

Ghosts of a Murder Past

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Observations after reading transcripts of three trials and recounts of stories told by his family.

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There is nothing more fascinating than a murder mystery. This one has all the elements of a John Grisham novel, and it occurred in my home town. Just after the turn of the 20th Century the community doctor and his friend, a grocer, got into an argument over 65 cents which ended in the cold blooded murder of the doctor on the evening of January 31, 1918 as he walked toward the local train depot.

This pitted families against families in Glen Alpine, a hamlet in western Burke County, North Carolina, seven years before I was born. Eight decades later ghostly theories still swirl around the site of the murder about “what happened that night” and “who did it?”

In my younger years Dr. Hennessee’s murder was a topic of family conversation and often I walked to the edge of the town cemetery to look upon the towering marble monument, higher than all others, that marks his grave and the date of his death, January 31, 1918. Over his grave is a cement slab which I was told was put there to insure that his remains would stay there. Then and now, fact and myth kept a social cauldron boiling in my home town over the evidence produced at three trials, and in myriad ways ruffled the fabric of the community. After the doctor’s murder, because my relatives were related to the Pitts family we sided with the Pitts family. So I was informed when I was in the first grade that it was not appropriate to trade at M. N. Hennessee’s dry goods store. (M. N. Hennessee was the brother of Dr. Hennessee). Over time that admonition ceased, but I still have a vivid memory of that feeling.

What happened on the evening of January 31, 1918 began a decade earlier. Dr. Hennessee resided in the big stone house on High School hill overlooking the community and its train station. At the foot of the steep incline and across the highway, W. D. (Bud) Pitts ran a grocery over a livery stable just below the train station. Very early in the 20th century, the doctor and grocer were hunting pals and used Pitts’ livery stable mules for hunting transportation. In 1908 it came time to settle grocery and medical accounts. The grocer sent a bill to the doctor and added a 65 cent livery charge arising out of their hunts. The doctor heatedly refused to pay any livery charge and the argument went on for the next five years. Neither old friend would pay the other to settle his accounts.

W. D. (‘Bud’) Pitts had eleven children. Gorman, Aaron, Ervin, and Garfield, his sons, became embroiled in a fight with Dr. Hennessee on January 18, 1913. Gorman, aware of the 65 cents dispute, was home from his employment in Tennessee, and was in his Uncle J. D. Pitts’ store on the north side of the railway, later M. N. Hennessee’s dry goods store and now occupied by the Railroad Restaurant. Dr. Hennessee came in the Pitts store. Gorman walked by the doctor and bumped or brushed him. (The aisle way was always narrow due to a pot bellied stove in the middle of it). Words were exchanged between them, and Dr. Hennessee immediately went home to get weapons, and came back to the store with a Winchester rifle and a knife to vent his anger. A bloody fight began. Dr. Hennessee swiped at Garfield with the knife. Garfield avoided any cut. The store owner asked the participants to leave, and they went out into the street. Old timers said that a brawl raged under an oak tree (still standing) at the edge of the Frank Brinkley home just north of the current Post Office. Guns, knives, stove wood, rocks were used in the melee. A load of buckshot hit the town marshal in the hand and in the left side. Abel Pitts, the 87 year old father of W. D. and J. D. Pitts, was cut. M. N. Hennessee, the doctor’s brother and who operated a store, now the site of the town Post Office, was hit in the face with a rock. Dr.

Hennessee was hit in the head with a stick of wood and gravely injured by seven bullets. Even so, he recovered after being treated at Statesville Hospital. W. D. Pitts' sons, Ervin and Gorman, received the worst injuries. Badly beaten, Ervin survived. Gorman died from gunshot and knife wounds five weeks after the fracas. Ten individuals were arrested. Dr. Hennessee, indicted for murder of Gorman Pitts, was tried in the most celebrated Burke County trial since the Civil War. Due to excellent legal counsel, he was acquitted by a jury. One of the doctor's defense attorneys was S. J. Ervin Sr. (father of U. S. Senator Sam J. Ervin Jr.) No warrants were issued for Aaron and Garfield Pitts who were quite young at the time.

In his memoirs, my dad tells an amusing story relating to the trial (State v. Dr. E. A. Hennessee) regarding the blow the doctor received from a stick of wood during the street fight. Dad, who was 11 years old when the street fight occurred, wrote, "John Kaiser. I remember John when I was a boy. [He was] dangerous because he was sneaky. When Dr. Hennessee and Gorman were in the big fight, Old John slipped up behind Dr. Hennessee and hit him in the back of the head with a large piece of wood. Dr. Hennessee promptly took a couple of shots at him. John was on the witness stand at the trial resulting from the death of Gorman Pitts. He was asked: "How many times did Dr. Hennessee shoot at you?" John is said to have answered, "Well Sir if he didn't shoot but one time at me, the bullet passed me, and then I passed the bullet, and it passed me again."

The doctor's acquittal set the stage for what transpired five years later on the evening of January 31, 1918 when Dr. Hennessee was returning by Southern Railway westbound Train # 21 to Glen Alpine after treating a Burke County patient in Greensboro. That afternoon Aaron and Garfield Pitts were working in their father's grocery that occupied a deep swag a few yards south of the Southern Railway depot. Time had not erased their bitterness toward Dr. Hennessee arising out of the murder of their brother, Gorman, in the 1913 street fight. On the January 31, 1918 afternoon, Aaron Wiseman arrived from Spruce Pine at eastbound Train 16, which halted on the siding near the depot. Wiseman got off Train 16 and headed for the nearby W. D. Pitts grocery, conversed with Garfield and Aaron Pitts, asked to see their father (W. D. "Bud" Pitts) because Wiseman had important business to discuss, was told that "Bud" was at home a mile away and there was not enough time to see him. Wiseman and the Pitts boys continued talking until westbound Train 21 approached the station. Wiseman and Garfield Pitts then walked together toward the arriving train.

What occurred in the next few minutes on that dark, foggy evening was the subject of two of the most famous trials in North Carolina judicial history.

Westbound Train 21 arrived. Dr. Hennessee, one of its passengers, got off the train and started walking on the gravel apron toward the depot. Sam Byrd, whose fiancée and later wife Mattie Byrd, had been treated in Greensboro by the doctor, approached him to get a report on her condition. Two gunmen, according to several observers, began firing pistols at Dr. Hennessee from his rear. There was testimony that seven bullets entered the doctor's body. He crumpled to the ground dead.

At the coroner's inquest, Aaron and Garfield Pitts were identified as Dr. Hennessee's murderers. They were placed on trial for their lives. The best legal talent of the area son matched wits for the prosecution and the defense. For the prosecution, S. J. Ervin Sr. assisted Solicitor R. L. Huffman. For the defense, Aaron and Garfield Pitts retained Spainhour and Mull, Isaac Avery and Will Erwin. More lawyers entered the case. The prosecution retained F. A. Linney, a former Republican candidate for Governor, a renowned orator, and a famous trial lawyer. Then the Solicitor retained Mose Harshaw, an able lawyer from Lenoir. The Hennessee family retained ex-Lt. Governor W. C. Newland and E. M. Hairfield to assist the prosecution. On March 11, 1918, the trial began in Burke County Superior Court.

The prosecution based its case upon the rivalry that existed between the Pitts and Hennessee families which had long festered over the unresolved debt and the death of Gorman Pitts at the hands of Dr. Hennessee. At this first trial, two witnesses stated they saw two men running toward W. D. Pitts' store immediately after the shooting. The stationmaster stated he saw Garfield Pitts in the store with a bright pistol in his hand. Sam Byrd positively identified Garfield Pitts as the man who passed in front of him after the shooting, and stated that Aaron and Garfield Pitts ran after he saw Dr. Hennessee shot.

The defense relied on conflicting testimony, at the coroner's inquest Sam Byrd had said it was so dark on the night of the shooting he could not tell who did the shooting. There was also crucial testimony by star witness, J. M. Ramsey, a passenger on westbound Train 21, that the gunmen were of different heights. (The defense demonstrated to the jury that Aaron Wiseman was taller than Garfield or Aaron Pitts, and the brothers also were shown to be of the same height.) The defense made a compelling argument that the state's own witnesses raised reasonable doubt as to the guilt of Aaron and Garfield Pitts. The jury accepted that argument. An underlying factor, the violent temper of Dr. Hennessee, which was well known in the community, may have had some influence on the verdict. Aaron and Garfield Pitts were acquitted of the charge of murdering Dr. Hennessee.

A second trial then began. Solicitor R. L. Huffman found a new witness, a passenger on Train 21, Fred Amos. For uncertain reasons, he had not testified in State v. Aaron and Garfield Pitts. He now became the star witness in State v. Aaron Wiseman. An indictment was brought against Aaron Wiseman for the murder of Dr. Hennessee. The trial was moved to Shelby, NC. This time the key witnesses for the state were Fred Amos and again J. M. Ramsey. Both testified that Aaron Wiseman, a single gunman, fired the fatal shots into Dr. Hennessee. (Ramsey had testified in the first trial that two gunmen fired shots). Amos testified that he was positive that Aaron Wiseman, a man he had known for many years, shot two pistols at Dr. Hennessee. Amos described Wiseman's general appearance, his dress, that he wore a long tan outer coat, and that there was no doubt in his mind that the gunman was Aaron Wiseman. He gave flimsy reasons for not testifying in the previous trial, but was unshakeable in his identification of the gunman. Ramsey was equally dramatic in describing the gunman as Aaron Wiseman, and stated that Wiseman shot two pistols, one blue-steel and one silver-plated. At this trial, courtroom observers thought that the case against Wiseman sounded exceptionally strong. M. N. Hennessee, brother of the slain doctor, testified that Dr. Hennessee had ten distinct bullet wounds, all entering from the back. (Testimony in the first Pitts trial was offered that seven bullets entered Dr. Hennessee's body). There was testimony this time that after the shooting a man was riding on the steps of Train 21 two and a half miles west of Glen Alpine. Wiseman testified that he got on westbound train 21.

The jury brought in a verdict of guilty against Aaron Wiseman for the murder of Dr. Hennessee. The judgment of the trial court was that he suffer death by electrocution. That judgment was never carried out. The jury evidenced serious doubts before adjudging Wiseman guilty. On the first ballot the jury was divided three for conviction and nine for acquittal. The NC Supreme Court was equally equivocal about the verdict. Justices Allen and Brown maintained that Wiseman was entitled to a new trial. Justices Hoke and Walker thought that there was doubt sufficient to warrant a commutation of the sentence. Thereafter, Governor Bickett reduced Wiseman's sentence to 30 years imprisonment. He cited the fact that there was no agreement that Wiseman should be imprisoned. Then a startling petition urging a reduced sentence was presented to the Governor. R. L. Huffman, the prosecuting attorney in both the Wiseman and Pitts trials, the sheriff, the clerk of court, the chairman of the board of county commissioners, the register of deeds, the chairman of the board of education, the superintendent of the Morganton graded schools, two ex-sheriffs, a number of prominent Burke County citizens, F. A. Linney,

the ex-gubernatorial candidate who had prosecuted the Pitts trial, all petitioned the governor for a reduced sentence for Wiseman. Mr. Linney stated, "I think I am safe in saying that 90% of the people of Burke County feel that they know that the Pitts boys killed Dr. Hennessee and there is no doubt in my mind they are the guilty parties." A decade more went by. In 1929, Wiseman still in the state penitentiary got a parole from Governor O. Max Gardner. He did not return to Spruce Pine, but went to live with his brother in Ohio. The tale seems to end there, but does it?

Haunting evidentiary questions recur. What could a passenger see from a train window on a dark, foggy night in the dead of winter? Russell Green conducted an experiment on another train with a passenger looking out the window and came to the conclusion that why he or she appeared to see was not in fact correct.

There were several indisputable facts. Dr. Hennessee was murdered. Aaron and Garfield Pitts were acquitted in the first trial. Aaron Wiseman was found guilty, but grave doubt was thereafter cast upon the verdict, particularly upon testimony that he acted alone, and he was paroled.

Nearly all of the townspeople who lived when the murder occurred are now gone. Some continue to believe Attorney Linney's petition to the Governor that Aaron and Garfield Pitts committed the crime, but his opinion is probably highly colored by the fact that he prosecuted them.

My theory is that the prosecution seriously erred in joining Aaron and Garfield as co-defendants in the first trial. The State should have tried Aaron Wiseman and Garfield Pitts in the first trial. It was never clearly established that Aaron participated in the shooting. He had a strong alibi. Garfield had a festering motive. Dr. Hennessee had tried to cut him in the 1913 fight that began in the J. D. Pitts store. Aaron Wiseman was a crack shot who had served in World War 1 and on the afternoon of the murder he came to see W. D. Pitts on special business. The prosecution of Aaron Wiseman was diametrically opposed on a key point to testimony and theory of the first Pitts trial. Two gunmen were said to have done the killing in the Pitts trial. In the Wiseman trial the jury was asked to believe that a lone gunman did the killing.

Eighteen years later in 1936, Aaron and Garfield Pitts were still living in Glen Alpine. Aaron became gravely ill, and according to townspeople, Garfield stayed with him round the clock until he died. My Aunt Ola Giles, now 97 years of age, says, "Yes that is what was said." After Aaron died in the summer of 1936, a couple of months later Garfield committed suicide by drowning in Lake James. W. D. Pitts, the father, about whom the whole controversy started in 1908, outlived Garfield and Aaron by 24 years.

There were mysterious oddities that occurred during the trials to close relatives of each defendant. Dr. Hennessee's baby died during his trial in 1913. Aaron and Garfield Pitts' grandmother died during their trial. Aaron Wiseman's father, ex-Sheriff of Mitchell County, died during his son's trial.

Soon a century will have elapsed and the ancient turmoil is fading into dim antiquity. It is now more likely we will never truly know who killed Dr. Hennessee. Several times when I was a student in law school, I quizzed my dad about who he thought fired the fatal bullets into Dr. Hennessee. I asked him because at the time of the tragedy, dad then 15 years old, was at the depot to pick up the mail for my grandfather, Butler Giles, Glen Alpine Postmaster, when it arrived on Train 21 that evening. Dad would never comment. He was never summoned to testify in any of the trials. Maybe that is the ghostly answer. Those who really knew never revealed the secret.