

Will Purvis

MISSISSIPPI

IN the latter part of the last century, following the disruption of the Ku Klux Klan, a strong, closely knit organization called the Whitecaps was formed in the Far South to put down criminality and petty thievery among the negroes. Its members, consisting of mature men, hardened lumberjacks, and young blades eager for excitement, swore in blood never to reveal its secrets. The negroes were terrorized by the Whitecap bands riding through the woods completely shrouded in white, often smeared with blood red. Except in unusual cases violence was little used.

Early in 1893, the band in Marion County, Mississippi, directed its action against a negro servant of one of its own members, Will Buckley. They unmercifully flogged him while Buckley, who knew nothing of their intentions, was absent. Buckley, enraged at this uncalled-for violence and the secrecy with which it was carried out, decided to submit the whole affair and to expose the secrets of the Whitecaps to the next meeting of the Grand Jury to convene at Columbia, the county seat. Rumors of Buckley's intentions soon reached the Whitecaps. When the jury met, members of this organization were there to watch the moves of everyone suspected of having designs against the order. As a result of Buckley's evidence, an indictment was voted against three Whitecaps who were known to have been most brutal in the attack.

On his way home, accompanied by his brother Jim, and by the flogged negro, all on horseback, Will Buckley traveled a forest road which was hardly more than a lane beaten through the heavy underbrush by woodsmen. As the three horsemen, Buckley in the lead, came through a ravine, in which the underbrush was unusually dense, to a small stream over which they had to pass, a shot pierced the stillness. Buckley with a moan swayed in his saddle, then fell to the ground, dead. The assassin, who had been concealed in a blind, jumped out into the road, reloaded his gun, and fired at the others, but they instantly spurred their horses and escaped unscathed.

The road on which Buckley was killed led by the home of the Purvis family. It was generally believed that young Purvis, although but a mere lad of nineteen, was a member of the Whitecaps. *Two days after* the tragedy, bloodhounds were taken to the place of the murder and after much coaxing, picked up a cold scent which led them in the direction of the Purvis home. A neighbor of the Purvis family, who owned land on both sides of their small farm, and who had repeatedly attempted to gain their holdings, was one of the first to throw suspicion on the boy. Purvis was placed under arrest, taken to the county jail, and thrown into a dungeon used only for desperate criminals. He admitted that three months previous he had joined the Whitecaps, but repeatedly professed his innocence of the crime. The Grand Jury quickly returned an indictment against him for murder.

Excitement and indignation among the people ran high. Repeated disturbances had culminated in this foul murder. They were determined to take drastic action—to avenge the murder—and to do it without delay. Because mob violence was feared, Purvis was shifted from jail to jail.

District Attorney James Neville, well known for his vigorous prosecutions, had Purvis arraigned before Judge S. H. Terrill of the Marion County Circuit Court in August, 1893. The Purvis family were unable to employ counsel, so the court appointed David M. Watkins, a prominent attorney and a former senator of the state, to defend the prisoner.

Jim Buckley, the state's key witness, testified that he and the negro had witnessed the killing of his brother Will. When asked if he could name the man who killed his brother, he turned toward Purvis, and pointing his finger at him, said, "Will Purvis, there, killed the man." He related that he had been with his brother, Will, at the time he was murdered, that he had dismounted and had taken a pistol from the dying man's pocket and had leveled it at Purvis, who disappeared into the brush. The witness was positive in his identification. This, coupled with Purvis' admission that he belonged to the clan, made a strong case. Purvis in his own defense said that at the time the murder was reported to have been committed, he was talking with Lewis Newsom

about the picnic which they had planned for the day. Newsom, a Confederate veteran, who enjoyed the high regard of his neighbors, and others substantiated Purvis' alibi, and further testified to his good character. The defendant's witnesses were all apparently discounted as being "interested," for the jury returned a verdict of "guilty as charged." The brilliant argument of defense counsel could not withstand the state's testimony. When asked by the court if he had "any reason to give why the death sentence should not be pronounced against him," Purvis protested his innocence as he had done many times before. He was sentenced on August 5, 1893, to be hanged on February 7, 1894. In October, 1893, the Mississippi Supreme Court upheld the sentence.

At sundown the night before the execution, Purvis was taken to Columbia under heavy guard. The following day hundreds of curiosity seekers came to Columbia on horseback, in wagons, carts, and buggies; in those days executions were still public spectacles and gala events. When the hour came Purvis slowly mounted the scaffold, the minister close by his side. The crowd, breathless, and expecting a final confession, waited for Purvis' last words. Instead, he said simply, "You are taking the life of an innocent man, but there are people here who know who did commit the crime and if they will come forward and confess, I will go free." Then the rope was adjusted around the boy's neck and tested. The deputy sheriff, seeing an ungainly strip of rope dangling from the knot, cut the rope flush with the knot, while the minister droned his prayer: "God save this innocent boy." When everything was ready, the executioner, taking his hatchet, cut the stay rope holding the trap and the body of Purvis dropped with a sharp jerk. The knot, instead of tightening around its victim, untwisted, and Purvis fell to the ground, unhurt.

An indescribable horror shook the spellbound onlookers. Purvis staggered to his feet, the death mask falling from his head, and, turning to the sheriff, said simply, "Let's have it over with." With his hands and feet still bound, Purvis hopped up the first step of the scaffold before the awed silence was broken. A wave of emotion seized the crowd.

Some ascribed to the incident a significance far beyond its natural import—that divine intervention had saved Purvis. The officials again prepared to carry out the execution. One of them, reaching for the rope, found that it was just beyond his reach. From the platform, he called down to Dr. Ford, "Toss that rope up here, will you, Doctor?" Ford picked up the rope and was about to toss it up, when he instinctively drew back. Ford had been bitterly opposed to the White-caps and had often so expressed himself in public, but all along he had refused to believe that Purvis was guilty of the crime charged. Letting the rope fall from his fingers, he said: "I won't do any such a d——n thing. This boy's been hung once too many times, already."

This speech seemed to crystallize the feeling of many. They cried, "Don't let him hang." Another group, hoarse with determination, shouted, "Hang him—he's guilty." The crowd was fairly evenly divided. During the confusion, Rev. J. Sibley sprang up the steps of the scaffold. Immediately all eyes centered upon him. Acting upon an inspiration he cried, "All who want to see this boy hanged a second time, hold up their hands." There was complete silence. Not a person moved. Then Sibley shouted, "All who are opposed to hanging Will Purvis a second time, hold up your hands." Almost all hands were raised. The crowd that had come to see the life wrenched out of a man in full health called for his release. The officers, charged with fulfilling their duty, were perplexed. It was their duty to proceed. Yet how could they go ahead with the execution of Purvis against the will of five thousand excited people? Dr. Ford advised the sheriff to ask for the advice of an attorney. One was called from the crowd. Attorney Foxworth could find no solution except to carry out the letter of the sentence, which stated that Purvis must be "hanged by the neck, until dead."

Again the preparations were made. Special care was taken that the rope would not slip again. When Dr. Ford heard the decision of the attorney, he replied: "I do not agree with you. If I were to call for the help of three hundred men to prevent the hanging, what would you do?" The sheriff realized that in such event he would be helpless. Ford added,

"And I am ready to do it, too." Purvis sat by wretchedly, wishing that the whole thing would soon be over. The sheriff, realizing that it would be futile to try to proceed with the execution, loosened the bonds of the prisoner and reconducted him to the jail.

The question whether or not Purvis could be hanged was carried to the Supreme Court of the state. The court decided that the sentence would have to be executed—that officials had been careless in securing the knot was no reason that the law should be thwarted; and that, Purvis having been tried and found guilty, to free him would be to establish a dangerous precedent. To commute the sentence to life imprisonment was out of the question because of the deliberate nature of the crime and the direct testimony of an eyewitness. The court ordered that the sentence be carried out on July 31, 1895.

In the town to which Purvis had been removed, indignation over the ruling of the court ran high. On the eve of the day of execution, under cover of night, Purvis was taken from the jail by a group of friends and, with one companion, hidden on a secluded Mississippi farm, where his friends intended to keep him until they could be assured that at least his life would be spared.

Although the official search for Purvis slackened, his case still remained in the public eye, for in the following gubernatorial election, one of the issues was whether or not Purvis, if caught, should be hanged. The candidate in favor of modifying the sentence, A. J. McLaurin, won the election. When he assumed office, Purvis voluntarily surrendered himself, and McLaurin, in accordance with his promise to the people, commuted the sentence to life imprisonment on March 12, 1896.

Two years later the state's star witness, Jim Buckley, who had identified Purvis as the murderer, stated that he might have made a mistake, and that possibly it was not Purvis whom he had seen. This knocked the bottom out of the state's case. Purvis was consequently given a full and unconditional

pardon on December 19, 1898. Not long afterward he married a childhood companion, the daughter of a minister. Years passed. Purvis became a prosperous farmer, seven children played around his fireside; yet there was one cloud over his complete happiness—he had never been completely vindicated of the murder of Buckley.

In 1917, Joe Beard, an aged member of the community, attended a revival meeting of the Holy Rollers, who among other virtues emphasized the importance of the public confession of sins. At this meeting Joe Beard came forward to join the church and dramatically declared that he had long been suffering under the weight of a terrible sin. He could say no more, but everyone instinctively felt that Beard must have had some connection with the Buckley murder. Shortly thereafter, he became seriously ill and called his minister and several friends to hear the rest of his confession: When in 1893 four Whitecaps met in a solitary part of a forest to discuss Will Buckley's intention of revealing to the Grand Jury the workings of the Whitecap organization, three of them decided that Buckley's death was the only effective means of protecting the other members. The other, a mere youth of nineteen, refused to have anything to do with such a horrible design, and, telling them that he was going to quit whitecapping, left the group and returned home. This was Will Purvis. Not long afterward, a meeting of the local Whitecap chapter decided to punish Will Buckley. Purvis refused to attend and thus incurred the enmity of the clan. In conclave two men, Louis Thornhill and Joe Beard, were chosen by lot to carry out the assassination. They built a brush blind, by which Buckley would pass on his return home, and lay in wait for him. Thornhill fired the shot which killed Buckley. Beard was supposed to have fired also, but because he lost his nerve, the negro and Jim Buckley were allowed to escape.

Beard's confession, which was corroborated by known facts, completely cleared Purvis of any implication in the assassination. The District Attorney was notified of the confession. Beard died before the meeting of the next Grand Jury. By this twist of fate the real murderer could never be

convicted, inasmuch as the law of Mississippi provides that a deathbed confession, to have legal effect, must be made before witnesses and be signed. The confession of Beard was never signed. The murderer continued to live alone in a solitary cabin in the woods, but was never again seen in Columbia.

Purvis was thoroughly vindicated, but the fact remained that he had forfeited to the state four valuable years of his life, three of which had been devoted to hard manual labor. In 1920 the Legislature of Mississippi, at the instance of Senator Henry C. Yawn and Representative John A. Yeager, appropriated \$5,000 to Purvis as compensation "for services done and performed . . . in the State penitentiary under the provision of an erroneous judgment." State Senator Scott Hathran, who had placed the black hood over young Purvis' face at the time of the attempted execution, counted it a privilege to make an eloquent speech in favor of this appropriation. Mr. Yeager wrote Purvis:

After more than two years of energetic work, I have been able to obtain for you and your family the sum of five thousand dollars, which has a twofold meaning: first, that the State of Mississippi has confessed to a great wrong done you, and now removes all stain and dishonor from your name; second, that the State compensates you in the sum of five thousand dollars for the suffering you have endured. . . .

COMMUNITY emotion called for Purvis' conviction and community emotion effected his reprieve. The providential intervention of the executioner, who unintentionally cut too much of the rope, saved Purvis' life and saved Mississippi from a gruesome blunder. The identification by Jim Buckley naturally impressed the jury and the community, for he was present at the scene of the crime, and was practically the only available witness. That his opportunity for observation was the worst possible and that he had an emotional urge to avenge his brother by confirming the guilt of the accused and that there was an original collateral motive which first pointed suspicion against Purvis—these facts were left out of account by all concerned. The strange situation caused

by the slipping of the rope, the division of the populace, the cooling of the ardor for an execution, the marked rift between the processes of law (which required execution) and public opinion (which demanded reprieve or commutation), the political issue as to Purvis' fate, the armed jail delivery, his voluntary surrender after the election, the repudiation of his identification by Jim Buckley, the Governor's pardon, and then the indemnification by the Legislature, constitute about as much melodrama as one man's life can afford. It took nearly twenty-five years for Mississippi to right this wrong, but the state ultimately did what still could be done to show contrition. Purvis owes his escape from an undeserved death at the hands of the state to sheer good fortune, but his experience may help to bring about necessary reforms in the law.

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