

# This Hanging Dreaded By Macon Sheriff In 80's

The time of this story, one morning in the 1880's.

The place: The jail in Franklin. The chief characters: Major William H. Higdon, "high sheriff" of Macon County, and Willie McMahan, convicted of murder in the first degree, and sentenced to be hanged.

This was the day for the hanging.

A vast throng milled about the scaffold, just outside the jail; Willie McMahan could see the scaffold from his window in the jail — could see it, no doubt, after that first chilling glimpse,

no matter how tightly he closed his eyes.

The crowd watched in excited anticipation as Sheriff Higdon entered the jail. He entered McMahan's cell. He snapped the hand-made handcuffs on the doomed man's wrists.

They were the same handcuffs he'd snapped on those wrists so many times, for Willie McMahan had been handcuffed each time the sheriff had led him from the jail to the courthouse, and back again to the jail, during McMahan's trial.

They are the same handcuffs that now are in the possession

of John Higdon, grandson of the sheriff of that day. The story, told by John Higdon, is vouched for by John Dean and E. J. Carpenter. Mr. Dean remembers the events themselves; Mr. Carpenter remembers the story as it came from the lips of the late Byard Angel, widely known authority on local history.

Mr. Higdon, Mr. Dean, and Mr. Carpenter all agree on the main points of the story, though some minor details inevitably have been lost during the three quarters of a century that has hurried by since that excitement-packed

morning in the then tiny village of Franklin.

McMahan, it is explained, was not a Macon County man, nor had the murder occurred in this county. McMahan had killed a man named Buchanan, just across the line in Jackson County.

There feeling against the killer had run high, and the trial had been ordered moved to Macon. The killer had been tried, convicted of murder in the first degree, and sentenced to hang. And this was the day for the hanging.

What McMahan's emotions were as he heard the handcuffs' click, and realized it was to be the last time, nobody knows. But Major Higdon later told what his were. He was sick at the stomach.

He had never killed a man. He didn't want to kill a man now.

He found this duty of a sheriff so distasteful, in fact, that the day before, as the same crowd had milled about, watching the completion of the scaffold, he had offered \$25 to anyone who would take his place when it came time to knock the block out from under McMahan today.

And someone in the crowd had called out that he would do the job, for \$25! Who the volunteer was is not known. Nor is it known today whether he was a man without feeling or merely a man to whom \$25, a big sum in that day, seemed so large that no squeamishness should stand in the way of his earning it. Whatever his motives and feelings, this unknown man, out there in the crowd, had agreed to relieve the sheriff of the duty of actually dropping McMahan to his death at the end of a rope.

The sheriff had not committed himself. He could wait till today to decide, he had thought yesterday, when the offer was called out from the crowd.

And last night he had not slept. On the one hand, was his repugnance to the thought that any man, except under the compulsion of duty, would take a human life — and would take it for \$25; or, thought the sheriff, for \$2500, or any other amount. On the other, was the unpleasant knowledge that this was one of his duties as sheriff, and that he had no right to dodge it.

Just when he had come to the decision that he himself would be the one who sent Willie McMahan to eternity, Sheriff Higdon did not know. But at some time during that long, sleepless night, he had reached the decision, because here he was, a few moments before time for the hanging, in McMahan's cell, snapping on the handcuffs, to take McMahan out there in the bright sunshine-sunlight that, suddenly, would be blotted out for this hapless man.

There! They were securely on. Now to open the cell door and lead McMahan to the scaffold.

But what was that? Hoofbeats! How fast they struck the sun-baked red clay street! Somebody was riding hard.

The rider came swiftly around the bend in the street, and galloped up to the crowd around the scaffold. His horse was white with sweat. The driver himself seemed out of breath with excitement, as he called out to the crowd:

"Where is the high sheriff?" And then, before any in the thunderstruck crowd could answer.

"Has Willie McMahan hung yet?"

"No," came the reply, "but he's about to."

"Thank God I'm in time . . . where's the sheriff?"

"Here!" shouted the sheriff, hurrying out of the jail, bringing with him, perforce, a dazed McMahan. "Here! What is it?"

Without a word, the courier handed the sheriff a paper . . . It was a commutation of McMahan's sentence, for death by hanging to life imprisonment.

Almost as strange as the story itself is the explanation of why the sentenced was commuted.

McMahan, the story goes, was about to be arrested by a Jackson County officer of the law for some minor offense. Determined not to be taken, McMahan whipped out his gun and fired at the officer. But his bullets went wild and struck Buchanan, a bystander, instead.

Thus, the then governor of North Carolina appears to have reasoned, there was no intent to kill the man for whose murder McMahan was tried. As far as McMahan's intentions were concerned, Buchanan's death was an accident. And without intent, there could be no murder in the first degree.

Whether that is, or was, good law, that was the conclusion of the governor.

### LEAVE FOR CONFERENCE

Mr. and Mrs. Allan Brooks left today (Thursday) to attend the Provincial Layman's Conference of the Episcopal Church at the University of the South in Seawane, Tenn. They expect to return to Franklin Sunday.

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