

Higgins

## The Life and 1898 Murder of Martha Thompson Higgins

By Dianne B. Underwood

Martha Thompson Higgins has been dead for over one hundred years, but her memory lives on as a part of Surry County, North Carolina history. Martha is remembered because she was the victim in a murder story that had all the elements of a classic whodunit—the charred remains of an elderly widow, premeditated murder, stolen cash, arson, a sensational trial, death by hanging, and a civil lawsuit. But this was not a mystery novel, and the people involved weren't characters on a page. They were family, friends, and neighbors in a small close knit community near Kapp's Mill along the Mitchell River. When all was said and done, two people were dead, and there was plenty of collateral damage.

News that an elderly widow had been murdered during the commission of a robbery and her home burned shocked the community of Devotion, and it took a lot to shock folks in 1898. The Civil War and Reconstruction weren't long ago memories. Folks had suffered years of hardship, witnessed violent acts, and were as hard as hickory nuts. Murder wasn't uncommon, but the murder of an elderly woman who lived alone was especially troubling. Who would have done such a thing? Not only did everybody know everybody else in the small community, but most folks were related.

Martha Newton Thompson was a member of the large extended Thompson family which settled in the area in 1790. She was born in Devotion in about 1827 to John and Elizabeth Hawkins Thompson.<sup>1</sup> After John Thompson's death, the youngest Thompson daughters lived on the family farm with their widowed mother.<sup>2</sup> Martha and Roxie taught school.<sup>3</sup> Zora and Lucy cared for their mother Elizabeth and worked on the farm. The Civil War was a time of hardship for all families, and after Elizabeth Thompson died, life would have been especially hard for her unmarried daughters. There weren't many eligible men in the area who weren't Thompson relatives before the Civil War, and there were even fewer after the war. But all four of Elizabeth's daughters eventually married.<sup>4</sup> In 1868 Martha Newton Thompson married a man named Hiram Higgins and moved to nearby Ashe County.

Hiram Higgins was a Thompson family friend and old enough to be Martha's father. According to records found at Fold3.com, Hiram served in the War of 1812 in Captain Witcher's company with several of Martha's first cousins (Elijah, John O., and Henderson Thompson). Hiram had raised a family with his first wife Polly Willis in Ashe/Allegheny County.<sup>5</sup> Three of his sons served in the Confederate Army. Two of these sons died from smallpox in service, and Hiram's wife Polly died shortly after the loss of her sons in 1862.<sup>6</sup> Hiram Higgins was about seventy-seven (77) years old when he married Martha Thompson in 1868. He gained a caregiver in his old age, and Martha, who was almost forty (40) years old, gained much needed financial security. The couple never had children of their own.<sup>7</sup>

After eleven years of marriage, Hiram Higgins died, and Martha left the Higgins farm to live with the family of G.W. Thompson.<sup>8</sup> G.W. was the stepson of Martha's sister Lucy.<sup>9</sup> Martha applied for a widow's pension (\$8.00 a month) based on Hiram's service in the War of 1812. Hiram's son T.S. Higgins signed in support of her claim.<sup>10</sup> At age fifty, Martha returned to teaching school in Allegheny County.<sup>11</sup> She supported herself with her income from teaching and the pension checks. As the years passed, Martha decided to return to Surry County. Surry County land records of 1892 show that M.N. (Martha Newton) Higgins purchased 100 acres of land along the Mitchell River. This was no small accomplishment for an elderly widow in the 1890's, but what should have been a peaceful old age ended tragically for Martha Thompson Higgins.

On 28 June 1898 *The Landmark*, a newspaper in Statesville, NC, reported that "The charred remains of Mrs. Martha Higgins were found in the ashes after the flames had consumed her dwelling. It is known that the lady, who was quite old, had at least \$1,200, and it is almost certain that the greater part of this was on her premises. The crime was committed in order to secure this money and the body cremated with the hope that the fire would forever cover up the deed. At this writing no clue has been discovered as to who the murderer or murderers are."

The Thompson family buried the remains of Martha Higgins in the Thompson Family Cemetery inside what is now known as the Devotion Estate in Surry County.<sup>12</sup> Hiram Higgins had been laid to rest in Allegheny County alongside his first wife.<sup>13</sup> Meanwhile, the Surry County sheriff, J. M. Davis, reasoned that Martha had been murdered by someone who knew her because the trunk in which Martha kept her life savings had not burned in the fire. The empty trunk was found in a nearby creek. Sheriff Davis began a felony murder and arson investigation.

Over a period of two days, 20 and 21 June, a coroner's inquest was held. The coroner for Surry County was J. H. Armstrong. The coroner's jury deliberated but failed to ascertain any evidence that would lead to a conviction. Martha had been "murdered by some unknown parties."<sup>14</sup> The lack of evidence is not surprising since Martha's house had been burned with her body in it.

The coroner's jury was made up of six men, and five of them were related in some way to Martha Thompson Higgins. They were W. H. Moore, T. J. Thompson, John Thompson, K. M. Thompson, and A.S. Cockerham. The sixth man was Calvin Gentry. A Calvin Gentry is listed as the father of Mary Gentry on an 1858 Surry County marriage license. Additionally, Mary Gentry was the first wife of a man named John Jack Mays.<sup>15</sup>

John Jack Mays turned out to be the prime suspect in the investigation by Sheriff Davis. In 2012 Donna G. Smith authored the book *Murder in Mayberry: True Crime in America's Hometown, Mount Airy, North Carolina*. The book is a collection of 25 short stories that cover numerous murders which occurred between 1892 and 1976 in Surry County. In a chapter titled "The Good Neighbor," Smith states that after a few days the sheriff arrested Martha's neighbor John Jack Mays. Martha Higgins trusted Mays. She paid him to do chores around the farm and take care of her personal business in town. Smith further states that Mays was arrested for the murder but does not elaborate on any evidence the sheriff may have had. Sheriff Davis did not keep Mays in custody for long. Smith explained in her book that Mays' brother-in-law, Daniel S. Jones, provided Mays with an alibi for the night of the murder. Dan's wife, Phoebe Hodge Jones, was the sister of Mays' second wife.<sup>16</sup>

By the time Mays was released from custody, the initial shock which had overtaken the community had turned to fear and anger. The coroner's inquest had not found any evidence that would lead to an arrest, and the sheriff's main suspect had an alibi. As the days passed, suspicion continued to focus on Mays. Because mountain folks often administered personal justice, Mays departed Surry County for Virginia.<sup>17</sup> His brother-in-law Dan Jones did not flee, but he was having second thoughts about the alibi he had given Mays. In a biography of Columbus Franklin Thompson found in the *Surry County Heritage Book*, James E. Cockerham wrote the following: "Clum Thompson was a Surry County Justice of the Peace, and as such his advice was dearly sought after. In one particular instance, Daniel Jones came to Clum and asked his advice on what to do about his knowledge about the murder of Martha Higgins...Clum...told Mr. Jones to go and tell the sheriff of Surry County..." Subsequent court records show that Columbus Thompson was called as a witness for the prosecution in the trial of John Jack Mays.

Daniel Jones told Sheriff Davis that John Jack Mays had paid him \$5.00 for an alibi the night of the murder.<sup>18</sup> Subsequently, Mays was located in Virginia and brought back for a magistrate's hearing in Surry County.<sup>19</sup> According to Thompson family stories, Mays was riding Martha Higgins' mule when he was located in Virginia by the authorities.<sup>20</sup>

At the magistrate's hearing in Surry County, Jones testified that he had been paid for the alibi.<sup>21</sup> Mays was charged with murder and scheduled for trial in the Surry County Superior Court. Tensions in the community were so high that on 12 July 1898, *The Landmark* of Statesville noted "the man who stands charged with murdering and robbing and then burning the home of Mrs. Martha Higgins, an old woman near Kapp's Mill, Surry County, has been taken to Winston [NC] jail for safekeeping."

The court minutes for the 1898 trial, which are in the North Carolina Archives, provide some valuable information. The indictment charged that John Jack Mays "did willfully, deliberately, premeditatedly, feloniously and of his malice aforethought did kill and murder Martha Higgins..." The court minutes name the 75 "good and faithful

male freeholders" in the jury pool and the actual jury which was selected. The presiding judge was James D. McIver from Carthage in Moore County.<sup>22</sup> M. L. Mott was the state prosecutor. Marsh L. Mott was identified as the Solicitor General in the 1902 Winston-Salem City Directory. Prosecution witnesses called to testify included Daniel S. Jones, Phoebe Jones, Columbus Thompson, P. A. (Pleasant Abraham) Cockerham, and Ransom Wilborn. Cockerham and Wilborn were most likely first cousins. Wilborn was the maiden name of the mother of Cockerham.

Furthermore, the court minutes show that Mays was without counsel, so three attorneys (J.R. Lewellyn, James M. Bodenheimer, and Clement Manly) were assigned to provide legal counsel. Lewellyn and Bodenheimer were from Dobson,<sup>23</sup> and Manly was from Winston.<sup>24</sup> T.B. Moody, Jackson Norman, and Dr. J. P. Farrington were three witnesses subpoenaed for the defense. Norman was the brother of Mary Elizabeth Norman, the mother of John Jack Mays.<sup>25</sup> Joseph Farrington was a medical doctor from Winston and called as an expert witness.<sup>26</sup> The court allowed that Dr. Farrington receive \$15.00 per day for up to three days in lieu of all compensation.

The court minutes do not provide a transcript of witness testimony or name any evidence entered into the record. However, Mays' own words and the testimony of Dan Jones helped convict him. The author Donna G. Smith wrote "During the time he was being held in Winston-Salem [Winston], Mays [sic] wrote a letter to his daughter, revealing to her the location of the money. The sheriff in Winston-Salem [Winston] took possession of the letter before it was mailed." Mays stated in the letter that money was under the forge in his blacksmith shop and in a field near the barn. The sheriff searched and located only \$764.00. In the estate settlement for Martha Higgins, there is an entry from the Clerk of Court regarding the \$764.00.

On 8 October 1898, the Surry County jury reached a verdict. A. L. Whitt spoke for the jury which found John Jack Mays guilty of murder in the first degree.<sup>27</sup> The court sentenced Mays to death by hanging. Smith's book recounts the actual hanging on 11 November 1898. Mays arrived at the court house sitting on top of his coffin for his funeral service prior to the hanging. He helped lead the singing of an old Baptist hymn. Other sources claim that Mays steadfastly maintained that he was innocent of murder and blamed Dan Jones for the fate of Mays. John Jack Mays is often remembered as the last man legally hanged in Surry County.

But Mays is also remembered as a family man who attended a local Baptist church and led the choir. He had a wife and children who loved him. Martha Higgins trusted him. One version of events states that Mays claimed a group of men conspired to rob Martha during a card game. Mays admitted that he was in Martha's house on the night at the time she was murdered but didn't kill her; however, he said, "I heard the lick that did."<sup>28</sup> The story says the group of men took an oath not to identify one another, and Mays kept silent to protect his wife and children.

Facts from Martha Higgins' estate papers provide a few additional relevant facts. No child of the deceased is named in Martha Higgins' estate records. Her heirs were her two surviving siblings, Lucy Thompson (wife of Stephen Thompson) and Roxie Greenwood (wife of James Greenwood), plus the heirs of Martha's deceased siblings (Rufus Thompson, Emily Thompson Woodruff, Euphemia Thompson Fugate, and Jack Thompson). Martha's nephew, J.C. (Claude) Greenwood, was the estate administrator. The estate collected on a loan of \$177.00 made to Martin Higgins, son of Isaac Higgins.<sup>29</sup> The total net amount of the estate was \$1,778.18. The estate of Martha Higgins also paid \$1.50 to J.J. Mays for "services"

Rumors and gossip about the murder and stolen money were the talk of the town. \$764.00 was recovered. The amount of money said missing ranges from \$1,200 to \$3,600 depending on the source. What happened to the remainder of the money? Had Martha loaned money to others? According to one account, Mays claimed there wasn't as much money as expected, but there were some IOUs.<sup>30</sup>

The Martha Higgins' estate file also contains evidence of a civil complaint filed in 1899. J. C. Greenwood filed suit on behalf of the estate against a local merchant. The suit alleged that Martha Higgins had given the merchant a

"large sum of money" for safekeeping with instructions to make loans when safe loans could be made. The plaintiffs had no evidence to support their claims, so the lawsuit was dismissed. The Martha Higgins' estate had to pay the defendant's court costs.

There have been many other stories and accounts about this murder in which inaccurate information about Hiram and Martha Thompson Higgins has been shared and repeated. My great great grandparents were Elihu and Frankie Edwards Thompson, and I eagerly read a book written in 1988 about the Thompson family titled *Goodbye Turkey Roost* by Dan Norman. The book is a collection of Thompson family stories that have been fictionalized. While there are many historically accurate facts in the book, the stories about Martha Thompson and Hiram Higgins are not historically accurate. Norman claims that Martha Thompson Higgins and Elihu Thompson were brother and sister. Research shows that Martha was the first cousin of Elihu's father Billy Thompson.<sup>31</sup> The book recounts the story of Elihu and Frankie Edwards Thompson and Hiram and Martha Thompson Higgins during the Civil War. However, Hiram Higgins was married to Polly Willis and living in Allegheny County during the Civil War. He did not marry Martha Thompson until 1868. The inaccurate story has been posted at various online sources. Somehow, Hiram's name changed to "Sam." Fold3 military records do identify a Hiram Higgins who served in the Civil War from Wilkes County, NC, but this is not the man who married Martha Newton Thompson.

In 2013, a *Mount Airy News* article stated "Historical accounts of the killing of Martha Thompson Higgins paint a rough portrait of life in rural Surry County in the late 1800s. Higgins had lived on a farm with her husband Sam, who elected not to enlist in the Confederate Army during the Civil War along with others in the mountainous areas of North Carolina who shared an isolationist mindset. These folks had no interest in the conflict and just wanted to live in peace. However, Sam Higgins was eventually apprehended by the Home Guard, whose duties included rounding up those not serving in the Confederacy. Higgins was jailed in Dobson until he could be turned over to the Rebel army, and subsequently was killed in action in Virginia with his body never returned."<sup>32</sup>

As previously stated, Hiram Higgins and Martha Newton Thompson did not marry until 1868, which obviously was after the Civil War. There is no evidence she ever had a child. Martha was never married to anyone by the name of Sam Higgins. Based on 1860 census records, Hiram Higgins, the future husband of Martha Thompson, was about seventy (70) years old. He had served in the War of 1812 and was not an isolationist. Three of his sons had served in the Confederate Army. A fourth son had petitioned President Andrew Johnson for amnesty in 1865 for his service to the Confederacy as a Rebel Tax collector.<sup>33</sup> The *Mount Airy News* article inaccurately describes the life shared by Martha Newton Thompson Higgins and her husband Hiram Higgins.

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Some afterthoughts: The murder of Martha Higgins was a classic whodunit and, like all good mysteries, has many versions of events and unanswered questions. There are two sides to every story, but one thing is certain. Two lives were tragically lost in 1898 in Surry County, but the crime left many others with collateral damage.

Martha Higgins was an obvious victim. Did the elderly widow open the door to one neighbor she trusted or was she confronted by a group of men that night in June?

The Thompson family had to view Martha's "charred remains."

The reputation of Hiram Higgins, the true husband of Martha, suffered each time the false story was retold about how he was "jailed" in Dobson.

A civil lawsuit was filed against a local merchant by the Martha Higgins' estate. The suit was dropped, but the damage was done.

Dan Jones told two stories. Which one was true?

In a small community, folks counted on their neighbors. Who could you trust? Mavs claimed he was not the one who killed Martha. Did someone get away with murder?

The execution of Mavs was a public event. Pictures and visual memories of the hanging are disturbing, and actual witnesses would carry such a powerful image with them forever.

The wife and children of John Jack Mavs were innocent victims. What memories did they carry in their hearts?

John Jack Mays was the last man hanged in Surry County, but a good defense attorney would argue that no one should be remembered solely by their actions on one fateful night. If Mays didn't kill Martha, he knew who did and kept quiet. Maybe he was protecting his family.

William Faulkner said, "The past is never dead. It's not even past."

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Thompson Family

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- <sup>1</sup> Surry County, NC marriage record, 6 January 1868.
- <sup>2</sup> 1850 Federal Census of Thompsons District, Surry County, NC.
- <sup>3</sup> 1860 Federal Census of Nixons District, Surry County, NC.
- <sup>4</sup> Estate records of Martha Higgins, Surry County, NC; North Carolina Division of Archives and Records, Raleigh, NC.
- <sup>5</sup> 1850 Federal Census of Ashe County, NC and 1860 Federal Census of Allegheny County, NC.
- <sup>6</sup> Fold3 military records and Findagrave tombstone photos.
- <sup>7</sup> Estate records of Martha Higgins.
- <sup>8</sup> Findagrave tombstone photo and 1880 Federal Census of Glade Creek Township, Allegheny County, NC.
- <sup>9</sup> 1860 Federal Census of Nixons District, Surry County, NC and 1870 Federal Census of Bryan District, Surry County, NC.
- <sup>10</sup> Fold3 military records.
- <sup>11</sup> 1880 Federal Census of Glade Creek Township, Allegheny County, NC.
- <sup>12</sup> Cemetery Census records regarding the Thompson Cemetery, Surry County, NC.
- <sup>13</sup> Findagrave records regarding the Hiram Higgins Family Cemetery, Allegheny County, NC.
- <sup>14</sup> Coroner's records pertaining to the death of Mrs. Martha Higgins, Surry County, NC; North Carolina Division of Archives and Records, Raleigh, NC.
- <sup>15</sup> Surry County, NC marriage license, 30 September 1877.
- <sup>16</sup> 1870 Federal Census of Dobson, Surry County, NC and 1880 Federal Census of Dobson, Surry County, NC.
- <sup>17</sup> Donna G. Smith, *Murder in Mayberry: True Crime in America's Hometown*. Mount Airy, North Carolina (2012). 14.
- <sup>18</sup> Smith, 14.
- <sup>19</sup> Smith, 14.
- <sup>20</sup> Information provided by Rodney Lynn Thompson of Tennessee.
- <sup>21</sup> Smith, 14.
- <sup>22</sup> 1880 Federal Census of Carthage, Moore County NC.
- <sup>23</sup> 1900 Federal Census of Dobson, Surry County, NC.
- <sup>24</sup> NC Death Certificate, Forsyth County, NC, 26 November 1928 .
- <sup>25</sup> 1850 Federal Census of Thompsons District, Surry County, NC and 1870 Federal Census of Bryan, Surry County, NC.
- <sup>26</sup> 1900 Federal Census of Winston Ward 1, Forsyth County, NC.
- <sup>27</sup> Surry County, NC Superior Court Minutes pertaining to State vs. John Jack Mays, 1898: North Carolina Division of Archives and Records, Raleigh, NC.
- <sup>28</sup> Ralph Shaw, "Family Shame: A Search for the Truth, The Story of John Jack Mays-The Last Man Hung in Surry County, NC." 6 and 7.
- <sup>29</sup> 1870 Federal Census of Glade Creek, Allegheny County, NC.
- <sup>30</sup> Shaw, 6.
- <sup>31</sup> See wills of Joseph Thompson and James Thompson at moonzstuff.com.
- <sup>32</sup> Tom Joyce, "Mays hanging in 1898 still haunts family," *The Mount Airy News*, (31 March 2013).
- <sup>33</sup> Fold3 military records.