

**Transcript of the Trial of Tilmon C. Justice**

from the Handwritten Record in the Towns County Evidence Book of 1887 (pages 30-81)

\*\*\*\*\*

Towns Superior Court

Sept. term 1887

The State

Murder

Vs

Tried at Hiawassee, Ga

Tilmon C. Justice

Sept 27<sup>th</sup> 1887

Before his Honor C. J. Wellborn

and the following Jury, to wit:

- |                     |                       |
|---------------------|-----------------------|
| 1. John R. Gray     | 7. Harde Eller        |
| 2. Benton Horwill   | 8. W. W. Foster       |
| 3. Robert Owen      | 9. Samuel B. Kelly    |
| 4. Elberry C. Eller | 10. Thomas J. Sampson |
| 5. Rufus G. Crane   | 11. John Stephens     |
| 6. Elisha Brown     | 12. Benjamin J. Wood  |

Appearance

For the State, Sol. Genl, Howard Thompson, H.C. Standridge

For Defendant, John. J Kimsey, W.G. Blackwell, Underwood and Son, W. S. Erwin

**D. L. Parker, sworn for the State**

**Questioned by Mr. Thompson**

Q: Your name is D. L. Parker?

A: Yes sir.

Q: Do you know T. C. Justice?

A: Yes sir.

Q: Is that him?

A: Yes sir.

Q: Did you know James B. Godard

A: Yes sir.

Q: Where did you see him last alive, Mr. Parker?

A: He was at my father's house.

Q: On what day of the month?

A: I believe it was the 17<sup>th</sup>.

Q: The day before or the day after he was killed?

A: The same day, I think.

Q: You think that was the 17<sup>th</sup>?

A: As well as I remember.

Q: What time of day was he at your father's house?

A: I don't know particularly, but he came down soon in the morning.

Q: How far did he live from your father's house?

A: A little over a mile or a mile and a half.

Q: What did he come down there for?

A: He said he had started to Galloway's.

Q: How long did he stay there?

A: A little over an hour, I suppose.

Q: How far does Tillmon Justice live from your house?

A: A little over half a mile.

Q: Does he live between your father's place and where Godard was going?

A: Yes sir.

Q: Did he have to go in sight of Tillmon's house?

A: Yes sir.

Q: Where was it that you found him dead?

A: Up in the branch below his house.

Q: How far from Mr. Godard's house?

A: Two or three hundred yards.

Q: How far from Tillmon's house?

A: About a quarter.

Q: Whose land was he on?

A: Tillmon's land.

Q: Was he on the path that leads direct to where he was going?

A: Yes sir.

Q: Was any part of that path in sight of Tilman C. Justice's house?

A: Yes, Sir. A portion of it.

Q: A man traveling that path could be seen from that path?

A: Yes sir.

Q: Did you have any conversation with him that morning?

A: I don't know that I did except speak to him.

Q: Did you hear him say anything about Tilman C. Justice?

A: I don't know that I did.

Q: Did you ever hear Tilman C. Justice make any threat against James B. Godard?

A: No sir.

Q: Did you ever hear him say anything about being afraid of him?

A: No sir.

Q: How came you to go down that path?

A: I went down there to see him about swapping him some meat and paying him some corn for it.

Q: Before you left your father's house, did you hear any guns in that direction?

A: I heard some guns and took it to be in that direction.

Q: How did that impress you at that time?

A: I just spoke to some of the rest of the family and said that Tilman had killed the Old man Goddard.

Q: Why did you have that thought? How long had he been from your house before you heard the gun fire?

A: Fifteen or twenty minutes. I don't remember exactly.

Q: Had he been gone long enough to reach that place.

A: Yes sir, I suppose he had.

Q: How was he lying when you first discovered him?

A: Lying on his back.

Q: How far from the path?

A: Ten or fifteen steps.

Q: When you went up the path, were you looking for him or expecting to find anything?

A: Yes sir, I was sorter looking along.

Q: Who found him first?

A: My brother was the first one that found him.

Q: What was his condition when you first saw him?

A: He was pretty badly wounded.

Q: Was his head bruised?

A: Yes sir. Beat all to pieces.

Q: Did you examine him?

A: No sir, I never went to him at all until I told it around the settlement.

Q: Did you see any tracks going up the path?

A: Yes sir. I saw some there and I think they were his tracks.

Q: Who went back there with you?

A: Mr. Roggers, John Nicholson and my brother and I believe Elijah Wheeler went with me.

Q: Did you see any tracks where you first stopped. Leading up to the body?

A: I don't know that I noticed any tracks there except right at his body.

Q: Did you see the tracks of more than one person?

A: I don't know. I could not tell about that.

Q: Was there any snow on the ground?

A: No sir. I think not.

Q: Did you see a track that did not go to the body, but went off in another direction?

A: No sir.

Q: Did you afterwards make an examination of the body—or did you ever see any weapon there at all?

A: I just saw a gun lock lying by his side and a rock.

Q: Did you ever see these gunlocks before?

(presenting them)

A: Yes sir, I think I have. I think one of them I saw there.

Q: Do you know this gun? (presenting gun)

A: No sir. I don't know it except I think some of the boys found it pretty close about there.

Q: Did you see this rock?

A: Yes sir, I think I did.

Q: Where was that rock found?

A: Lying right close up to the man.

Q: You saw this rock lying there?

A: Yes sir.

Q: Whose gun is that?

A: I don't know sir, whose it is.

Q: Did you ever see it before?

A: I have seen double barrel guns, but I don't know whose that is.

Q: Did you see Timon C. Justice that morning?

A: No sir.

Q: Did you see him that day?

A: I saw him, or I took it to be him going up toward Mr. Goddard's house.

Q: How long after that was it you found the body.

A: It was just a short time after that.

**Cross Examination**

**Questioned by Mr. Kimsey**

Q: How long have you been acquainted with Jason Coward?

A: I did not know much about him at all until this court here.

Q: Don't he live in Rabun?

A: I don't know, but I think he does.

Q: Do you know his boys?

A: I have seen them.

Q: Do you know about that still house up there pretty close to where Goddard and Justice lived.

A: Yes sir, I think there was one up there somewhere.

*(State objects to the question)*

Counsel for the defendant: I will ask the witness if it was not true that two boys of Cowards and Tilmon C. Justice were not running an illicit distillery.

*(State objects to the question on the grounds that it does not have anything to do with the case)*

(By the court) I don't think the testimony is relevant to the case

Counsel for the defendant: We wanted to show that there was someone else had a motive in killing Goddard. (Was overruled)

**J. P. Parker, sworn for the State**

**Questioned by Mr. Thompson**

Q: Your name is J. P. Parker?

A: Yes sir.

Q: Did you know James B. Godard during his lifetime?

A: Yes sir.

Q: Did you see him a short time previous to the time he was found dead?

A: Yes sir.

Q: How long before?

A: About an hour and a half, I reckon.

Q: Did you have any talk with him?

A: Yes sir.

Q: Did you hear him say anything about Tilmon C. Justice?

A: No sir.

Q: I will ask you if you had any conversation about James B. Godard?

A: No more than he was there and we were all talking to one another there.

Q: Who was talking?

A: Me and my father and Mr. Goddard.

Q: What did Mr. Godard say, if he said anything?

A: I don't know that he said much about it anyway.

Q: If he said anything about Justice, what did he say?

A: I don't recollect so that I can tell you that he said anything about him.

Q: Were you talking about Justice.

A: No sir.

Q: Was your father talking about him?

A: No sir. Not while I was there.

Q: How long after Goddard left your house before you went down the path?

A: About an hour and a half.

Q: What induced you to go?

A: By him making threats and my father and brother hearing gun shots.

Q: What threats did you hear?

A: I heard Mr. Justice say if Mr. Godard reported him he would kill him.

Q: When was this threat made?

A: Along in December.

Q: Where was Justice at when he said that?

A: He was in the road between his house and Old man Roggers near the ford of the river.

Q: What was you looking for when you went up the path that day?

A: I was looking for the Old man Goddard.

Q: Why were you looking for him?

A: Because I had heard the threats, and we thought possible that the old man was on the outside and we did not want him tore up by the hogs.

Q: Who went with you?

A: My Brother.

Q: Who found him?

A: I did.

Q: How far from him when you found him?

A: About fifteen steps.

Q: Where was he lying?

A: Up on the branch.

Q: Near the Justice's?

A: About three hundred yards from his house.

Q: Did you see any tracks going to the body?

A: I saw one aleading away from the body.

Q: How far did you track it?

A: No way, hardly.

Q: What size shoe was it?

A: About a number 8.

Q: Did it impress as being the track of any certain person, or did you think you knew whose track it was?

A: Yes sir. I thought it was the track of Mr. Justice's.

Q: Why did you think so?

A: Because it had some tacks in the bottom of the shoe.

Q: Did Justice's shoes have some tacks in the bottom like these?

A: Yes sir. He had one pair that did.

Q: How did the tracks that you had seen before compare with those you had seen coming from the body of Godard?

A: It compared very well.

Q: How many tracks were there leading from the body?

A: I never saw but one.

Q: Did you track that track to where it came to another track?

A: No sir.

Q: How were Godard's head injured?

A: It was beat into a jelly.

Q: Did you ever see this rock?

A: Yes sir. I saw it.

Q: Where was it found?

A: Near Old man Goddard.

Q: Did you ever see these gun locks?

A: Yes sir. Some like them.

Q: Where were they found?

A: Right there near him.

Q: I will ask you if these are the locks you saw.

A: They one just like them.

Q: Whose gun is this?

A: I don't know.

Q: Did you see it there?

A: Yes sir.

Q: Was Mr. Goddard shot?

A: I can't tell you whether he was or not.

Q: Was there wounds on his head made with some hard instrument?

A: Yes sir.

Q: Did you ever hear Tilman Justice make any other threat except the time mentioned?

A: No sir.

Q: What all did he say during that conversation?

A: I can't tell you.

Q: And you don't remember anything that Godard said that morning?

A: No sir.

Q: Do you know when he left your father's house?

A: He left between 9 or 10 o'clock.

Q: Did you hear the gun fire?

A: No sir.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: Who was along when he made that threat?

A: One of my brothers

Q: Who else?

A: Mr. Justice there was all.

Q: You stated that was a little before Christmas?

A: Yes sir.

Q: How long before Christmas?

A: I can't tell you.

Q: Was it one or two weeks?

A: It was a week or better.

Q: What did he say?

A: He said ir Old man Godard reported him he was going to kill him.

Q: Report him for what?

A: I don't know that he said.

Q: What did you understand it to mean?

A: About his stilling business is what I took it to be about.



Q: Is it not true that Justice and the two Coward boys were stilling right there.

A: I don't know whether it was there or not, but there was one running right close to there.

Q: Have you not seen the Coward boys there?

A: Yes sir. I have seen them there but I don't know if they were living there or not.

Q: That still was running at the time Justice made the threat and that was what he meant?

A: He did not say that but I took it to meant that.

Q: Do you know whether that still was torn up after that or not?

A: Yes sir. I think it was.

Q: I believe you said Dave Coward had been working there in that still house?

A: No sir. I never said that, I saw him passing about around there.

Q: Did you ever see him at the still house?

A: Yes sir.

Q: And the other Coward boy, did you see him there?

A: No sir.

Q: You say you did not see but one track leading from the body?

A: Yes sir.

Q: Didn't you say the ground was torn up all around there?

A: Yes sir.

Q: How close did the other track come.

A: I don't know.

Q: How close did the other track go to Godard's body?

A: I can't tell you about that for I don't know.

Q: Do you know that is old man Roggers gun?

A: No sir. It is the one that was fetched up there to the old man's body.

Q: You just believe that is the gun and rock?

A: Yes sir. They are the same gun.

Q: You don't swear that the track you saw there was Tilmon Justice's track?

A: No sir.

Q: How long was that track?

A: I don't know.

Q: How wide was it?

A: I don't know.

Q: Did the shoes have heels on them?

A: Yes sir, and one of the shoes had tacks in the toes.

Q: You did not see any in the heels?

A: No sir.

Q: Did you ever measure Justice's foot?

A: No sir.

Q: Do you know how long old man Coward's  
foot is?

A: No sir.

Q: Did you ever make tracks?

A: No sir.

Q: Did you ever hear Godard say he would  
report the still?

A: No sir.

**James P. Parker, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Parker, did you know J. B. Goddard?

A: Yes sir.

Q: Was you at home when he was killed?

A: No sir.

Q: Did you know Tilmon C. Justice?

A: Yes sir.

Q: Did you ever have any conversation with Tilmon C. Justice about old man Godard before he was killed

A: Yes sir, I suppose so.

Q: Where did you have that conversation?

A: It was up in the road near Mr. Roggers.

Q: What did he say on that occasion?

A: He said if Mr. Goddard report him he would kill him.

Q: Was there anything else said?

A: No sir.

Q: Did you see Mr. Goddard before his body was moved?

A: No sir.

Q: Did you ever have any other conversation about Goddard?

A: No sir.

Q: Did you know what kind of shoes Justice wore at the time?

A: No sir.

Q: Did you see him close to the time Goddard was killed?

A: No sir. I lived down in this county for two weeks before then.

**Cross Examination****Questioned by Mr. Kimsey**

Q: Who else was present?

A: My brother, John.

Q: Anyone else?

A: No sir.

Q: When was that?

A: I don't know exactly, but it was two or three weeks before the old man was killed.

Q: What did he threaten to report Justice about?

A: Mr. Justice did not say where he was doing that talking.

Q: Justice said that if Goddard reported him, he would kill him?

A: Yes sir.

Q: Did you know what it was?

A: No sir.

Q: You did not know what it was Godard was going to report him for?

A: No sir.

Q: Isn't it true that Justice and one of Coward's boys were running a still there?

A: I don't know, Sir.

Q: You have never been at it?

A: Yes sir. I have been there to a still.

Q: How close was that to Justice's and Goddard's house?

A: It was not very far from Mr. Justice's house.

Q: Was not that still torn up?

A: I suppose it was. I have not been there since.

Q: That was before Godard was killed?

A: Yes sir.

Q: Did you ever hear Godard say anything about Justice?

A: No sir.

Q: You never heard him make threats?

A: No sir.

Q: Did you ever hear what it was that Justice meant?

A: I don't know what it was, but I imagine that it was his still.

Q: Did you ever see Justice and Coward there at that still?

A: I don't know that I have seen Justice there. I have (seen) Coward there.

Q: Which one of them?

A: Dave Coward.

Q: Where was he living then?

A: I don't know. He said he was staying there with Justice.

**Johnathan Nicholson, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Nicholson. Did you know James B.

Goddard?

A: Yes sir.

Q: Do you know Tillman C. Justice?

A: Yes sir.

Q: Did you ever have any talk with him about James B. Godard before Goddard's death?

A: No sir.

Q: Was you present the day that Godard's body was found?

A: Yes sir. I was present.

Q: Did you ever make any search for any weapons or anything about that body?

A: I looked around to see what he was murdered with.

Q: Did you find anything?

A: We found a rock.

Q: Is that the rock?

A: Yes sir. That is the very rock.

Q: Where was that rock lying?

A: It was lying a little distance from the body.

Q: Did you find any gun locks?

A: Yes sir.

Q: (Did you) look at them?

A: I picked up two gun locks, and they are the locks to the best of my knowledge.

Q: What time did you go to his body?

A: Some time after two o'clock, I think.

Q: How many persons was they there when you got there?

A: I went there in the crowd that went to him first I suppose.

Q: Did you see any tracks leading up to the body?

A: Yes sir. I saw one track beside Mr. Goddard.

Q: What kind of tracks were they?

A: There was a mark on the bottom.

Q: Now describe these tacks.

A: They had tacks just around the edge of the sole.

Q: Did you see any other tracks that went near there and stopped.

A: I saw one track that went near there some little distance but didn't measure the distance.

Q: How far do you think?

A: About thirty yards.

Q: Was that track a large one or a small one?

A: I think it was larger.

Q: Did you see any place like it appeared a man got down on his knees?

A: Yes sir.

Q: Did you see any place where it appeared like a man had got down on his knees?

A: Yes sir, and there was tracks on the outside.

Q: What was your impression about the tracks that led up to the body? Was it the same that made the impressions with the toe?

A: Yes sir.

Q: How did you recognize it?

A: By the tacks.

Q: Were there any tacks in the sold of the shoe that stopped in thirty yards of the body.

A: No sir.

Q: How did they come together?

A: Well the track that pursued Mr. Godard turned right back the same way.

Q: Was there two tracks that came up to the body?

A: There was a track that went up the trail to where he was murdered.

Q: Where did these tracks come from?

A: They came from the direction of Mr. Justice's house.

Q: Did they come towards one of his fields?

A: I think they came from towards one of his fields.

Q: You say there was two tracks coming up to the body and one went back. Now I will ask you if one of these tracks went to the body was ones of the ones went back.

A: Yes sir.

Q: Whose tracks was that went up to the body?

A: I can't say.

Q: You saw Tillman Justice's track after that?

A: Yes sir. Frequently.

Q: Now I will ask you how these tracks around the body and Tillman's compared.

A: Just exactly, according to my judgement.

Q: Then according to your judgement, the track that was made going to the body was Tillman Justice's?

A: Yes sir. I measured it was bout a number 7 shoe and had tacks and every thing to correspond.

Q: How was Mr. Goddard killed?

A: My opinion is that he was shot with shot and then beat with a gun and then with that rock.

Q: Could a man live with those wounds?

A: No sir.

Q: Did you find any gunshot wounds about his head?

A: Yes sir. I found them in his face.

Q: Was the side of his head beat with anything?

A: Yes. The whole side of his head was beat in and every tooth on one side was knocked loose.

Q: Did you see that rock there?

A: Yes sir, and the blood and hair on the rock when I saw it.

Q: You did not make any further investigation about the tracks?

A: No sir.

Q: You don't know whose gun that is?

A: I have seen it several times, it belongs to P.

D. Roggers.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: Isn't there a number of people in this county that wears number 7 shoes?

A: Yes sir.

Q: Is it not true that a great many people have tacks in their shoes?

A: I don't know of but two men in my settlement that do.

Q: Do you know all the men who have tacks in their shoes?

A: I think so.

Q: Are you a shoemaker?

A: I have been.

Q: You don't put tacks in all their shoes?

A: No sir.

Q: Do you swear positively that there is but three men in your neighborhood who have tacks in their shoes?

A: I swear to the best of my knowledge.

Q: Who else has tacks in their shoes

A: The Parkers had tacks in their shoes?

Q: Could you tell whether these were shoes or boot tracks?

A: It looked like a shoe track to me.

Q: How can you tell?

A: I always thought I could tell.

Q: You say only one track went up to Mr. Godard?

A: Only one pursue Mr. Godard.

Q: Was not there a good deal of scuffling there?

A: It looked like he had been sticking his toes in the ground.

Q: How large a place was there torn up by the tracks?

A: It was not very large. I will just state to you exactly that the track that pursued him went right up there and old Mr. Godard had went under a log it looked like to escape the blows of somebody, for he had cralled down and put this hand on the ground and cralled under the log, then I could see the sign when a man was in knocking position this way (indicating).

Q: How far apart was these tracks?

A: About this far (stepping one step).

Q: Did that track look like he had a gun or a rock in his hand?

A: I could not tell.

Q: Did that track look like it had turned a lot?

A: I never tracked it.

Q: Didn't (it) stand right still?

A: It looked like it did there on the trail and I didn't track it outside the trail.

Q: Did you ever hear Goddard say anything about killing Justice?

A: No sir.

Q: Was you with these parties?

A: Yes sir. Occasionally I was with both of them.

Q: You know about the still down there don't you?

A: I did not know anything about the still. I never was at it.

Q: Did not you know there was a still then about the time Godard was killed?

A: I did not know it without I had saw it.

Q: You don't know that Dave Coward was helping there?

A: No sir. I don't know. I never was there.

### **Redirect Examination**

#### **Questioned by Mr. Thompson**

Q: You meant to say that these tracks seemed to give indication of some struggling there?

A: Yes sir.

Q: You meant to say that the ground was soft and there as indications of men struggling?

A: Yes sir. It had been raining all the morning and had turned off into a snow and the ground was very soft.



**A. W. Eller, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Eller did you know James B. Godard?

A: Yes sir.

Q: Do you know Tilman C. Justice?

A: Yes sir.

Q: Did you ever have any conversation with Tilman C. Justice about Goddard before Godard's death?

A: No sir.

Q: Was you present there the day the body of Godard was found?

A: No sir.

Q: Did you ever see his body after it was found?

A: Yes sir.

Q: How long after the body was found before you saw it?

A: It was the next day.

Q: Where was it then?

A: It was lying right where they said he was killed?

Q: Did you make any examination of the tracks that led up to the body?

A: Yes sir.

Q: How many tracks led up to the body?

A: There was but one I could discover.

Q: What size shoe did that look to be?

A: It looked like a No. 9.

Q: Did it have any tacks in the sole?

A: Yes sir. It had some tacks and from the looks of them I think they ware the buckhead tacks.

Q: Did you compare the tracks to anybody else's?

A: No sir.

Q: Did you ever see Tilman Justice's track?

A: I recon I have. I can't just say pineblank that it was his track.

Q: What is your best impression as to whose track it was?

A: I don't know that I ever noticed Justice's track.

Q: Did you see the track that came through the woods to the by path and there one went on?

A: Yes sir.

Q: Which one was the largest?

A: I can't say that there was any difference.

Q: Did one come to the body?

A: Yes sir. One looked as though it had stood at one place and the other went on.

Q: Did both tracks have tacks in the sole?

A: The one that went to the body did.

Q: Did they both go up to the body?

A: No sir.

Q: Now the tracks that went up to the body, which way did they go?

A: It came right back to where the other stood.

Q: Then which way did they go?

A: They started off towards the way they came then turned off below.

Q: Now was these tracks you are talking about the ones that went up to the body and the other stopped until it came back?

A: Yes sir. I reckon so.

Q: Well from your judgement would you say they was the same tracks?

A: Yes sir. I would suppose them to be.

Q: You say one had tacks and the other had none?

A: Yes sir.

Q: How far did you follow these tracks after they turned to the left?

A: I can't tell you, but something near to a quarter of a mile.

Q: Where did you stop?

A: Right in the wagon road.

Q: How far from the still house?

A: I don't know.

Q: Did you go by any still house in following them tracks?

A: No sir.

Q: Did you cross any branch in following them?

A: Yes sir.

Q: Did you find anything on the road that they had went?

A: I believe they found something. Some part of a gun.

Q: Where was it.

A: It was in the leaves by a log.

Q: What part of it was it you found?

A: I think it was a sort of a splinter but I don't know what part of the gun it came off.

Q: Was it this piece? (Presenting a piece)

A: No sir. It was something like that. (Picking up a piece)

Q: Was that all you found?

A: Yes sir.

Q: You saw this hid under a log?

A: No sir, under some leaves.

Q: Who was with you when you followed those tracks?

A: Nicholson.

Q: You said Nicholson followed those tracks and go this thing?

A: Yes sir.

Q: How far was the tracks that put these things under the log from the one that was with them?

A: They were both together.

Q: How came you to find these things under the log?

A: Well they had told us where they had found the gun and we scratched down and found that piece.

Q: Did you have any conversation with Justice after the death of Goddard?

A: Naw Sir.

Q: Did you see him that day?

A: Yes sir.

Q: Was he there where the body was found?

A: Yes sir, he came up there after he was arrested and brought there.

Q: Had he ever come to Godard's body until he was arrested and brought there?

A: Not that I know of.

Q: Do you know any other facts connected with this case?

A: No sir.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: How did you first find out that Goddard was killed or was dead?

A: Somebody came to my house and tole it but I can't say who it was now.

Q: Was it the next day after the death occurred?

A: It was that evening.

Q: Was Justice arrested that evening?

A: It was the next day he was arrested and carried to the body.

Q: You and Mr. Nicholson had done found the gun and stock?

A: No sir. We just found a little piece.

Q: I understand you to say that the tracks did not go by the stillhouse. How close did they go?

A: I did not see a still house.

Q: Do you mean you followed the tracks going to the body or going from it?

A: I saw tracks going both ways.

Q: Did they go by the stillhouse?

A: I did not see any stillhouse.

Q: You would have seen it if you had gone by it?

A: Yes sir.

Q: Where did you first see Mr. Justice the next day?

A: I saw him at home as I passed by. I passed the road and I saw him there.

Q: After you heard that old man Goddard was killed did not you and two or three others start to go to the place to find out for certain whether it was so or not?

A: Yes sir.

Q: Did you see Justice on that trip?

A: Yes sir. We passed his house and he was knocking around the house there.

Q: Did you see Coward.

A: Yes sir.

Q: Did he tell you anything about it?

A: No sir.

Q: Nor did Justice?

A: No sir.

Q: Did you inquire of either of them or both?

A: No sir. I did not particular inquire.

Q: Now you say you met up with both of them?

A: Well I met Mr. Coward and saw Mr. Justice about his own house as I passed the road.

Q: Did you inquire to either of them bout it?

A: No sir.

Q: Was there any thing said so they could understand that you were looking for Goddard?

A: Well one of the three stopped and spoke to him as he walked out from the house and told him we were going to see that murdered man, and he asked who it was that was murdered.

Q: Did he say that he knew it or didn't know it?

A: He just spoke up and said what is our country coming to.

Q: Did he make strange of it?

A: That was about what was said the best I can recollect.

Q: (By the Court) Did you measure the tracks?

A: No sir.

Q: It was your opinion as to the size of it?

A: Yes sir.

**F. D. Nicholson, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Nicholson, did you ever have any conversation with Tillman C. Justice about the old man Godard?

A: Yes sir. I have talked with him about the old man some.

Q: How long before Goddard's death.

A: I don't know exactly.

Q: Well, about how long?

A: It might have been a month or such a matter before the death of old man Goddard.

Q: What did he tell you then?

A: Well, nothing than except he was a troublesome man and in the way.

Q: Did he make any threats toward him?

A: No sir.

Q: Well just state what he said about him.

A: I don't know what all, but him and Mr. Justice fell out some way about a road or something that Mr. Goddard did not want through his field and they talked one way or another about it.

Q: Did you hear them talking together?

A: No sir. They would talk to me about each of them.

Q: What did you ever hear Justice say about Goddard?

A: As for anything that was said I don't know.

Q: Give us as much as you can remember of what Justice said.

A: I don't recollect exactly pineblank what was said.

Q: Well we have not got time to wait here, life is too short.

A: Well he would talk about Mr. Goddard.

Q: Did he say he was a nice, Christian gentleman?

A: No sir.

Q: Did he say that we was a rascal and a scoundrel?

A: Yes sir.

Q: Did he say that he ought to be dead?

A: Yes sir. I think he did.

Q: Now just go on and tell it. I don't want to pull at you and lead you like I had a corkscrew in my hand.

A: Well I never paid much attention to the conversation between me and him, for I never had anything against either one of them.

Q: State as nearly as you can what was said about Goddard.

A: Well I don't know exactly what all he said.

Q: I never asked you for exactly what he said.

Where were you whenever you were talking?

A: At Mr. Justice's house.

Q: How come the subject to get up?

A: Something about the old man talking about the stilling business.

Q: What did Justice say?

A: Well I told him about the old man saying he would report him, and he said if he caught a man hunting for his stillhouse he would never hunt for another.

Q: Did you examine the body when (they) found (him) dead?

A: No sir.

Q: Did you examine any tracks?

A: No sir, not close.

Q: How long since the body was found dead before you went to see it?

A: He was found I recon about 12, and I went to it that night.

Q: Who went with you?

A: Mac Burrell and a man by the name of Shook.

Q: Did you see any tracks going up to the body?

A: No sir.

Q: Did you see any going away from there?

A: Yes sir.

Q: What size shoe was it you saw going away?

A: It looked like about a number 9.

Q: Did you find any gun?

A: Yes sir. Me and Wiley parker found a barrel and a britch.

Q: Is this the pieces you found?

A: Yes sir.

Q: Were did you find them?

A: About 180 steps from where the old man way lying.

Q: How many tracks went to that log?

A: Two.

Q: How did they compare in size?

A: They looked like they were about the same size.

Q: Did you measure the tracks?

A: No sir.

Q: How come you to find that gun under that log?

A: We found the locks there and supposed whoever done the killing had hid the gun, and we took the tracks and found it under that log.

Q: How many tracks did you find at the body?

A: We never found but one at the body, but off about 40 yards we found two.

Q: Did they both step over the log?

A: Yes sir.

Q: Suppose this was the log. Did you approach it this way?

A: Yes sir.

Q: Was the gun hid where the tracks went over the log or where?

A: Right above the tracks.

Q: Did both tracks go right to the log?

A: Yes sir.

Q: Both tracks crossed over the log right there?

A: Yes sir.

Q: How came you to find the gun under there—did you see any sign?

A: Well it looked as though the leaves had been raised a little and we fell in under there.

Q: You say one track went to the body and one struck the other about 40 yards away?

A: Yes sir.

Q: How far did you follow those tracks?

A: I never went any further.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: Who else went along with you when you saw these tracks?

A: Billy Parker.

Q: And you saw a son of Jonathan Nicholson?

A: Yes sir.

Q: You did not go along with him?

A: No sir.

Q: You was not there examining those tracks with him?

A: No sir.

Q: Now this log you spoke of—how far was it from the body?

A: 180 steps.

Q: Did you see the tracks of the man that went up to the body?

A: No sir. I saw the tracks that went away.

Q: Did you see any track around about the body?

A: Yes sir.

Q: Is it not true that there was a number of tracks around the body?

A: There were tracks there but I don't know who made them.

Q: Isn't it true that there were a number of tracks there?

A: Yes sir.

Q: He said if Goddard reported him, he would kill him?

A: He said if he saw him hunting around for his still he would never hunt another one.

Q: Now what was it that Goddard said to you that you told Justice?

A: He told me if he knew the address of a man he would write to him and show him that still or that he had a man that would show it to him. He did not say that he would do it himself.

Q: How long was that before Goddard was killed?

A: It might have been three or four weeks.

Q: Whose still was that?

A: I don't know.

Q: Did you ever see anybody working at it or about it?

A: No sir.

Q: Didn't you know whose it was?

A: No sir.

Q: Did you ever see Justice there?

A: Yes sir.

Q: Did you ever see Dave Coward there?

A: Yes sir.

Q: Was not Dave living with Justice at that time?

A: I don't know. He was around about there at that time.

Q: Did Godard say whose still he would report?

A: He just said that still.

Q: Who did you think he meant?

A: He meant Justice's still.

### **Redirect Examination**

#### **Questioned by Mr. Thompson**

Q: Do you know whether Mr. (Goddard) found out the address of the man to write to or not?

A: No sir.

Q: You don't know whether he ever reported it or not?

A: No sir.

### **Re-cross Examination**

#### **Questioned by Mr. Kimsey**



Q: Do you know whether any officers came there and stopped the still or not?

A: That was just what they told me. I don't know.

Q: Before Goddard was killed?

A: No sir. Afterward.

Q: It was running when he was killed?

A: I don't know about the running.

Q: You don't know then for certain whether it was before or after Goddard was killed?

A: I am certain it was after he was killed.

Q: How long was it?

A: I think it was not long.

Q: Two or three days, or a week?

A: Maybe a week or two weeks. I don't know which.

**W. B. Parker, sworn for the State**

**Questioned by Mr. Thompson**

Q: Did you know Goddard during his lifetime?

A: Yes sir.

Q: Was you present when his body was found

A: No sir.

Q: How long after it was found before you went to it?

A: I don't know. I believe they said it was found about 11 o'clock and it was an hour or two after dark when I went.

Q: Did you see any tracks leading up to the body?

A: Yes sir, I did next morning.

Q: How many tracks did you see leading up to the body?

A: (One.)

Q: How large was that shoe that led up to the body?

A: About a No. 8.

Q: Did you see any tacks in the sole?

A: Yes sir.

Q: How many tracks went away from the body?

A: One went away.

Q: Was it the same track that went up to it?

A: Yes sir.

Q: How far did it go before it got in company with the other track?

A: Some 20 or 30 yards.

Q: Did the path go right up to the body?

A: No sir. It was 6 or 8 steps off from the body?

Q: How did the tracks come up to the body?

A: They come sorter from Justice's house and come in below where the old man was killed about thirty steps. There was one of them I don't think ever come into the trail.

Q: Which way did they track away from the body?

A: It came back to where the other track had stopped and then went towards where Justice lived.

Q: How far did you track there?

A: About 150 or 200 yards.

Q: Did you find anything?

A: Yes sir I found a part of a gun. The barrel of a double barrel shot gun.

Q: Who was with you when you found it?

A: Mr. Nicholson.

Q: How did these tracks ever approach nearer the body than that?

A: Not that I seed.

Q: They both went off together?

A: Yes sir.

Q: What was the appearance of the ground there as to any scuffering having been done?

A: There looked like there had been a right smart scuffeling there, and the tracks looked like as though it might have been an 8 or 9 shoe.

Q: Did you see any handprints there?

A: Yes sir.

Q: Did you ever see Justice's shoe after he was arrested?

A: Yes sir, and his shoe looked like it was bout the same size and one of the them had tacks in them.

Q: What is your best impression as to the track that went up to the body and came away?

A: I think it fitted the description of Justice's track.

Q: Did you say anything to anybody about it?

A: If I have to tell my opinion about it I think it was Justice's track.

Q: You think so from a general impression of it?

A: Yes sir.

Q: Did you express yourself at the time?

A: I think I did.

Q: Did you ever have any conversation with Justice about Goddard?

A: Not that I remember of.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: Isn't it true that is was the next day that you went there?

A: It was that night.

Q: You don't mean to say that you was there in the night?

A: Yes sir, but I did not see the tracks until the next morning.

Q: Isn't it true that there was a number of men stayed there with that body that night?

A: Yes sir. A good many—as many as ten or fifteen.

Q: Hadn't them men been walking about there all night?

A: Yes sir.

Q: Are you one of the men that found the gun?

A: Yes sir.

Q: Who went with you?

A: J. B. Nicholson.

Q: Did anyone else go?

A: No sir.

Q: How far was that gun from the body?

A: About 150 or 200 yards.

Q: Did you ever hear Goddard say anything about Justice?

A: No sir.

**Redirect Examination**

**Questioned by Mr. Thompson**

Q: I will ask you if there was not an effort in the part of the people to preserve those tracks and not walk them out?

A: Yes sir, I think there was.

Q: They were careful not to put them out?

A: Yes sir.

Q: Did you see any gun wadding there?

A: I can't say that I did.

Q: Did you find a place about where you thought the gun had been fired from?

A: Yes sir.

Q: Why did you think so?

A: It looked like a man had been in a position sorter like he was going to shoot. That was what we thought about it.

Q: How did that track compare to the one you thought was Justice's?

A: I thought it was the same track.

**Re -cross Examination**

**Questioned by Mr. Kimsey**

Q: Was there two tracks there?

A: Yes sir. There was one that was supposed to be the old man's track.

Q: How far was that from where the body was found?

A: Right around there.

Q: How far was these tracks from the body—that looked like they were in a position to shoot?

A: About 8 or 10 feet.

**Redirect Examination**

**Questioned by Mr. Thompson**

Q: The tracks that you found did not come up?

A: No sir. It was off 20 or 30 yards.

Q: You saw no wadding?

A: No sir.

**Elijah Wheeler, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Wheeler, did you know James B.

Goddard?

A: Yes sir.

Q: Did you ever have any talk with Tillman C.

Justice about Goddard before Goddard's death?

A: No sir. Nothing in particular.

Q: Did you ever have any talk that was not particular?

A: No sir. Not in particular.

Q: Did you ever have any kind of talk?

A: Yes sir. We have talked.

Q: When did you ever have any talk with Tillman Justice about Goddard.

A: I never had any talk.

Q: You never talked with him at all?

A: Of course we talked together.

Q: How long before Goddard's death?

A: I can't tell you exactly.

Q: Where was it?

A: I was at Mr. Justices the morning that Goddard was killed.

Q: Did you talk with him any that morning?

A: I never heard him say anything about him that I remember.

Q: What was you doing there that morning?

A: I just went down there on business and while I was sitting there, Mr. Os Seay came in and told Mr. Justice that the sheep was in his field, and he walked out and looked off and come back and picked up a double-barrel shotgun and turned to Mr. Coward and says, "Come on and let's run out that sheep."

Q: How long had you been there when this Mr. Seay came in?

A: Half hour.

Q: Did you hear Justice say anything about Goddard, or any body else that morning?

A: No sir.

Q: What did you say to Justice?

A: I just went up and spoke and he asked me in and we just went in and talked like people does.

Q: About what?

A: I don't know anything that was said now.

Q: What did you do before Seay come in?

A: I don't know now.

Q: Did Justice and Coward say anything about Goddard that morning?

A: Not that I remember.

Q: What was Justice doing.

A: He was sitting in a chair.

Q: Did you see him drink anything?

A: I don't remember whether he did or not. He seemed like he was a little intoxicated, and when Mr. Seay came in and told him about the sheep, he got up and to the gun off the bed and told Mr. Coward to come and go run the sheep out the field.

Q: Had you seen the gun before that?

A: No sir.

Q: How long did you stay there?

A: I stayed there a little over half an your after they left.

Q: Where did Mr. Seay go?

A: I don't know.

Q: How long had they been gone when you heard the gun fire, and which way was it?

A: It was up in the branch toward where Mr. Godard was killed.

Q: What period of time was there between the two shots?

A: About half a minute.

Q: What did you say when you heard the gunfire?

A: I was setting there talking to his wife and told her that I heard two guns to off.

Q: What else was said.

A: Nothing.

Q: Did she say anything?

A: I don't remember.

Q: How long did you stay there after the gun was fired?

A: I don't expect that I stayed over a quarter of an hour.

Q: Where did you go then?

A: I went up toward Mr. Nicholson's

Q: Did you tell anybody about hearing the gunfire?

A: Not until I heard that the old man was dead.

Q: What did you say then?

A: I told them that I heard two guns go off.

Q: How long after you heard the guns go off before you told it?

A: I think it was near three o'clock in the evening.

Q: Where was you when Parker's boys came by?

A: I was at Mr. Nicholson's

Q: Did you see any tracks?

A: Yes sir. I saw a track that went up to where he was killed.

Q: What size track was it?

A: It looked like it was a number 8 or 9.

Q: Did it have any tacks in it?

A: No sir,

Q: Did you see any body that you thought the shoes looked like those tracks?

A: No sir.

Q: When was the next time you saw Justice?

A: I don't think I saw him until he was arrested.

Q: What did you go to Justice's for?

A: To see a man that was owing me something.

Q: Could you see any sheep in the field?

A: No sir.

Q: You never saw any sheep in his field at all?

A: No sir.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: Do you know that gun barrel over there?

A: I seed it after it was found.

Q: Did you know whose gun it was?

A: No sir, I did not.

Q: Do you know who loaned a gun?

A: No sir.

Q: Do you know who loaded the gun that Mr. Justice carried off with him?

A: No sir.

Q: Did anybody go off with them?

A: No sir.

Q: Didn't Coward tell you to come and go with them?

A: No sir.

Q: And he called a sheep a turkey?

A: No sir.

Q: What did he mean? He did not mean Goddard, did he?

A: He just said sheep.

Q: He did not mean Goddard did he.

A: He did not say a word about Goddard, He just said sheep.

Q: You don't know who loaded that gun?

A: No sir. I don't know whether it was loaded or not.

Q: Did you see Coward the day before?

A: No sir.

Q: What was Coward doing there at Justice's?

A: I expect he was working there, but I don't know.

Q: Didn't they have a still there?

A: I don't know, I never seed it.

Q: Are you right certain you never seen it.

A: No sir. I never seen it.

Q: Haven't you heard tell of it?

A: I have heard tell of one being around there, but I never saw it.

Q: I will ask you a question you need not answer unless you want to. Didn't you go there to get whiskey?

A: Dave had been owing me a quarter and I went there after that.



**C. B. Rogers, sworn for the State**

**Questioned by Mr. Thompson**

Q: Did you know Tilman Justice?

A: Yes sir.

Q: Did you see him on the morning of the day that the body of James B. Goddard was found?

A: Yes sir.

Q: About what time in the morning?

A: I don't know.

Q: How far did you live from him?

A: I suppose it is a little over a quarter.

Q: Where did you see him that morning?

A: He was at my house.

Q: What did he come there for?

A: He come there for a gun.

Q: What kind of gun?

A: A double barrel shot gun.

Q: I will ask you to look at this and see if that was the gun he got?

A: Yes sir. That is the gun he got.

Q: What did he say he (wanted) with it?

A: He said there was some turkeys in his wheat eating it.

Q: Whose gun is that?

A: It was mine.

Q: Was he drunk?

A: I expect he was.

Q: He was not perfectly sober?

A: He was about as usual.

Q: Why do you think he was drinking, if he was drinking?

A: Well he looked like he might have been drinking a little.

Q: Did you let him have that gun?

A: No sir.

Q: Who did?

A: He just got it. He just went and took it out of the rack and said the turkeys was eating off his wheat.

Q: Did he come up fast or slow?

A: He was right there the first time I saw him.

Q: Right in the yard?

A: Yes sir.

Q: How far is the front gate from the door?

A: Right close.

Q: It is customary for people to ride in your yard?

A: He did not ride in my yard.

Q: Was he on his horse when you saw him?

A: No sir.

Q: Where was he when your eyes fell on him first?

A: He was there in my yard.

Q: Where was the horse?

A: On the outside. He had rode up an hitched.

Q: Now just what did he say and do?

A: He came and got down and came in the house and got the gun and went off.

Q: Did he ever bring it back?

A: No sir.

Q: When was the next time you saw him?

A: It was that day sometime.

Q: What did he say?

A: He didn't say anything. He and Mr. Seay was talking.

Q: What was his condition then?

A: I don't know. He might have been drinking then.

Q: Was he sober?

A: I don't know.

Q: Was he half drunk?

A: I don't know.

Q: What time did he come to your house that evening?

A: I don't know, but I guess it was between one and tow o'clock.

Q: Had you eat dinner or not or was you at the house waiting for dinner?

A: I sorter think I had but I don't know whether I had or not.

Q: What did he come after that time?

A: I don't know.

Q: Did he say anything?

A: No sir. Not to me.

Q: How long did he stay there?

A: I don't know, but not long. That's all I know about it, that he came there and he got the gun.

Q: What was done and said there that evening?

A: Nothing done or said that evening while I was hearing.

Q: How long did he stay?

A: It might have been five or twenty or twenty-five minutes.

Q: Was Seay there when Justice came in the evening?

A: Yes sir.

Q: What was Seay doing at your house?

A: He lived there.

Q: What kin is he to you?

A: He is my son-at-law.

Q: Where was Seay when Justice come?

A: He was at home.

Q: Who did Justice speak to when he come, or where was you when he come?

A: I was out at a little mill I have. They were standing talking and I just went on in the house.

Q: Did Seay go off, too?

A: Yes sir. I think he did.

Q: Where did he go to?

A: I don't know.

Q: If you didn't see Justice leave, how do you know he went off?

A: Because he was not there.

Q: Which went first?

A: I don't know.

Q: How do you know but they went together?

A: They might have went together?

Q: When did Seay come back to your house?

A: That evening.

Q: When was the first time you heard of Goddard's death?

A: I suppose it was about 12 o'clock. I was setting down eating dinner.

Q: Then you had heard of it before Justice was there in the evening?

A: I don't know that I had.

Q: Now didn't you hear of Goddard's death before Justice came?

A: I don't recollect about that. I am so forgetful. I can't recollect.

Q: Who told you about Goddard being dead?

A: One of Mr. Parker's sons.

Q: Did you go over there to the body?

A: Yes sir.

Q: What time in the evening? Did you go immediately with him when he told you?

A: I went with him when he went.

Q: Who went with you?

A: I don't know.

Q: Did Mr. Justice go?

A: No sir.

Q: Did Mr. Parker go?

A: Yes sir.

Q: Did Mr. Os Seay go?

A: Yes sir. . .well, I don't know whether he went or not.

Q: How many of you went together?

A: I don't know.

Q: Did you see Os Seay at that body at any time?

A: I don't think that I did.

Q: Did you see any track about that body?

A: Yes sir. I saw tracks right up at it.

Q: Whose tracks was it?

A: I don't know.

Q: Did that track have any tacks in the sole?

A: I think it did.

Q: What kind of tacks?

A: I don't know.

Q: What kind did they look like?

A: I did not see a plain track, I just saw where the ground was tore up.

Q: Did you try to find out who killed him?

A: All I done was to turn around and go back home and sent some of the boys after the Coroner.

Q: You made no effort to find out who killed him?

A: No sir. Not more than that.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: You sent one of your boys after the Coroner?

A: No sir. One of Mr. Parker's boys.

Q: That is your gun, I believe you said?

A: I said that was my gun.

Q: Was there any reason why he should go in and get your gun so freely?

A: Yes sir. We have said frequently, when he wanted anything to come and get it.

Q: What did he say he wanted it for?

A: He said there was some turkeys in his wheat eating it.

Q: Did you see old man Cowart that day?

A: Yes sir. I saw him that morning.

Q: What time?

A: At daylight.

Q: Did you hear Coward say anything about Goddard?

A: No sir.

Q: Was that gun loaded when Justice took it off?

A: I don't know, sir.

Q: If it was, do you know who loaded it?

A: If it was, Os Seay loaded it, for I never used it much.

Q: If it was, what kind of shot did you use?

A: Small, like squirrel shot or duck shot.

Q: That was the day that you heard that Goddard was killed?

A: Yes sir.

Q: And Justice came back that evening?

A: I don't know whether it was evening or morning, but I don't think he was there after we found out.

Q: There was nobody come after you at all?

A: No sir. Not that I know of.

Q: How far do you live from Justice's house?

A: Between a quarter and a half mile.

Q: Do you know anything about a still being run by Justice or anybody in the neighborhood?

A: Not much.

Q: Was there a still there?

A: I suppose there was.

Q: Did not you know there was one there?

A: Yes sir.

Q: Whose was it?

A: I don't know that it was Mr. Justice's.

Q: Was not Dave Coward living with Mr. Justice?

A: I think so.

Q: What kind of work did Justice have for him to do?

A: I don't know.

Q: Did the old man Coward say anything about that still or stilling business when at your house?

A: No sir.

### **Redirect Examination**

#### **Questioned by Mr. Thompson**

Q: Did Coward stay all night with you that night?

A: Yes sir.

Q: (By the court) What stay did Justice stay at your house when he go the gun?

A: He did not stay powerful long not more than half an hour.

### **Recross Examination**

#### **Questioned by Mr. Kimsey**

Q: You say he stayed half an hour?

A: Yes sir.

Q: What time was it?

A: I did not notice about that.

Q: Was it about 8 or 9 o'clock?

A: Yes sir. I guess so.

Q: Do you think he got back to your house as soon as 12 o'clock?

A: I don't recollect.

Q: You did not see anything on him that made you think he had been killing anybody did you?

A: No sir.

Q: Do you know whether he killed any turkeys  
or not?

A: No sir.

**Redirect Examination**

**Questioned by Mr. Thompson**

Q: Now didn't he say that if you wanted a turkey  
to come up in the field and get him? Now do you  
swear that he didn't tell you that?

A: I have no recollection of it if he did.

Q: Now refresh your memory. Now did he, or  
did he not?

A: I don't suppose he did.

Q: Now answer yes or no. Now did he say that,  
or did he not?

A: I don't think he did.

Q: (By the court) You say this is your gun. What  
did Mr. Justice say he wanted with it.

A: I never asked him anything about it.

Q: You never made any inquiry about it?

A: No sir.

**Abner Holden, sworn by the State**

**Questioned by Mr. Thompson**

Q: Did you know James B. Goddard?

A: Yes sir.

Q: Do you know Tilman C. Justice?

A: Yes sir.

Q: Do you remember when Goddard was found dead.

A: Yes sir. I think it was the 17<sup>th</sup> of January last.

Q: Where had you been that day?

A: I went to Mr. J. E. Parker's and came back by Mr. Justice's.

Q: What time did you come to his house?

A: I think it was about one o'clock, maybe it was a little past.

Q: What was he doing?

A: The first I saw of him he was coming down the river road on his mare.

Q: Was he coming toward his house?

A: Yes sir. I had started to Mr. Roggers and met him and found out what I was going after was at his house and I came back to his house with him.

Q: Was he riding fast or slow?

A: He was riding a common gait.

Q: What was his condition?

A: I think he was drinking a little.

Q: Did you come back to his house with him?

A: Yes sir.

Q: Did you get anything from him?

A: Yes sir. I got a dram from him and borrowed some caps from him.

Q: What did you want to kill?

A: I told him I was near out of caps and told him I would like to kill some turkeys. He said that he shot one up there in his field and I asked him if he killed it and he said it fluttered like hell. So I asked which direction it went and he told me and I went on over there in his field, but I did not see any sign of them so I went on home.

Q: When was the first time you heard of Goddard's death?

A: That evening, just about dusk.

Q: Where was you when you heard it?

A: At home.

Q: How far do you live from Justice's house?

A: A mile and a half or a little over.

Q: Did you go to the place that night?

A: No sir.

Q: What time did you go in the morning?

A: I expect it was 9 or 10 o'clock.

Q: Did you see any tracks leading up to the body?

A: Yes sir. I saw one.

Q: What size was it?

A: I think it was about a number 8.

Q: Did the track have any tacks in them?

A: Yes sir.

Q: Did you examine them?

A: No sir.

Q: Did you measure them?

A: No sir.

Q: Do you know Tilman Justice's shoe size?

A: No sir. Not for certain.

Q: From your knowledge of it, what was the impression on your mind as to who it was.

A: Well from the size of the track and all, I think it was his.

Q: How far was it from where the other track stopped?

A: About 20 steps, I guess.

Q: Did you track them?

A: No sir. Not far. I saw where one went to the body and the turned back up the hill.

Q: Now the track you took to be Justice's track—did it go back to the other track?

A: Yes sir.

Q: The other track never did approach the body?

A: No sir.

Q: Which was the largest track? The one that went to the body or the one that stayed away?

A: I think the one that stayed away was a little bit larger.

Q: Did you see any gun wadding there?

A: No sir. Well I suppose I saw some papers there.

Q: What kind of papers was it?

A: I can't say whether it was newspaper or not.

Q: How far was it from the body?

A: It was scattered around it.

Q: How far was it from the tracks that did not go to the body?

A: About 20 steps.

Q: Did any of it pass the body?

A: I don't remember if it did. Most of it was around his feet and legs.

Q: What was the appearance around there as to scuffling?

A: It looked as though they had been some scuffling.



Q: Did you understand at the time Justice told you he shot a turkey that he meant a turkey?

A: Yes sir. I went and looked for the sign, but I did not see it, but I saw a right smart sheep sign and I supposed he had shot a sheep and was joking about it.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: He did not say he killed that turkey?

A: He just said he shot it and it fluttered like hell.

Q: Didn't you arrest Justice?

A: Yes sir.

Q: Was he arrested the day after the killing?

A: Yes sir.

Q: You saw the body?

A: Yes sir.

Q: Was it the same day?

A: No sir. It was the next day after he was said to have been killed.

Q: Was Justice at the body?

A: No sir. He was feeding his mare.

Q: He did not make any effort to get away?

A: No sir.

Q: Did he ask you what you wanted him for?

A: I just asked him if he had anything to drink and when I got up to him I told him that he was suspicioned of that murder and that I had come to arrest him and I asked him if he had any objection and he said not.

Q: You saw Mr. Justice before?

A: Yes sir.

Q: Did he have any blood on him?

A: No sir.

Q: He had nothing on to indicate that he had been killing somebody?

A: Nothing more than common clothes.

Q: Did you notice Mr. Goddard's body enough to see where he was shot?

A: Yes sir. He was shot in the face.

Q: Was it small shot or large shot?

A: It was small shot.

Q: Did you ever hear Goddard make any threat against Justice?

A: No sir. I never did.

Q: Was Jason Coward at the body of Goddard?

A: I don't know whether he was or not.

Q: Did you hear him say anything about the killing of Goddard?

A: No sir.

**John Nichols, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Nichols did you know J. B. Goddard?

A: Yes sir.

Q: Did you see him the day he was found murdered?

A: No sir.

Q: Do you know Tilman C. Justice?

A: Yes sir.

Q: Did you ever hear Tilman C. Justice say anything about Goddard?

A: Yes sir. I have.

Q: What was it?

A: He was talking about the old man Goddard and he said if the old man didn't let him alone and quit bothering and meddling with his business that he would stamp him into the ground.

Q: How long was that before Goddard was found killed?

A: Something like a month.

Q: Did you see the body?

A: No sir. The morning he was killed I left Charles Rogers and went down in Rabun.

Q: Was Os Seay there?

A: Yes sir.

Q: Was Justice there?

A: No sir.

Q: Did you see Justice the next morning?

A: No sir.

Q: Did you ever talk to Justice more than one time about Goddard?

A: No sir.

**Cross Examination****Questioned by Mr. Kimsey**

Q: What was Goddard bothering him about?

A: Something about a land line.

Q: Was he bothering him about anything else?

A: Well he talked about him some?

Q: How close do you live to Justice's house?

A: About a mile and a quarter.

Q: Has he not got a stillhouse there nearby?

A: I don't know.

Q: Didn't you never hear Mr. Goddard say anything about Justice having a stillhouse?

A: Yes. I heard him say that Justice had a stillhouse and he allowed to go and report it.

Q: How long was that before Goddard was killed?

A: Some two or three weeks.

Q: Do you know whether it is tore up?

A: I don't know except from hearsay, but I don't suppose it is.

Q: Did you tell Justice what he had said?

A: Yes I told him that he said he was going to report him.

**Redirect Examination**

**Questioned by Mr. Thompson**

Q: You never told Justice the other things that he said about him, did you?

A: No sir.

**Jason Cowart, sworn for the State****Questioned by Mr. Thompson**

Q: Do you know Tilman C. Justice?

A: Yes sir.

Q: Did you know Jas. B. Goddard?

A: Yes sir. I was acquainted with him.

Q: Where did you live on the 17<sup>th</sup> day of January of this year?

A: I lived in Rabun County.

Q: How far did you live from Mr. Justice?

A: Some 10 or 12 miles.

Q: How far did you live from Goddard?

A: About the same.

Q: Was you well acquainted with Justice?

A: No sir. I never saw him until I went out there.

Q: How many days was it before Goddard was killed was it that you went to Justice's?

A: The day before.

Q: Where did you stay the night before it happened?

A: I stayed at the Roggers.

Q: Did you see Justice the day before?

A: Yes sir.

Q: Where was he?

A: At home.

Q: Where was your son living?

A: My youngest son Dave was living with Mr. Justice.

Q: How come you to go to Mr. Justice's house?

A: Well, my son was out there and I had started out to my sister's and I went by to see him.

Q: What time did you get to Justice's the morning that Goddard was killed?

A: Tallarbly soon.

Q: How long did you stay there?

A: Until about 10 or 11 o'clock.

Q: Where did you go to and who left with you?

A: Mr. Justice left with me.

Q: Where did you go and how come you to go?

A: Mr. Seay come and called him and said the sheep was in the field and Mr. Justice asked me to go and help him get them out and I went off with him and when we got over in the field I says here's the sheep and he just cursed me back and said come on and we went on over there until we met Mr. Goddard and Mr. Justice says to him didn't you say something and cocked the gun and spoke to him and he says to me don't you open your God-damned mouth or I will kill you and about that time the gun fired and I

looked back and he run up to him and was beating him and he says God-dam you I guess you won't report anybody else and then he went off down where the boys were and then the boys says pap it is time to go home and we went on home.

Q: What was the condition of Justice drunk or sober?

A: I don't know. I was not acquainted with him.

Q: Where was it he washed his hands?

A: He washed them in a little branch nearby.

Q: I will ask you if you went to any other place and where was the boys?

A: They were down there chopping.

Q: Where did you go from there?

A: I went to my sister's.

Q: How far is that?

A: It was 6 or 7 miles.

Q: When did you come back?

A: When they summoned me.

Q: Did you tell them what you are telling now?

A: Yes sir.

Q: Did you tell anybody that night what had happened?

A: I went to my sister's that night and told them all about it.

### **Cross Examination**

#### **Questioned by Mr. Kimsey**

Q: You stayed all night at Mr. Roggers the night before this thing occurred?

A: Yes sir.

Q: The day before you went down to Mr. Justice's?

A: Yes sir.

Q: The next morning did you see anything of Justice?

A: He was at home.

Q: What time of day was it when you got there?

A: I can't tell you.

Q: Was it eight or nine o'clock?

A: I cannot tell you exactly what time it was.

Q: Well could you say it was eight o'clock when you went there?

A: I will say it was soon when I went there.

Q: How soon?

A: It was early in the morning.

Q: Was the sun up?

A: I don't know, it was cloudy and raining.

Q: Was it as soon as ten o'clock?

A: It was a bit after daylight.

Q: Did you go to breakfast?

A: Yes sir.

Q: Did you go back to Mr. Roger's for breakfast?

A: No sir. I eat at Mr. Justice's.

Q: You went with Justice to the field after the sheep?

A: Yes sir.

Q: Where did Justice get the gun?

A: I think he got it back about the bed somewhere. He got it anyway.

Q: What time of day was it when you went out to look for the sheep?

A: I don't know, but it was up in the day somewhere.

Q: Would you say it had been two or three hours?

A: I am not going to say I could tell unless I had seen the sun.

Q: Did you know whose gun that was?

A: No sir. He went out and got it.

Q: What did he say he was going for it for?

A: He never told me.

Q: Did you not load that gun that morning?

A: No sir. I did not.

Q: Where was your boys working?

A: Over there at the branch.

Q: Did you go about that still house?

A: No sir. I never went in it.

Q: Was it a place where they made liquor?

A: I don't know.

Q: You did not drink any liquor there, did you?

A: I don't know that I did.

Q: If you had, you would have known it, wouldn't you?

A: It looks reasonable that I would.

Q: Was not Justice drinking that day?

A: I don't know.

Q: Didn't his face look red?

A: No sir.

Q: You say you did not drink any that day. Now isn't it true that one of your boys were working at that stillhouse?

A: There was a boy working there, but I don't know what he was doing.

Q: What time of day did you go there?

A: In the evening after the killing.

Q: Which one of the boys worked there?

A: Dave.

Q: Did you go to Justice and tell him that Goddard had reported that still house?

A: No sir.

Q: Was not that your business there?

A: No sir.

Q: Did you know Goddard before that?

A: I was acquainted with him. I had seen him a few times.

Q: What time of day was it when Mr. Seay came up and called to Justice?

A: It was in the morning.

Q: Wasn't it pretty soon after Justice got the gun?

A: Yes sir. It was not very long.

Q: What was you doing?

A: Sitting in the house.

Q: Was not you indicted in Rabun county for hog stealing?

A: I refuse to answer.

Q: Was you a witness here at last court?

A: Yes sir.

Q: Now didn't I ask if you were indicted for hog stealing and you said you did not know?

A: I said that I did not know that I was.

Q: If you had been indicted, you would have known it, wouldn't you?

A: Yes sir.

### **Redirect Examination**

#### **Questioned by Mr. Thompson**

Q: I will ask you if the question that he asked you was not if you had been convicted of hog stealing, and you told him that you did not know.

A: Yes sir.

Q: I will ask you if there was not a motion for a new trial in your case.

A: Yes sir.

Q: Do you know what that means?

A: No sir. I can't read nor write.

**A. F. Holden, sworn for the State Questioned**

**by Mr. Thompson**

Q: Look at that gun and see if you ever saw that gun before.

A: Yes sir. I have seen it. I use to own it.

Q: Who did you sell it to?

A: I sold it to my father-in-law.

Q: Who is that?

A: Mr. C. B. Rogers.

Q: What county was that in?

A: Towns County.

Q: What year?

A: The 17 of January 1887.

**Cross examination**

**Questioned by Mr. Kimsey.**

Q: Did you hear Mr. Cowart's testimony?

A: No sir. I did not hear it at all.



**Dave Cowart, sworn for the state****Questioned by Mr. Thompson**

Q: Your name is Dave Cowart?

A: Yes sir.

Q: Did you see Tilman Justice and your father on or about the 17<sup>th</sup> of January of this year?

A: Yes sir.

Q: Where did they come to?

A: They came to where I was at work.

Q: How far from Justice's house?

A: About a quarter of a mile.

Q: What did Justice say when he came down there?

A: I hardly recollect.

Q: Just state all you know about the case. What did Justice say when he come up?

A: He said he had killed on the of the damdest, biggest sheep you ever saw—that it had been down the road that morning for counsel.

Q: What did he say that it said when he killed it?

A: I don't know that he said anything, but he got down on his all fours and put his hands up to his face and said "Oh, Lordy, have mercy on me and don't kill me Tilman."

Q: What else did he say?

A: I don't' recollect.

Q: How long did you stay there?

A: I recon I stayed there an hour or two.

Q: Where did you go to?

A: I went over to Davis Burrell's.

Q: Who went with you?

A: My father and brother.

**Cross examination****Questioned by Mr. Kimsey**

Q: How long had you been working with Tilman Justice?

A: I had been out there for a month and a half or about that.

Q: Had your father been to see you?

A: He came that time to see me.

Q: Hadn't he been there before that?

A: No sir.

Q: Was there a stillhouse near Tillman Justice's?

A: Yes sir.

Q: Did you ever hear Goddard say anything about that stillhouse?

A: No sir. I never had any conversation with him at all.

Q: When Cowart came up there to see you, what did he say about the still?

A: About what?

Q: Didn't he tell Justice that Goddard had reported that still?

A: He told Justice that he heard that Goddard had reported it.

Q: Was that the day that he was killed?

A: No sir. It was the day before.

Q: Was you at Justice's when your father came?

A: No sir.

**William Cowart, sworn for the State****Questioned by Mr. Thompson**

Q: What is your name?

A: William Cowart

Q: Was you at Tilmon Justice's house on or about the 17<sup>th</sup> of Jan of this year with your father and brother Dave?

A: Yes sir.

Q: I will ask if Justice and your father came to where you and your brother was at work any time that day?

A: Yes sir.

Q: What did Mr. Justice say?

A: He said he had killed the damdest biggest sheep that I have ever seen.

Q: What did he do?

A: He got down on his knees like he was going to pray and says "Oh! Lord, have mercy. Don't hurt me Tillman."

**Cross Examination****Questioned by Mr. Kimsey.**

Q: You was working with Mr. Justice?

A: No sir.

Q: You was there at that time?

A: Yes sir.

Q: Didn't your father tell Justice that Goddard had reported him?

A: I don't remember whether he did or not.

Q: Didn't you come with your father to see Dave, your brother?

A: Yes sir.

Q: What did you and your father come for?

A: To see his son.

Q: What about?

A: On some business.

Q: What sort of business?

A: I don't know that I can tell.

Q: Had you and your father heard that Goddard had reported your brother?

A: No sir. I don't think we had, but I heard that morning after we left home that he had reported Mr. Justice.

Q: Didn't your father tell Justice that?

A: I don't remember.

Q: Didn't they talk about it after they got there?

A: I don't remember now.

**Holms Nelems, sworn for the State**

**Questioned by Mr. Thompson**

Q: Where do you live?

A: In Towns County.

Q: Where did you live the spring that Goddard was killed?

A: I lived right where I do now.

Q: How far do you live from Justice's?

A: About 2 miles.

Q: Where was Justice sent to after Goddard was killed?

A: To Clarksville.

Q: Did anyone bring you a letter from him?

A: Yes sir.

Q: Who was it?

A: Mr. John O'Caligan.

Q: Did you read that letter?

A: No sir.

Q: Did they read it before you?

A: Yes sir.

Q: What became of it?

A: They took it back with them.

Q: Is it in your power, custody or control?

A: No sir.

Q: Why didn't you keep it?

A: They didn't give it to me and I didn't think anything about it.

**John Justice, sworn about the letter**

**Questioned by Mr. Thompson**

Q: You went to Mr. O'Caligans to this man's house?

A: Yes sir.

Q: What became of that letter?

A: I suppose he took it back with him.

Q: (By the court) Where did you first see it.

A: It was brought to my house.

**Statement by the Defendant**

Well Mr. Cowart come to my house on Sunday evening before this was done on Monday, and I was not at the house. I was over at the stillhouse where his son was and he eat his dinner and came over and told his son about this old man reporting him. And we all stood there a while and then he goes up to Mr. Rogers and stays all night. And then the next morning he comes down verry early and hollers and I gets up and opens the door and told him to come in. And he wanted to know if I had some whiskey. And I set him out some and he drank some and he set about there until we eat breakfast. And then my wife said that I would have to go to mill before dinner. And I looked up in the field and saw some sheep up there, and I took up my gun and went up there and I saw some turkeys and shot one of them and scared the sheep and they run and thought they jumped out. And I went back to the house and Mr. Coward was there and then Mr. Seay come up directly and says the sheep is in your field. And I turned to him and asked him if he did not want to go with me that I had some land I wanted him to look at and we went on

over there and we met this Old man and Cowart says "What did you report about my son for?", and he says "I didn't do it.", and he says "You are a God damed liar.", and then he grabbed the gun out of my hand and cocked it and shot him or shot at him and then shot again and then jumped on him and broke the gun over his head. Then I walked off and he come on down there and I says "You didn't kill him, did you?" And he says "It will be a few days before he reports to anybody else." Then we went over and turned the sheep out and went down there and I told him it was time to go to dinner and he said no that he was going home, and I suppose that he went over the mountain. And over here at the committal trial he said that I came to him with both arms bloody. I did not get the gun with the intention of harming anybody and didn't.

**A. F. Holden, sworn for the State****Questioned by Mr. Thompson**

Q: Mr. Holden, did you hear the statement on the last trial of this case?

A: Yes sir.

Q: Refresh your recollection and state what he said on the other trial.

A: On the morning that Goddard was killed, he said that he went and got the gun and came down there knocked around until Mr. Seay came down there and told him that the sheep was in the field, and he took the gun and told Mr. Cowart to go with him, and when they got up on the hill, he gave Mr. Cowart the gun, and they went on and met Mr. Goddard on the branch and as well as I recollect now Mr. Cowart stopped him and asked him something about this reporting business and Goddard denied it. And Cowart told him not to deny it if he did, he would kill him and as he went off he cocked the gun and shot him.

Q: Did he say anything in his statement about going in the field that morning and shooting a turkey?

A: I don't remember that he did.

Q: Did he say that he that he had been near the field until him and Cowart went there?

A: No sir, I don't think he did.

Q: That was the first time he said anything about being in the field?

A: That is my recollection. Well, I was telling about the shooting. He said that he shot him and struck at him and hit the gun against a log and broke it and he said he picked up the pieces and went down to the branch and washed his hands, and they run the sheep out, and then they went to where he had the boys a work.

Q: Do you recollect about him stating about going to mill that morning?

A: Not as I remember.

Q: Do you recollect what he said about the gun?

A: He said he went and got the gun.

Q: You examined those tracks?

A: Yes sir. And I think it was the track that had the tacks in them that went up to the body.

**Cross Examination****Questioned by Mr. Kimsey**

Q: Did you hear Mr. Justice's statement this time?

A: No sir.

Q: You don't say that he did not say anything about going in the field?

A: No sir. I wanted to say that he said he went and run the sheep out and then went down to where the boys was at work.

**Reported by W. S. Richardson,**

**Official reporter Ochulmlgee Cr. Ga.**