An indictment for murder . . . the murder of Maude Grant. Strangely enough, the charge against Dalton for the murder of Merrill Angel is still in the records and has never been tried.

Dalton informed the court he was unable to employ counsel.

### Correction

Mrs. Zeb Cansler wrote the article, "Tells of First Trip to Franklin", that appears on page 12-C. Her name as author was inadvertently omitted.

so attorney R. Dean Sisk and F. S. Johnston were appointed by the court to handle Jerry's defense.

### Joined By Lady Luck

Then Lady Luck took up company with Dalton. He was bed-ridden with influenza and his trial was continued to the next term of court. He was placed in the Buncombe county jail for safe keeping.

The Buncombe lockup became his home until the August (1919) term of superior court convened in Macon County. For the second time he appeared in the court room, listened as the prosecution branded him a murderer, and this time heard the judge pronounce sentence: ". . . be sent to the State prison in Raleigh, where said warden of said prison is directed to take your body on said date, between the hours of 10 a.m. and 4 p.m., to the common place of execution in said prison and there cause a current of electricity of sufficient voltage and intensity to pass through your body to produce death, and that the application of such electricity be repeated until you be dead, and may the Lord have mercy on your soul." The date of execution was set for October 10, 1919.

Discouraging, to say the least, for Jerry, but his almost supernatural relationship with Lady Luck asserted itself again. His lawyers won an appeal to the supreme court of the state, and he was granted a new trial, because of certain irregularities in the first one.

### Again Convicted

His case again was brought up in the Macon County courtroom, the prosecution starting from scratch; and Jerry Dalton was, for the second time, convicted by a Macon County jury, at the 1920 August term of court. Penalty? same as before . . . death in the electric chair.

Another appeal to the high court by his lawyers and Jerry was remanded to the Buncombe jail, a place he had become familiar with by this time, to await an answer on the appeal.

Now Jerry either became bored with being cooped up, or he de-

ecided to heed the advice of Greeley about going West, for he broke out of jail and disappeared. Luck still rode with Jerry Dalton.

In 1922 he was picked up by police in San Diego, Calif. Sheriff Moore and the late J. S. (Jule) Robinson (Sheriff Moore said Gov. Morrison appointed Mr. Robinson to accompany him on the western jaunt) boarded a train for the coast to get the elusive, and by this time widely known, Jerry Dalton.

### 'I Knew Jerry'

Sheriff Moore said this week that the San Diego officers were surprised when he refused to use handcuffs on Jerry.

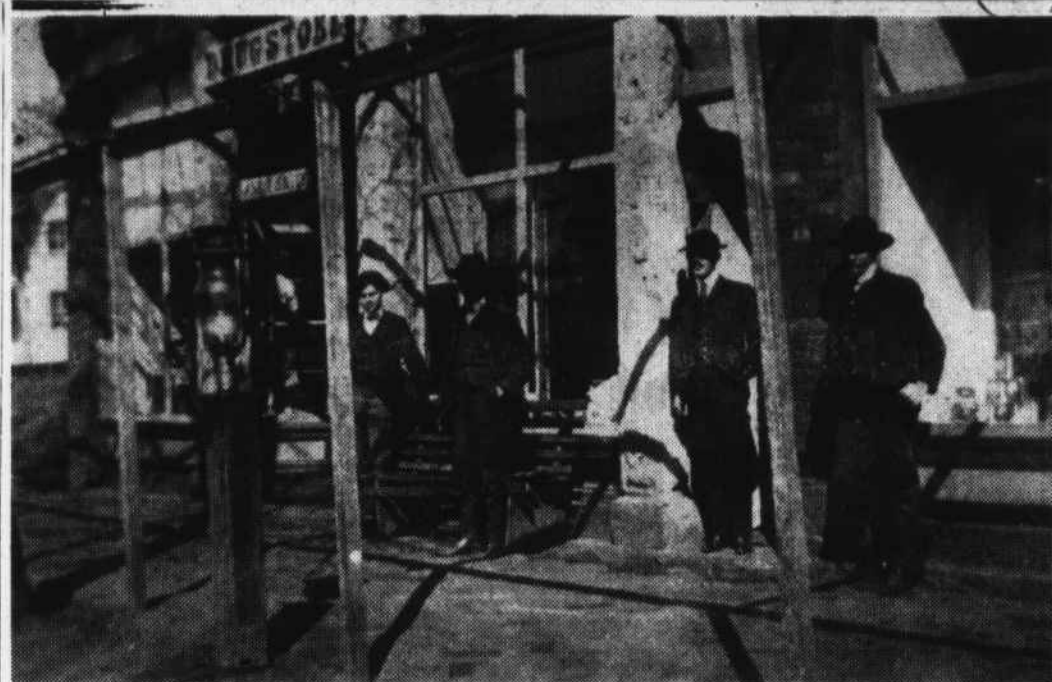
"I knew Jerry," he said, "and I didn't see any reason to handcuff him. He wouldn't have tried to run away from me."

He added, however, that small cuffs linking his and Jerry's wrists, were used during the night, purely as a precautionary measure.

So Sheriff Moore brought Dalton back to the North Carolina prison supposedly to await execution.

However, Lady Luck had both hands on the electric chair switch, and on her companion. Jerry got a commutation of his sentence from death to life imprisonment. Still later it was changed to 30 years.

After serving part of the sentence, Jerry Dalton was paroled.



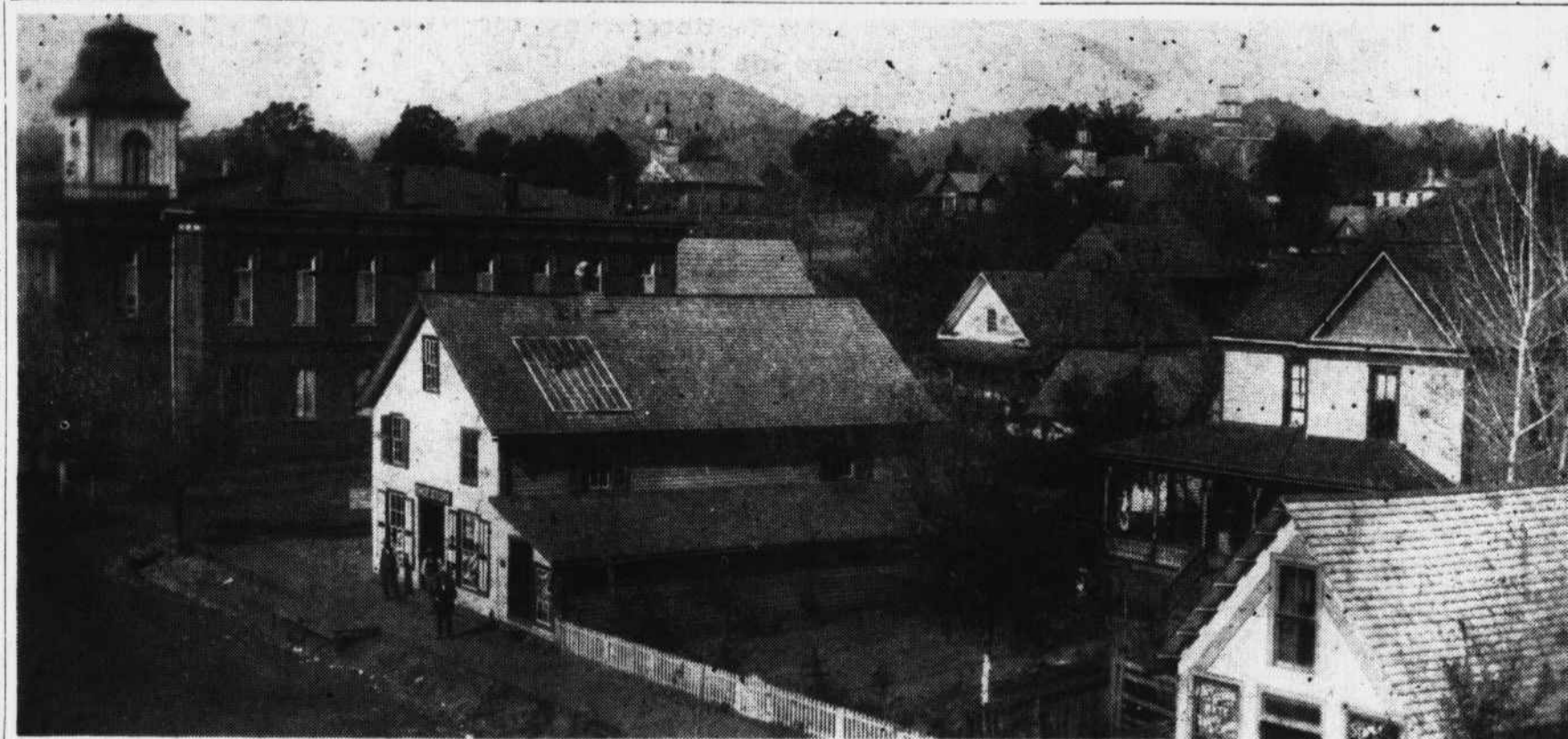
Those who remember Dr. Frank T. Smith's Drug Store, in the days when it was in the Johnston Building (where West's Florist is now) remember it best not for its drugs, but for its home-made ice cream. In this picture, made about 1903, Larry Waldrop is at left and Dan Ravenel, here as a timber dealer, is standing in the doorway to the stairs. The other two shown could not be identified. Note the kerosene oil street lamp on the post. (Photo loaned by Miss Lassie Kelly).



Here's an old view of Franklin's Main Street. Mrs. Zeb Cansler, who loaned the picture, does not know the time. Her photo is on a postcard made by Frank T. Smith, but there is no date.



This shows Franklin's Main Street in the long ago. The exact date of the photo (loaned by Mrs. Mary Lyle Waldrop) is not known. The picture is facing west (arrow points to courthouse). Note the umbrella-buggy in the left foreground.



This is a 1900 view of downtown Franklin, with Trimont in the background. To the right of the courthouse is the Green Trotter store. Note the roof skylight for the upstairs photographic studio. The two-story home at the right is the Trotter residence;

to its left is the Wiley Zachary home. In the background, left to right, the Presbyterian church (directly in front of Trimont), the Masonic Hall, and the Franklin Terrace. (Photo loaned by Miss Lassie Kelly).