

Chapter XXIV

The Mel Cheatham Affair

In June of 1966 it had been seventy seven years since the Mel Cheatham affair had occurred and accounts of the affair were buried in the dim memory of very old people, and in the faded pages of contemporary newspapers. Then James Merdith started his well publicized "walk through Mississippi" and was soon peppered with bird shot from the gun of a citizen of Tennessee. This was a period when the Civil Rights issue loomed large on the national horizon, and all the news media played up the stories of racial strife, and professional do-gooders were fishing in troubled waters. There was much speculation as to whether the Mississippi Courts would be an impartial forum for the prosecution of the man who had shot Merdith. It was during this period of speculation that a reputable, and usually accurate, T. V. reporter made the statement that there was no record of a white man ever being convicted and executed in the state of Mississippi for the murder of a negro. This statement recalled to the mind of the writer the story which he had once learned from the issues of the Grenada Sentinel printed during the years of 1889 and 1900. That story was about the white man, Mel Cheatham, accused of the murder of Jim Tilgman, who was a negro.

The quarter of a century elapsing between the end of the Civil War and the year 1889, had been troubled years for the town of Grenada and the county of the same name as, indeed, it had been for most people and areas in the Southern states. As a result of the harsh construction policies of the Radical Republicans who controlled Congress in the early post-war years, unlettered negroes, former slaves; had been enfranchised to vote, while many white leaders and followers, because of service either to the Confederacy or to their state government during the war period, were disfranchised. For a period of several years white leaders, with their block negro vote, had dominated political affairs in the town and county, but by the year 1889, white people were pretty well in charge of city and county affairs again. Although there had, from time to time, been flare-ups of racial strife, as a general thing both whites and negroes had adjusted to post-war changes and the two races were getting along very well.

Then occurred an incident which threatened to ruin this relationship. A negro was murdered in a most brutal way, and a white man was suspected of being implicated in the crime. On July 20, 1889, The Grenada Sentinel, a newspaper printed in the town of Grenada, came out with the story: "An infamous and cowardly assassination - one of the most cowardly, cold-blooded and senseless assassinations that ever disgraced the history of Mississippi occurred on Thursday night of last week in this county. The particulars we learn are as follows: On last Saturday news was brought to Mr. R. W. McAfee, of this town, that a young negro man, Jim Tilgman, employed on his plantation, nine miles east of Grenada and four miles west of Graysport, had been missing since Thursday night, and his whereabouts was unknown. Mr. McAfee on Sunday morning together with Sheriff G. B. Jones proceeded to the plantation to make an investigation, and on arrival there soon found blood, and they at once became satisfied that Tilgman had been foully dealt with, and at once summoned all the neighbors to prosecute the search. After considerable difficulty they found the body of Tilgman sunk in the Yalobousha river about four miles from the scene of the murder, with eight buck-shot wounds in the back, with two large rocks tied to him as sinkers. The river had fallen and the body was discovered in this way, after some careful sifting of testimony M. J. Cheatham (white), Lee Irvin, Jake Irvin and Cornelius Robertson (colored), were arrested as probably guilty of murder. One other person, James Lemons, (white), who was supposed to be implicated in the assassination fled as soon as he learned that the body had been found, and was not captured until Wednesday morning. As soon as Lemons was brought to Graysport and turned over to the sheriff, we learn one of the

supposed guilty parties-Lee Irvin-said it would be death for him to tell what he knew, but he was willing and would tell the truth since Lemons was caught and put under arrest, so he, (Irvin), proceeded to make a full confession which was in substance as follows: That he (Irvin) and the four other above named parties were concerned in the assassination, and that he was satisfied that Cheatham or Lemons did the shooting, and that Cheatham had the gun the last time he saw him. There were other statements which give the case a still darker hue, but too lengthy for publication now. A Coroner's jury composed of Messrs: W. J. Parker, Silvester Johnson, John Butler, Silas Rayburn, Buck Martin and Jim Williamson, prominent citizens, was impanelled, and after examining about seventy five witnesses and hearing the confession of Irvin, returned a verdict to the effect that Jim Tilgman had been foully murdered by the parties above named. The committing trial at this writing (Thursday) is being vigorously pushed with District Attorney J. J. Slack present.

When it is considered, as well as known to be the fact, that Tilgman was assassinated merely because he was a witness at the last term of Circuit Court against certain of these parties in cases which were only misdemeanors, and that he was to be a witness again at the next Circuit Court term, the absolute senselessness and the damning brutality of the assassination are both made manifest. If there be a God of Justice and a people here who mean to see justice administered without fear or favor, let this case be pushed to a summary and speedy conclusion. We know that we have that kind of people. We know it from the horror with which the people of the whole county have been struck, and especially in the vicinity where it occurred. There is but one sentiment expressed on this subject, and that is expressed with emphasis on all hands to-wit: That Grenada County will not, and shall not, harbor within its borders men so lost to every sense of duty to society, and that punishment swift and condign according to the forms of law shall be meted out to them. Let it be understood that the people of the county will see to it that the assassination shall result in the hanging of the perpetrators whether the victim be white or black." Later: "Thursday evening about 5 o'clock news was received in Grenada that the above named prisoners has waved examination, and that they had been committed to jail without bond. A large number of our citizens congregated on the public square, and about 7 o'clock Sheriff Jones, together with twelve or fifteen guards armed with shot-guns, made their appearance with the prisoners, who were taken to the jail and locked up, where they will remain until our Circuit Court meets."

On August 24, 1889, the Circuit Court was in session and the accused were arraigned and all pleaded not guilty. M. J. Cheatham was the first of the four brought to trial, in a case which had the interest not only of citizens of Grenada County, but all over the state of Mississippi. Leading members of the local bar were involved in the case either for the prosecution or the defense. On August 31, 1889, the Grenada Sentinel has this report on the trial: "The public mind has been intensely interested and agitated during the week by the trial of M. J. Cheatham for the murder of Jim Tilgman, a negro, in July, not only was there a large personal interest in the trial, but the public at large became involved in the suspense on account of the momentous question being suggested to every man's mind are we to have the criminal law executed? Are our lives to be under the protection of the law and safe from assassination? The evidence was extremely tragic, and the details bloody and horrible beyond imagination to conceive. Lee Irvin, a negro who was present at the shooting, confessed and gave these details: Jim Tilgman was at church on Thursday night; Cheatham concealed himself by the side of the road Tilgman was to take in his walk home after church; when he came up about 11 o'clock at night Cheatham shot him in the back as he started to run. Cheatham, Jim Lemons, Jake Irvin, Lee Irvin and Cornelius Robertson then ran up and threw him on a blanket before life was extinct - put a sack over his head - put him up across a mule in front of Lemons, and after Cheatham had reloaded his gun, the funeral procession

through the woods for four miles to the Yalobousha was as follows: Cheatham in front on a mule with a gun; Lemons next on a mule with the dead negro in front of him; Cornelius Robertson behind Lemons on a horse, and Jake and Lee Irvin in the rear on foot. When they reached the river the victim was weighted by rocks and thrown in the river. But providentially, the river was up ten or fifteen feet from heavy rains and the body caught on a log as it sank, and when the river fell it was found the following Sunday evening lodged on the log etc. Cornelius Robertson, (colored) also confessed and corroborated the above details given by Irvin. Besides the confession of these two eye-witnesses, there were many circumstances, all bearing with unerring aim upon the guilt of Cheatham, that were brought out by a great many witnesses white and black. Over one hundred witnesses were summoned and a majority of them were rigidly examined."

On Wednesday evening the testimony was closed, and the speaking began that night. The Court Room was crowded when Judge A. T. Roane arose on behalf of the prosecution, and made an exhaustive, very able and very earnest and effective argument of two and a half hours. He was followed by Hon. J. C. Longstreet for the defendant in a speech of one hour and fifteen minutes. He managed his side of the case with great ability and acumen, and was both forceful and eloquent. He was very highly complimented on his splendid effort. On Thursday morning W. C. Mclean, Esq., spoke for the defense in a speech of three hours. He showed throughout that inflexible determination, perseverance, ability and fertility of resource for which he is noted. His speech was able and eloquent, and brought every possible point in behalf of his client, but the climax was capped by the three hour speech of the original, the unique, the only J. J. Slack, our District Attorney. He displayed nothing less than genius in his humorous, his pathetic, his argumental strokes. In short, he made a powerful, logical, witty and inimitable speech. Mr. Slack may well feel proud of his speech and the manner in which he conducted the case throughout.

"The argument was concluded by 3 o'clock Thursday evening, and the jury retired. The court then adjourned for an hour, and as soon as it convened again the jury brought in a verdict of 'guilty as charged', which means a death sentence. We learn that the jury was unanimous in their verdict as soon as they retired, a ballot being taken without any discussion of the subject. When the verdict was announced the prisoner's head dropped and tears flowed down his cheeks. The verdict was such as was expected by the people generally, and meets with public approval, not on account of prejudice against the prisoner, but on account of the horrible crime, and a general desire for the just administration of law. The jury was composed of ten white and two colored men, and was considered exceptionally intelligent and able. The unfortunate negro, Jim Tilgham, was assassinated because he testified against Cheatham, Lemons and others in some gaming cases, and was to be a witness against them at the present term of Court. The trial of Lemons was continued until the next term of court because he was too sick to be brought to the Court House; the cases against the three negroes were continued for the want of time to try them, as they called for a special venire, and it was too late to summon some before the term of court expired."

"Yesterday (Friday) evening the prisoner, M. J. Cheatham, was brought before the bar of the court, when a motion for a new trial was argued by council. The motion was overruled by the Court, and Cheatham was then sentenced to be hung October 9th. An appeal to the state supreme court was taken."

At the next term of the Circuit Court which convened on February 1, 1890, Lemons, Jake Irvin and Cornelius Robertson were arraigned and plead not guilty. After a conference between attorneys for the prosecution and defense, the plea was changed to guilty of manslaughter, which saved the accused of the death sentence, but subjected them to long imprisonment in the state penitentiary.

Jim Lemons and Jake Irvin received sentences of thirty years, while Cornelius Robertson received a sentence of twenty five years. The paper does not mention an arraignment for Lee Irvin, so the presumption is that, since he confessed first, and turned state's evidence, there was a deal by which he went free for his evidence which helped convince the other four men. On February 8, 1890, the Sentinel had the following news article: "On last Monday the Supreme Court of Mississippi affirmed the sentence of the Grenada Circuit Court in the case of M. J. Cheatham for shooting and killing Jim Tilgham (colored) on the night of July 13, 1889. Date of execution set for March 19, 1890."

"As the date set for execution neared, the prisoner was removed from the jail at Oxford, where he had been kept during the course of the appeal, to the jail at Grenada." In commenting on this change the Editor of the Sentinel reported: "When, we, last week spoke of Mel Cheatham's removal from the Oxford jail, we had a purpose which in part at least, was accomplished. The facts are that on Sunday morning Sheriff G. B. Jones accompanied by nine resolute, determined young men of the town, armed with double barreled shotguns and Winchester rifles, proceeded to Oxford and quietly transferred Cheatham to the south-bound train which reached here about 1:30 o'clock. As usual on Sunday, there was a considerable crowd present, which was doubtless increased by the fact that Cheatham would be on the train. Without ado the Sheriff at once proceeded with his charge, followed by his guard and crowd to the jail, where Mr. Cheatham was placed to await his execution."

"Rumors of rescue having got abroad, the Sheriff very properly placed a strong and well armed guard inside and around the jail, with pickets on the outskirts, both day and night, so as to be prepared for any emergency. This may seem supersensitave, but there were reasons, and good ones for the precautions. Up to Monday many people thought that Governor Stone would commute his sentence or give a respite, but when the Governor's letter was received, that last hope on the subject vanished, and the prisoner received the news with little emotion."

"On Monday night Cheatham was so restless that he did not sleep beyond a few flying moments, taking up much of his time writing what he termed a "statement". On Monday he was visited by Revs. E. B. Miller, the Baptist pastor, J. E. Thomas, of the Methodist church and J. C. Carothers, of the Presbyterian pulpit, and manifested a deep interest in the preparation of his soul for its approaching doom. On Tuesday evening Mr. Carothers came accompanied by the deacons of his church, and after the most solemn service, Cheatham was formerly inducted into the Presbyterian Church, having acknowledged conversion in the pardon of his sins. The scene - the surroundings and the facts, made it an hour of serious import, which all present felt, as though standing on the confines of the eternal world."

"Late Tuesday evening the writer proceeded to the jail and requested Sheriff Jones to admit us, when he informed us that at Cheatham's request no newspaper men would be allowed in the jail, much less an interview. This somewhat surprised us, as we were anxious to get all the news for the public possible. Not to be outdone, we got one of the guards and a trusted friend, to avail himself of all information he could get out of Cheatham, and he succeeded beyond our expectations. The following is the conversation of the reporter with Cheatham which we publish from the reporter's own writing, which will no doubt be read with interest to some and surprise to others: The reporter of the Sentinel went into Cheatham's cell at 12 o'clock Tuesday night and entered into a conversation with Cheatham who answered as follows: I am just as miserable as I can be. He then hesitated and appeared to be a little nervous, but continued. Better for me had I never seen Grenada County. He then turned his mind on religion, by asking questions such as what is meant by sinning against the Holy Ghost? This has troubled me ever since last week. I never have been

so impressed as of late as to the immortality of the soul. This has caused me so much thought that I have not been able to sleep since the Sheriff brought me back to Grenada from Oxford."

"I never intended to let my people know of my condition, but to my sorrow, my step-mother read an account of my sentence and wrote to me while I was in jail at Oxford. I answered her letters as best I could. I acted very foolish in not making my escape the night I came to Grenada from Graysport to see about getting an attorney. I could have done so, but I did not want to sacrifice my friend who had me in charge. I wish now that I had done so, and not acted against my judgement. After the Grenad Jury found an indictment against me, in the Court before the trial, I had made arrangement to leave Grenada County and move to a small place west of Harrison. I saw that the people of Beat two were against me, and desired my destruction. I know the people are fully satisfied of my guilt, and, therefore, I have no hope of having my sentence commuted. I thought I had some friends who would come to my rescue, but I find they were false. I never did a wrong to a living white man in my life. I have been a true Democrat and upheld the interest of my country. I don't think that I ever threatened Messrs: J. T. Garner and B. F. Thomas for their action taken against me on the Grand Jury, but I know I said some things against them at the time, but I regretted it afterwards. I am sure it was not a threat."

After this Cheatham became very quiet for some time, and then proceeded: 'I think a man is doing a very dangerous thing when he preaches that there is no accountability for the moral actions of a man. I do wish that I had never come to Grenada County - for I would have been better off in every way.' At one o'clock he requested the Sentinel's reporter to feel his pulse, and he did so and found it very quick and weak. Cheatham then continued as follows: "I can't sleep, but I find my eye-lids will close in spite of me." About half past one o'clock he went to sleep and rested very quietly for 25 or 30 minutes. When he awoke he called for a chew of tobacco and sat up and appeared to enjoy it, but did not talk during this time, but often knelt in prayer and requested that the reporter join him. After he prayed the second time he went to sleep. During his sleep he made fearful groans, calling out My Father! My Father! He then became alarmed - sat up and gazed around with a most fearful expression on his face and inquired, What is that? At 2 o'clock the Sheriff came in and Cheatham awoke and called out: I don't want to talk anymore and he did not until after he ate his breakfast, which consisted of a cup of coffee, a sausage, a slice of sweet potato and a mouth-full of bread. After eating he took a smoke, and after finishing the cigar, he knelt in prayer, and as his cry of appeal to God for mercy on my poor sinful soul went up, it was enough to melt a heart of stone, besides the one that had been with him for hours. Never did a soul writhe in prayer for anyone as mine did for the doomed man. After he had prayed he said it was so hard to die 'when I never did the deed.' He said death was more bitter to him when it appeared that the people had made an example of him for his immoral conduct when there were married men, living not far from him, who had good wives and dear children, and acting just as he did. Said many of these men were the first to run him down: 'I think it is so hard that married men who have negro sweethearts and negro children should have acted as they did against me. I might have been a better man, but I never had any relation, or friend to tell me of my wrong.'"

"I left him for a few minutes and on my return to relieve the Sheriff I found him in a sitting position, smoking a cigar, and he appeared to be in better spirits than any time previous. At 3 o'clock he wanted to know if I was going to see him hung. I said I thought not. He said he wished that none of his acquaintances would come to his hanging. He often spoke of those he thought would regret his condition. I asked him if he had made any statement. He said: 'I wrote my statement and gave it to my attorney, and it is the truth. I shall not make another, and it will have to stand. One old negro

woman on one occasion stopped me on the road and asked me to quit my bad ways, for people were talking about it. She spoke so kindly to me, I made a resolution to quit my immoral life. The next Sunday after this I attended preaching at Graysport. Rev. Wm. Beane was holding a protracted meeting (note at end of chapter). The sermon on that day sunk deep into my heart, but I soon forgot it all. After my trial at Graysport I would have taken poison but I had some hope of coming clear in Circuit Court. I would have killed myself at Oxford had I known any way to do so. Since I have been confined at Grenada the last five days I have wished for poison - for I don't think it would be wrong to take my life under such circumstances. I had an uncle who committed suicide. He was a prominent lawyer. Tomorrow they will murder me. There is a time coming when they will have to meet death too, and in the hereafter they will see that I never done the killing. On Tuesday I advised a young man, that as soon as he was able to settle in life, to do so and marry.' The conversation here closed and I retired from the cell."

The Editor of the Sentinel then takes up the story: "The above interview, or rather conversation, by the Sentinel reporter speaks for itself. The reporter is an intelligent, trustful gentleman, and put down the conversation exactly as it occurred. On Tuesday night several reporters from the Memphis newspapers came down and made efforts to get inside of the jail to interview the prisoner, but met with no better success than we did. On Wednesday morning Cheatham changed his mind, and stated that he would have no objection to newspaper reporters coming in and, therefore, they were admitted, but Cheatham refused to be interviewed. The writer, having heard that Mr. Cheatham entertained uncharitable feeling against us on account of the stories in the Sentinel in reference to him and his trial, proceeded Wednesday morning to the jail to see him and when our wishes were made known to him through a friend, he stated he had no objection to seeing us. We then went at once to his cell, where he shook hands cordially, and entered into agreeable conversation.' Mr. Cheatham acknowledged having had unfriendly feelings toward us, but on mature reflection he stated he was satisfied that we did no more against him than any other man in similar circumstances; that as a public journalist, he believed that we did nothing more than our duty and exonerated us from any blame. During the conversation he said that he was born in Monroe County, this state, and when about two years old moved (with his family) to Chickasaw County. In 1869 he went to Calhoun County and remained there until 1877, when he came to Grenada county and always lived in Beat No. Two, and kept a small store since 1879. We parted with him on the most amicable terms, he saying when we left he hoped to meet us in heaven."

"About 10 o'clock Sheriff G. B. Jones, Mayor B. C. Adams and Capt. R. N. Hall made the last appeal to the Governor for commutation by sending a telegram to him. An answer came back shortly after 12 o'clock, stating in effect that he would not interfere, and the law must take its course. Upon receiving the telegram the Sheriff proceeded to the cell of Mr. Cheatham and told him of Governor Stone's decision; followed it with reading the death warrant in the presence of several men. After this Rev. J. C. Carothers knelt with the crowd and offered up a deeply earnest prayer in behalf of the unfortunate man, and then stood up against the cell, when the prisoner placed his arms tenderly over his shoulder, while the man of God administered the consolations of the christian religion even in this hour of extremity, until the time came for Cheatham's preparation for the gallows. Just before Cheatham was taken from the cage he was asked by the Sheriff if he wished to make any sort of statement on the gallows, when he replied he would not, as he had written out his statement the night before and given it to Mr. McLean, and which was true and correct. When the door of his iron cage was opened he stepped out into the jail room rather firmly, and after having his collar and cravat adjusted by Mr. Frank Smith, he shook hands with the several that were present, and said that he would meet them all in heaven. His hands were then pinioned

behind him and the door of the room being opened, he, with Sheriff Jones, Mr. Carothers and others took the short but solemn march to the scaffold. His legs were then tied together and the rope slipped around his neck, and he was asked again if he had anything to say, he replied he did, and looking seriously he said: 'Boys, Good Bye'. Then with solemn and impressive look he raised his eyes to heaven, and clearly uttered the following short prayer: 'O, God, receive my soul, I put in they trust, for they Son's sake, Jesus Christ'. Mr. Cheatham then said: 'I am ready', when the black cap was then drawn over his head, and then in an instant the Sheriff picked up the hatchet and with quick movement and steady nerve severed the rope which like a flash dropped Cheatham eight feet below, which sent his soul into eternity. The rope was cut at exactly 1:30 o'clock, and in nine minutes Drs. T. J. Brown and J. B. Gage Jr., pronounced him dead, and in 17 minutes his body was cut down and turned over to Meaders & Garner, who took his remains for interment in the old grave yard east of the railroad. The drop did not break his neck and he died by strangulation, but the doctors think that he did not suffer but little, if any, after the fall."

"Contrary to expectations the crowd from the county was very small and everything passed off quietly. The execution was witnessed by about twenty five or thirty people, in the most solemn silence, while there was not over one hundred outside. The scaffold was built up in front on the east side of the jail, and was encased by a wooden structure eighteen feet high, and about ten feet square, with a light canvass openhead, so that observation from the outside was wholly excluded. Under all the circumstances he met his fate with courage and resolution. As stated above Cheatham was about 40 years old. He was about five feet six inches in height, with light build and wiry form - piercing black eyes and a dark moustache, with a straight nose and wide mouth. Take him all in all, he was rather goodlooking, and ought to have filled a much higher place in society, as he had the ability. He is the first white man ever hung legally in this state since the war for killing a negro, and the second we know of in the South."

"Thus closed on the 19th day of March, 1890, the dark mid-night tragedy of murder enacted in the dense swamp of the Yalobousha on July 11th, 1889, by five men of whom Cheatham is believed to be the leading spirit. The others, save one, who turned State's Evidence, are immured behind prison walls for a period so long that the grave or decrepit age will probably find them before they enjoy as free men the sunlight of freedom, while justice is satisfied and innocence vindicated."

Recently a nephew of one of the men serving on the Grand Jury stated to this writer that his uncle always felt badly about the death of the negro, Jim Tilgman. This young Mulatto was summoned before the Grand Jury because one of the members of the jury felt that he knew something of gambling going on in the neighborhood. Tilgman at first refused to testify because he said if he did testify he would be killed. He was finally forced to tell by being ordered to jail, and in his testimony he acknowledged that he with others had gambled with M. J. Cheatham in Cheatham's house. On his testimony Cheatham was indicted, and Tilgman again testified in the January term of the Circuit Court of 1889, and was to testify in the August term of the same court. Perhaps the concern of the Grand Jury with conditions in the eastern part of the county arose from a mass meeting held by the citizens of Gore Springs, which community was close to the scene of the murder, in which those citizens appointed a committee to appear before the Grand Jury and request an investigation of people guilty of adultery and keepers of houses of ill-fame. This committee was appointed early in 1889, and it is probable that the investigation included gambling houses as well as the alleged houses of ill-fame.