

WILLIAM TYLER
JUDGE, JURY AND EXECUTIONER WITH ITCHY TRIGGER FINGER

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In 1915 and 1916, a cloud of fear and suspicion descended upon the people living in the hills of Overton, Jackson and Clay counties. Lives would be shattered and feelings of anger and bitterness would remain for years, passed from one generation to the next. The source of fear was not a lawless killer, but a man wearing a badge with the full authority of the federal government. His name was William H. Tyler, and he was a United States Marshal.



In 1915, Bill Burks lived in the Dry Mill Creek area of Clay County. He lived on property that was part of a land grant given to his great-grandfather for services in the War of 1812. Times were difficult for people living in the Dry Mill Creek area; most were farmers who grew all their food. The hills and creek bottomland did produce a good harvest of corn. There was little way to make money to buy needed supplies. Bill Burks wanted to provide for his wife and nine children, so he decided to raise corn and distill it into corn whiskey.

Being of Scotch-Irish descent, Burk's heritage included the art of making whiskey. The Scotch-Irish did not consider making or drinking alcohol a sin. They used whiskey as a disinfectant, a tranquilizer and a medicine for countless ills. The Scots' Gaelic word for "water" is "uisce," which is the root of the English word "whiskey." In the 1850s, Burks' grandfather and uncles had been partners with Dr. Simeon Hinds in a brandy-making venture.

The Scotch-Irish had fought hard for the right to make liquor without being taxed. It was the Scotch-Irish who instigated the famous "Whiskey Rebellion" in Pennsylvania in 1794 when the federal government placed excise taxes on liquor. After their arrival in Tennessee, they had been able to make their liquor without worrying about excise taxes. However, during the Civil War, the United States government placed an excise tax on liquor and other products. After the war most of the taxes were removed, but not the liquor tax. Between 1893 and 1897, Congress raised the liquor tax to compensate for declining revenue from all sources. In some cases, the tax actually exceeded the value of the liquor to which it applied.

During the Civil War, the family of Bill Burks had fought on the side of the Confederacy. The thought of helping pay for the war was more than he could tolerate. In the early 1900s, Bill Burks became a moonshiner making illegal whiskey.

In May of 1915 word spread the community that revenueurs were in the area, and one revenueur in particular called much worry. William H. Tyler had established a reputation as a crack shot with an itchy trigger finger. Stories were whispered that Tyler had shot several people as he pursued his brand of justice. Bill Burks was one of the people warned about Tyler, but Burks was not a man to be scared or easily intimidated.

In spite of warnings about Tyler by friends and neighbors, Burks decided to go about his chores as he normally would. Accompanied by Winton Rich, Burks went into the woods to cut hickory bark to repair some wooden chairs. He returned home with a gunshot wound, and by the next day he was dead, but only after identifying the man who shot him. The Jackson County Sentinel printed Burks' account of his shooting. He was in the woods when William Henry Tyler sprang from his hiding place. Burks claimed that he and Winton Rich started to run, but stopped when Tyler yelled for them to halt. As Burks raised his arms above his head as a gesture of surrender Tyler fired, hitting Burks in the back. The bullet exited Burks' body through his navel.

Tyler's story contradicted Burks' tale. Tyler claimed that Burks attacked him with an axe, so he had no choice but to shoot. No one in the community believed Tyler's version because if Burks had been attacking he could not have been shot in the back.

Bill Burks' family was beside themselves with anger and grief. Comer, his oldest son who was only 15, wanted to seek vengeance against Tyler, but older family members dissuaded him by insisting that Tyler would come after the entire family, including his 8-month-old brother. The Burks family felt that they were helpless and powerless. William Henry Tyler had the law behind him, and he had a brother, Alonzo Jason Tyler, who was a powerful circuit judge.

Bill Tyler's reign of terror did not end with his shooting Bill Burks. The Enterprise, an Overton County paper, reported on Nov. 22, 1916, the fatal shooting of Nathan Dale. According to the paper, Bill Tyler and a posse of revenue men shot him from an automobile. He died a few hours later, leaving a young wife and three children. Nathan Dale was a young man of outstanding character, and no reason was given for his shooting.

Probably the most shocking incident involving Tyler occurred in Jackson County. A deaf teenager boy was hunting with his dog in the woods when Tyler spotted him and yelled for him to halt. Unable to hear, the young boy moved on unsuspectingly. Tyler fired his gun, killing the young boy instantly. According to local sources, Tyler told some people before he died that the only person he ever regretted killing was that young boy in Jackson County.

In 1917, a report of the Commissioner of Internal Revenue gave statistics concerning the number of people arrested for being moonshiners. In 1915, 893 persons were arrested throughout the nation, and no officers or employees were wounded. In 1916, 1,314 persons were arrested and three officers were wounded. Nowhere in the official record is found the exact number of people killed by the revenue agents. But stories such as that of Bill Burks put a human face on this tragic period of American and Upper Cumberland history.

Cumberland Tales is a service of the Cookeville History Museum. The editors, Calvin Dickinson and Michael Birdwell, invite anyone to submit a story of 800 words concerning the history/folklore of the Upper Cumberland region. E-mail a story to cdickinson@tntech.edu.

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