

*Benjamin Franklin Thaxton accused of attempted murder, Clarksville, Montgomery Co., Tennessee, 1883. Transcripts of contemporary news accounts:*

## **Clarksville Semi-Weekly Tobacco Leaf, November 23, 1883, p. 1**

### A DEADLY FIGHT

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Tramps Attack the House of a Quiet Citizen,

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Break in his Window and Assault and Desperately Wound Him.

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One of Their Number Shot to Death.

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At an early hour last Tuesday morning the news spread through the city that the home of Mr. J. J. Garrott, on the Dover road, three-fourths of a mile from New Providence and two miles from this city had been forcibly entered by burglars and that in a hand-to-hand struggle in defense of his own fireside, Mr. Garrott had probably received a fatal wound, while his wife had been terribly beaten. Of course the rumor created intense excitement, but as the morning grew apace and it was learned that the dead body of one of the burglars had been found in the yard, the excitement knew no bounds. Our people were already wrought up by the burglaries that had been committed within the city the week past, and this last atrocious act aroused them beyond any thing we have seen for quite a while.

The particulars of this damnable attempt at murder and robbery are as follows: On Monday night at nine o'clock, Mr. and Mrs. Garrett [*sic*], as is their custom, retired for the night, leaving no light in the room except such as came from the smoldering embers that had been covered to keep a start for the morrow's fire. They were the sole occupants of the house, which is situated about 300 yards from the Dover road and a full half mile from the nearest neighbor's. The house is a substantial brick with a portico or gallery running the full length of the front. Mr. and Mrs. Garrott occupied a room on the first floor, with a window opening on this gallery. Their bed sat just to the left of this window, in a corner of the room, while just beyond it was the door opening from the room into the hall where Mr. Garrott kept [*paper is creased*] being isolated, and fearing neither prying neighbors nor burglars, the blinds were not closed. The robbers were doubtless on the grounds before the lights were put out and through the open window had obtained a good idea of how everything inside was arranged. As soon as everything indicated sleep on the part of the inmates of the house the robbers hurled a large fence rail against the window sash, shivering it to atoms and breaking a sewing machine that sat in front of it. The crash awoke Mr. Garrott, and quick as a flash and with rare presence of mind, he bounded from the bed and into the hall for his gun. Returning, the moonlight revealed the figure of a man entering the window, at

which he fired with, as was afterwards learned, deadly effect. His shot was immediately answered by two shots from the pistol of the foremost burglar, who had entered the room and whom Mr. Garrott could not see in the dark. One of the shots entered Mr. Garrott's left breast two inches above the heart, passed through the left lung and lodged just under the skin in his back. At the same time his gun was grasped and there commenced a fierce struggle for its possession between a desperately wounded man, heroically aided by his wife, and a villain who felt that his life depended on securing its possession. Mr. Garrott managed to place the muzzle of the gun against the robber's breast and attempted to hold it there while he called to his wife to pull the trigger, the robber at the same time calling loudly for "Frank" to come to his help, but before the gun could be fired again it was wrenched in two at the breech and was useless to either party. In the meantime the robber had dropped his pistol and both were unarmed. Mr. Garrott managed to grasp him by the throat and with the help of his wife, who belabored him with the shovel, the robber was borne to the floor where the desperate hand-to-hand struggle continued until from loss of blood Mr. Garrott grew weak and the scoundrel got away from him and ran under the bed. Mr. Garrott felt that the lives of himself and wife depended on getting the robber out of the room, and bracing himself for a last effort he pulled him from beneath the bed and with the help of his wife threw him out of the window and closed the blinds.

There being no one else on the place except the cook, a colored woman, who could not be gotten from her room, Mrs. Garrott had to go for help. She locked her desperately wounded husband in her house and alone, barefooted and clad only in her night dress, she ran more than a half mile to the residence of Mr. John Tandy, who went to his help and had Dr. Neville, of New Providence, and Drs. Bailey and Beaumont, of this city, summoned. These gentlemen pronounced Mr. Garrott's wound very dangerous, but not necessarily fatal.

After Mr. Garrott's wound had been attended to and quiet was restored, the pistol, a "bull dog" [*sic*] 38 calibre with two chambers empty, was found on the floor. The scoundrel's hat was also left in the room, while on the porch in front of the window lay another hat. There also were found two heavy clubs, about two and a half feet long, that the robbers had cut at the woodpile.

## THE DEAD BURGLAR

After day light the body of the burglar whom Mr. Garrott had shot, was found lying near the cook room east of the house, and twenty-five steps from the corner of the porch on which he was shot. When found he was lying on his left side with his legs drawn up, one arm across his breast and the other thrown out from him as if to clutch something. The entire load of shot had entered the lower part of his neck a little to the right of the front, and as he was in a stooping posture they evidently ranged downward. They had bunched well and covered a space but little larger than the palm of a man's hand. Some

of them passed through the right lappel of his coat, cutting it into lint. In his pockets were found a number of tools used for burglarizing. They were a one and a half inch framing chisel, six bits and drills for boring and cutting steel, several instruments doubtless used for picking locks, two flat headed iron or steel bolts or plugs the same size as the drills and probably used to confine fuse or other explosives in holes that had been drilled. In his right pants pocket was a new improved Smith & Wesson pistol of 32 calibre, with all chambers loaded. He also had in his pockets \$3.50, some cigarettes and a copy of the Cincinnati Enquirer and supplement of the 18th. He was dressed in a suit of brown with small red dots in it. The suit was in fair condition and was worth when new probably twenty-five dollars. He was apparently about thirty-five years of age [*paper is creased*] in height and well built, weighing probably 165 pounds. His hair was very dark, almost black, and inclined to curl; eyes brown, expressing intelligence and determination; square well shaped mouth, and short moderately thick blonde mustache; head large, features symmetrical, face rather long than round. He had been in more than one bout, as scars on his person showed. Just under the hair over the left eye, running back from the forehead, was a scar about two inches in length that had been made by some ragged instrument; on the forehead over the right eye was another small scar; on the left side of the neck under the ear was another ugly one, and still another under the chin. One each side of the left leg below the knee were scars evidently made by a pistol ball passing through the leg.

The robber's body was brought to this city and photographed by MacCormac, after which it was exposed to the gaze of the public in Gill's livery stable, and numbers of our citizens recognized it as that of a man who had been about here for the past four weeks. He had gotten the Cincinnati Enquirer regularly from Mr. Jas. T. Wood, while Mr. Wm. Fassbender, the barkeeper at Michel's [*sic*], and Mr. Thos. Wenzler recognized him as having visited their bars, where he introduced himself as Samuel Patterson, of Louisville. On inquiry the reporter learned that he came to Clarksville on Nov. 25th. He registered at the Franklin House as "Sam'l Patterson, Louisville" and spent the night there, and for several days thereafter he got his meals there. Wenzler says he regularly visited his saloon in the morning and at night. He generally came in by himself, had nothing to say to any one, got his drink and went out or sat and read the papers. On the evening of the murder he came in as usual about 8 o'clock and bought a pint of whiskey and a cigar. Wenzler noticed that he had had a shave and that his personal appearance was neater than usual, and remarked on it. He replied, smiling, that he was going to see his girl and expected a good time. We know of no one who saw him after this until he appeared at Mr. Garrott's.

All day Tuesday and Wednesday posses of men were scouring the country in search of his pal or pals, and every man who could not give an account of himself was arrested. Several are yet in jail, but it is believed that the guiltiest one is yet at large. Tuesday two suspicious looking men appeared at Trenton, Ky., about twenty miles from the scene of the tragedy, and asked for tickets to some point in Texas. The ticket

agent noticed that one of them had his arm in a sling and that his face and head had recently been bruised up. It is believed that he is the man with whom Mr. Garrott had the terrible fight. Officers were on the track, but through some blunder or misunderstanding they were not arrested.

Tuesday morning a woman, who gave her name as Mrs. Thraxton [*sic*], and claiming Russellville, Ky., as her home until within the past few weeks, thinking possibly that the dead man might be her husband who had deserted her, looked at the body and pronounced it that of a man named Bill Taylor, a companion of her husband, and stated that he had a wife in Russellville. Yesterday she said she was not positive that it was Taylor, but that her children thought it was. The matter will be investigated, and should the dead man prove to be Taylor his companions in the bloody deed may be caught.

We are glad to state that Mr. Garrott was doing well yesterday and strong hopes of his recovery are entertained. Mrs. Garrott was also recovering from the nervous prostration caused by the affair. They are good people and their speedy recovery is desired by all the community.

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### **Clarksville Weekly Chronicle, November 24, 1883, p. 3**

#### AN AWFUL AFFAIR

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Attempted Burglary and Assassination.

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Two Unknown Men Enter a Residence at Night

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One of the Burglars Killed and Mr. J. J. Garrott Badly Wounded.

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Great excitement prevailed in Clarksville Tuesday morning when the news was circulated that Mr. J. J. Garrott had been badly wounded during the previous night by some desperate burglars, who entered his house, and that one of the burglars had been found dead in Mr. Garrott's yard. Everybody was anxious to hear the full particulars of the terrible affair, and the air was rife with rumors as to how it occurred. Nearly every one had a different version of the details, and it was easy to hear anything you pleased as to how it all happened. The CHRONICLE, therefore, took pains to get the news from an authentic source, and we will vouch that the following is as reliable a statement of the facts as the excitement incident to the occasion will admit of being told:

Mr. Garrott's residence is situated in an isolated place, about a half mile beyond New Providence, two and one-half miles from this city. It is between the Dover road and the Hopkinsville pike, about three hundred yards from the former. Mr. Garrott and his wife live alone, and there was no one else on the place Monday night except a negro woman who occupies an out house. They retired at 9 o'clock on the night mentioned, leaving the blinds to a window that opened on the porch unclosed, as was their habit. They think it was about ten o'clock when they awakened by a loud crash at the window. Mr. Garrott sprang from the bed and rushed into the hall to get his gun, and returning fired at a man whom he saw coming into the room through the broken window. Immediately another man who was already in the room, fired at Mr. Garrott with a pistol. There may have been more than one pistol shot, but it is certain that Mr. Garrott was wounded in the left breast, the ball penetrating the upper portion of his left lung and lodging in his shoulder. The burglar and would be assassin sprang on Mr. Garrott immediately after firing and a desperate struggle ensued, in which Mrs. Garrott joined. Mr. Garrott placed the muzzle of the gun against his unknown adversary and called on his wife to pull the trigger, but she didn't succeed in doing so. The gun was broken in two pieces during the struggle. Mr. Garrott finally threw the burglar on the floor and gave him a terrible choking. While in this position he called on Mrs. Garrott to bring his razor, intending to use it on the villain's throat, but she was not able to find it. The burglar escaped from Mr. Garrott's hold, crawled under the bed and called for "Frank" to come to his rescue. Mr. and Mrs. Garrott succeeded in dislodging him from this retreat and then by main strength pitched him out of the window.

This ended the fight, and then it was that Mrs. Garrott performed an act that proved her to be an intrepid heroine. She ran barefooted and alone to the residence of Mr. J. H. Tandy a half mile distant to give information of what had occurred and to have assistance brought to her wounded husband. Mrs. Garrott had her wrist sprained in the fight and both of her arms are badly bruised. Both Mr. and Mrs. Garrott are large people and stronger than ordinary men and women.

#### THE COOK'S STATEMENT

of the affair is probably somewhat colored by a vivid African imagination. She says there were four or five men in the yard and that they all ran away after the first shot and that one man staggered up against her house and fell there groaning. The latter part of the statement is doubtless true; a dead man was found at the place designated next morning. She also says that the men who ran away, fired several shots when some distance from the house. This has an improbable sound and leads us to believe that the existence of those four or five men was more in the woman's excited fancy than in the real facts of the case.

## THE BATTLE GROUND.

In the room where the struggle took place a hat and a pistol were found. There was also a large club on the porch and a fence-rail that had been used to break in the window was lying partly in the room. There was no blood in the room or at the window where the man was shot, but the clothing about his neck where the shot entered indicated that he bled freely.

## THE DEAD MAN.

The man found dead in the yard next morning had received a load of squirrel shot in the lower portion of his neck a little to the right of the front. He was of medium height and square frame and looked to be under forty and over thirty years old. He had nearly-black curly hair, muddy-brown eyes and a weather-beaten countenance. He was clean shaven except a moustache. There was a long scar at the root of his hair, running across the left side of his forehead, a small scar under the chin and another that looked like the effect of a pistol wound below his left knee. He was brought to the city Tuesday morning when his photograph taken by Mr. W. J. MacCormac.

The cut at the head of this article is taken from the photograph.

He had on his person a pistol, some files, and other small burglar tools, among which was a horseshoe nail split at the sharp end and one prong turned up. These, with a copy of the Cincinnati Enquirer of Sunday, a cap, cigarettes, a pair of sleeve buttons and \$3.50 constituted the entire contents of his pockets. He had been seen about Clarksville for two or three weeks past but no one knew him. He stopped at the Franklin Home several times and each time had the clerk, Mr. Walter Scott, to register his name as Samuel Patterson, from Louisville. He first got lodgings and breakfast there on the 24th and 25th of last month. He took dinner there on the 26th of October and again on the 2d of November. He several times bought a paper from Mr. James Wood and always selected the Cincinnati Enquirer. He seems to have talked very little to any one and was not much observed. We have not been able to find out where he got all of his meals or spent his entire time while in the city.

## A PROBABLE IDENTIFICATION.

While the body of the dead burglar was lying at the police station Mrs. Thaxton paid it a visit and thought she recognized it as that of Wm. Taylor, formerly of Allensville, Ky., but more recently residing in Russellville. She is not positive in the identification but says it looked very much like Taylor, and her little girl, not more than five years old, exclaimed when she saw the corpse, "Mama, that is Mr. Taylor." Mrs. Thaxton was brought here from Russellville by her husband two months ago. The latter, from her account, is a consummate villain and ought to be hung on general principles. She

says that Taylor and her husband have been running together for a long while. She has not seen Taylor since she left Russellville. Her husband was here two weeks ago and three men came with him at night to the gate of the house where she lives, but she couldn't tell who they were. While here her husband tried to poison her and when he left he told her he was going to take up with another woman. He had then two pistols, razors, files, a round knife and a pair of tweezers. He also brought home a fine overcoat which she is convinced he stole, as he didn't have enough money to pay for it. Mrs. Thaxton's maiden name was Hooser, and when a girl she lived in Todd county, Ky. After her marriage she went to Allensville and subsequently to Russellville. She knows nothing of her husband's life before their marriage and very little of it since. He has been away from her most of the time and has never provided for her. His name is Benjamin Franklin Thaxton. They have two children, a girl about five years and a boy about three, both of whom are very pretty, healthy and sprightly. Mrs. Thaxton tells her story in a free, off-hand manner without any reserve or attempt at disguise. When she heard of the attempted burglary and shooting she thought the dead man might be her husband that caused her to visit the corpse. She is living in a small house on College street near the river. One apparent improbability of the dead man being Taylor comes from the fact that his partner called for "Frank," and Taylor's name was William.

#### ARRESTS

Eight or ten arrests have been made of tramps and persons who couldn't give an account of themselves, but there is no proof against any of them. A man appeared at Trenton, Ky., the morning after the affair at Mr. Garrott's who was bruised up and had the appearance of having been in a fight. He inquired of the station agent the price of a ticket to some point in Texas, and being told that he couldn't purchase a ticket to that point at Trenton, he went away and was not seen again.

Mr. Garrott was resting very easy at last accounts and there is strong probability of his recovery.

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### **Clarksville Weekly Chronicle, December 1, 1883, p. 3**

#### The Latest Particulars of the Garrott Burglary.

B. F. Thaxton was arrested at Russellville, Saturday, on suspicion of being an accomplice in the attempted burglary at Mr. Garrott's on the night of the 19th. The grounds for suspecting him were furnished by the statement of his wife now living in this city, which we published last week. The Russellville Herald-Enterprise of Wednesday says:

The picture of the dead man bears a close resemblance to Taylor, and many people here were pretty sure it was he. Thaxton himself thought it might be. This theory, however, was abruptly exploded by the appearance of Taylor, sound and well, in town last Monday. He denies that he is the dead man. Thaxton was arrested and jailed Saturday, and his trial set for to-day. The circumstantial evidence was pretty strong against him, but since Taylor's unexpected appearance, the case has about faded out, and the general impression now is that he will have no difficulty in proving an alibi, which he claims he can do.

The trial was postponed till Friday and we go to press before learning the particulars. It is believed by some parties that the Taylor who has "turned up alive" at Russellville is a brother of the man who was killed here, and is attempting by palming himself off for the dead man to secure Thaxton's release. If Thaxton is not released on a habeas corpus a requisition will be made for him and he will be brought here for trial.

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### **Clarksville Weekly Chronicle, December 1, 1883, p. 3**

#### Our Picture.

The CHRONICLE's enterprise in furnishing a picture of the dead burglar in its last week's issue was much appreciated by the public. Nearly five hundred extra copies of the paper were sold. Numerous inquiries have been made of us how we obtained so good a cut of the man who was killed in so short a time after the event at Mr. Garrotts. It is an open secret and we are glad to oblige all who are curious in that regard with the full particulars. The burglar was photographed by MacCormac immediately after being brought to town, and through the kindness of that gentleman we obtained one of the pictures that afternoon. This was sent to Cincinnati by the first train, where a wood cut and an electrotype were made from it and forwarded so as to reach us Friday morning. The electrotype was used in the paper. The interest manifested by the public made us feel repaid for our trouble and expense in the matter.

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### **Clarksville Semi-Weekly Tobacco Leaf, December 7, 1883, p. 1**

#### LEAFLETS

After a hard struggle and a number of disappointments, Capt. Carkuff succeeded in bringing Benjamin F. Thaxton, charged with entering Mr. J. J. Garrott's house and attempting to murder and rob him, to this city last Tuesday morning. Thaxton was arrested near Russellville, as the accomplice and pal of the burglar whom Mr. Garrott

killed. A requisition was gotten for him, but before it reached Russellville Thaxton made a hot legal fight for his liberty. On very conflicting evidence he proved an *alibi* and was released. He was again and again rearrested and released before the receipt of the requisition. He is now in jail here and his trial set for next Wednesday morning at ten o'clock, before Judge Tyler. Capt. Curkoff thinks that he has unusually strong circumstantial evidence to prove Thaxton's guilt. He deserves great praise for the fidelity shown in bringing this man to trial.

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### **Clarksville Weekly Chronicle, December 8, 1883, p. 3**

Benjamin F. Thaxton

B. F. Thaxton, charged with complicity in the Garrott burglary, was tried on a writ of habeas corpus at Russellville, Ky., Friday, and released. He was immediately re-arrested by Sherriff Warner who had received a tellegram from Gov. Knott, telling him to hold him until his warrant came. This manouver was gone through with several times till Tuesday, when it was fully decided by the court that the Sherriff had sufficient cause for holding the prisoner, the Governor's warrant having come in the mean time. He was brought to this place Wednesday morning on a requisition, and lodged in jail.

He was carried before Judge Tyler Thursday evening and his examination trial fixed for Wednesday next. We don't publish the evidence given in the *habeas corpus* trial at Russellville, because the same testimony will be reproduced here and probably some additional facts will be brought to light.

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### **Clarksville Semi-Weekly Tobacco Leaf, December 14, 1883, p. 1**

TRIAL OF B. F. THAXTON

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Charged With the Attempted Assassination and Robbery of Mr. Jeff. Garrott, Nov. 19

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The preliminary examination of B. F. Thaxton was commenced at 11 o'clock Wednesday before Judge Tyler. The excitement was very high and the court-house so densely crowded that it was some minutes before the officers could clear the bar.

Attorney-General Burney appeared for the prosecution and Col. T. L. Yancey for the defense.

Mr. Burney asked for a continuance on account of the absence of Mr. Jeff. Garrott, who would not be able to attend for several days. Col. Yancey opposed a continuance, as the defendant's witnesses were all there from Kentucky and were not able to stay over or to make a second trip, and defense would admit the evidence expected in Garrott's testimony or would take his deposition. After considerable argument on both sides, the Judge decided that the State should examine all witnesses present when defendant's witnesses might be examined, and the case continued over till next Tuesday to hear whatever evidence either side might have to present.

Mr. Burney then asked that the witnesses all be sworn and put under the rule, which was done and the State introduced first witness,

R. M. WARDEN,

who testified that he was sheriff of Logan county, Ky.; lived in Russellville; have known the prisoner, B. F. Thaxton, a year or more. Arrested him on Saturday, Nov. 24; found him at D. M. Sanders' at 12 o'clock eating dinner with two ladies. He had on a black coat and vest. He showed me the mark of a bullet or powder burn on the left side of his vest. Said he stayed with Will Ackerman Monday night and was shot at by a horse thief; said he went out to get some wood; saw a man at the barn, went back and got his pistol and asked Ackerman to go with him; Ackerman refused and he went alone. The man walked around the barn and got behind a tree and shot at him and then ran. He returned to the house and showed Ackerman his coat and vest.

Cross examined—*[obscured]* general character of W. O. Ackerman, Mrs. Ackerman, Mrs. Mason, Miss Belle Mason, Miss Lyon. It is good; would believe them on oath in any court of justice. Thaxton voluntarily spoke of the shooting and showed him the powder-burned vest; he did not object to going to Clarksville for trial; said it had been two weeks since he was in Clarksville.

Redirect examination – Have known the Ackermans ten or twelve years; all sustain good characters; don't know reputation of ladies; never heard character discussed until Thaxton's arrest; had heard uncomplimentary remarks in regard to W. O. Ackerman's wife. The coat was spoken of, but not produced on trial at Russellville.

JAMES W. BENTON,

police officer, of Russellville, testified that he had known Thaxton about two years; saw him get off the northbound train at Russellville about 2 o'clock on Tuesday morning, November 20; shook hands and walked with him about 100 yards. I am on the night watch and remember the date from the fact that it was raining that morning and I put on my gum suit before starting but, also from the circumstance that it was my duty to

sound the hour of the night, and I was in a hurry to get to the courthouse to ring the bell. The train was late.

Cross-examined—I testified at the trial in Russellville; was not then positive whether it was Monday or Tuesday morning; saw Taxton [*sic*] get off the train; he had me summoned to prove that it was Friday morning two weeks before the Garrott affair that he got off the train, which refreshed my memory and called up the circumstances which make me positive that it was Tuesday morning, Nov. 20. Ackerman lives East of Russellville; don't know where Thaxton went after he left me; heard of the Garrott robbery, which called my attention to Thaxton's getting off the train that morning. Mr. Hardy, chief of police, is on duty and attends the evening train; he told me that he saw Thaxton get on the 6:35 p. m. train going towards Clarksville Monday evening.

MONROE HARDY,

chief of police, Russellville, testified—Thaxton was arrested on Saturday, Nov. 24; saw him about a week before at the depot; told me he was going to Clarksville; saw him on the train when it started; it was not quite a week before he was arrested. I spoke to Benton about this after the arrest; think it was on Monday evening; know it was not a week before the arrest; saw no fresh wounds or bruises on him.

T. L. SHYERER

testified—Have lived in Clarksville two years; have known Thaxton since 28th September last. He moved his family here then and lived adjoining me. He left on the 6th of October and returned on the 7th of October, stayed three weeks working for Joslin, the sadler; left his wife on the 27th of October and returned on Friday night, November 9th, knocking at my door, saying that it was Ben, let me in, I will not hurt you. I let him in. He asked for his wife and said he wanted his clothes. He went out and got through the window into his wife's room. I heard them talking. He told her that he knew where there was some money and would bring her some in two weeks. He gave one of the children a dime and said it was all he had, and told his wife that he had been to Nashville. There were three strange men at the gate when he come in. They walked down to the river and back and followed a short distance behind Thaxton when he left.

MRS. SHYERER

testified that Thaxton came to get his clothing the 9th of November and had on a dark brown overcoat. He said he had been breaking on a freight train. He told his wife that Wm. Taylor and Ed Short were not a hundred miles from there. Said he was coming back in two weeks and would bring her forty or fifty dollars. She asked him how he

would get it. He told her that it was none of her business, that he would get paid off. My attention was attracted to the conversation by his strange conduct.

Cross examined.—Saw three men at the gate. They walked to the river and back while he was in. Told his wife it didn't make any difference how he got the money.

WM. C. SMITH, ESQ.,

testified that seven strange men called into the camp of the railroad hands, near Maj. Tom Henry's, on Friday night before the Garrott affair and behaved rudely, pretending that they wanted work, but left next morning. He recognized the picture of the man killed by Garrott as one of the seven. The prisoner looks very much like one of the party, but had on different clothing. Not positive that prisoner was in the squad, but he looks very much like one of the men.

*[OBSCURED] [probably J. P. Smith from other account]*

testified: He thought the prisoner resembled one of the men that came into the railroad camp, but was not certain that he was one of them.

JOHN BARRY

testified that he saw the seven men in camp and recognized the picture of the dead man in the paper as one of the crowd, but could not say that the prisoner was along.

Mr. Burney announced that he was through with the State's witnesses present, and the defence introduced as first witness,

MRS. W. O. ACKERMAN

testified: Live four miles from Russellville and was witness in the trial at Russellville. The prisoner was at my house on Monday, Nov. 19th, engaged in digging Irish potatoes. He took supper at 6 o'clock, and returned with my husband to the potato patch to burn the vines. They were out until 7 o'clock. Prisoner stayed all night and left next morning. We sat up till 3 o'clock excited about the shooting. Thaxton went out after a man about the barn. I heard four shots. Prisoner returned and I smelt cloth burning. Husband examined and found his coat burnt. He had on a cotton jeans coat. I know this was on Monday night, Nov. 19, because I wrote a letter for Miss Mason and got the almanac to see the date. (A letter was handed the witness and she recognized it as the letter written by her on the night of the 19th). Husband and Thaxton returned from burning potato vines while she was writing the letter.

Cross examined.—Prisoner and wife lived on the farm from spring till August. He and wife did not live agreeably. He moved her to her father's. He was gone about one month, returned, worked awhile and left. Said he was moving to Clarksville. He returned in about one month and left on Friday to go to Clarksville for his clothes, and returned on Saturday night. My sister stayed with me Monday night, Nov. 19. Mrs. Mason, son and daughter, were there. I went visiting that day and returned about 3 o'clock. My husband and prisoner were digging potatoes as I passed through the patch. They went out to burn the vines after supper and came in at 7 o'clock. We took supper at 6. Mrs. Mason and daughter left at 10 o'clock. Don't remember whether the night was clear or cloudy. Know it did not rain. Noticed the fire where potato vines were burning. The shooting occurred at 11 o'clock. Thaxton said he saw a man between the well and barn. Did not see him take his pistol, but knew he had one. He returning [*sic*] saying, that he believed he was shot. Husband examined the coat and lining. I did not see his vest or ask him any questions about the shooting, nor did husband. I was excited. Never heard him say anything about horse thief. Said the man shot at him once and he fired three shots. No one went out. Husband went to the door. The coat was burnt. He left his clothes, and Joe Murphey [*sic*] took them to Mr. Sanders'. I had no correspondence with prisoner. Husband got a letter from him at Clarksville. He wrote to Thaxton and I wrote on the back of his letter.

#### W. O. ACKERMAN

testified that he had known defendant two years and that he was in no way related to him. I rented him land for tobacco, and he worked on my place from May until August. He and wife separated and I bought his tobacco crop when he moved to Clarksville. He was at my house on the 19th of November digging potatoes. I had him hired at \$2.50 per week. We burned potato vines that night; we had company that night until 10 o'clock; we sat up until 3 o'clock. My wife wrote a letter that night, and said it was the 19th. Thaxton went to town Tuesday morning on a mule; he returned and picked up potatoes and stripped tobacco, and went to Sanders' that evening. My wife wrote a letter Monday night to Binkley for Miss Mason. Thaxton went out about 11 o'clock for wood and returned saying somebody was at the barn. He went out again and I heard four shots fired; he came back excited and said he believed he was shot. I found a hole in his coat. He commenced work on my place Monday before this. I saw no bruises on defendant.

Cross examined.—Did not see Thaxton from the time he was arrested until Wednesday, the day of his trial in Russellville. After burning potato vines went with Thaxton to Joe Murphey's, half mile, to borrow his fiddle, and Thaxton played fiddle that night; it was a starlight night; light sprinkle of rain about 2 o'clock and raining Tuesday morning. Did not tell Sheriff Warden that I did not know of the shooting until after Thaxton came in. I heard the shooting and went to the door and called Thaxton, asking him if he was shot, and he said no. He came in excited and said he believed he

was shot. I smelt the fire and *[page creased]*der burnt. He said the man was behind a tree four or five steps from him and had a cap and ball pistol. He fired once and ran when Thaxton fired at him three times, as he stated. He gave a full account of the shooting in the presence of my wife and her sister. He left my place to get rid of his wife.

#### MRS. MASON

testified: No way related to Thaxton; not interested in him; live half mile from W. O. Ackerman. I went to Ackerman's Monday night, Nov. 19, at 6 o'clock, with my daughter to get Mrs. Ackerman to write a letter; the family were at supper. Ackerman and Thaxton went out after supper to burn potato vines; came in at 7 o'clock, and Thaxton was there up to 10 o'clock. When I left Mrs. Ackerman commenced writing the letter for my daughter to Mr. Benkley *[sic]*, while Thaxton and Ackerman were out. She asked what day of the month it was; I said 19th. Some dispute arose about the date, and Mrs. Ackerman said she would see the almanac and be certain. She looked and said it was the 19th. My daughter was present, and she can read and write, but this was a love letter and she didn't know how to write it, as it was her first. Thaxton played the fiddle that night and we remained until 10 o'clock waiting for the moon to rise. The moon was an hour high when we left. I am positive that this was the 19th of November.

The same testimony was elicited in the cross examination.

#### MISS BELLE MASON

testified: Went with mother to Mr. W. O. Ackerman's Monday night at 6 o'clock, Nov. 19, to get Mrs. Ackerman to write a letter to Mr. Josh Binkley for me. (Witness recognized the letter shown to her.) We stayed until 10 o'clock waiting for the moon to rise, the prisoner was there and played the fiddle; he and Ackerman went after supper to burn potato vines. I know it was the 19th because Mrs. Ackerman looked at the almanac to date the letter by and said it was the 19th; I sent the letter next morning by my cousin Henry Harris. Thraxton *[sic]* had on a black looking coat, I did not notice coat particularly; the moon shone through broken clouds; am positive that it was 19th.

Cross examined—Made no change in testimony.

#### MR. SANDERS

testified—I am a brother-in-law to Thaxton; William Taylor married Thraxton's wife's sister; Taylor is not dead, I have seen him since the Garrett *[sic]* affair; I rode 15 miles to see Binkly *[sic]* and asked him for the letter that was written at Ackman's *[sic]* on the 19th Nov.; He gave me the letter now in court and said that it was the one; I gave it

to prisoner's counsel and did not show it to any one else. Thaxton came by my house Tuesday morning and told me about the shooting, said the distance was about five steps. He was arrested at my house Saturday, Nov. 24th.

#### MISS LYON

testified—Live one and one half miles from W. O. Ackerman; Mrs. Ackerman is my sister; I stayed there Monday night, Nov. 19; Thraxton was there; they burnt potato vines after supper and Thraxton played the fiddle; I know it was the 19th because sister wrote a letter for Miss. Mason and looked at the almanac for the date; I read part of the letter and noticed the date; have examined almanac since, am positive that it was the 19th; Thaxton had pulled off his boots because he said they hurt his feet; he slipped on Will Ackerman's shoes and went out after wood; I heard four shots fired; Thaxton did not say what distance he was from the man that shot; Ackerman did not go to the door or go out after the firing; did not call to Thaxton; Thaxton came in and said he believed he was shot and Will Ackerman examined his coat.

#### DAVID ACKERMAN

testified—W. O. Ackerman is my son; I saw prisoner at his house on 19th; saw him four times during the day digging potatoes; know it was the 19th from a book I keep; have not looked at the book since, but know he was there on day of Garrott robbery.

#### JULIUS ACKERMAN

Knew Thaxton was at W. O. Ackerman that week, but did not see him on 19th.

Here the defence closed and the prosecution recalled Sheriff Warden. Said he had a conversation with W. O. Ackerman on Tuesday after the arrest; Ackerman didn't know anything about a horse-thief being at his house on the night of the 19th; I told him what Thaxton said about it and he then remembered about the shooting.

The court adjourned till Tuesday Dec. 18th, when the testimony of Mr. Garrott and other witnesses will be taken in behalf of the State.

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## Clarksville Weekly Chronicle, December 15, 1883, p. 5

### BENJAMIN FRANKLIN THAXTON

#### His Examination Before Judge Tyler Wednesday

Benjamin F. Thaxton was brought before Judge Tyler in the Criminal Court room Wednesday, to ascertain whether there were sufficient grounds for committing him for trial on a charge of complicity in the attempted burglary and assassination at Mr. J. J. Garrott's on the night of the 19th ult. The case was begun promptly at 11:30 o'clock, the time set, and the court room was filled with eager spectators. The Judge ordered the bar cleared of all except lawyers and newspaper reporters and stationed officers at the apertures to keep the crowd behind the railing. The defendant was represented by T. L. Yancey, Esq., Attorney General Burney appearing for the State. All the witnesses were put under the rules.

After calling his witnesses the Attorney General announced "not ready," on account of the absence of Mr. Garrott, but offered to proceed with the witnesses present, if after hearing the testimony the court would continue the case until next Tuesday, when Mr. Garrott can be introduced. After some argument on that point, the court agreed to the proposition, remarking, among other things, that it would be better for the complete vindication of the prisoner if he were innocent, and for the good of the State, if he were guilty, that there should be a full and fair investigation of the matter and that for the accommodation of the Logan County, Ky., witnesses, it was best to proceed with the evidence at hand.

#### R. M. WARDEN,

Sheriff of Logan county, was the first witness introduced. He lived in Russellville. Had known Thaxton a year or probably a year and a half. Thaxton lived in Logan county last year and a part of this year with Mr. Tom Lyon, keeper of the County farm. The farm is about a mile from Russellville. Thaxton worked there as an ordinary hand. He had seen Thaxton in Russellville several times this year. Could not say how often. Arrested him at Dillard Sanders' house, 1½ miles from Russellville at 12 o'clock on the 24th ult. Thaxton was eating dinner when arrested, in company with Mrs. Sanders, two other ladies and two men. He didn't say anything at the time. On the way to Russellville he told the sheriff that he could prove that he was at Will Akerman's [sic] on the night of the burglary, and also told him that he was shot at by an unknown man at Mr. Akerman's that night and showed a scorched place about six inches long across his vest where the bullet passed. Said that the shooting occurred in the early part of the night. On cross examination Sheriff Warden said that the men among the witnesses summoned by defendant were good people and he would believe them on oath. He didn't know the women. He admitted on redirect examination that he had heard things

said to the discredit of Will Akerman and his wife since the habeas corpus trial at Russellville.

MR. JAMES W. BENTON,

a Russellville policeman, testified that Thaxton got off the train coming from the South, at Russellville at 2 o'clock Tuesday morning, the 20th ult. Said he knew Thaxton well, had known him for two years. That he talked to him when he got off the train, and they walked together a hundred yards or more. He said he was thoroughly satisfied that it was Tuesday morning, the 20th ult., that Thaxton got off the train, though he could give no special reason why he knew that it was that date. Mr. Benton was a young man of very respectable and intelligent appearance. He was neatly dressed in a blue military suit, as was also

MR. MONROE HARDY,

Chief of police in Russellville. He testified that he knew Thaxton well. That he saw him and talked to him at the depot about a week before the trial at Russellville. Thaxton was on the seven o'clock train going South and told him he was going to Clarksville to see his wife. He couldn't say for certain that it was on Monday night the 19th ult., but it couldn't have been as long as two weeks before the trial at Russellville. That was the same night that Thaxton had been with Mr. Benton. He asked Thaxton after his arrest what night it was he saw him at the depot and Thaxton said it was 19 days previous to that time, but it could not have been so long. It was not more than a week. He didn't notice any marks of violence about Thaxton's person. The Judge had refused in the trial at Russellville to allow Thaxton to be examined for marks of violence, and Thaxton had then said that he was willing to submit to such examination if the Judge said so.

MR. T. L. SHIEREY

has lived in Clarksville two years. He has known Thaxton since the *[creased; text is obscured]*h of September. Thaxton moved *[obscured]*o a house adjoining his at that *[obscured]*e and had acted rather suspiciously. Thaxton worked for Mr. *J[obscured]*nson a week and then went away somewhere and was gone about two weeks, returning on the 2*[obscured]* of October. He went away again shortly and didn't return until the *[obscured]*th of November. In the meantime Thaxton's family had moved into one room of the house in which he (Shierey) lived. Thaxton came there at night and wanted to go into his (Thaxton's) wife's room, but he did not let him because Mrs. Thaxton had told him not to. Thaxton then went around the house and crawled in his wife's room through a window. He spoke to her of having been in Nashville. Said he saw her brother there. Told her he would have some money about the 15th *[obscured]*t didn't say where he would get it. There were three strange men

*[obscured]* his gate while Thaxton was in the house. They walked down to the river bank to look at a boat that was coming in and when Thaxton went out they followed him towards town, walking a short distance behind him.

MRS. SHIEREY

corroborated her husband's testimony substantially. In relating the conversation that occurred between Thaxton and his wife in the house on the night of the 9th ult., she says she heard him say that Bill Taylor and Ed Short were not a hundred miles away. That he was then breaking on a freight train, that he would return in two weeks and bring his wife \$40 or \$50, and that she must not go to her brother until he had returned.

MR. W. C. SMITH,

Mr. J. P. Smith and Mr. Barry each testified that seven men suddenly, and rather rudely, appeared at their tent in the railroad on Major Henry's place, Friday night before the burglary. The two former were certain that the man killed at Mr. Garrott's was one of those men. They recognized him from the picture published in the CHRONICLE. They also thought that Thaxton was one of the seven. The last mentioned witness said that the picture in the CHRONICLE looked like one of the men who came to the camp but he couldn't say that he ever saw Thaxton before.

MRS. AKERMAN

was the first witness introduced for the defense. She had known Thaxton since last spring, when he moved to her house to make a crop on the shares with her husband. He moved his family away in August because he and his wife couldn't get along together well. He sold his interest in the crop to her husband when he moved away but had come back himself in a few days and worked for wages by the week. He was at her house on the night of the 19th ult. She remembered the date because she had written a letter that night for Miss Mason which was dated the 19th. She had looked in the Almanac to ascertain the date. Thaxton and her husband had dug potatoes during the day and at night burnt the potato vines. It was not raining that night. It was a starlight night. At eleven o'clock Thaxton went out to get some wood and came back and said he saw a man between the well and the barn. He then went out again. Her husband didn't go with him because he had pulled off his shoes. After Thaxton was out awhile she heard four shots. He came back to the house and said a man had shot at him and he had shot at the man three times. Thaxton said he believed he was shot. She smelt something like burnt powder when he came in. Her husband examined him and found that a hole had been shot through the left breast of his coat and that his vest was singed by a bullet passing across it. The company that was at her house in the first part of the night had gone away at 10 o'clock. The shooting occurred at 11 o'clock. She never asked Thaxton any questions about the shooting when he came in, nor her husband

didn't ask any. Thaxton made no explanation as to who he thought it was or anything about it. They sat up till 3 o'clock because they were excited about the shooting. The stock in the stable belonged to her husband. Thaxton had no interest in them. She had never written a letter to Thaxton while he was away from her house. She once wrote a few lines on the back of a letter her husband wrote him.

WILL AKERMAN

told substantially the same story that his wife did, contradicting her only in the statement that Thaxton had said nothing on returning to the house after the shooting about how it occurred. Thaxton had talked very freely about the shooting and he had asked him a number of questions. His wife was present and heard it all.

MRS. MASON,

and her daughter, who are close neighbors of the Akermans, testified that they were at Akerman's house on the night of the 19th from seven until 10 o'clock and Thaxton was there during that time. They went to Akerman's to have Mrs. Akerman write a love letter for the young lady. The letter was produced in court. The Masons were not related to either Thaxton or Will Akerman, but were some way connected to Mr. Julius Akerman, a cousin of Will Akerman's. They both said the moon rose at 9 o'clock.

MISS LYONS,

a sister of Mrs. Akerman's, lived with the Akermans and substantially corroborated their testimony.

MR. SANDERS,

Thaxton's brother-in-law, testified to seeing Thaxton pass and re-pass his house going to and from Russellville on Tuesday morning, the 20th. He said William Taylor, a brother-in-law of his and of Thaxton's, was alive, living with his father in Logan county. He knew no other Wm. Taylor, but had heard of numerous persons by that name since the burglary. Thaxton was at his house Sunday, the day before the burglary occurred. Thaxton told him of the shooting at Akerman's when he passed his house Tuesday morning.

MR. DAN AKERMAN,

father of Will Akerman, testified to seeing Thaxton Sunday, the 18th, and Mr. Julius Akerman corroborated Sanders as to Thaxton's passing to and from Russellville Tuesday, the 20th.

## SHERIFF WARDEN

being again put on the stand testified that Akerman and Thaxton had told him different stories about the shooting at Akerman's house. Thaxton first told him that it occurred early in the night and Akerman said it took place at 11 o'clock.

The court then adjourned until next Tuesday, when the trial will be continued, and the evidence of Mr. Garrott given in.

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### **Clarksville Democrat, December 21, 1883, p. 3**

Thaxton's Trial Continued to the 26th of December.

The trial was begun of the State vs. Thaxton last Tuesday pursuant to adjournment.

Chief of Police Carkuff was sworn and deposed as follows:

I went to Russellville for defendant, I saw burnt place on vest, but did not see the coat he had on the night, he got the vest powder burnt. At the trial in Russellville the witnesses not put under the rule. It was noticed the coat was absent. I asked for it but could not get it. Powder from a pistol will not burn cloth over two feet distant.

### MR. GARROTT,

being next sworn deposed as follows: The first I knew of burglars breaking into my house, I heard the crash of the window. One man slict [*sic*] me, and I shot the other, though I did not see the man I shot. The remaining burglar and I grappled, I got him by the neck; my wife had hold of the gun, and so had the burglar with one hand; he shot his pistol out of the other. Was close to my side when he shot, but the second shot did not hit me; the powder from it however burnt my hand. Did not know he was trying to shoot me when he fired the second time. My gun was not loaded. I had fired the only charge in it. The scuffle was not longer than three minutes. In the scuffle, after he had fired the second time he got loose from me and lost his pistol. In trying to escape he got on all fours, and as he got near the window I grabbed him on the back of the neck, and pressed him down on the sill. He reached and took my left hand in his, which was thrown about his body, and placed it in the left side of his mouth, and bit it, and I am certain a tooth is out of the burglar's mouth, on the upper left hand side. The prisoner Thaxton has a tooth out answering to the one out of the mouth of the man who bit Mr. Garrett.

He then got loose from me and as he was getting out of the window my wife and I gave him a push which was just the beginning of a speed which he illustrated in leaving. There was no light in the room, save that from smouldering coals in the grate. He was a medium size man, rather stout. His hair grew low down on his neck, and he had a very large Adams apple. This protruberance was so great, could not get a good hold on his neck. The hair and Adams apple peculiarities correspond to the hair on the neck, and Adam apple, of the prisoner Thaxton. I cannot tell where the ball from the second shot went, but the ball was picked up in my room. There were three large clubs lying near on the outside of the window. The clock struck ten a few moments after the room was vacated by the burglars.

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### **Clarksville Semi-Weekly Tobacco Leaf, December 21, 1883, p. 1**

The examination of the witnesses in the Thaxton trial was resumed last Wednesday, and the testimony of Chief of Police Carkuff and Mr. J. J. Garrott were taken. Nothing new was developed by their testimony. Owing to the absence of witnesses the case was again adjourned, this time until next Wednesday, the 26th.

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### **Clarksville Semi-Weekly Tobacco Leaf, December 21, 1883, p. 1**

#### The Dead Burglar

The Cincinnati Enquirer of the 19th says:

“Mr. Bennett, who lives at No. 127 West Fifth Street, called at the Chief’s office yesterday and identified the portrait of the burglar shot and killed at Clarksville, Tenn., last week. He says it is Sam Patterson, who formerly worked on the Grand Central Depot, and who started south with two companions several weeks ago.”

It will be remembered that the burglar that was killed by Mr. J. J. Garrott on the 19th of November came to this [*sic*] about the 25th October, and registered at the Franklin House as Sam’l Patterson, Louisville.

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**Clarksville Weekly Chronicle, December 22, 1883, p. 3**

Thaxton

The examination of witnesses in the Thaxton case was resumed last Wednesday. Mr. Garrott testified that the man with whom he wrestled on the night of the burglary had thick hair growing low down on his neck, and that from a bite on his finger he judged the man had one tooth missing. It was proved that Thaxton in some degree answered this description. Captain Carcuff's testimony brought out nothing new. The case was continued till next Wednesday, when another witness for the State from Logan county will be examined.

**SAM PATTERSON**

At the time of the killing we forwarded a picture of the dead burglar to the Chief of Police in Cincinnati, and received the following reply:

HEADQUARTERS POLICE DEPARTMENT }  
CINCINNATI, Nov. 23, 1883. }

Messrs. Neblett & Titus, Clarksville, Tenn.

GENTS—Replying to your inquiry of 20th inst., would say that I have had the picture referred to shown to our detectives, and is not recognized as any one known about Cincinnati.

Respectfully,  
M. F. REILLY,  
Supt. of Police.

The Cincinnati Enquirer of Wednesday says:

Mr. Bennett, who lives at No. 127 West Fifth street, called at the Chief's office yesterday and identified the portrait of the burglar shot and killed at Clarksville, Tenn., last week. He says it is Sam Patterson, who formerly worked on the Grand Central Depot, and who started South with two companions several weeks ago.

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**Clarksville Semi-Weekly Tobacco Leaf, January 25, 1884, p. 1**

Thaxton Released.

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Last Thursday Benjamin F. Thaxton, who was arrested as an accomplice of Patterson in the attempted robbery of Mr. J. J. Garrott's residence, beyond New Providence, in

November, was released, Judge Tyler thinking the evidence insufficient to hold him further. Thaxton at once left for Kentucky. No evidence against Thaxton was developed by the arrest of Lewis Lowe, col., though we understand the evidence against Lowe is very strong.

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### **Clarksville Weekly Chronicle, January 26, 1884, p. 3**

B. F. THAXTON, charged with complicity in the Garrott Burglary was released from custody Monday. After a very thorough investigation into his case and allowing all the time asked by the State in which to gather evidence Judge Tyler decided that there was nothing in the proof that would justify the court in holding him for trial. Popular sentiment is pretty much in accord with the Judge's decision.

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### **Clarksville Semi-Weekly Tobacco Leaf, February 8, 1884, p. 1**

#### Thaxton is Going to Law

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Mr. B. F. Thaxton was in town Saturday, and, in conversation with a Heald-Enterprise reporter, he expressed his determination to bring suit against the State of Tennessee for unlawful arrest and malicious prosecution. He thinks he has been damaged to the amount of \$5,000 and will sue for that sum.—*Russellville Herald-Enterprise*.

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### **Clarksville Weekly Chronicle, February 9, 1884, p. 3**

#### *Thaxton Going to Law*

Mr. B. F. Thaxton was in town Saturday and, in conversation with a Herald-Enterprise reporter, he expressed his determination to bring suit against the State of Tennessee for unlawful arrest and malicious prosecution. He thinks he has been damaged in the amount of \$5,000 and will sue for that sum. He has certainly been harassed and annoyed both in mind and body sufficient to be entitled to an action against some one—but whether the State of Tennessee is the one or not we do not know.

If Mr. Thaxton knows any means by which he can bring suit against this sovereign state there are several parties in New York and elsewhere who will doubtless like to have him explain the process.

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**Clarksville Semi-Weekly Tobacco Leaf, February 15, 1884, p. 1**

Lowe Indicted.

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The grand jury this week indicted Lewis Lowe, col., for complicity in the attempted murder and robbery of Mr. J. J. Garrott, last November. While the evidence is circumstantial, it is strong. It is briefly, as follows: Lowe and Patterson, who was killed, ran together and were bosom companions the week before the attempted robbery in Number Eight, where they staid around the groceries of Robt. Blakemore, col., and another colored man named Helm. From there they came to New Providence together, and were seen together the day of the attack, when Lowe wore a hat similar to one found at Garrot's. The next morning at an early hour he was seen near New Providence wearing a straw hat. Later in the day he again appeared at Blakemore's and claimed to have been at Woodlawn. When the attack was mentioned he pretended to have heard nothing of it, and stated that he would go at once to New Providence and learn about it. He disappeared and was not again heard of until he was arrested at Boxville, on the Ohio river, where he went under an assumed name. There are other circumstances that have not yet been fully developed that may serve to strength the evidence of his guilt.

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