

Fort Mill constable lay dead, but

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would jury say it was murder?

On Nov. 9, 1881, James Sutton, his brother Stephen Sutton and his brother-in-law William Hayworth left their country homes in northern Fort Mill Township and set out for town.

James Sutton carried a concealed pistol, which was illegal as established by S.C. law a few years earlier.

Sutton would later say he carried the gun because he was afraid of Lute and Zeb Bradford.

It seems the Bradfords and Sutton had recently had a scuffle over the contents of a trunk that belonged to Sutton's sister. Hayworth



had with him a Barlow knife — which, as a whittler, he normally had on his person.

Stephen Sutton and Hayworth went into Russell's store on Fort Mill's main street to shop. James Sutton went to the post office to buy and mail a postal card.

Pistol shots rang out.

When the exchange was over, Nathaniel Gibson, a constable, lay dead, and James Sutton was charged with murder.

Thirty-two witnesses were called to testify in the case, five for the state and 27 for the defense led by attorneys Wilson and Wilson and C.E. Spencer, Esq., three of the best-known lawyers in the county.

More than half of the witnesses testified that they saw what happened. The remainder heard the shots and testified, variously, that a total of either six or seven shots was exchanged between James

Sutton and Nathaniel Gibson.

The basic difference in the March 30, 1882, testimony was as to whether Sutton or Gibson fired first.

It becomes evident from the transcript that as the testimony moved on, the jury would finally decide between the two men on the basis of character. Professor A.R. Banks, who had taught Sutton at the Fort Mill Academy, testified that Sutton was a "peaceable, quiet, good citizen."

Benjamin H. Massey stated that he had known Sutton since he was a boy and that he was "industrious,

quiet, orderly. . . ." a view that was seconded by many witnesses.

On the other hand, Nat Gibson, although he had several endorsements of good character, did not come off as well as Sutton. Dr. S.A. Kell testified that Gibson had the reputation of being a "dangerous man." J. Ormand said Gibson was a "violent man" and added that he was not a relative of Sutton; three or four witnesses admitted that they were relatives.

The most damning statement about Gibson was made by Parks Moore of Indian Land. Moore said that he had seen Nat Gibson with

Lute Bradford at the old wagon camp near Fort Mill and that he heard Gibson say that if he was ever with Sutton again he would kill him.

Lute Bradford was not present to testify. He and his family had moved to Florida. Other witnesses testified that the Bradfords were friends of Gibson and that Gibson and Sutton had had a previous confrontation when Gibson served a levy on Sutton for Roddey Mercantile Co., a Rock Hill firm.

In the end the jury declared that James H. Sutton was not guilty.