



MITCHELL COUNTY HISTORICAL SOCIETY NEWSLETTER

Third Quarter 2016

FOOD

CRAFTS

MUSIC

**APPLE BUTTER
FESTIVAL 2016**

**OCTOBER 22nd
10 to 4
CREEK WALK
BAKERSVILLE, NC**

Call the Mitchell County Historical Society at
688-4371 for vendor applications and general info

Message from the Board

Mitchell County Historical Society has had a good summer; were you able to attend our programs on World War I, railroads, mountain church music, and Penland Post Office? Be sure to come out for our annual **Apple Butter Festival on October 22nd at the Creek Walk in Bakersville.** Great fun will be had by all!

Have you seen the increased MCHS presence in the *Mitchell News-Journal*? Editor Brandon Roberts is publishing each week a "Looking Back" feature with a photo and caption. The full-length articles monthly have included articles on the Great Flood of 1916, the Bakersville

Fire of 1923, Belk Stores, and the Wing Library. If you don't get the paper, you might consider subscribing!

We are also very excited to announce that this December MCHS will co-sponsor (with the Bakersville Improvement Group) a **Christmas Tour of Homes.** Please keep watch for future emails detailing this and all our activities.

We need each and every one of you to help us in our mission to collect, preserve, protect, and publicly display material that is historically significant to Mitchell County. Remember to support those activities by sending in your membership dues.

The 2016 Commemorative Christmas ornaments are here! A beautiful glossy blue, the 5th ornament in the series depicts the **Old Kona Baptist Church and Cemetery**. This year's design joins previous ornaments featuring the McBee Museum, the English Inn, Dellinger's Mill, and the Penland Post Office. Get your full set soon!

2016
Old Kona Baptist Church
\$20



2015
PENLAND
POST
OFFICE
\$15

2014
OLD ENGLISH INN
\$15



2013
DELLINGER
GRIST MILL
\$15



2012 MCBEE MUSEUM
\$15

CHARLIE AND FRANKIE SILVER

The subject of Mitchell County Historical Society's 2016 Commemorative Christmas Ornament is Old Kona Baptist Church and its cemetery, where a man named Charlie Silver is buried in three graves. The story of Charlie and his wife Frankie is 185 years old and has long been a treasured saga in our own region; it has also been the subject of videos, the plot of works of fiction, and the theme of a several "set-the-story-straight" volumes

Just before Christmas 1831, young Frances Stewart killed her husband Charles Silver with an ax, dismembered his body, and attempted to burn it. Her imprisonment, trial, and execution for the deed all occurred in Morganton, county seat of Burke County, of which the Toe River Valley was a part until 1833. Accounts of the tragedy have been recorded in numerous works - from a brief statement of the facts to stories so embellished they are hardly recognizable.

The story varies depending on whether it comes from her family or his. In 1900, Alfred Silver, Charlie's half-brother, told his recollections of the tragedy that happened when he was 15. Charlie's half-sister Lucinda Silver Norman, only 5 in 1831, gave another account. Other versions have been handed down through the family of Jackson Stewart, Frankie's brother.

Was Frances Stewart Silver a jealous young wife who murdered her philandering husband or a frightened girl who struck out in self-defense? Whichever is the case, it seems she did attempt to burn his body to hide the evidence. As his family and the community began to search for Charlie, portions of his dismembered and partially burned body were discovered. As these parts were located, they were buried; when more of Charlie was found, a second and then a third grave were dug, as it was considered wrong to re-open a grave.

The evidence warranted calling the constable to come from Bakersville; Frankie was arrested and transported to Morganton. Many people believe that her family was involved, if not in Charlie's killing, at least in its cover-up. In fact, her mother and younger brother Blackstone were initially arrested along with Frankie, but were soon released due to lack of evidence.

Frankie Silver's defense attorney had Frankie deny the murder charges rather than claim justifiable homicide (self-defense); he would "let the state try to prove Frankie did it and then try to knock down the state's circumstantial case" (Young 53). Silver was not allowed to tell her side of the story to the jury. English Common Law was still in force in NC. The accused was deemed "an incompetent witness" and could not testify in his or her own defense (53). The Clerk of Court in Burke County, and thus eyewitness to the entire proceedings, maintained Frankie would have been exonerated if the truth had come out at the trial. However, she was convicted and sentenced to hang. She was held in jail for many

months, with her execution postponed once. In addition, her father, brother, and uncle took her from jail and attempted to get her to safety disguised as a boy, but they were apprehended.

After the escape was foiled, we know that Frankie did tell her story. It is unfortunate that no copy of her "confession" has survived, but the facts Frankie revealed vindicated her in the eyes of many on the grounds of self-defense. Once she explained to the sheriff and other witnesses that she had killed her husband because he was loading his gun to shoot her, public sentiment turned in her favor.

Seven of the 12 jurors who had convicted her, plus many of her neighbors in the Toe River Valley, signed petitions asking for Frankie's pardon. A petition from 33 prominent ladies of Burke and Buncombe Counties asked for mercy on her behalf because her husband "treated her with personal violence." However, no pardon was forthcoming from NC governors Montfort Stokes and David Lowry Swain, and Frankie was hanged. It appears that Frankie's life was not spared due to politics!

Some stories proclaim Frankie Silver was the first woman hanged in NC, but this is inaccurate. The story that "from the gallows she read or sang a confessional poem she had written" was also fabricated. Frances and her family were likely illiterate, and she could therefore not be the author. There has been unearthed not a single eye-witness account of her execution. Some suggest that the sheriff constructed a wooden fence to exclude curious onlookers, so there were only a few official witnesses. Whether Frankie made any statement at all from the gallows, it is almost certain that she "recited no criminal's farewell." (Young 113).

There's another controversy over Frankie's final resting place. Some say she was buried in Macon County, some in McDowell County. Placed in 1952, the marker on her reputed grave in Burke County reads:

FRANKIE SILVERS
ONLY WOMAN EVER HANGED IN BURKE COUNTY
HANGING, MORGANTON: JULY 12, 1833

Finally, everyone always wants to know what happened to the little daughter, Nancy! There are many descendants of Charles and Frances Stewart Silver through Nancy Silver and her husband David Parker. (Young, Perry Deane. *The Untold Story of Frankie Silver: Was She Unjustly Hanged?*) (2012)

