

**A MAJOR SCANDAL: THE 1865 MURDER OF ALEXANDER HERRING:
DID GRAMPAW EMORY BAGWELL DO IT,
TO GET HERRING’S WIFE, MY GREAT GRANDMOTHER, OR NOT?**

Did Grampaw Emory – daddy’s paternal Grandfather– MURDER this man in cold blood just after the Civil War, to get and marry the man’s wife, who was my great grandmother Louisa Brown Herring, later Bagwell?

His descendants think so. But I am not so sure.

The murdered man, Alexander Herring, who was married to my great grandmother, was born in 1830. His mother was “known to be Cherokee Indian” – no idea what percent Indian – while his father was believed to be Caucasian. The descendants of both Herring, and my great grandmother jointly with Herring, say that Alexander “had great wealth and owned lots of land in Forsyth County, GA”¹. A lot of people say stuff like that.

Herring married my paternal great-grandmother Louisa Elizabeth R. Brown, daughter of Samuel Brown and Lidda (Liddy) H. Douglas, on 12 August 1855.

They had four children in the ten years between their 1855 marriage and his 1865 murder:

Mary Elizabeth Herring: b. 6 May 1857, d. 21 Sep 1936

Samuel Arthur Herring: b. 11 Sep 1859, d. 20 Jun 1908

Laura Mahalia Ann Herring: b. 4 Nov 1861, d. 14 Apr 1935

William Glenn Herring: b. 18 Mar 1864, d. 27 May 1935

Somebody shot Alexander Herring and he died from it. The story I got from my brother Wayne, which he got from daddy's cousins Roger and James, was that Herring heard a noise in the chicken house and went out there to check it out, and somebody shot him. I was with Wayne and daddy when we asked daddy if he knew about it, and he said that he had heard tell of something like that, and that this sounded familiar, but that he did not know the details.

Hunter's excellent web site [<http://bagwells.com/p23.htm#i677>] has this story from Alexander Herring's great, great grandson David Tillis:

During the week that Alexander lived, he talked about who he thought shot him. My great great grandfather believed he was shot by (James) Emory Bagwell. ² Also during this time, all the court records disappeared. Louisa's brother worked in the Court House in Forsyth County and some say she had him destroy the records because there is nothing in the archives. My grandfather . . . was one year old my great, great grandfather was murdered. Arthur Herring and Mary Herring left Georgia and moved to New Mexico and Texas. Each married and had families. Mary married a Farr. The three children talked about being mistreated and ended up leaving the state. Willie and his wife Addie returned to Georgia after disliking the weather, the other two siblings stayed away.

We don't know exactly when this murder took place, but Grampaw Emory was at Lee's surrender at Appomattox on April 9, 1865, and he had to get home, and he and the widow Louisa married on July 6, 1865, so it sure happened fast, but those were

tough times.

Maybe he did do it. I don't know. I reckon he had killed a bunch of Yankees during the Civil War, to survive. Maybe he got used to killing. I don't know. The summer of 1865 in Georgia was a hard place.

I have not independently researched the Georgia records of whichever county courthouse they might be if there are any, or the Georgia Archives, but I don't dispute that there might not be any on this, although often people have no real idea whether there are or aren't. I have no idea whether Grampaw Emory was ever criminally charged or not.

But I am very suspicious of the legend, and I'll tell you why: Look at that photo of all the Herrings and Bagwells taken in 1909, all of them with their mother or grandmother Louisa Brown [Herring] Bagwell, and Grampaw Emory, the guy who supposedly murdered Alexander Herring. ALL FOUR of the children of the murdered Alexander Herring resulting from his marriage to our grandmother Louisa Brown Herring were willing to attend whatever event it was in 1909 or so that resulted in this photo of both of Louisa's families [Herring and Bagwell] AND be pictured with him:

Mary Herring Farr #3

Samuel Arthur herring #9

William Glen Herring #4

Laura Mahalia Ann Herring # 14

If I had thought Grampaw Emory/Emery had shot MY daddy, some 44 years earlier, I would have not agreed to be in a nice family picture with him. But ALL of them did.

And if some of them lived in Texas or somewhere, then they came a long way back in 1909 to be in that picture.

Something ain't quite right about all that legend, to me. You don't do that for the guy that murdered your daddy. Even after 44 years. And even for your momma.

FOOTNOTES

[1](#):

Not sure what county that land would be in today. Milton County, with Alpharetta as its county seat, was created in 1857 from parts of northeastern Cobb County, southeastern Cherokee County, and Southwestern Forsyth Counties. In 1931 Milton County was merged with Fulton County to save Milton from bankruptcy during the Depression.

[2](#):

It is a basic rule of law that when somebody who is dying and knows he is dying says something, it may be admissible as a so-called “dying declaration”, even though it would otherwise be inadmissible because it is hearsay or, in a criminal case, deprives the defendant of his Sixth Amendment Constitutional right to confront the witnesses against him. The traditional theory is that a dying man, about to meet St. Peter at the Pearly Gates, is unlikely to lie. Georgia cases require that for the statement to be admissible on that theory, the dying man must be “*in articulo mortis*”, or “in the articles of death”, by which they apparently mean – the phrase is unknown to Alabama law – immediate impending death. Several Georgia cases say that with a lingering death the guy was not “in the articles of death”. So, the statement might well not have been admissible at a trial of Grampaw Emory, if any.