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# Old Berrien Newsletter

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*Nashville Herald*, July 16, 1909  
MARSHALL LEWIS' LIFE JUST AS HE  
WROTE IT  
Nashville, Ga., July 6th, 1909  
Dear Brethren and Friends:

**B**y the help of our Lord and Savior, Jesus Christ, I will try to estimate to you my past life.  
I was raised by good parents and all my life was disobedient, and I thought that I knew best, but I would not hear what the spirit said but after I received the word of God and was baptized I strayed off in sin and sin is the wages of death, and I believe that a man ought to reap just what he sows.

Now, my dear friends, thy shall not kill, because it will be measured unto you. My brethren, be not many masters, knowing that we shall receive the greater condemnation, for in many things we offend all. If any man will give God his heart he will be saved. In the city of Nashville, on the 4th day of July, I gave God my heart, and behold, He has made me whole in Jesus name, I will be saved. God is able to make you holy in His name. Just believe on Him and you will be saved. If God will hear my prayers He will hear yours, because I have done some of everything but one, that I could think of. Now listen, and Jesus in the name of the Father and Holy Ghost have forgiven me of all my sins. There is not a friend like the Lovely Jesus; no not one.

Now my friends I have traveled over the states of Florida, Mississippi, Louisiana, Alabama, Tennessee, Illinois, Kentucky and Georgia, and through all of my traveling, I did not learn how to keep out of trouble. I shook hands with a young man in Dyesburg, Tennessee, in 1906, and I thought that it was a lesson for me. Let me tell you one and all, you can just leave troubles off because it leads to destruction—such as whiskey, pistols, and gambling, or anything that will make a man fly into passion; leave it off, because there is more trouble in gambling and stealing than anything else.

I remember when I was in Birmingham, I shot a man about 25 cts. and it was reported that he died. I am not able to tell you everything I have

done, as I have done a little of almost everything that I could think of. Now my dear friends this is not to entice you to these wicked things, but I am trying to give you a warning that you may be better gentlemen in principles, but you can't have any better parents than I had. It is not in our fathers and mothers, because they tries with all their hearts to raise us, but sometimes they fail. I was one of these fellows always knew best, but I did not know how close I was to the gallows until a few days ago. If your friends is doing wrong you must try to stop him and if you can't run with all your might. You must always be mindful—watch and pray. Fighting is a bad thing, I have done so much of it, but I am sorry today that I ever learned how and you will be sorry some day if you take up the habit.

I will ask you with a willing heart and mind to do as your kind parents teach you, for if you have to be hung just like I am going to be, you will wish you had considered what a sweet thing that life is. Therefore don't take that you can't give. Good parents will teach you what is right and wrong, please obey them. Every man must reap what he sows.

Now I will ask you to pray and ask God to help you to overcome this world of sin, and He will do it. Be careful, be careful; I say any trouble is a bad man.

Now ladies and gentlemen, be of good cheer, for I have overcome.

To my best understanding I speak this as a warning to all that they may obey the word of the Lord. My time is most out here, and I want to meet you all again in a happy land where pardon will never be. My heart is sorry for the sins of this world. Let every human call on Jesus. He is able to save you. Whosoever overcomes this world shall wear a long white garment.

May the peace of our Lord and Savior, Jesus Christ, be with you all, Amen

In Jesus' Name  
Marshall Lewis  
Born Jun 5, 1886  
Will die July 9, 1909

Now gentlemen, please, in the name of Jesus, take warning to this.

Marshall Lewis died on the gallows, July 9, 1909, the last hanging in the Old Berrien County Jail. **OB**



### HERITAGE REGISTER PLAQUES—HELPING HISTORY, FUNDING

**F**unding for projects of the Berrien Historical Foundation is a constant need. The Heritage Register Plaques are created in an effort to not only help provide those needed funds, but to also identify and document the existing historical structures in Berrien County.

The 7x7, numbered, bronze-colored plaques and accompanying certificate are intended to identify any structure in Berrien County that is 50 years old or older, including: homes, farms, stock barns, tobacco barns, carriage houses, wells, bridges, etc. The plaque and certificate sell for \$30, and will be issued upon completion of a short application. This designation does not in ANY way limit the use of the structure. It is an honorarium only.

We also encourage you to attend the Foundation's workshop, held on the first Thursday of each month, 7:00 p.m. at the Perry Memorial Library.



**BERRIEN HISTORICAL FOUNDATION**

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# OLD BERRIEN

Newsletter of the  
Berrien Historical  
Foundation

Volume 2 Number 1

Spring Quarter 2008

## THE LAST HANGING IN THE OLD COUNTY JAIL



*Shown above are Sheriff I. C. Avera, left and Deputy James B. Griner, right, with prisoner, Marshall Lewis, who shot and killed Clifford Rutherford at Lenox, April 26, 1909. Picture taken in front of the Berrien County Jail by F. S. Lee, Nashville*

**O**ne of the most outstanding features of the Old Berrien County Jail in Nashville, is the tall cupola tower on the southwest corner of the building. This tower is constructed over one of the most somber features of the jail—the trap door and drop zone for the execution of condemned prisoners by hanging. Though the exact number of hanging in the old jail since its construction in 1903 is not recorded, the last two were most memorable.

On September 12, 1902, 17 year-old Boisy Bryant, a black man, was hanged for the murder of Marshal W. A. Hiers of Adel in May of that same year. Marshal Hiers was shot by Bryant when he went to arrest him on a misdemeanor charge. Hiers was shot in the abdomen and lingered in agony for four days before he died.

It was almost seven years later before the next execution—and the last—occurred in the old jail. On July 9, 1909, the trap door of the execution tower swung open and the body of Marshall Lewis dropped through, the rope about his neck suddenly stopping the fall, causing his death.

The circumstance and atmosphere in the county that brought about this infamous event in the county's history, is best detailed through the words of the local newspaper,

*The Nashville Herald*, April 30, 1909  
CLIF RUTHERFORD  
KILLED AT LENOX  
NEGRO BURGLAR SHOOTS HIM  
DEAD WITHOUT WARNING

The town of Lenox was thrown into a great state of excitement Monday morning by one of the saddest tragedies in the history of the county. A negro named Marshall Lewis, from Valdosta, shot and killed Clifford Rutherford, assistant postmaster. The best account of the tragedy is as follows:

Mr. John Kinnard, a citizen of Lenox, had arose early Monday morning for the purpose of boarding the four o'clock train for Valdosta, and while sitting near the depot, in the dark, he saw a dim light in the post office. His suspicions were aroused, and he awaited developments. Pretty soon he saw two men, thought to be negroes, come out of the post office. Mr. Kinnard at once woe up Mr. Sears, Mr. Clifford Rutherford, and perhaps others, and they began a search for the burglars. They soon found that several stores had also been broken into and robbed. Young Rutherford walked up to the door of the waiting room and struck a match, and as he did so the negro fired two bullets into his forehead, just above the eyes. Mr. Rutherford lived about two hours, but was not conscious any of the time. Mr. Sears fired at the negro as he ran from the depot, but failed to hit or wound him

Officers from Nashville, Tifton and Valdosta hurried to the scene, with track dogs, and a thorough and systematic search was begun. The murderer made his way to Adel, where he was arrested by Marshal Mullis while hiding in a negro shanty in the mill quarters. He confessed to the murder and was brought to Nashville and placed in jail.

#### MURDERER TELLS HIS STORY

Lewis said that a white man put them up to burglarizing the stores and sent him to steal liquor when he was closed in upon by Rutherford and J. E. Sears. When Rutherford struck a match to see if anybody was in the room, the negro shot him twice, both bullets passing through his forehead.

The tragedy occurred before day break and followed a series of burgla-



*Leading the defense team for Marshall Lewis was Col. Jos. A. Alexander of Nashville. It took only 18 minutes for the jury to find Lewis guilty.*

ries in the town that night. The post office was robbed, the bank entered, a dry goods store and a drug store were all broken into, a crowbar from the railroad shanties being used to effect an entrance. . . .

The slayer had just changed his clothing, putting on a suit which he stole from a store and had laid his old clothes aside. These were recognized as the ones worn by a mulatto from Cordele who ran a pressing club there up to last week. Dogs were taken tho the scene of the killing by Sheriff Avera of our county and Chief Dampier of Valdosta.

. . . The pistol with which Rutherford was killed was stolen from the cashier's desk at the bank.

Within an hour's time after Lewis was captured at Adel and started to Nashville, fifty to one hundred men form Lenox and the surrounding vicinity had arrived at Adel, apparently determined to lynch the negro, but he was safely landed in Nashville jail.

A trial is promised within ten days for the negro if the people will make no further effort to lynch him.

When Sheriff Avera arrived here Monday afternoon with the other negro, Jim Green, who was arrested at Lenox Monday morning as an accom-

plice in the murder, he found the town in a great state of excitement and full of rumors of lynching. He got Dr. P. H. Askew to take him and his prisoner through the country to Valdosta in his automobile. They left here before dark, and made the trip—twenty-five miles—in one hour and forty minutes.

Lewis was kept in Valdosta until Tuesday morning, when Sheriff Pasmore heard rumors that a posse was making arrangements to go to Valdosta and lynch the negro anyhow, when he became alarmed and sent the negro to Savannah for safe keeping.

He stated . . . that he had no dread of lynching, if they would just give him a short time in which to pray. He spoke very confidently of his ability to make peace with his God.

*Nashville Herald*, June 11, 1909  
MARSHALL LEWIS TO HANG FRIDAY, JULY 9, WAS CONVICTED OF THE MURDER OF RUTHERFORD  
THE HERALD GIVES A COMPLETE AND DETAILED ACCOUNT OF THE TRIAL. JURY OUT 18 MINUTES.

Marshall Lewis, the negro who shot and killed Clifford Rutherford at Lenox on the morning of April 26th, last, will be executed on Friday, July 9th, next.

The special term of Berrien Superior Court ordered for the purpose of trying Lewis convened here Monday morning at 10 o'clock, Judge Robert G. Mitchell presiding. The Grand Jury was organized electing Editor W. T. Shytie of the Adel News as foreman. That body returned the indictment of murder at 11:38 o'clock. The prisoner was brought into court. Solicitor-General W. E. Thomas of the State announced ready. The attorneys for Lewis, Messrs. Jos. A. Alexander, Wm. G. Harrison and E. S. Chastain, held a consultation with Lewis for a few minutes and announced ready. The hour for adjournment for noon having arrived, a recess till 1:30 o'clock was ordered by the Court.

The court room was crowded to its utmost when the lawyers began striking the jury. A large number of ladies heard the trial. Five jurors were selected from the first panel, two from the second,



*The trap door to the gallows in the Old Berrien County Jail sealed the fate of at least two convicted murderers in the 7 year span that the gallows was used.*

four from the third and one from the fourth. The Solicitor, at 2:40 o'clock began his statement to the jury, appraising them of what he expected to prove.

Mr. J. E. Sears wa the first witness put up by the State. He was an eye witness to the shooting. He stated that he was with Mr. Rutherford when Lewis shot and killed him. He had never seen the negro before nor since but positively identified him as being the man who did the shooting. Two shots entered Mr. Rutherford's head, one just over the right eye and the other in the edge of the hair. Lewis had entered the waiting room of the depot, and when Rutherford and Mr. Sears got to the door, and just as Rutherford struck a match, Lewis fired upon him with a 38-calibre Smith & Wesson revolver which he had stolen form the office of the Bank of Lenox during the night. Mr. Rutherford died in just two hours. Witness stated that he fired at Lewis as he ran out of the depot.

Col. Alexander who cross-examined Mr. Sears failed to make him deviate from his positive identification of the defendant.

Mr. J. R. Kinnard was the second witness for the State. He did not witness the shooting, but was fifteen or twenty steps from the depot when the

negro ran out. He also shot at the prisoner as he ran away. He testified that four shots were fired. He was the man who first discovered that the stores and bank was being robbed and notified Messrs. Sears, Rutherford and Postmaster Griner and Lessie Sirmans. He identified Lewis as the man who robbed the stores and saw him enter the depot.

Upon cross-examination he stated that the night was dark, but insisted that Lewis was the man who robbed the stores.

Mr. J. H. Parrish of Adel was the third witness introduced by the State. He stated that Lewis was arrested at Adel by Marshal Millis at 3 o'clock in the afternoon. He testified that Lewis made a confession in his presence that he shot Rutherford. A lively tilt ensued between Solicitor Thomas and Lewis' attorneys upon the introduction of this confession, but Judge Mitchell ruled that a proper foundation had been laid and it was allowed to go in.

Mr. A. D. Mullis was the fourth witness for the State. He gave the details of the arrest and corroborated the testimony as to the confession. He found a revolver on Lewis containing two cartridges and tree empty shells; also a razor and shaving brush.

Cashier J. D. Robinson of the Bank of Lenox was next put upon the witness stand. He identified the revolver.

Mr. J. B. Sirmans was the sixth witness. He identified the clothing worn by the prisoner as a suit which had been stolen from his store.

Sheriff I. C. Avera was put up and identified the clothing worn by the prisoner and corroborated Mr. Sirmans.

Railroad Agent C. M. McGahee testified to the robbery of the Express office. A pocket knife and some liquor was missing.

The ninth and last witness was Pleas Carter, a negro who had known Lewis for thirteen years. Lewis was arrested in his shanty, at Adel. He stated that Lewis told him the he had "done some murdering" at Lenox and wanted to hide in his house.

The Solicitor announced that the State would close. The attorneys for the defense consulted again, after which a recess was taken until 7:30 o'clock.

The attorneys for Lewis "closed"

without putting up a single witness, the defendant not even making a statement to the jury.

After supper Col. Alexander stated that he had conducted the examination of the witnesses. Cols. Harrison and Chastain would make the arguments for the defense. Col. Chastain opened for the defense and made a strong plea for mercy. He spoke eighteen minutes. Solicitor Thomas presented the States side of the case in a strong argument of one hour. Col. Harrison spoke for thirty-three minutes in his accustomed eloquent style.

The Court delivered a perfect and exhaustive charge to the jury. The jury deliberated just eighteen minutes and brought in a verdict of guilty. The date of the execution was set for Friday, July 9th.

*Nashville Herald*, July 9, 1909  
MARSHALL LEWIS EXECUTED TODAY

Marshall (Dock) Lewis, the negro who shot and killed Clifford Rutherford at Lenox in April, will be executed here today for the crime.

Sheriff I. C. Avera has everything in readiness. The gallows which is part of the interior jail fixtures, is in good working order and the rope has been stretched.

In accordance with the wishes of [the Lewis family, the execution] will take place at ten o'clock or as soon thereafter as possible, in order to get his body off on the 10:40 train to Oakfield, via Sparks and Cordele. His brother came in last night with an order signed by his father for his body.

Sheriff Avera states that he expects a large crowd in town today. He has had several hundred applications for the privilege of witnessing the execution, but of course, only a limited number can be admitted, as it will take place inside the jail.

Lewis says he has made peace with his Maker, and is ready and willing to pay the penalty. . . All the ministers in the city have visited him several times during the past week, and a large crowd of colored people sat up with him all night and until daylight this morning singing and praying and shouting.