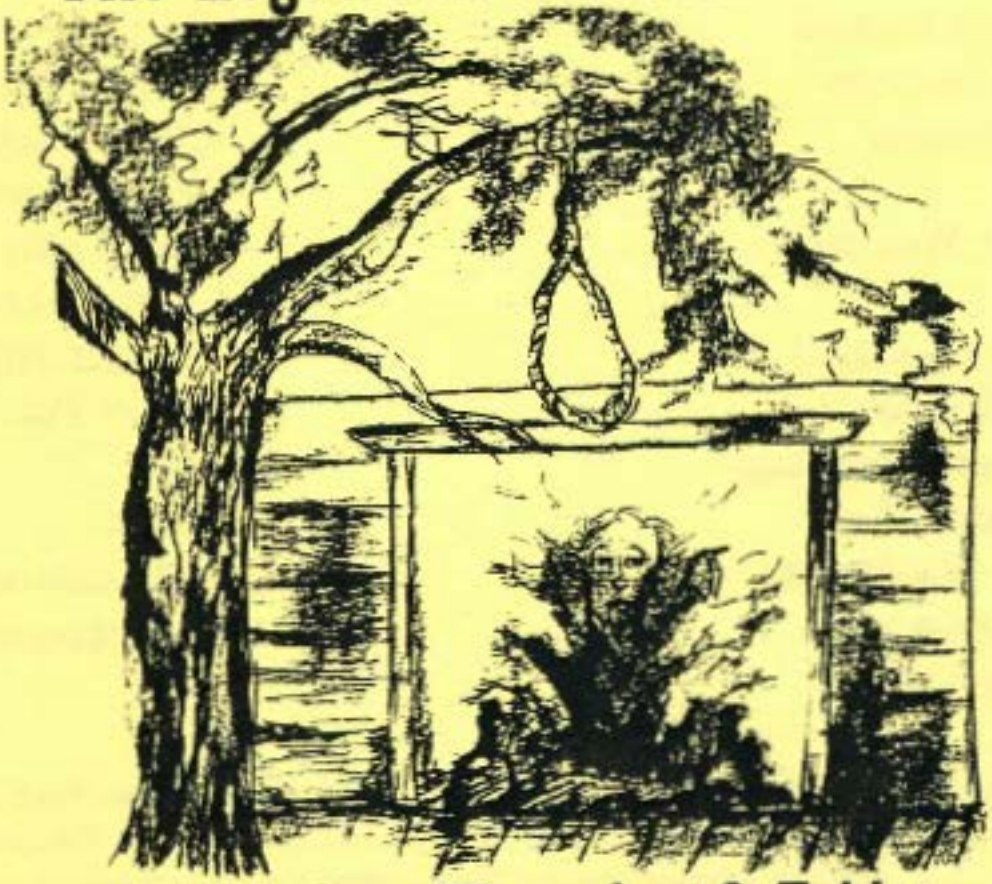
WPCC Performing Arts

presents

Maxine Mc Call's

THEY WON'T HANG A WOMAN

The Legend of Frankie Silver



Wednesday, Thursday & Friday

July 9 - 11 at 7:00 PM

Saturday July 12th at 12 Noon

Old Burke County Courthouse

WESTERN PIEDMONT COMMUNITY COLLEGE
PERFORMING ARTS PROGRAM
presents

THEY WON'T HANG A WOMAN

Written by Maxine McCall
Adapted by Cheryl Oxford

Around the tiny log cabin hidden among the trees near a bend in the Toe River, snow was falling softly. All looked as peaceful as a Christmas card scene or a Currier and Ives painting. But inside the cabin, things were far from tranquil . . ."

The Company

Cheryl Oxford	*Narrator*
Beth Buckner	*Frankie Silver*
Jon Wallin	*Charlie Silver and others*
Mark Woodard	*Jake Collis and others*
Scott Woodard	*Thomas Wilson*
Ben Farrar	*Henry Pain*
Louise White and Susan Cato	Music
Paul Wardzinski	Set Construction
Phil D'Angelo	Photography
Susan Cato	Logo

We would like to acknowledge Maxine McCall, Bob Byrd, Jack Poteet, Fluff Manderson, Alan Darveaux, Jayne Peeler, Buddy Noles, Sherry McCracken, Dot Whitener, the WPCC Book Cellar, and the Historic Burke Foundation for their gracious support.

This production was made possible by a grant from the Western Piedmont Community College Foundation, Inc.

WPCC Performing Arts Program
presents

"THEY WON'T HANG A WOMAN"

by Maxine McCall

"Around the tiny log cabin hidden among the trees near a bend in the Toe River, snow was falling softly. All looked as peaceful as a Christmas card scene or a Currier and Ives painting. But inside the cabin, things were far from tranquil. . . ."

The Cast

Maxine McCall	Introduction
Cheryl Oxford	Narrator
Beth Buckner	Frankie Silver
Mark Woodard	Charlie Silver and others

The Musicians

Tonia Branch	clarinet
Angie Crowe	flute

The Crew

Michael Bachman
Jeff Bentley
Mickey Prewitt
Steve Stroup
Jon Wallin
Scott Woodard

ACKNOWLEDGEMENTS

The WPCC Performing Arts Program would like to extend our special thanks to the WPCC Foundation for an Instructional Mini-Grant in support of this project.

IN THE WINGS

The WPCC Performing Arts Program would also like to invite one and all to our up-coming production of ROBIN HOOD. A public performance is scheduled for Thursday, May 5, at 7:00 p.m. on the WPCC Grassy Commons in front of Moore and Patton Halls. This 45-minute action/comedy is free -- and worth every penny! Join us for this merry glimpse of twelfth-century England.

150th anniversary of Silver hanging to be marked on the Square Tuesday

By EDNA MAE HERMAN
Community Living editor

Tuesday will be the 150th anniversary of the hanging of Frankie Silver in Morganton on July 12, 1833.

The only free white woman hanged in Burke County, she was convicted of the murder of her husband, Charlie Silver, in 1831 in a widely publicized case.

To commemorate the anniversary on Tuesday, Cheryl Oxford and Greg Carswell will do a dramatic adaptation of "They Won't Hang A Woman," Maxine McCall's book on Frankie Silver.

The program will begin at 12:15 p.m. on the old courthouse square and will last about 30 minutes.

Ms. Oxford will portray Frankie while Carswell will do the different male characters, including Charlie Silver, Frankie's husband, the foreman of the jury, the judge and the prosecuting attorney. Louise White will present musical accompaniment.

"They Won't Hang A Woman" portrays a sympathetic view of Frankie. The reading begins with Frankie in jail and flashes back to the murder, courtroom scenes, the attempted escape and then returns to the execution.

Tickets are $1 and may be obtained at the Jailhouse Gallery or at the performance Tuesday.

This dramatic program was first

★ Please turn to page 9A

Hanging anniversary

★ From page one

presented by Ms. Oxford and Carswell in July 1977 and has been given several times since then, both in Burke and McDowell Counties. It also was videotaped at Chapel Hill and aired over the UNC Center for Public Television. Ms. Oxford did the adaptation from Mrs. McCall's book.

It will be presented again on July 30 in connection with the Main Street Scene festival.

The late Dr. E.W. Phifer Jr. said in his Burke County History, "The Frankie Silver story is the most widely publicized of the legends associated with Burke County which have a basis in fact. Actually a murder mystery, featuring sex, violence, depravity, brutality, courtroom drama, and possibly unrequited love, it has all the qualifications of a modern best seller."

Frankie's grave is located in a wooded area several miles west of Morganton and includes the inscription "only woman ever hanged in Burke County."

In 1831 Charlie and Frankie Silver and their infant daughter, Nancy, lived in a mountain cabin on the Toe River in old Burke (present Mitchell) County. He disappeared on Dec. 22, 1831 and sufficient evidence was uncovered to justify a warrant on Jan. 9, 1832 for the arrest of Frankie, her mother, Barbara Stewart, and brother, Blackston Stewart, for Charlie's murder. They were jailed in Morganton on Jan. 10 but on Jan. 17, Barbara and Blackston Stewart were discharged.

The bill of indictment claimed that Frankie killed her husband with an axe. The case went to trial in Burke County Superior Court on March 29, 1832. She pleaded not guilty to the murder charge but was found guilty by a jury on March 30 and sentenced to be hanged at the next term of court. The verdict was appealed to the N.C. Supreme Court but it was sustained.

The execution date kept being delayed and on May 28, 1833 Frankie escaped from the county jail with the help of outsiders. She was apprehended in Rutherford County a few days later wearing male apparel.

She was hanged on July 12, 1833 from a scaffold on Damon's hill in Morganton, the traditional place for execution. Many stories handed down say that she repented and acknowledged her guilt. Much speculation has been handed down as to the motivation with many believing that Charlie mistreated his wife and she acted in self-defense.

Fri., July 8, 1983

Hanging anniversary

Tuesday marked the 150th anniversary of the hanging of Frankie Silver in Morganton and to commemorate the event Cheryl Oxford and Greg Carswell presented a dramatic interpretation of "They Won't Hang A Woman," based on Maxine McCall's book on Frankie Silver. Ms. Oxford, who portrayed Frankie Silver, is seen above in one of the more dramatic moments during the presentation. (Photo by Mark Phillips)

July 13, 1983

In review

Silver legend vividly retold

By MARY LOU SOSSOMAN
For The News Herald

This past Tuesday at noon, despite the 90-degree temperature, a good-sized audience attended the re-telling of the Frankie Silver legend, "They Won't Hang a Woman," by Maxine McCall, on the old courthouse lawn.

Because the dramatic reading by Cheryl Oxford and Greg Carswell was so vivid, I was transported 150 years in the past to when the state of North Carolina hanged the first woman, here in Morganton.

The first time I heard this reading was several years ago in the old courthouse courtroom. Instead of being present at the trial of Frankie Silver Tuesday, the outdoor setting re-created the atmosphere of the actual hanging.

Like July 12, 1883, a good crowd was there. The audience had been charged to "imagine yourself a juror." The day was extremely hot, but there was a nice breeze. The traffic sounds of the automobiles faded into the background as Frankie's story unwound. I wondered if on July 12, 1883, the horse and buggy ceased as the execution time approached.

I had never seen the Oxford-Carswell reading before and was swept up in the story by these two powerful actors. This time, I had time to savor the mood, the setting and the marvelous tempo.

Their performance was accompanied by Louise White, whose delightful music and ballads added to the emotion and drama of the afternoon.

Before "They Won't Hang a Woman" began, musical entertainment was provided by "The Madrigals." Their gentle ballads, accompanied by a guitar and flutes, were so refreshing. They will entertain before this weekend's performances of "A Midsummer Night's Dream" at Western Piedmont Community College.

We in Burke County are fortunate to have such good artistic entertainment.

"They Won't Hang a Woman" will be re-told July 30 when Historic Burke Foundation presents the production as part of its Court Day during the "Main Street Scene," sponsored by the Downtown Revitalization Committee and the Morganton Merchants Association. Plan to be there; you won't be disappointed.

History boring? Not in Burke County

By MARIE PARKHURST
News Herald Staff Writer

Turning through the pages of time opens minds to hopes for tomorrow and lends appreciation for today.

But what's more exciting, records of the past not only provide learning, but also naturally afford entertainment opportunities.

History is boring?

Not Burke County history.

In Burke County this week some local educators took center stage and acted out some of Burke's history in keeping with N.C. Heritage Week proclaimed by Gov. Jim Hunt.

And as a dramatization from the pages of Burke's past was about to unfold on stage at Oak Hill Junior High School Monday, the story of the its preservation was told by one of Burke's own historians.

Burke educator and author Maxine McCall told Oak Hill Junior High students waiting to hear and see the dramatization of the first woman hanged in North Carolina the interesting way her book, "They Won't Hang A Woman," came to be written — that story itself, a part of Burke's history.

While searching a North Carolina history textbook for something about Burke County, Fred Cranford discovered one sentence, "and it was wrong," Mrs. McCall said.

Burke County Associate Superintendent Cranford was at that time a member of the central office staff and assigned to coordinate a Burke County Cultural Heritage project.

"How are our children going to know where their roots are if they don't know anything about our history?" Mrs. McCall said Cranford asked, hence initiating a drive to "dig up" some Burke County history.

As a result of that comprehensive research, numerous remnants of Burke County history were compiled and recorded. History which, at that time, was recorded only in court records, county records, church records or the memories of Burke Countains who recalled details or had heard the stories handed down.

In the research campaign initiated in 1970, "Students were pulled out of classes in teams to do research," Mrs. McCall said. Two file drawers of folders containing information of Burke County's history were collected.

"Phase II was to get the material in some kind of written form," Mrs. McCall said, "Mr. Cranford asked me to do the story on Frankie Silver."

Copyrighted in 1972, Mrs. McCall's book about Frankie Silver resulted from that research. The outdoor drama, "From This Day Forward," and the story of the North Carolina gold rush are others.

The local drama featuring the state versus Frankie Silver, the first woman hanged in North Carolina, taken from Mrs. McCall's book prepared in conjunction with the Burke County Cultural Heritage Project in 1970 was adapted for stage by Cheryl Oxford, drama instructor at Western Piedmont Community College.

Frankie Silver was accused of the axe murder of her husband, Charlie. Mrs. Silver killed her husband "one dark December night in 1831." She dismembered his body in the living room of their cabin, and then cremated the pieces in the fireplace in an effort to distroy the evidence, and conceal his death from his friends.

After being discovered, Mrs. Silver was tried, found quilty, then hanged in Morganton July 12, 1833.

Keeping the youthful audience spellbound, performers, Greg Carswell and Ms. Oxford, portrayed all roles in the historical dramatization. Louise White provided the play's music which includes "Ballad of Frankie Silver."

From the file draweres, Cranford "gleaned information to begin his writing "From This Day Forward," the Waldensian heritage drama.

Others in the county recorded other information compiled by the students. And some of those stories were recounted by Cranford Tuesday as he presented a slide program of Burke County history at Mountain View Elementary.

In his famous "Cotten Mather" style Cranford told students about the frontier settling of North Carolina, and more explicitly, the settling of Burke County.

Drawing gasps from his audience, he told of how one early Burke settler worked until his last dying breath in an effort to protect his wife from rattle snakes which had invaded their cabin during the night.

When his frontier cabin was completed, the settler prided himself on having arranged the stucture around a natural hole in the dirt floor beside the fireplace. Thinking himself smart, the settler emptied hot embers there, and banked his fire for the night. He and his wife then retired for the night only to be awakened shortly afterward by unusual movement on the covers.

Throwing back the covers, the settler made his way to the fireplace for a lighted pine knot to light-up the room. On the way to the fire, he felt bites about his ankles. With the lighted fire he saw the floor was covered with rattlesnakes.

The snakes were nested in the hole beside the fireplace and came out when the hot coals were poured on them.

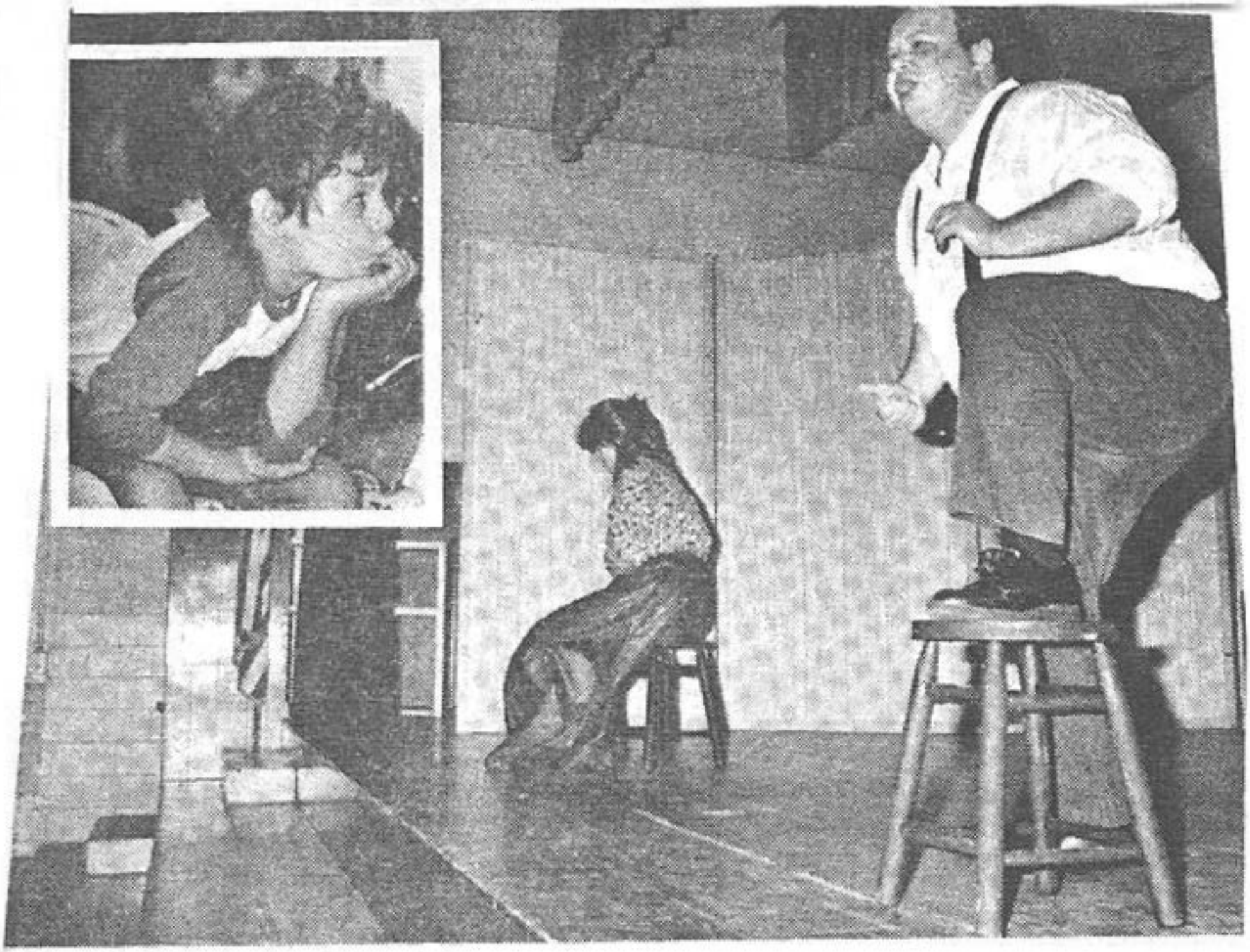
Knowing he would die shortly, the settler built the fire bigger to make light for his wife to see the snakes and keep them from her; he opened the door in hopes a neighbor down the road a mile or so might possibly hear his wife's screams; and he killed snakes until he died.

The settler was found dead on the floor among the dead snakes while his wife sat on the bed — safe from the snakes, but a raving mad woman as result of her traumatic experience. "There wasn't a doctor in the land who could have helped either of them," Cranford said. "That was the frontier."

Thursday, May 3, 1984

The News-Herald

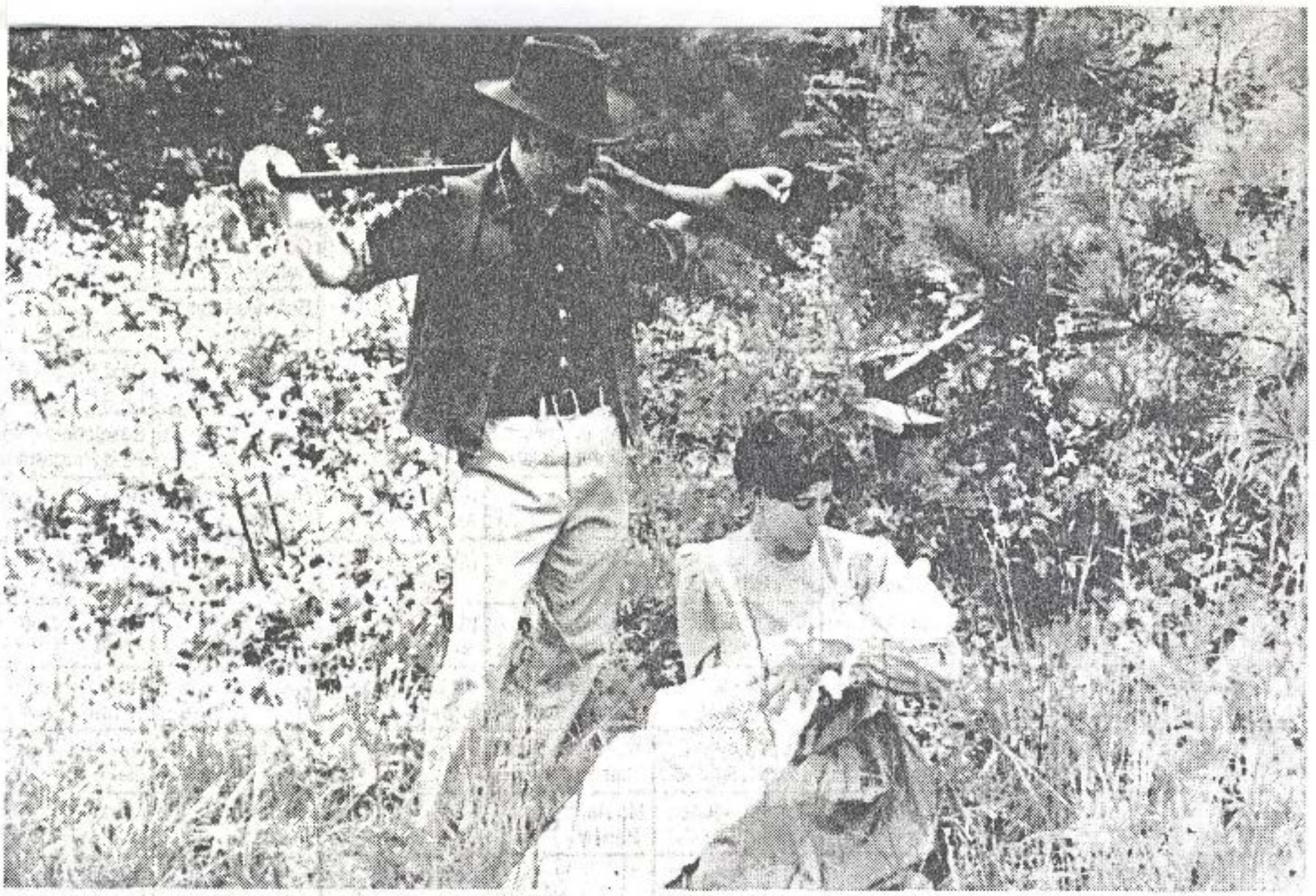
News Herald April 21, 1988



WPCC presents play

In celebration of North Carolina Heritage Week, April 25-20, Western Piedmont Community College's performing arts program recently presented a dramatic interpretation of "They Won't Hang a Woman" for students from Mountain View, Hillcrest, Forest Hill, Oak Hill and Chesterfield elementary schools. The play, written by Maxine McCall, recounts the historic tale of Frankie Silvers, the first white woman ever hanged in North Carolina. Pictured are: Greg Young as Charlie Silvers and Kelly Taylor as Frankie Silvers. Also pictured (inset) is 11-year-old Brian White of Oak Hill Elementary enjoying the performance. (Photos by Mark Hannan)

News Herald April 29, 1997



Jon Wallin, Susan Cato and nine-week-old Katlyn Benfield pose as the Silver family. Playing Charlie and Frankie Silver's infant daughter, Nancy, is Katlyn's first acting role. Katlyn is the daughter of Jada and Andy Benfield.

Frankie Silver story to be re-told

"Around the tiny log cabin hidden among the trees near a bend in the Toe River, snow was falling softly. All looked as peaceful as a Christmas card scene or a Currier and Ives painting. But inside the cabin, things were far from tranquil. A blazing fire in the hearth bathed the room in a eerie red glow and cast on the wall grotesque shadows — shadows of a woman lifting high an ax and bringing it down again and again on the lifeless body of a man lying on the floor before the fire. On the cot in a dark corner away from the heat of the flames but in full view of the awful happening, a baby was crying. . . "

With these words, local author Maxine McCall begins her retelling of the legend of Frankie Silver, the first woman to receive capital punishment in North Carolina after it became a state.

During July, the WPCC Performing Arts Program will present "They Won't Hang a Woman" in the old Burke County Courthouse on the Square in Morganton.

A public performance is being planned for Saturday, July 12 – the date of the hanging back in 1833.

"They Won't Hang a Woman" is being sponsored by the WPCC Foundation through an Instructional Mini-Grant.

For more information, call Dr. Cheryl Oxford, Coordinator of Performing Arts, at 438-6093.

News Herald June 5, 1997

Two women legally hanged in N.C.

Rehearsals are underway for the WPCC Performing Arts Program's production of Maxine McCall's "They Won't Hang a Woman," a dramatization based on the legend of Frankie Silver, the first white woman hanged in North Carolina.

According to Dr. Cheryl Oxford, Coordinator of Performing Arts at WPCC, community interest in this production is very high.

Oxford offers special thanks to 75-year-old Hollie Hefner of Connelly Springs, who shares the following information from an Associated Press article dated Dec. 26, 1979 about the last woman hanged in North Carolina.

"The last woman hanged in North Carolina sang songs and ate her last meal of sardines and crackers as she rode to the hanging tree atop the pine box she would be buried in.

"Caroline Shipp, convicted of murder, was hanged from a huge oak tree near the Dallas prison camp in Gaston County on Dec. 18, 1896. She was one of two women hanged in North Carolina.

"Relatives of witnesses to the hanging recalled that a man named Van Sellers, who lived near Cherryville, kicked a wooden box from under Miss Shipp, who fell about two feet before the rope stopped her fall.

"But, they remembered, the jolt didn't break her neck. So, a man stepped from the crowd that had gathered and pulled at her feet until her spinal column snapped and she died.

"Miss Shipp, believed to be 18-years-old, was convicted of feeding her infant son, James, rat poison.

"Relatives of witnesses to the Shipp execution recalled that the hangman was paid $25 for his work. They said Miss Shipp stood on her coffin and sang, "Why do we mourn departed friends. . . ." She whispered to friends that she was innocent and then dropped a white handkerchief to signal she was ready to die, they said.

"Her body was later cut down and buried in an unmarked grave near the hanging tree.

"The other woman hanged before North Carolina law outlawed hanging in favor of the electric chair in 1910 was Frankie Silver. She was hanged in 1833."

"They Won't Hang a Woman will be presented Wednesday, Thursday, and Friday, July 9 - 11, at 7 p.m. in the Old Burke County Courthouse on the Square in Morganton.

In addition, a performance on Saturday, July 12, at noon, will mark the anniversary of the hanging back in 1833. Bob Byrd will introduce this performance with historical and legal information relative to the case of the State vs. Frankie Silver.

Admission to "They Won't Hang a Woman" is $3. Tickets will be available at the WPCC Book Cellar and reservations may be made by calling 438-6005.

"They Won't Hang a Woman" is sponsored by an Instructional Mini-Grant from the WPCC Foundation.

Jon Wallin and Susan Cato play Charles and Frankie Silver in "They Won't Hang a Woman," WPCC's summer play.

News Herald June 12, 1997

Play to feature fact, folklore

The WPCC Performing Arts Program's production of Maxine McCall's "They Won't Hang a Woman" features both the authentic court records of the case, as well as the ballad-confession attributed to Frankie Silver but probably written by another hand.

The dramatic presentation includes a reading of the actual Bill of Indictment from the Minutes of the Burke County Superior Court for the Spring term, 1832, signed by Solicitor William Alexander. Other legal records from the trial are taken from Official Court Record of the Trial, Conviction and Execution of Francis Silvers, First Woman Hanged in North Carolina, edited by Clifton K. Avery from the minutes of the Burke Country Superior Court and published by The News-Herald in 1953.

Avery's account of the historic preservation of this primary source material from Burke County's most infamous trial notes: In the early forties, these criminal court records "were unearthed by Charles Newton in the office of the Clerk of Superior Court in Burke County. . . . These musty and faded old papers write an accurate chapter in the story of the woman who is reputed to have been the first white woman ever convicted and hanged for murder in North Carolina."

The dramatic presentation also includes a singing of the Frankie Silver song. Muriel Earley Sheppard in Cabins in the Laurel describes this ballad as "an eerie, mournful tune whose urgent minor beat is the restless scurrying of unlaid ghosts in lonely places."

The Frankie Silver song may have been written by Thomas W. Scott a school teacher living in Morganton at the time of the hanging. In the oral tradition of folklore, Scott may have used an earlier ballad called "Beacham's Confession" or "Beacham's Address," recounting a murder which took place in Kentucky in 1826, as the basis for the Frankie Silver song.

WPCC Performing Arts majors Susan Cato of Morganton and Jon Wallin of Marion play Frankie and Charlie Silver in Maxine McCall's "They Won't Hang a Woman."

Beth Buckner, who is directing Maxine McCall's "They Won't Hang a Woman," notes that the dramatization follows the opinion of the best authorities and does not depict Frankie singing a confession from the gallows. McCall's depiction of Frankie is one of stoicism, in which she "dies with her secret."

However, the dramatization does weave the ballad throughout McCall's narrative, offering an emotional coloring to what may have been going on in Frankie's heart as she awaited her date of execution.

"Susan Cato, who plays Frankie Silver, has a sweet, pure soprano voice. And when she sings this sad, old song, listeners will feel Frankie's youthfulness, her loneliness, and the pathos of her plight," Buckner said.

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A performance on Saturday, July 12, at noon, will mark the anniversary of the hanging back in 1833. Bob Byrd will introduce this performance with legal and historical background on the case of the State vs. Frankie Silver.

Tickets are $3 and are on sale at the WPCC Book Cellar. Reservations may be made by calling 438-6005.

"They Won't Hang a Woman" is being sponsored by an Instructional Mini-Grant from the WPCC Foundation.

For more information, call Dr. Cheryl Oxford, Coordinator of Performing Arts, at 438-6093.

News Herald July 27, 1997

Maxine McCall, author of "They Won't Hang a Woman," stands in front of the Old Burke County Courthouse. "They Won't Hang a Woman," will air over local cable stations.

'They Won't Hang a Woman' to air on local cable channels

A videotape of the WPCC Performing Arts Program's production of "They Won't Hang a Woman" will be aired by CoMPAS/Falcon TV over Channel 2 on Monday at 6:05 p.m.

Maxine McCall's fictional retelling of the legend of Frankie Silver, the first white woman to be hanged in North Carolina back in 1833, was presented in the Old Burke County Courthouse during July, concluding with an anniversary performance on July 12 - the very date of the hanging back in 1833.

"Even though we brought extra chairs into the old courthouse for the above-capacity crowds, and we presented a hold-over show on Saturday, we regret that some people who wanted to see this production couldn't get in," said Dr. Cheryl Oxford, coordinator of Performing Arts at Western Piedmont.

"So we are very pleased that CoMPAS/Falcon has offered to air our production on cable. This way, many more people can see this unforgettable chapter of Burke County history."

"They Won't Hang a Woman" features Beth Buckner as Frankie Silver, with a company of supporting actors including Jon Wallin, Mark Woodard, Scott Woodard and Ben Farrar. Music is provided by Louise White.

Buddy Noles and Sherry McCracken videotaped the 45-minute performance.

For more information, contact Peggy Beach at 437-0009.

The Frankie Silver legend has been the subject of numerous books, newspaper columns and video presentations over the past 50 years.