Louise Butler and George Yelder

THE "Black Belt" of Alabama is a well-known section of the sunny South. Whether this belt derives its name from the dark prairie soil or the preponderance of negroes to be found there is one of the traditional issues for street-corner and grocery-store debates. Lowndes County is in the very center of the black belt.

On a plantation in this county, on the southern bank of the Alabama River, lived Louise Butler, with her coal-black fourteen-year-old niece, Topsy Warren, her own daughter, Julia May Dickson, aged twelve, another niece, Anne-Mary Smith, aged nine, and a small son. Louise Butler, a plump light-brown negress, had enjoyed various amours and mothered this family, although still free from the bonds of matrimony. In 1928, she had won the affections of George Yelder, a lean colored gentleman about fifty-five years old, who lived near by with his wife and two grown daughters. George was a regular caller at Louise's house and she was exceedingly jealous of his attentions.

One day upon her return from a visit to Montgomery, Louise discovered that George had visited her house during the day, and found only Topsy at home. When he left, Topsy was the proud possessor of a new half dollar. Louise's jealousy was violently aroused when she learned of this and she administered to this fourteen-year-old interloper a severe beating, even threatening to kill her. Strangely, Topsy was seen no more. The rumor passed that Louise had done away with Topsy, and it gained such credence that the state law enforcement department at Montgomery telephoned to Deputy Sheriff "Buck" Meadows to investigate the matter thoroughly.

Meadows visited Louise's shanty when she was away and found there her twelve-year-old daughter Julia and nine-year-old niece Anne-Mary. In a short while they confided in him an account of the full details of the horrible and cold-blooded murder of poor Topsy. Julia said that Louise had beaten Topsy unmercifully on the afternoon of her return
from Montgomery when she learned of the half dollar Topsy had. Later in the day George Yelder came by and during a very short stay he and Louise had quite a personal "fuss" of their own, during which George threatened to whip Louise with some "plow-lines." They apparently made peace before he left, and shortly after dark George again appeared at the home of Louise Butler. After a short conversation they both went out in the yard near the woodpile, carrying a small lamp. Julia said that her mother, Louise, then called to her and told her to go outside the yard down into the edge of the roadway, and to stand there and call if anyone should approach. As she proceeded to obey her mother's command, she heard her mother or George call to Topsy to come out to the woodpile. Topsy went out of the house at about the same time that Julia went to stand in the roadway. She had no sooner stationed herself in the roadway than she heard Topsy cry out, and in just a minute or two thereafter her mother called to her to come. She obeyed, and when she reached the woodpile, Topsy was lying on the ground—dead. They dragged Topsy's body up close against the chop log and placed one of Topsy's arms across the log and demanded that she chop it off with the ax or they would kill her. Julia said that in this manner both of the dead girl's arms were severed from her body; that she was then ordered to go into the house, look behind a trunk, and bring a large sack and a string which were kept there. This she did. Her mother and George then placed the corpse in the sack—putting the trunk or body in the sack first and poking the arms in afterward. They then tied the sack, and left the premises, lugging the gruesome burden, in the direction of the Alabama River, which was not more than a half mile distant. They soon returned from the direction of the river empty handed, having been gone just long enough to have been to the river and back. They then came into the house, and Julia said she was ordered to build a fire in the stove, whereupon her mother cooked some supper for "Mr." George. When George and Louise returned from the trip to the river, George stopped by the woodpile and brought the ax into the house and washed it.
Anne-Mary told the sheriff that she had told her Auntie about Topsy having the half dollar and saw Topsy whipped for it. She was lying in the bed next to the wall that night when she heard Topsy scream out back of the house. She quickly arose and peered through a crack in the wall and saw “Mr.” George holding the light and her mother strike Topsy with the ax. Then “Mr.” George passed the light to Louise and he took the ax and struck Topsy. Topsy fell down dead right at the woodpile. Anne-Mary then related, in impressive concordance with the testimony of Julia, how Julia was forced to cut off the arms of Topsy, and how the body was sacked and lugged away. When asked how she could tell which way they went off with the body, she stated promptly that she saw which way the lantern went. She said that when Louise and George returned to the house, George stopped by the woodpile for the ax, and brought it into the kitchen and washed it in a pan of water.

These stories seemed incredible to the sheriff, but the children appeared to be intelligent and did not vary their stories in the least under his questioning. Consequently, the only thing he could do was to arrest Louise upon her return home. Louise denied that she had done any more to Topsy than to give her a good whipping, after which Topsy disappeared, and she didn’t know where the child had gone. This was suspicious and Louise was taken to jail to await a preliminary hearing. A few days later, while being questioned, she suddenly confessed that she had killed Topsy, and that she and George had tied an old automobile casing to her body to be sure it would sink when thrown into the river. Louise led the sheriff and the plantation owner, her landlord, to the river’s edge where she said the body had been thrown into the water. She showed them a growth of vines in which she said she and George had become entangled while trying to get to the river. Louise repudiated this confession almost immediately and stoutly maintained her innocence.

At the preliminary hearing, Julia and Anne-Mary told their stories under oath, and the sheriff related the repudiated confession. Louise was bound over without bail for action by the Grand Jury, and George was then arrested.
The following week, there was a preliminary hearing for him. Julia and Anne-Mary, placed on the witness stand, adhered strictly to their former testimony. George was ordered back to jail without bail. Louise had been brought into court that afternoon, with the idea that she might again make the confession which she had made to the sheriff. This, however, she did not do. When the time came for her to be led back to jail, the child Julia began to cry and asked her mother, "Mama, ain't you going back home with us this evening?" She seemed to be very much distressed that her mother was to be denied that privilege. On that occasion, the solicitor told the child that the mother was being confined in jail because of the facts which Julia had told in court, and that if those facts were not true, now was the time to say so. The child, sobbing and holding to her mother, replied: "Dey shore done it." The mother was soon parted from the child and carried back to the jail.

The cases were submitted to a Lowndes County Grand Jury, which returned indictments against both Louise and George on April 17, 1928. The defendants were arraigned the same day. Since they were unable to employ counsel, the court assigned Mr. R. L. Goldsmith, an able attorney of Whitehall, Alabama, to defend them.

Separate trials were held before separate juries in Judge A. E. Gamble's court. Louise was tried on April 24 and George on April 25, 1928. The prosecuting officers were Calvin Poole and Joseph R. Bell, capable public officials. Mr. Bell describes the court scene in this way:

When the time for the trial of these cases came to hand, the Court House and adjacent grounds were packed and crowded to their fullest limits with colored citizenry. It was as though a pall of darkness had settled over and around the Temple of Justice. It is a fact, strange to relate, that although the defendants were of their own race, the greater portion of the spectators wished for their conviction and punishment. The throng was tense, hushed and expectant, and the day being mildly warm, the odor of the courtroom was most oppressive.

At Louise's trial, the full testimony already related was presented to the jury. In support of her "not guilty" plea,
Louise maintained her innocence and denied having any knowledge of what had happened to Topsy. The jury returned a verdict of guilty. The following day George was tried and the testimony of the state's witnesses repeated. George endeavored to establish an alibi by the testimony of his wife and daughters, who stated that he was at home with a "lame back" on the night of the murder. The prosecuting officers attacked the credibility of this story, and the jury found George guilty also. On April 26, 1928, both defendants were sentenced by Judge Gamble to serve life imprisonment in the Alabama State Penitentiary.

Within a week after George and Louise had been sent to the penitentiary, a rumor reached the sheriff’s office that Topsy was alive, and living with some relatives in Dallas County, some twenty miles away. The sheriff investigated and found the rumor to be true; he found Topsy "hale, hearty, and as black as ever." Mr. Bell relates that when Topsy was brought into Hayneville for identification, she was stared at, and regarded by the colored population, even as one who had returned from the dead. It would have been laughable had it not been so pathetic. Her body was examined, and was found to still bear the scars from the beating she received, but there was no evidence showing that she had ever been deprived of her arms nor that her skull had been crushed. Her identification was complete, and steps were immediately taken to have George and Louise restored to liberty.

Judge Gamble and Solicitor Poole were summoned from Greenville and they investigated the reappearance personally. Pardons were granted by the Governor in the latter part of June, 1928.

George told Mr. Bell that he will never be the same again, for a man cannot know what it means to be tried for one's life when innocent, unless one has been through the ordeal.

This is a case of perjury, fitting into circumstantial evidence. The disappearance of Topsy lent credence to the hor-
riably fantastic explanation of the two children. It is remarkable that two illiterate children could adhere so closely to a manufactured tale, embellished by vivid imaginations, throughout several exacting cross-examinations. It was the impregnability and consistency of the two children which finally persuaded the authorities to believe their stories and to put Louise and George on trial for their lives. Sheriff Meadows later stated that he was reliably informed that the two children had been coached every day for a week by a young man who had unlimited influence over them and worked with them at a dairy and who had a grievance against George Yelder. He had concocted the story soon after the rumor of Topsy's death began to spread. Possibly the trial authorities derived some support from Louise's repudiated confession, which, however, played no part in the trial. What persuaded Louise even momentarily to admit the crime and what induced the children to swear away the life of Louise, who apparently had their affection, it is impossible to say. Sheriff Meadows suggests that in her ignorant way Louise felt she would curry favor by doing what was desired and that the "white-folks" would help her out for telling such a hair-raising story. Had Topsy not been found, Louise and George would have been incarcerated for life. Fortunately for them, their martyrdom was limited to a few months.

BIBLIOGRAPHY


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